



UNIVERSITATEA DIN BUCUREȘTI

Doctor Honoris Causa

Manfred Nowak

MANFRED NOWAK
DOCTOR HONORIS CAUSA

Laudatio Domini

*- cu ocazia conferirii titlului de Doctor Honoris Causa
profesorului Manfred Nowak -*

Universitatea din București are astăzi privilegiul de a acorda cea mai înaltă distincție a sa profesorului Manfred Nowak. Este o onoare și totodată o premieră. Instituția noastră a acordat în trecut titlul de Doctor Honoris Causa unor savanți (însă nu din domeniul drepturilor omului) sau unor personalități care au avut o contribuție practică la acest domeniu. Astăzi acest titlu se acordă unei persoane care este poate cel mai apreciat expert în domeniul drepturilor omului în mediul academic internațional și care are o experiență practică așa cum puține personalități o au.

Se cuvine făcută o precizare, încă de la bun început. Propunerea acordării acestui titlu vine din partea Facultății de Științe Politice a Universității din București. Ceea ce ar fi fost de negândit în urmă cu aproximativ un deceniu, a devenit astăzi un aspect al normalității. Domeniul drepturilor omului și-a făcut simțită prezența la nivel academic odată cu includerea unor cursuri de specialitate în *curricula* Facultății de Drept, la începutul anilor 1990. Treptat, abordarea strict juridică și considerarea acestui domeniu ca fiind semi-autonom au făcut loc unui alt tip de abordare. O abordare potrivit căreia drepturile omului influențează sau ar trebui să influențeze orice domeniu al vieții publice, fiind un aspect strâns legat de promovarea democrației. Aceasta este și viziunea pe care profesorii Facultății de Științe Politice o au în vedere atunci când este tratată tema democratizării. Tot astfel, teme precum populismul sau migrația sunt din ce în ce mai interdependente de tema drepturilor omului. Opțiunea de a acorda acest titlu din perspectivă non-juridică unui jurist de marcă nu ar trebui așadar să surprindă.

Poate că acest titlu ar fi trebuit acordat mai demult, atunci când studenții Universității din București ajungeau să cunoască opera profesorului Nowak prin intermediul cursurilor introductive de drepturile omului, incluse în materia dreptului constituțional sau de sine-stătătoare. Numele profesorului Nowak nu este deloc străin profesorilor și studenților Universității din București. Titlul acordat reprezintă o recunoaștere firească a unei activități prodigioase.

Începută în urmă cu mai multe decenii, activitatea didactică a profesorului Nowak este cu totul remarcabilă. La ora actuală este profesor la Universitatea din Viena, director științific al programului de master dedicat drepturilor omului și director

al Școlii Doctorale Inter-Disciplinare « Împuternicire prin drepturile omului ». Existența acestor forme de pregătire inter-disciplinare la o universitate de top din Europa ar trebui să constituie un motiv de reflecție legat de introducerea unui model similar și la Universitatea din București. Succesul acestor specializări arată exact ceea ce constituie esența pledoariei de mai sus : drepturile omului sunt un domeniu prin excelență inter-disciplinar, nicio specializare neputând pretinde a avea un monopol asupra sa. Profesorul Nowak este deasemenea titular al unei catedre de profesor invitat la *University of Stanford* și director al *European Inter-University Centre (EIUC)* Veneția. Acest centru grupează 41 de universități europene, printre care și Universitatea din București. De când profesorul Nowak se află la conducerea EIUC, contactele cu Universitatea din București au devenit mai substanțiale, prin invitarea unor cadre didactice ale instituției noastre de a se alătura unor proiecte de cercetare EIUC sau de a preda studenților care iau parte la programul *E.MA – European Master on Human Rights and Democratization*. Manfred Nowak a fost deasemenea profesor invitat de drepturile omului la *Raoul Wallenberg Institute of Human Rights and Humanitarian Law* din cadrul Universității din Lund, director al Institutului Olandez de Drepturile Omului al Universității din Utrecht, profesor asociat la *Columbia University, London School of Economics*, Universitatea din Amsterdam, Institutul de Drept Public și Internațional al Universității din Bielefeld, etc. Simpla enumerare a acestor instituții este cea mai bună dovadă a prestigiului internațional de care se bucură profesorul Manfred Nowak.

Cel care primește astăzi distincția din partea Universității din București este autor a peste 600 de publicații în domeniul drepturilor omului, în mai multe limbi de circulație internațională. Profesorul Nowak este unul dintre puținii autori în acest domeniu care folosește curent limba germană și cea engleză, făcând astfel conexiunea între două spații lingvistice și între două tradiții de gândire complementare, dar care nu au suficiente întrepătrunderi. Manfred Nowak este editor și membru al comitetului științific al unor prestigioase reviste, cum ar fi *Netherlands Quarterly of Human Rights*, *Austrian Review of International and European Law*, *BIM Human Rights Study Series*, *European Yearbook on Human Rights*, *Taiwan Human Rights Journal*. Practic, toate publicațiile științifice relevante în domeniul drepturilor omului beneficiază de expertiza profesorului Nowak, fie în calitate de autor, fie în cea de editor sau membru al comitetului științific. Activitatea de cercetare a profesorului Nowak constă nu doar în latura editorială, ci există și o dimensiune concretă, prin definirea, coordonarea și participarea la programele de cercetare ale Institutului Ludwig Boltzmann de Drepturile Omului din Viena, instituție pe care o conduce.

Manfred Nowak are o bogată experiență practică. Cea mai importantă funcție pe care a deținut-o, din perspectiva aportului la contribuția teoretică în domeniul

drepturilor omului, este cea de Raportor Special al ONU în domeniul torturii și altor tratamente crude, inumane și degradante, poziție deținută în perioada 2004–2010. În această calitate Manfred Nowak a efectuat misiuni în Georgia, Mongolia, Nepal, RP Chineză, Iordania, Paraguay, Nigeria, Togo, Sri Lanka, Indonezia, Danemarca, Republica Moldova, Guineea ecuatorială, Uruguay, Kazahstan, Jamaica, Papua Noua Guinee, Grecia. Rapoartele și contribuțiile sale au făcut ca acest domeniu să capete deplină consistență, eliberat de sub tutela referințelor limitate la comentariul textelor actelor normative din domeniul dreptului internațional. Unele din contribuțiile remarcabile ale profesorului Nowak referitoare la interzicerea torturii în contextul drepturilor omului sunt rezumate în cele ce urmează.

Manfred Nowak a fost de asemenea implicat în ceea ce privește crearea Agenției Drepturilor Fundamentale a Uniunii Europene, un pas extrem de important în felul în care UE se raportează la această problemă, fiind în prezent vice-președinte al *Management Board* al acestei agenții. Experiența practică a profesorului Nowak mai include pozițiile de președinte al Comitetului Internațional de Monitorizare al pactului privind Drepturile Civile și Politice al ONU, membru al Rețelei UE de Experți Independenți în domeniul Drepturilor Omului, expert ONU în domeniul persoanelor dispărute, consultant al Comisarului ONU pentru Drepturile Omului, membru al delegației Austriei la Comisia ONU de Drepturile Omului, judecător al Camerei de Drepturile Omului pentru Bosnia – Herțegovina, stabilită prin Acordul de pace de la Dayton, fiind ales în această poziție de Comitetul de Miniștri al Consiliului Europei.

Profesorul Nowak a primit mai multe distincții din partea unor instituții de prestigiu din întreaga lume, fiind Profesor și Doctor Honoris Causa al Universității Eötvös Lorand din Budapesta, fiindu-i oferite medalii pentru drepturile omului din partea Universității Panteion din Atena și a Universității din Magdeburg, premiul Bruno Kreisky din partea Austriei pentru merite deosebite în promovarea drepturilor omului în context internațional, precum și premiul UNESCO pentru predarea drepturilor omului.

Este aproape imposibil de realizat o sinteză a publicațiilor profesorului Manfred Nowak ; existența acestora justifică pe deplin acordarea titlului de Doctor Honoris Causa. Voi încerca să prezint doar anumite teme recurente prezente în gândirea profesorului Nowak și felul cum acestea se reflectă în unele dintre cele mai recente publicații.

- ❖ Într-un articol publicat în 2011 care conține propuneri pentru a crește eficiența Consiliului Drepturilor Omului al ONU, Manfred Nowak, alături de mai mulți autori (Manfred Nowak, Moritz Birk, Tiphane Crittin, Julia Kozma, *UN Human Rights Council in Crisis – Proposals to enhance the effectiveness of the Council*, în Wolfgang Benedek, Florence Benoit – Rohmer, Wolfram Karl, Manfred Nowak (eds.), *European Yearbook on Human Rights*, EAP,

Antwerp/Berlin/Vienna/Graz), analizează consecințele deciziei din 2006 de a înființa această instituție care a înlocuit vechea Comisie a Drepturilor Omului. Reforma promisă în 2006, salută de comunitatea experților și a practicienilor, nu a avut însă rezultatele scontate. Cea mai importantă măsură care ar asigura succesul Consiliului ar fi, în opinia lui Nowak, depolitizarea sa. Disputele ideologice între Occident și restul lumii, manifeste în poziționările Consiliului, nu sunt oportune, câtă vreme drepturile omului sunt valori universale, iar violarea sau respectarea lor poate fi decisă în absența oricărei aprecieri de ordin politic. Este nevoie în acest sens de experți independenți, de înlăturarea perspectivei ca deciziile Consiliului să fie luate doar de statele membre ONU. Este deasemenea nevoie de un mecanism al Procedurilor Speciale prin care situația din fiecare țară analizată să fie expusă obiectiv, în afara oricăror condiționări politice. Persoanelor care exercită asemenea Proceduri Speciale ar trebui să li se asigure garanții potrivit cărora să-și poată exercita activitatea fără a fi victime ale interferențelor guvernamentale. Reforma propusă de colectivul de autori din care face parte și profesorul Nowak vizează și revizuirea modalităților de acreditare a ONG-urilor la ședințele Consiliului, precum și introducerea unor alte modalități de participare. În privința apartenenței unor state care nu respectă drepturile omului la Consiliu, autorii consideră că trebuie introdus un mecanism de selecție a statelor membre, iar statele alese ar trebui să coopereze pe deplin cu celelalte organisme ONU și să ofere exemple de bune practici. Acestea sunt doar câteva din recomandările autorilor, recomandări care, dacă ar fi luate în considerație, ar îmbunătăți cu siguranță nivelul de garantare a protecției drepturilor omului la nivel internațional.

