



MOROCCO

TUNISIA

ALGERIA

LIBYA

EGYPT

Western Sahara

MAURITANIA

MALI

NIGER

ERITREA

SENEGAL

THE GAMBIA

GUINEA-BISSAU

GUINEA

BURKINA FASO

CHAD

SUDAN

DJIBOUTI

SIERRA LEONE

CÔTE D'IVOIRE

GHANA

BENIN

TOGO

NIGERIA

CENTRAL AFRICAN REP.

ETHIOPIA

LIBERIA

CAMEROON

SOMALIA

SÃO TOME AND PRINCE

EQUAT. GUINEA

GABON

REP. OF THE CONGO

DEM. REP. OF THE CONGO

UGANDA

KENYA

RWANDA

BURUNDI

INDIAN OCEAN

TANZANIA

ATLANTIC OCEAN

ANGOLA

ZAMBIA

MALAWI

MOZAMBIQUE

MADAGASCAR

NAMIBIA

BOTSWANA

ZIMBABWE

SWAZILAND

LESOTHO

SOUTH AFRICA

# Africa

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# Central and West Africa

Paige Jennings

**T**he year 2010 marked 50 years of independence for many countries in Africa. Elections, some unprecedented, were held in 22 countries, with others planned for 2011. While elections can be a positive indicator of the level of respect for fundamental freedoms, the region offered several examples of how electoral contests can also increase levels of violence, including that based on gender and ethnicity. In this context, women and girls from minority and indigenous groups can be at particular risk, as they may find themselves targeted on the basis of both gender and minority or indigenous identity.

Though the African Union (AU) declared 2010–20 the African Women’s Decade, renewing commitments to gender equality and women’s empowerment, events around the region demonstrated that the rights of women continue to be in need of particular protection. The newly-appointed UN Special Representative of the Secretary-General (SRSG) on sexual violence in conflict highlighted egregious abuses against women during the year, particularly in the Democratic Republic of Congo (DRC).

Across the region, human rights defenders and journalists continued their courageous work on the social issues of greatest concern in their countries. At times, this was at great risk to their own security, as highlighted in the country entries below. Attacks on human rights defenders as well as journalists have a devastating impact, not just on individual lives, but also on the fabric of societies as a whole, by shrinking the space available for free debate and hampering the outside world’s ability to understand developments in their countries.

Concerns continue regarding significant cross-border issues. A number of non-governmental organizations (NGOs) and international bodies

publicized findings regarding the practice of human trafficking, including of women and girls, within and through the region, while others drew attention to the effects of drug trafficking. The treatment of asylum-seekers and refugees, many of whom may belong to minorities in their countries of origin, was also a serious concern. In one example, in July a joint operation between the governments of Uganda and Rwanda saw the forced return of around 1,700 Rwandans from refugee settlements in south-western Uganda. Armed police officers reportedly surrounded them and forced them onto waiting trucks, which proceeded to drop them at a transit centre in Rwanda. The United Nations High Commissioner for Refugees (UNHCR) protested at the failure to respect international standards and reported that not only asylum-seekers but also recognized refugees were among those forcibly returned to their country of origin.

## Efforts to address past human rights violations

The year 2010 also saw a range of positive efforts to address past human rights violations, including those targeted at minority groups.

Former president Charles Taylor of Liberia remains on trial before the Special Court for Sierra Leone. The Court was set up jointly by the government of Sierra