- ❖ Într-un alt articol publicat în cadrul aceleași culegeri de texte (*Torture and condition of detention in the 21st Century: 60 recommendations to states and the United Nations after six years of experience as the UN Special Rapporteur on Torture*), Manfred Nowak descrie propria sa experiență ca titular al mandatului încredințat de organismele ONU pentru a analiza situația torturii, respectiv a tratamentelor crude, inumane și degradante în perioada 2004–2010. Misiunile profesorului Nowak au vizat doar acele țări care au permis accesul său pe teritoriul lor. În 17 din cele 18 țări vizitate în acest interval de timp (excepția fiind Danemarca), Manfred Nowak declară că a găsit probe ale torturii. Condițiile de detenție îndreptățesc autorul să afirme că ne găsim în fața unei « crize globale a detenției ». Situația este și mai gravă la nivel internațional dacă se iau în calcul condițiile inadecvate din aresturile de poliție. În acest articol Manfred Nowak formulează câteva recomandări care vizează măsuri de combatere a torturii, pedepsirea, la nivel internațional, a celor vinovați de asemenea acte, oferirea de măsuri reparatorii victimelor,

îmbunătățirea condițiilor de detenție (profesorul Nowak recomandă adoptarea unei noi Convenții ONU privind Drepturile Deținuților), măsuri de prevenire și combatere a tratamentelor crude, inumane și degradante, cum ar fi aplicarea principiului proporționalității de către forțele de ordine, precum și îmbunătățirea mecanismelor ONU în domeniul drepturilor omului, cum ar fi instituirea de garanții potrivit cărora statele nu pot interveni în ceea ce privește restrângerea activității celor care dețin un mandat de Proceduri Speciale, ori adoptarea unui Statut al Curții Internaționale a Drepturilor Omului.

- ❖ Manfred Nowak revine asupra uneia dintre temele sale recurente, tortura, într-un text publicat în calitate de coautor în 2012, care reprezintă la origini un discurs în fața Comitetului General pentru Democrație, Drepturile Omului și Probleme Umanitare al Adunării Parlamentare a OSCE (Manfred Nowak, Karolina Januszewski, *Criminal justice and prison standards in the OSCE area*, în Wolfgang Benedek, Florence Benoît – Rohmer, Wolfram Karl, Manfred Nowak (eds.), *European Yearbook on Human Rights 2012*, Neuer Wissenschaftlicher Verlag, Vienna – Graz). Textul prezintă mai multe statistici referitoare la persoanele deținute la nivel global, țările care aplică pedeapsa cu moartea, cazurile discutate la CEDO care privesc încălcarea interdicției de a aplica tortura. Concluzia profesorului Nowak este că sistemul bazat pe încarcerare și măsuri punitive (practicat în SUA și preluat de mai multe state europene) va fi înlocuit gradual cu un sistem axat pe drepturile omului care se bazează pe reabilitare și resocializare, mai ales că și în SUA abordarea de toleranță zero față de deținuți a dus la un număr mai mare de persoane în închisori și la problemele inerente care decurg dintr-o asemenea situație.
- ❖ Într-un text publicat în același an (*Responsibility to protect: is international law moving from Hobbes to Locke*, în Gerhard Hafner, Franz Matscher, Kirsten Schmalenbach (Hg.), *Völkerrecht und die Dynamik der Menschenrechte*, Liber Amicorum Wolfram Karl, Facultas Verlags- und Buchhandels AG, Wien) Manfred Nowak tratează problema responsabilității de a proteja din perspectiva evoluției istoriei ideilor politice. Potrivit lui Nowak, doctrina suveranității statului este inspirată mai degrabă de gânditori precum Hobbes, Bodin și Hegel, mai degrabă decât de Locke, Rousseau și Kant. Statele sunt considerate suverane atunci când exercită un control efectiv asupra unei populații și asupra unui teritoriu. Cum anume exercită suveranitatea nu a fost considerat un element esențial în dreptul internațional clasic. Protecția drepturilor omului a fost considerată ca fiind legitimă doar atunci când statele au agreeat să renunțe la o parte din suveranitatea lor. Responsabilitatea de a proteja este un concept care și-a făcut loc cu greu în dreptul internațional, prin abandonarea paradigmei clasice, iar Manfred Nowak descrie câteva

cazuri relevante pentru aplicarea acestui principiu (Coasta de Fildeș, Libia, etc.). Atrage atenția analiza pe care profesorul Nowak o face posibilității de a aplica acest principiu situației actuale din Siria. Este prezentat felul în care, la începutul acestui conflict, comunitatea internațională era înclinată să aplice acest principiu și felul în care acesta a fost gradual abandonat. Concluzia este că datorită responsabilității de a proteja conceptul de suveranitate a fost redefinit, iar dreptul internațional a renunțat la paradigma hobbesiană a suveranității bazată pe stat pentru a face loc concepției lui Locke de suveranitate bazată pe individ.

- ❖ Într-un articol publicat în 2013 (*A new World Court of Human Rights : a role for international humanitarian law?* în Robert Kolb, Gloria Gaggioli, *Research Handbook on Human Rights and Humanitarian Law*, Edward Elgar, Cheltenham, UK/Northampton MA, USA) Manfred Nowak prezintă o excelentă pledoarie în favoarea instituirii unei Curți Internaționale Drepturilor Omului. Pornind de la un document intitulat «Agenda Drepturilor Omului» prezentat de Elveția cu ocazia celei de-a șaizecea aniversări a Declarației Universale a Drepturilor Omului, profesorul Nowak reamintește că ideea unei asemenea instanțe nu este nouă, ci datează din 1947, fiind inițiativa Australiei în cadrul Comisiei ONU pentru Drepturile Omului. Manfred Nowak pledează pentru o competență a acestei viitoare instanțe internaționale și în domeniul dreptului internațional umanitar, deoarece acesta, la fel ca și dreptul internațional al refugiaților și dreptul penal, a intrat în conceptul mai larg de drept internațional al drepturilor omului. În acest moment, argumentează Manfred Nowak, dreptul internațional umanitar și drepturile omului nu mai sunt atât de distincte, deoarece dacă un stat violează drepturile unei persoane aflate sub jurisdicția sa violează de fapt și obligațiile sale internaționale față de toate celelalte state. În mod similar, un conflict armat internațional violează obligațiile asumate de respectivul stat față de toate celelalte persoane și state părți la acel conflict. Un alt argument folosit de profesorul Nowak este legat de rolul special al Comitetului Internațional al Crucii Roșii, în calitate de gardian al dreptului internațional umanitar. Experiența CICR în efectuarea de vizite la locurile de detenție a avut o influență pozitivă în ceea ce privește introducerea acestei metode ca o procedură de punere în aplicare a dreptului internațional al drepturilor omului. Concluzia este că drepturile omului și dreptul internațional umanitar suferă în mod egal de o diferență între stabilirea standardelor normative și lipsa de voință politică a statelor de a le aplica. Judecarea celor care se fac vinovați de încălcarea ambelor ordini normative ar face să existe un sistem just de reparare a prejudiciilor suferite de victime ale încălcărilor drepturilor omului.
- ❖ Una dintre cele mai importante contribuții ale profesorului Nowak la

analiza sistemelor de protecție a drepturilor omului se regăsește într-un text publicat în 2014 și care se referă la o comparație între sistemul european și cel american (*European Human Rights Mechanisms in Comparison with the US*, în *Austrian Review of International and European Law*, vol. 16/2011, Brill Nijhoff, Leiden). Manfred Nowak critică atitudinea SUA de a nu permite aplicarea dreptului internațional al drepturilor omului, dar consideră că întrebarea relevantă este dacă o asemenea atitudine poate fi justificată prin existența unor garanții suficient de puternice pe plan intern, ori dacă această nerecunoaștere a standardelor internaționale va duce la scăderea nivelului de protecție pe plan intern. O întrebare deschisă, corect formulată.

- ❖ Manfred Nowak revine asupra problemei torturii într-un text publicat în 2015 (*Torture, Cruel, Inhuman, or Degrading Treatment or Punishment*, în Andrew Clapham, Paola Gaeta, Marco Sassoli (eds.), *The 1949 Geneva Conventions*, Oxford University Press, Oxford). Tratarea problemei este exhaustivă, pornind de la definirea riguroasă a torturii, respectiv a tratamentelor crude, inumane și degradante, jurisprudența relevantă, reglementări internaționale, precum și tratarea diferită a acestor probleme în dreptul internațional al drepturilor omului, dreptul internațional umanitar și dreptul penal internațional. Diferențele de perspectivă asupra torturii de la un stat la altul constituie pentru profesorul Nowak un alt argument în favoarea uneia dintre ideile sale recurente : înființarea unei Curți Internaționale a Drepturilor Omului.
- ❖ La inițiativa unui colectiv de autori din care face parte și profesorul Nowak, în 2015 a fost publicată o carte prilejuită de comemorarea a 800 de ani de la redactarea Magna Carta (Markku Suksi, Kalliope Agapiou-Josephides, Jean-Paul Lehnens, Manfred Nowak (eds.) *First Fundamental Rights Documents in Europe*, Intersentia, Cambridge/Antwerp/Portland). Volumul prezintă marea majoritate a documentelor care au ca obiect drepturile omului, adoptate în țările europene în ultimii 800 de ani, pornind de la Magna Carta și sfârșind cu definitivarea statelor naționale moderne în secolul XIX. Concluzia autorilor este că aceste documente nu au avut doar rolul de a modela diferite sisteme de drept, dar au avut și rolul de a contribui la apariția identităților naționale.

Încercarea de a surprinde opera științifică a profesorului Manfred Nowak este o sarcină deosebit de împovărată, datorită volumului impresionant de contribuții ale domniei sale. Textele prezentate reprezintă doar o selecție a celor publicate în ultimii 5 ani, texte care au avut un impact deosebit la nivelul comunității științifice internaționale.

Prin oferirea titlului de Doctor Honoris Causa, Universitatea din București celebrează o personalitate cu totul remarcabilă, unul dintre cei mai străluciți exponenți ai drepturilor omului, o persoană care a reușit să combine experiența practică cu abordările teoretice într-un mod exemplar. Acest titlu ar putea și ar

trebui să reprezinte o contribuție la o mai strânsă colaborare între instituțiile pe care personalitatea lui Manfred Nowak le-a modelat și le modelează în continuare, pe de o parte, și Universitatea din București, pe de altă parte.

Prof. univ. dr. Radu Carp
Facultatea de Științe Politice

Laudatio Domini

*- on the occasion of conferring the title of
Doctor Honoris Causa to professor Manfred Nowak*

The University of Bucharest has the privilege today of awarding its highest honorary degree to professor Manfred Nowak. It is an honor and also a first of its kind. Our institution has awarded the title of Doctor Honoris Causa to other scholars (but not on human rights) and notable people who have had a practical contribution to this field. Today this title is conferred to a person who is perhaps the most appreciated expert on human rights in international academia and who also has an extensive practical experience as only a few have.

It must be noted from the beginning, the proposal for awarding this title comes from the Faculty of Political Science within the University of Bucharest. What would have been unthinkable a decade ago, it now has become commonplace. With the inclusion of special courses in the curriculum of the Faculty of Law in the early '90s, the field of human rights has become noticeable at the academic level. Gradually, the strictly legal approach and the idea that this is a semi-autonomous domain gave way to a different approach according to which human rights influence or should influence all aspects of public life, being a topic strongly linked with the promotion of democracy. This is the vision that professors of the Faculty of Political Science have in mind when they treat the topic of democratization. In a similar way, the subjects of populism and migration are becoming increasingly connected to that of human rights. Therefore, the decision of awarding this title from a non-jurist perspective to a jurist should be of no surprise.

Perhaps the title should have been awarded long ago, when the students of the University of Bucharest were just starting to get to know Professor Nowak's work through the introductory human rights courses included in the study of constitutional and independent rights. Professor Nowak's name is not a foreign one to professors and students of the University of Bucharest. This title represents a much deserved recognition of a prolific and outstanding activity.

Started several decades ago, professor Nowak's teaching is truly remarkable. Currently, Mr. Nowak holds the prestigious positions of Professor at the University of Vienna, scientific director of the human rights master program and director of Inter-disciplinary PhD Research School "Empowerment through Human Rights".

The existence of these types of interdisciplinary programs at a top European university should give us pause for thought regarding the introduction of a similar model at the University of Bucharest. The success of these specializations shows us exactly the essence of the above plea: human rights is an interdisciplinary field par excellence; no specialization could claim ownership to it. Professor Nowak is also a Visiting Professor at the University of Stanford and director of the European Inter-University Centre (EIUC) in Venice. This center brings together 41 European universities, including the University of Bucharest. Since Professor Nowak is the head of EIUC, his connection to the University of Bucharest was strengthened by inviting professors of our institution to join EIUC research projects or by teaching students that attend E.M.A program – European Master on Human Rights and Democratization. Manfred Nowak was also a Visiting Professor at the Raoul Wallenberg of Human Rights and Humanitarian Law at the University of Lund, director of the Netherlands Institute of Human Rights (SIM) at the University of Utrecht, associate professor at the Columbia University, London School of Economics, University of Amsterdam, Institute of Public and International Law at the University of Bielefeld etc. The mere listing of these institutions is the best proof of the international prestige of Professor Manfred Nowak.

The one who is receiving this distinction from the University of Bucharest is also the author of over 600 publications on human rights in several international languages. Professor Nowak is one of the few authors in this field who use German and English languages, making the connection between two linguistic areas as well as two schools of thought that are complementary but don't have sufficient overlaps. Manfred Nowak is the editor and member of the scientific committee of several prestigious journals, such as *Netherlands Quarterly of Human Rights*, *Austrian Review of International and European Law*, *BIM Human Rights Study Series*, *European Yearbook on Human Rights* and *Taiwan Human Rights Journal*. Basically, all relevant scientific journals on human rights benefit from the expertise of professor Nowak, either as author, editor or member of the scientific committee. Nowak's contributions are not limited only to the editorial side, they also extend to concrete work defining, coordinating and participating in research programs of the Ludwig Boltzmann Institute of Human Rights (BIM) in Vienna, an institution that Mr. Nowak leads.

From the perspective of his theoretical contributions to Human Rights, his most important position was the one he held as Special Rapporteur for UN on torture and other cruel, inhuman or degrading Treatments or Punishments between 2004 and 2012. From this position, Manfred Nowak has conducted missions to Georgia, Mongolia, Nepal, Republic of China, Jordan, Paraguay, Nigeria, Togo, Sri Lanka, Indonesia, Denmark, Moldova, Equatorial Guinea, Uruguay, Kazakhstan, Jamaica, Papua New Guinea and Greece. His reports and contributions have enabled this domain to gain full consistency and elevate it above mere commentary

on normative acts of international laws. Some of the outstanding contributions of Professor Nowak on the prohibition of torture in the context of human rights are summarized below.

Manfred Nowak was also involved in the establishment of the European Union Agency for Fundamental Rights (an extremely important step regarding the way that EU handles this issue) and currently he holds the position of Vice-Chairperson of the Management Board of this agency. Professor Nowak's practical experience includes positions such as Chair of the International Review Committee on the International Covenant on Civil and Political Rights of the UN, member of the EU Network of Independent Experts on Fundamental Rights, UN expert on disappearances, consultant to the UN High Commissioner for Human Rights and judge at the Human Rights Chamber for Bosnia-Herzegovina in Sarajevo, established under the Dayton Peace Agreement of 1995, position for which he was elected by the Committee of Ministers of the European Council.

Professor Nowak received many distinctions awarded by prestigious institutions worldwide. He was awarded the distinction of Doctor Honoris Causa of Eötvös Lorand University from Budapest. He has received human rights medals from Panteion University of Athens and the University of Magdeburg, and the Bruno Kreisky prize for human rights on behalf of Austria for outstanding achievements for services to international human rights as well as the UNESCO prize for the teaching of human rights.

It is almost impossible to make a summary of all the publications of professor Manfred Nowak; their existence justifies the title of Doctor Honoris Causa on behalf of the University of Bucharest. I will try to present only certain recurring themes that are present in professor Nowak's thinking and how they are reflected in some of his latest publications:

- ❖ In an article published in 2011 that includes proposals to increase the efficiency of the UN Human Rights Council, Manfred Nowak, along with other authors (Manfred Nowak, Moritz Birk, Tiphane Crittin, Julia Kozma, *UN Human Rights Council in Crisis – Proposals to enhance the effectiveness of the Council*, in Wolfgang Benedek, Florence Benoit – Rohmer, Wolfram Karl, Manfred Nowak (eds.), *European Yearbook on Human Rights*, EAP, Antwerp/Berlin/Vienna/Graz), analyzes the consequences of the decision taken in 2016 to establish this institution as a replacement of the former Commission on Human Rights. The reform promised in 2016 which was welcomed by the community of experts and practitioners didn't achieve the expected results. In Professor Nowak's opinion, the most important measure that would ensure the success of the Council would be the depoliticization of the institution. Ideological disputes between the West and the rest of the world manifested in the Council's positions are not appropriate as long as

human rights are universal values, and their violation or compliance with could be decided in the absence of any political considerations. In this respect, independent experts are needed and the approach that the Council's decisions are made only by UN members should be discarded. Moreover, it is needed to develop a mechanism of Special Procedures through which the situation of every analyzed country should be exposed objectively without any political conditions. The persons who are in charge of this kind of Special Procedures should be assured that wouldn't become victims of government interference. The reform proposed by the authors, including professor Nowak, envisages also the review the accreditation procedures of NGOs at Council meetings, as well as the introduction of other possibilities of participation. As regarding the membership of some countries where the human rights issues are at stake, the authors suggest the introduction of a selection mechanism of member states, and the states already elected should fully cooperate with the other UN bodies and provide examples of best practices. These are just some of the authors' recommendations that could certainly improve the level of coverage of human rights protection internationally, if they are taken in account.

- ❖ In another article published in the same collection of texts (*Torture and condition of detention in the 21st Century: 60 recommendations to states and the United Nations after six years of experience as the UN Special Rapporteur on Torture*), Manfred Nowak describes his own experience as a mandate-holder appointed by the UN bodies to analyze the situation of torture and cruel, inhuman and degrading treatment between 2004 and 2012. Professor Nowak had missions only in those countries that have allowed his access on their territories. In 17 of the 18 countries visited in this period (the exception being Denmark), Manfred Nowak says that he has found evidence of torture. Detention conditions entitle the author to claim that we are facing a "global crisis of detention". The situation is even worse internationally if we consider the inadequate conditions in police custody. In this article, Manfred Nowak identifies a number of recommendations, proposing measures against torture, punishing those guilty of such acts at international level, providing remedies to victims, improvement of detention conditions (professor Nowak recommends the adoption of a new UN Convention on the Rights of Prisoners), measures of preventing and combating of cruel, inhuman and degrading treatments (such as implementing the principle of proportionality by police) as well as improving the United Nations' human rights mechanisms such as the establishment of guarantees that states cannot intervene with regard to restricting the activities of those who have a Special Procedures mandate or adoption of a Statute of the International Court of Human Rights.

- ❖ Manfred Nowak returns to one of his recurrent theme – the torture – in an article published as co-author in 2012 that originally was a speech held at the General Committee on Democracy, Human Rights and Humanitarian Issues of the OSCE Parliamentary Assembly (Manfred Nowak, Karolina Januszewski, *Criminal justice and prison standards in the OSCE area*, in Wolfgang Benedek, Florence Benoit – Rohmer, Wolfram Karl, Manfred Nowak (eds.), *European Yearbook on Human Rights 2012*, Neuer Wissenschaftlicher Verlag, Vienna – Graz). The article presents several statistics on persons detained at international level, the states applying the death penalty, the cases discussed in the ECHR concerning violation of the prohibition to apply torture. The conclusion reached by professor Nowak is that the system based on incarceration and punitive measures (practiced in the USA and replicated in several European countries) will be gradually replaced with a system focused on human rights, based on rehabilitation and resocialization, especially because the zero-tolerance approach towards inmates in the USA has led to a greater number of imprisoned persons and the inherent problems arising from this situation.
- ❖ In a text published in the same year (*Responsibility to protect: is international law moving from Hobbes to Locke*, in Gerhard Hafner, Franz Matscher, Kirsten Schmalenbach (Hg.), *Völkerrecht und die Dynamik der Menschenrechte*, Liber Amicorum Wolfram Karl, Facultas Verlags- und Buchhandels AG, Wien), Manfred Nowak addresses the issue of responsibility to protect from perspective of history evolution of political ideas. According to professor Nowak, the doctrine of state sovereignty is inspired rather by Hobbes, Bodin and Hegel, than by Locke, Rousseau and Kant. The states are considered sovereign when they exercise an effective control over a population and territory. However, how exactly sovereignty is exercised was not considered as an essential component in classical international law. The protection of human rights was considered legitimate only when the states agreed to give up part of their sovereignty. The responsibility to protect is a concept that hardly made its way to international law through abandoning the classical paradigm, and Manfred Nowak describes some relevant cases for applying this principle (Ivory Coast, Libya etc.). What stands out is the analysis by professor Nowak regarding the possibilities to apply this principle to the current situation from Syria. The way in which at the beginning of this conflict the international community was inclined to apply this principle as well as the way in which this approach was gradually abandoned, are both presented. The conclusion is that, due to the responsibility to protect, the sovereignty concept has been redefined, and the international law has abandoned

the Hobbesian paradigm of sovereignty based on state to make room for Locke's conception of sovereignty based on the individual.

- ❖ In an article published in 2013 (*A new World Court of Human Rights : a role for international humanitarian law?* in Robert Kolb, Gloria Gaggioli, *Research Handbook on Human Rights and Humanitarian Law*, Edward Elgar, Cheltenham, UK/Northampton MA, USA) Manfred Nowak lays out an excellent pleading in favor of establishing an International Court for Human Rights. Bringing up a document entitled "Human Rights Agenda" presented by Switzerland on the occasion of 60th anniversary of Universal Declaration of Human Rights, professor Nowak reminds that the idea of such a court is not a new one, rather it dates back to 1947, being an initiative of Australia within UN Commission for Human Rights. Manfred Nowak advocates for a competence of this future international court in the field of international humanitarian, given the fact that this one, like international refugee law and criminal law entered into the broader concept of international law of human rights. Manfred Nowak argues that at this point the international humanitarian law and human rights are not as distinct as it was, because in case a state violates the rights of a person under its jurisdiction actually it violates its international obligations to all other member states. Similarly, an international armed conflict violates the obligations of that state to all other individuals and states parties to the conflict. Another argument used by Professor Nowak is linked to the special role of the International Committee of the Red Cross as a guardian of international humanitarian law. The experience of ICRC in conducting visits to detention places had a positive influence on the introduction of this method as a procedure for the implementation of international human rights law. The conclusion is that human rights and international humanitarian law suffer equally from a difference between setting normative standards and lack of political will of states to apply them. The prosecution of those who are guilty of violating both normative orders would be a fair system of compensation for damage suffered by victims of human rights violations.
- ❖ One of the most important contribution of Professor Nowak to analysis on human rights protection systems can be found in a text published in 2014 and refers to a comparison between the European and American systems (*European Human Rights Mechanisms in Comparison with the US*, in *Austrian Review of International and European Law*, vol. 16/2011, Brill Nijhoff, Leiden). Manfred Nowak criticizes the USA attitude of not allowing the application of international human rights but considers that the relevant questions is whether such an approach could be justified through the existence of guarantees strong enough internally or whether

this unrecognition of international standards will lead to decreasing of protection level internally. An open question, correctly formulated.

- ❖ Manfred Nowak returns to the problem of torture in a text published in 2015 (*Torture, Cruel, Inhuman, or Degrading Treatment or Punishment*, in Andrew Clapham, Paola Gaeta, Marco Sassoli (eds.), *The 1949 Geneva Conventions*, Oxford University Press, Oxford). Treating the problem is comprehensive, based on rigorous definition of torture and cruel, inhuman and degrading treatments, relevant case law, international regulations and different treatment of these issues in the international law of human rights, international humanitarian law and international criminal law. Differences in perspective on torture from state to state represent another argument for professor Nowak to advocate for establishing an International Court of Human Rights.
- ❖ At the initiative of a group of authors which includes professor Nowak, in 2015 was published a book on the occasion of the commemoration of 800 years since the drafting of the Magna Carta (Markku Suksi, Kalliope Agapiou-Josephides, Jean-Paul Lehnens, Manfred Nowak (eds.) *First Fundamental Rights Documents in Europe*, Intersentia, Cambridge/Antwerp/Portland). The book lays out most of the documents that concern the human rights, adopted in European countries in the last 800 years, beginning Magna Carta and ending with the completion of modern nation states in the nineteenth century. The authors conclude that these documents were meant not only to model different systems of law, but also intended to contribute to the emergence of the national identities.

Trying to capture the scientific work of professor Manfred Nowak is a particularly burdensome assignment due to the length of his impressive scientific contribution. The presented texts are just a selection of those that have been published in the last 5 years and they have had a major impact at the level of international scientific community.

By awarding the title of Doctor Honoris Causa, the University of Bucharest celebrates a remarkable personality, one of the brightest representatives of human rights, a person who has succeeded to combine practical experience with theoretical approaches in an exemplary manner.

This title could and should represent a contribution to closer cooperation between the institutions that professor Manfred Nowak has shaped and continues to shape, on the one hand, and the University of Bucharest, on the other hand.

Professor Radu Carp, SJD
Faculty of Political Science

Manfred Nowak
*Speech on the occasion of being awarded the Title of
Dr. Honoris Causa by the University of Bucharest*

Rector Magnificus

Honourable colleagues, Excellencies, Ladies and Gentlemen,

When I first came to Romania as a young student and tourist in 1969, travelling with my girlfriend and another young couple in a Volkswagen van, **Romania was still a comparable liberal country** compared to other Socialist States in Central and Eastern Europe. For us Westerners bringing foreign currency, crossing the border from Hungary to Romania was much easier than when we had crossed the Iron Curtain between Austria and Hungary, where we had to wait for many hours. In Hungary we had picked up a young East German couple hitchhiking through some of their Socialist brother countries. While we had passed the border control within a few minutes, we then had again to wait hours for the border guards to check every single item in the back-packs and on the bodies of these two young Communists, who had tried to convince us that Socialist societies were far advanced compared to our rotten Capitalist societies shortly before. This was our first impression of Romania. We Westerners were treated in a very friendly and welcoming manner whereas our colleagues from a Socialist brother country were body-searched for hours and finally prevented from entering the country. We travelled across Romania, from Oradea and Cluj in the North-West through beautiful mountains to Bucharest, at that time called the “Paris of the East” with its broad Boulevards, and finally spent some time in various tourist resorts at the Black Sea with beautiful names from Roman and Greek mythology, like Neptun, Venus, Jupiter and Saturn. Until we left the country in the South-East headed towards Bulgaria, we had only had positive experiences when dealing with the police or other State authorities under the rule of President *Nicolae Ceausescu*, who had come to power only a few years earlier in 1965.

The situation changed dramatically during the later years of Ceausescu’s government. During the time of the Vienna CSCE Follow-Up Conference in

Vienna between 1986 and 1989, **Romania had become an isolated hardliner in the Socialist camp** whose diplomats had threatened to block any consensus within the CSCE towards more openness and cooperation with the West several times. The reformers were now led by the Soviet Union under the glasnost and perestroika politics of President *Mikhail Gorbachev* and a few other reformist States, such as Poland and Hungary. The German Democratic Republic, Czechoslovakia and Bulgaria still tried to halt the revolutionary movements, but Romania was by far the most difficult country within the Warsaw Pact. The year 1989 turned out to become one of the most exciting years in my life. Living in Vienna meant that we had become accustomed to the Iron Curtain, which was in our immediate neighbourhood, both to the North and to the East. And now we became witnesses of a “**velvet revolution**” that brought *Vaclav Havel* from peaceful mass demonstrations in the streets of Prague first into prison and from there almost seamlessly into the position of President of post-Communist Czechoslovakia. We also witnessed the “**revolution of the feet**”, meaning East German refugees who were demanding their right to leave their own country. Many of them had requested asylum in the West German Embassy in Prague, which was finally granted to them, thanks to the negotiation skills of the West German Minister of Foreign Affairs, *Hans-Dietrich Genscher*, and they were allowed to enter Austria via Hungary. I was at the Austrian-Hungarian border when the two Foreign Ministers, *Alois Mock* and *Gulya Horn*, were cutting the first hole into the Iron Curtain. We welcomed thousands of East German refugees driving to the West in their little and fully packed East German cars, called in a smiling way “Trabis”. At that time we realized that it was only a matter of time until the last bulwarks of Communism, above all the repressive regime in Romania, would be overthrown by the power of these human rights revolutions. But the public execution of *Nicolae Ceausescu* and his wife at Christmas 1989 brought not only relief to many people who had suffered under their repression, it also symbolized a violent climax of revolutions which had been remarkably peaceful.

The fall of the Iron Curtain and the Berlin Wall, the implosion of the Soviet Union and its allies in the Warsaw Pact opened a **window of opportunity for establishing a new European and world order**, which is unique in history. The United Nations with its three pillars of peace, development and human rights were created in 1945 in reaction to the world economic crisis, the rise of fascism, World War II and the horrors of the Holocaust. But the Cold War between the East and the West in fact prevented the United Nations from establishing a new world order based on freedom from fear and violence as well as freedom from want and poverty, as envisaged in Article 28 of the Universal Declaration of Human Rights of 1948. Nevertheless, it is remarkable that the United Nations,

despite fundamental differences between Western and Socialist theories of human rights, democracy and the rule of law, managed to gradually develop a **legally binding normative framework of universal human rights** as a synthesis between two fairly antagonistic concepts of human rights. The two Covenants of 1966 constitute the very core of this universal human rights framework, supplemented by a number of specialized human rights treaties aimed at fighting discrimination and protecting the rights of the most vulnerable groups.

After I had been appointed in 1987 Director of the Netherlands Institute of Human Rights (SIM) at the University of Utrecht, I developed a close cooperation with the Poznan Human Rights Centre in Poland under the leadership of *Dzidek Kedzia*. We decided to organize an “**All-European Human Rights Conference**” in 1988 in order to analyse whether, eventually, the common European values and traditions were stronger than the ideologies that had separated our societies for half a century. When this conference finally took place in Poznan in close cooperation with the Council of Europe, the revolutionary events had already provided a powerful answer to our joint research question. But we strongly believed that an “All-European Human Rights system” should be established as a true synthesis and compromise between two different ideologies and human rights concepts, one based on liberal freedoms from State interference, the other one based on social justice, equality and non-discrimination. This attitude of mutual respect for two different ways of life was similar to the vision of a “**Common European House**” developed by Soviet President *Mikhail Gorbachev* and his French counterpart *Francois Mitterand*. This positive spirit of cooperation on the basis of mutual trust and respect led to the Paris Charter of 1990, which was adopted by the CSCE as a symbol of finally overcoming the Cold War towards a common future of Europe and the world.

But 1989 was not only the year of revolutionary movements in Europe, which had brought about the end of the Cold War. It was also the year in which the “**Washington Consensus**” was adopted by the US-led international financial institutions to symbolize the **victory of neoliberal economic policies** over those of State interventionism aimed at maintaining a social welfare State in accordance with the economic theory of *John Maynard Keynes*. On the basis of the “Washington Consensus”, the World Bank and the International Monetary Fund pursued their economic policies of privatisation, deregulation, and minimising the role of the State, which shaped the era of globalisation. Rather than gradually opening former Communist societies towards pluralistic democracy, the rule of law and human rights, the United States, the European Union and other Western economic powers were primarily concerned about

celebrating the victory of Capitalism over Communism. The rapid exposure of former Communist societies to unrestricted forces of global Capitalism led to insecurity, fear, lack of orientation and an ideological vacuum, which planted the seeds for nationalist and racist ideologies, above all in the former Yugoslavia and the successor States of the Soviet Union.

The second **United Nations World Conference of Human Rights**, held in Vienna in June 1993, constituted the last attempt to make use of the historic window of opportunity created by the end of the Cold War to establish a new world order based on pluralist democracy, the rule of law and universal human rights. But the neoliberal economic policies of the West had already paved the way for a new ideological battle, this time between the Global North and the Global South. Islamic States, China, India and other powerful States of the Global South had started to criticize the human rights policies of the West as an ideological tool to pursue their neoliberal economic agenda of globalisation. The universality of human rights was confronted with “Asian values” and similar expressions of cultural relativism. It was only after heavy ideological battles and strong pressure of a newly emerging global civil society that the 171 States assembled in Vienna finally reached the compromise of the Vienna Declaration and Programme of Action. While the Global South reluctantly accepted the universality of human rights, the Global North, and in particular the Western powers, had to accept the equality, indivisibility and interdependence of all human rights, which means the equal value of economic, social and cultural rights, as well as civil and political rights. But while the participants of the Vienna World Conference celebrated this historic compromise and the establishment of a new UN High Commissioner for Human Rights, only a few hundred kilometres away Bosnian Serb forces were preparing the first genocide in Europe after the Holocaust, this time against the Muslim population of Bosnia and Herzegovina, which had been living peacefully with their Catholic and Orthodox neighbours for hundreds of years.

Next year we are supposed to celebrate the 70th anniversary of the Universal Declaration of Human Rights, the 50th anniversary of the first World Conference on Human Rights held in Teheran in 1968, and the 25th anniversary of the Vienna World Conference. But we are no longer in the mood for celebrations. **Our world is stuck in the most serious crisis since the end of World War II**, and the European Union, the most powerful peace project in the history of Europe, is gradually falling apart. Well-known economists, such as *Thomas Piketty*, *Joseph Stiglitz* or *Anthony Atkinson*, tell us that the **rise of economic inequality** has reached a level comparable to the economic inequality in England just

before the outbreak of World War I. In his famous book “Capitalism in the 21st Century”, Thomas Piketty warned that economic inequality in the United States and the United Kingdom, the two countries in which the neoliberal revolution had started under *Ronald Reagan* and *Margaret Thatcher* during the 1980s, has reached a stage in which the social fabric of these societies had been undermined to an extent, in which the democratic coherence was seriously threatened. And this was still before *David Cameron* led his country into the “Brexit” and before the people of the United States voted *Donald Trump* into power.

The fact that democratic governments, even in Europe, no longer seem to be able to effectively control global market forces and that States’ economic and financial standing seems to be dependent on the favourable assessment of private rating agencies, is another reason for the current **crisis of democratic governance**. This constitutes a fertile breeding ground for populist and right wing parties and ideologies, which openly call for more authoritarian governments, nationalism and the dismantling of the European Union. *Viktor Orban* in Hungary and *Jaroslav Kaczynski* in Poland are the most obvious examples of such a new species of nationalistic and authoritarian leaders within the borders of the European Union, but similar right wing and anti-democratic politicians are on the rise in France, the Netherlands, Germany, Austria and most other member States of the EU. In the wider Europe, authoritarian leaders, such as *Vladimir Putin* in the Russian Federation and *Recep Tayyip Erdogan* in Turkey have in fact already dismantled democracy, the rule of law and human rights in their respective countries to an extent that is seriously endangering peace and security in our region.

Failed States, violence, armed conflicts, extremism, terrorism, organized crime, corruption, poverty, rising economic inequality, climate change and similar results of globalisation driven by neoliberal market forces have led to an unprecedented level of **global migration and refugee flows**. Although the vast majority of the current 65 million refugees and internally displaced persons remain in their home countries and in neighbouring States, in recent years, a significant number of these migrants and refugees have arrived in the Global North and have created a veritable crisis of the common European asylum and migration policies.

Rising economic inequality between countries and within societies is the most visible sign of ill-conceived neoliberal economic policies, which have led the world into a multitude of inter-connected global crises. By deregulating the global financial markets and privatising core State functions, such as national

health and social security systems, education, water and even prisons, police, intelligence and military structures, **governments have voluntarily abandoned control over transnational corporations and other global market forces.** How can we counteract this deplorable state of our global world disorder and save our planet from further disasters? The process of globalisation has developed to an extent that individual governments are no longer able to reverse this trend, irrespective of how powerful they are. And efforts of powerful States to withdraw from the international scene into splendid isolation, protecting themselves by walls and iron fences, as it seems to be the vision of *Donald Trump*, are bound to fail. If we wish to save our planet from further disasters, we need more, not less international cooperation, stronger international organizations, and not weaker ones. But the United Nations and other international and regional organizations, including the European Union, being composed of States with neo-nationalist agendas more inclined to protect their short-sided nationalist interests than to strengthen international cooperation, find themselves in a deep crisis. How can we break through this dangerous vicious circle?

In my opinion, there are two different scenarios on the horizon: a third world war, which will inevitably lead into a nuclear disaster, or a combined effort of an emerging global civil society leading our planet from post-rational and post-truth discourses on social media platforms back to rationalism and collective responsibility. At the moment, the first scenario unfortunately seems to be more realistic. The rise of authoritarian leaders, who openly disrespect the rule of law, democratic governance and human rights, is no longer restricted to China, Russia and other States in Asia, the Arab world and Africa, it has also taken roots in the United States and Europe, where many of us feel reminded of the rise of fascism in the 1920s and 1930s. History tells us that authoritarian leaders are not only willing to use force to silence internal opposition, but that they also tend to resort to the use of force if their international ambitions cannot be achieved by peaceful means of diplomacy, negotiation and mediation. It is not exactly reassuring that the maintenance of international peace and security, entrusted by the founders of the United Nations to the five permanent members of the Security Council, is in the hands of politicians like Donald Trump, Vladimir Putin, Xi Jinping, Theresa May and possibly Marine Le Pen. We can only hope that the realization of a new world order based on universal human rights, pluralist democracy and the rule of law will not be left to the next generation of human rights defenders, who will have to have survived a **third world war** and save our planet from a possible nuclear disaster first. Unfortunately, history also tells us that the big leaps in the development of human rights are only achieved in reaction to bloody revolutions, wars and enormous human suffering.

I nevertheless have trust that we will be able to avoid such a scenario. The current crises of world politics and world economics has also led to the awakening of a **global civil society movement**, which is willing to fight for the survival of our planet and for the universal values, on which the post-World War II international order was built. The powerful women marches in the United States after the inauguration of Donald Trump are as encouraging as the actions taken by civil society in many European countries when the European asylum and migration policy proved unable to deal with a mass influx of refugees in 2015, or the recent mass demonstrations against corruption in Romania. Even though the hopes of the “Arab Spring” seem to have been buried in mass atrocities committed by all sides in the Syrian wars and the hopes of the “Occupy Wall Street Movement” were overtaken by short-term crisis management rather than a reversal of neoliberal economic policies, these powerful movements show that many people have had enough of “business as usual”. There is a huge potential in global civil society to address the root causes of the current crises and to radically overthrow present economic and political dogmas.

Even though the neoliberal ideology seems to be the only relevant dogma governing world politics and the global economy in our times, in parallel, international law has developed a solid legally binding **universal normative framework** during the last 25 years, on which another world order guided by positive values, such as pluralistic democracy, the rule of law and human rights, could be built upon as soon as the necessary political conviction will have taken roots thanks to the pressure of civil society. Let me only cite a few of these **positive developments since the end of the Cold War**:

- ❖ The establishment of the **UN High Commissioner for Human Rights** as an important voice against major human rights violations and as the driving force behind the implementation of the Vienna Declaration and Programme of Action
- ❖ The establishment of ad hoc criminal tribunals and a permanent **International Criminal Court** with the power to hold major war criminals and human rights criminals accountable up to the ranks of heads of State and Government
- ❖ The willingness of the Security Council to take binding decisions (targeted sanctions and the authorization of collective military force) in accordance with Chapter VII of the UN Charter aimed at preventing and terminating armed conflicts and at protecting the populations of countries against war crimes, genocide, ethnic cleansing and crimes against humanity (“**Responsibility to Protect**” = R2P)
- ❖ New generations of **peace operations** authorized by the UN Security Council,

including interim administrations of territories aimed at post-conflict peace-building on the basis of human rights, democracy and the rule of law

- ❖ The adoption of far-reaching **Millennium Development Goals** (MDGs) in 2000 and of the “Agenda 2030” with even more ambitious **Sustainable Development Goals** (SDGs) for a new world order to be achieved by 2030
- ❖ The adoption of binding goals and targets for the reduction of greenhouse gas emissions at the Paris Summit of December 2015 aimed at preventing irreversible consequences of global warming and **climate change**
- ❖ The establishment of a full time **European Court of Human Rights** with the power to deliver binding judgments on individual complaints about human rights violations in all 47 member States of the Council of Europe, including the Russian Federation and Turkey, with roughly 800 million inhabitants
- ❖ The further development of the **European Union** into a supranational organization with a common currency and a legally binding and directly enforceable EU Charter of Fundamental Rights, guiding the EU both in its internal and external policies based on common values of human rights, democracy, the rule of law and dignity
- ❖ The rapid **accession of former Communist States** in Central and Eastern Europe to the Council of Europe and the European Union
- ❖ The almost **universal ratification** of the two United Nations Human Rights Covenants and a considerable number of other core UN human rights treaties with respective monitoring mechanisms
- ❖ The creation of a **Human Rights Council** as the most important human rights body of the United Nations with the power to periodically review the human rights performance of all member States (“Universal Periodic Review” = UPR).

In my opinion, the most important of these achievements is the **Agenda 2030** with 17 detailed **Sustainable Development Goals** (SDGs). The Agenda 2030 is more than a mere development agenda. It constitutes the most ambitious and radical master plan for peace, development, human rights and a sustainable environment ever adopted by the international community. It seems like a miracle that, during their Summit Meeting in September 2015, the same Heads of State and Government who bear the main responsibility for the deplorable situation of our planet have agreed on such an innovative and far-reaching document. The Agenda 2030 is not a legally binding document, but it has an enormous political significance and informs all policy areas of the broader United Nations family as well as of many multilateral and bilateral development agencies. If the Agenda 2030 was taken seriously and fully implemented by States and the international community as a whole, including the corporate sector, then the dream of a new

world order based on peace, global justice, the rule of law, democracy, human rights and environmental sustainability might come true. The SDGs are far from utopian goals and targets. They are realistic goals, which could be achieved if States and other stakeholders were to develop the political will to implement them in practice. But this would require the political courage to radically change the current global economic and financial order.

In fact, most of the SDGs are already included as legally binding obligations of States in the core human rights treaties of the United Nations. SDGs 1 and 2 (no poverty, zero hunger) correspond to the human rights to food, shelter, clothing and, more generally, an adequate standard of living in Article 11 of the International Covenant on Economic, Social and Cultural Rights (Social Covenant). SDGs 3 and 4 (good health and well-being as well as quality education) are contained in Articles 12 and 13 of the same Covenant (rights to health and education). Gender equality (SDG 5) can be found in Article 3 of both Covenants and in the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Clean water and sanitation (SDG 6) is covered by the rights to health and an adequate standard of living. Decent work and economic growth (SDG 8) can be deduced from the rights to work and in work in Articles 6 and 7 of the Social Covenant. Peace, justice and strong institutions (SDG 16) relates to a broad range of rights covered in the International Covenant on Civil and Political Rights (Political Covenant), such as the rights of access to justice, fair trial, personal integrity, liberty and security, freedom of the media, the right to political participation and similar rights necessary for a democratic society based on the rule of law. Other goals, above all those related to a clean and sustainable environment (SDG 7 on affordable and clean energy, SDG 13 on climate action, SDG 14 on life below water and SDG 15 on life on land) are not directly related to the human rights treaties in the narrow sense but are covered by international environmental law and the binding climate change targets agreed upon during the Paris Summit of December 2015.

In my opinion, the most important goal is SDG 10 (reduced inequalities) as it requires States to significantly **reduce economic inequalities** within and among countries until 2030. This corresponds to the most important principle of international human rights law, namely the right to equality and non-discrimination in its various forms, and can only be achieved if the neoliberal economic policies, on which our current world order is built, are replaced by policies of strict regulation of global economic and financial markets aimed at realizing global justice and strong institutions of social welfare and social security. Such a radical change in global economic and social policies can only be

achieved if States are willing to revitalize the **global partnership for sustainable development** (SDG 17). Such a global partnership must involve Governments, international organizations, the corporate sector and civil society. It is late, but not yet too late. We have powerful international organizations, including the United Nations, the World Bank, the International Monetary Fund, the World Trade Organization, the Organization for Economic Cooperation and Development, the European Union and many others. But we must reverse their policies from deregulation and privatization towards regulation and strengthening the public sector. Politics must re-establish sovereignty over global markets. Instead of pulling out of international organizations and cherishing nationalism and protectionism, Governments need to better cooperate within existing international organizations and revitalize their decision-making structures, including the UN Security Council. And Governments have to find ways and means of actively including the corporate sector and global civil society into the structures of global governance. The values, goals and targets are clear and well established within existing international law: Universal human rights and sustainable development goals as articulated in the Agenda 2030. If Governments, international organizations, the corporate sector and global civil society work together and establish a truly global partnership guided by these values, goals and targets, then we will be able to eradicate poverty and avoid another world war.

Curriculum Vitae

Manfred Nowak

PROFESSOR OF INTERNATIONAL LAW AND HUMAN RIGHTS,
UNIVERSITY OF VIENNA
CO-DIRECTOR OF THE LUDWIG BOLTZMANN INSTITUTE OF
HUMAN RIGHTS (BIM)

EDUCATION

1986 DR. HABIL OF CONSTITUTIONAL LAW (UNIVERSITY OF VIENNA)
1975 LL.M (COLUMBIA UNIVERSITY NEW YORK)
1973 DR. IURIS (UNIVERSITY OF VIENNA)

OTHER FUNCTIONS

since 2014 HOLDER OF THE AUSTRIAN VISITING CHAIR AT THE
UNIVERSITY OF STANFORD, CALIFORNIA
since 2012 VICE CHAIR OF THE MANAGEMENT BOARD OF THE EU
AGENCY FOR FUNDAMENTAL RIGHTS IN VIENNA
since 2012 SCIENTIFIC DIRECTOR OF THE VIENNA MASTER OF ARTS
IN HUMAN RIGHTS, UNIVERSITY OF VIENNA
since 2012 HEAD OF VISITING COMMISSION OF THE AUSTRIAN
OMBUDSMAN BOARD (NATIONAL MECHANISM FOR PREVENTION OF
TORTURE)
since 2012 CHAIR OF AN INTERNATIONAL REVIEW COMMITTEE ON
THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
(ICCPR) APPOINTED BY THE GOVERNMENT OF TAIWAN
since 2012 MEMBER OF THE OMV (INTERNATIONAL OIL AND GAS
COMPANY) ADVISORY BOARD FOR RESOURCEFULNESS
since 2010 VICE-PRESIDENT OF THE AUSTRIAN UNESCO COMMISSION
since 2010 HONORARY MEMBER OF THE INTERNATIONAL
COMMISSION OF JURISTS (ICJ), Geneva
• Fact-finding mission on Tibet and trainings on human rights in Taiwan.
since 2010 CONSULTANT for the DANISH INSTITUTE FOR HUMAN RIGHTS

since 2009 HEAD OF THE INTER-DISCIPLINARY PHD RESEARCH SCHOOL “EMPOWERMENT THROUGH HUMAN RIGHTS” AT VIENNA UNIVERSITY

since 2008 HEAD OF THE INTERDISCIPLINARY RESEARCH PLATFORM “HUMAN RIGHTS IN THE EUROPEAN CONTEXT” at the University of Vienna

since 2008 MEMBER AND RAPPORTEUR OF A PANEL OF EMINENT PERSONS (later renamed to PANEL ON HUMAN DIGNITY) selected by the Swiss Foreign Minister to draft and promote an Agenda for Human Rights which was launched in Geneva on 5 December 2008

since 1998 AUSTRIAN NATIONAL DIRECTOR REPRESENTING THE UNIVERSITY OF VIENNA IN THE EMA (EUROPEAN MASTERS DEGREE IN HUMAN RIGHTS AND DEMOCRATISATION) PROGRAMME, appointed by the Rector of the University of Vienna.

From 2000 to 2007 EMA CHAIRPERSON

- EMA is based in Venice, was initiated by the European Commission and is jointly organised by 41 European Universities. As a model for similar multidisciplinary educational programmes, EMA was awarded the 2006 UNESCO Prize for Human Rights Education (Honourable Mention).

FORMER RELEVANT EXPERIENCE

2009–2013 CHAIR OF COST ACTION “THE ROLE OF THE EU IN UN HUMAN RIGHTS REFORM”

2008–2012 MEMBER OF THE AUSTRIAN MONITORING COMMITTEE established in accordance with Article 33 of the UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

2007–2012 FRALEX SENIOR EXPERT/INTERNATIONAL EXPERT TO THE EUROPEAN UNION FUNDAMENTAL RIGHTS AGENCY which was established in March 2007

2000–2012 HEAD OF AN INDEPENDENT HUMAN RIGHTS COMMISSION AT THE AUSTRIAN MINISTRY OF INTERIOR (UNDER THE HUMAN RIGHTS ADVISORY BOARD OF THE MINISTRY)

- preventive visits to places of police detention and control of the use of force by Austrian law enforcement personnel;

2004–2010 UNITED NATIONS SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT

- Fact-finding missions to Georgia, Mongolia, Nepal, China, Jordan, Paraguay, Nigeria, Togo, Sri Lanka, Indonesia, Denmark and Greenland, Moldova and Equatorial Guinea, Uruguay, Kazakhstan,

Jamaica, Papua New Guinea, and Greece; joint reports on Guantánamo Bay, Darfur and Secret Detention.

2009–2010 MEMBER OF THE COORDINATING COMMITTEE OF UN SPECIAL PROCEDURES

1995–2010 MEMBER OF THE INTERNATIONAL COMMISSION OF JURISTS (ICJ), Geneva

2008–2009 SWISS CHAIR OF HUMAN RIGHTS, Graduate Institute of International and Development Studies, Geneva

2002–2006 MEMBER OF THE EU NETWORK OF INDEPENDENT EXPERTS ON FUNDAMENTAL RIGHTS

- Network set up by the European Commission on the initiative of the European Parliament which published, inter alia, annual reports on the situation of human rights in the EU and its member States.

2001–2006 U.N. EXPERT ON DISAPPEARANCES

- Examination of the existing international criminal, humanitarian and human rights framework for the protection of persons from enforced or involuntary disappearances
- Adviser to the Working Group of the Commission on Human Rights drafting a Convention for the Protection of All Persons from Enforced Disappearance, which was adopted by the General Assembly in December 2006.

2001–2006 CONSULTANT TO THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS on a human rights based approach to poverty reduction strategies, which led to the adoption of the Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies

2004 VISITING PROFESSOR AT THE EUROPEAN INTER-UNIVERSITY CENTRE FOR HUMAN RIGHTS AND DEMOCRATISATION (EIUC) IN VENICE

2002–2003 OLOF PALME VISITING PROFESSOR ON HUMAN RIGHTS at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) at the University of Lund.

1996–2003 JUDGE AT THE HUMAN RIGHTS CHAMBER FOR BOSNIA-HERZEGOVINA IN SARAJEVO elected by the Committee of Ministers of the Council of Europe

- 1998 Vice-President;
- The Human Rights Chamber was established under the Dayton Peace Agreement of 1995;

1989–2002 PROFESSOR OF LAW at the Austrian Federal Academy of Public Administration in Vienna.

1993–2001 EXPERT MEMBER OF THE U.N. WORKING GROUP ON

INVOLUNTARY AND ENFORCED DISAPPEARANCES

- Fact-finding missions to Yemen and Sri Lanka.

1994–1997 U.N. EXPERT IN CHARGE OF THE SPECIAL PROCESS ON MISSING PERSONS IN THE FORMER YUGOSLAVIA

- Started a process of identification of missing persons through exhumation of mortal remains;
- Initiated International Commission on Missing Persons (ICMP).

1986–1993 MEMBER OF THE AUSTRIAN DELEGATION TO THE U.N. COMMISSION ON HUMAN RIGHTS

1987–1989 DIRECTOR OF THE NETHERLANDS INSTITUTE OF HUMAN RIGHTS (SIM) AT THE UNIVERSITY OF UTRECHT

1973–1987 ASSISTANT AND ASSOCIATE PROFESSOR AT THE INSTITUTE OF CONSTITUTIONAL AND ADMINISTRATIVE LAW OF THE UNIVERSITY OF VIENNA (WITH FELIX ERMACORA)

- Sabbatical leaves for research and field-studies in the USA (Columbia University New York), Latin America, Africa, UK (LSE London), Netherlands (Institute of Public and European Law, University of Amsterdam), Germany (Institute of Public and International Law, University of Bielefeld), and the United Nations at Geneva.

FURTHER CREDENTIALS

AUTHOR OF MORE THAN 500 PUBLICATIONS in the fields of constitutional, administrative and international law, human rights as well as development studies

EDITOR OR ADVISORY BOARD MEMBER OF PERIODICALS AND SERIES e.g. Netherlands Quarterly of Human Rights, Austrian Review of International and European Law (ARIEL), BIM Human Rights Study Series, European Yearbook on Human Rights, Taiwan Human Rights Journal

PATRONAGE AND MEMBERSHIPS: e.g., Redress (Patron), International Rehabilitation Council for Torture Victims (IRCT-Patron), Association for the Prevention of Torture (APT-Board Member)

HUMAN RIGHTS NETWORK: Due to numerous research activities and various functions in the field of human rights for many years establishment of a large personal network with key actors in the field of international human rights protection

VARIOUS HUMAN RIGHTS FACT FINDING MISSIONS FOR NGOS AND COMPANIES, e.g. to Brazil (for the Brazilian Bishops Conference), Surinam (for International Alert), India (Tibet mission for the ICJ), Yemen and Iraq (OMV).

2013 UNIVERSITY OF OSLO'S LISL UND LEO EITINGER HUMAN RIGHTS AWARD

2012 PROF. ET DR. HONORIS CAUSA EÖTVÖS LORAND UNIVERSITY BUDAPEST

2011 IAFS 2005 HONG KONG FORENSIC FOUNDATION

LECTURE AWARD, presented at the 19th IAFS Triennial Meeting of the INTERNATIONAL ASSOCIATION OF FORENSIC SCIENCES, Funchal-Madeira-Portugal, September 2011

2010 HUMAN RIGHTS AWARD, PANTEION UNIVERSITY ATHENS

2008 HUMAN RIGHTS MEDAL, UNIVERSITY OF MAGDEBURG

2008 MEDAL OF HONOUR, EUROPEAN INTER-UNIVERSITY CENTRE FOR HUMAN RIGHTS AND DEMOCRATISATION, VENICE

2007 BRUNO KREISKY PRIZE FOR HUMAN RIGHTS for outstanding achievements for services to international human rights

1994 UNESCO PRIZE FOR THE TEACHING OF HUMAN RIGHTS (HONOURABLE MENTION) in recognition of the outstanding contribution to the development of the teaching of human rights.

Key Publications

Manfred Nowak

- 2016** HUMAN RIGHTS OR GLOBAL CAPITALISM, THE LIMITS OF PRIVATISATION, Pennsylvania, 256 pages
- 2015** MENSCHENRECHTE – EINE ANTWORT AUF DIE WACHSENDE ÖKONOMISCHE UNGLEICHHEIT, Vienna/Hamburg, 176 pages
- 2014** VIENNA+20 ADVANCING THE PROTECTION OF HUMAN RIGHTS. ACHIEVEMENTS, CHALLENGES AND PERSPECTIVES 20 YEARS AFTER THE WORLD CONFERENCE (edited together with Julia Kozma and Anna Müller-Funk), Vienna/Graz, 450 pages
- 2012** ALL HUMAN RIGHTS FOR ALL – VIENNA MANUAL ON HUMAN RIGHTS (edited together with Karolina Januszewski, Tina Hofstätter), Vienna/Graz, 672 pages
- 2012** FOLTER: DIE ALLTÄGLICHKEIT DES UNFASSBAREN, Vienna, 240 pages
- 2010** A WORLD COURT OF HUMAN RIGHTS – CONSOLIDATED STATUTE AND COMMENTARY (together with Julia Kozma and Martin Scheinin), Vienna, 112 pages
- 2008** THE UNITED NATIONS CONVENTION AGAINST TORTURE – A COMMENTARY (together with Elizabeth McArthur), Oxford, 1649 pages
- 2003** INTRODUCTION TO THE INTERNATIONAL HUMAN RIGHTS REGIME, Leiden (Spanish translation 2009, Chinese translation 2010), 365 pages
- 1994** WORLD CONFERENCE ON HUMAN RIGHTS, THE CONTRIBUTION OF NGOS, REPORTS AND DOCUMENTS (ed.), Vienna, 298 pages
- 1993** U.N. COVENANT ON CIVIL AND POLITICAL RIGHTS – CCPR COMMENTARY, Kehl/Strasbourg/Arlington (2nd edition 2005, Chinese translations 2003 and 2008), 1277 pages
- 1989** CCPR-KOMMENTAR, KOMMENTAR ZUM UNO-PAKT ÜBER BÜRGERLICHE UND POLITISCHE RECHTE UND ZUM FAKULTATIVPROTOKOLL, Kehl am Rhein/Straßburg/Arlington 1989, 946 pages
- 1988** POLITISCHE GRUNDRECHTE, Vienna/New York, 585 pages
- 1983** DIE EUROPÄISCHE MENSCHENRECHTSKONVENTION IN DER RECHTSPRECHUNG DER ÖSTERREICHISCHEN HÖCHSTGERICHTE (edited together with Felix Ermacora and Hannes Tretter), Vienna 1983, 732 pages.

Interview

Governments should think twice before putting children in detention – UN expert Manfred Nowak

Despite progress in the realization of children's rights, as set out in the Convention on the Rights of the Child, which entered into force on 2 September 1990, too many commitments remain unfulfilled. This is particularly true for children deprived of liberty, who often remain invisible and forgotten.

To address this situation, the United Nations General Assembly, by resolution 69/157 adopted on 18 December 2014, invited the Secretary-General to commission an in-depth global study on children deprived of liberty.

In October 2016, Manfred Nowak of Austria, an independent expert, was selected to lead the study.

Mr. Nowak is professor of international law and human rights at the University of Vienna and Secretary-General of the European Inter-University Centre for Human Rights and Democratisation in Venice. He was previously the United Nations Special Rapporteur on Torture and a member of the UN Working Group on Enforced or Involuntary Disappearances.

He spoke with UN News on his new mandate. The excerpts from the interview follow.

UN News: What is meant by 'children deprived of liberty'?

MANFRED NOWAK: It concerns the right to personal liberty. Whenever I put you in a particular place, and lock the door, then I deprive you of your right to personal liberty. Most people think about prisons and jails. But in reality, there are many more places where adults and children are being detained. In the Optional Protocol to the Convention against Torture of 2002, the United Nations provided a definition. [Deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.] This instrument created the UN Subcommittee on Prevention of Torture and national preventive mechanisms that inspect prisons, psychiatric hospitals, police lockups, and also special detention facilities for children and young persons.

UN News: Can you briefly explain the context in which your mandate was created?

MANFRED NOWAK: There are many children deprived of liberty, and it is a very serious problem because you destroy the lives of children if you lock them away. Unfortunately, that's the case in too many countries. In some States, the minimum age of criminal responsibility is very low. When I was UN Special Rapporteur on Torture, I found many kids of nine, ten and eleven years old locked away in prisons. There are many unaccompanied minors, migrant and refugee children in Europe and other areas of the world who are deprived of liberty and put in migration detention centres. Other kids are held in special institutions for children with disabilities, street children, orphans, drug users, or children who are regarded as difficult to educate. In the context of armed conflicts, there are child soldiers and children involved in terrorism and other national security crimes. Then we have children, in many countries, who live with incarcerated parents in prison. There are many different reasons why children are deprived of liberty, but we simply don't know how many children [are locked away around the world]. We have no real estimate, but suspect that more than a million children are kept in detention, despite the fact that the Convention of the Rights of the Child says in principle, children should not be detained, and detention should be a measure of last resort.

But in reality, many children are locked away for many years. In order to shed light on the phenomenon of children deprived of liberty, we need to gather data. We request Governments, different UN agencies, non-governmental organizations and other stakeholders to provide reliable data, from all countries in the world, about how many children are actually deprived of liberty.

We also wish to identify the alternatives and best practices. There are many countries that have done quite a lot to reduce the number of children in detention. Others could learn from them.

UN News: What differentiates this study from other studies on children?

MANFRED NOWAK: There are two major global studies on children. First is an expert study in 1996 by Graca Machel about children in armed conflict, primarily child soldiers. That study raised awareness about the seriousness of this issue, and led to the creation of the mandate of the Secretary-General's Special Representative on Children and Armed Conflict. Ten years later, Paulo Sérgio Pinheiro conducted a global study on violence against children. Again, this raised awareness that so many children are subjected to violence in families, schools and all kinds of circumstances. Again, this became a major issue for the UN.

My study is a third, and a follow-up to those previous two studies. In principle, locking children up amounts to structural violence against children. It should only be allowed as an exceptional measure and only for a very short period of

time. I hope this global study will raise awareness of a hidden subject of serious violations of the rights of children.

UN News: What are some challenges in conducting this study?

MANFRED NOWAK: This study is not about naming and shaming of countries. It is not an exercise that says that's a good country, that's a bad country. We are trying to collect data. We hope that governments will cooperate. Of course, there are always governments that are not happy to provide data. But the real challenge is that data are not simply available. So, the process of conducting this study should raise awareness within governments that it is necessary to know how many children are deprived of liberty.

I'm working in close cooperation with UNICEF [the United Nations Children's Fund], which has offices in some 160 countries. They will assist governments in collecting those data. Collecting data is also in the interest of Governments because they can learn from others and from best practices in order to reduce the number of children in detention. It is also more cost-effective to provide them with social care or put them in small homes with foster parents rather than institutionalizing them.

UN News: You were UN Special Rapporteur on Torture from 2004 to 2010. How does your experience as the Special Rapporteur help fulfil your new mandate?

MANFRED NOWAK: One of the main reasons why I was chosen is that I have six years of experience as Special Rapporteur on Torture. During those six years, I carried out 18 official fact-finding missions to countries in all different regions of the world. If you want to investigate torture, you have to go into closed institutions, police lockups, prisons, and psychiatric institutions. So I spent most of my time in closed institutions. I didn't only look for torture and other forms of ill treatments. I also looked at the conditions of detention. In many countries, the conditions of overcrowded, dirty prisons and other detention facilities are only to be defined as "inhuman and degrading." Children who are locked up may be traumatized for the rest of their lives. These children need social care and love. They don't need to be incarcerated.

UN News: When do you expect to complete the study and what contributions will this study make to the protection of child rights?

MANFRED NOWAK: I'm very confident that as soon as I get the budget to fully start working on the study, it will really have an impact. It will create awareness that so many children who are in reality deprived of liberty should not be there. It will have preventive effects in future. I hope that in the future Governments will think twice before putting children in detention for whatever reasons. It is important to

get children involved who have been detained. We want those children to speak out. We want to also show there are best practices in all regions and there are viable alternatives.

It took about two years to select the independent expert who leads the study. Developing methodologies takes much longer. So honestly speaking, I will not be able to finalize the study until the summer of 2018. It also depends how quickly governments will provide comparative data. While I intend to submit an interim report, the General Assembly will hopefully extend the two-year deadline for the final submission of the global study.

UN News: What kind of childhood did you live, and what influence if any, did that have on your becoming a lawyer?

MANFRED NOWAK: I had a very happy childhood with my parents and with my siblings. I grew up in different areas of Austria. My childhood experience did not lead to becoming a lawyer. My father was a chemical engineer, and my mother had studied English and German and became a teacher in high school. My father wanted me to study at a technical university, and I wanted to study filmmaking. I did different studies, including law, which was purely by incident. My interest in human rights grew toward the end of my various studies.

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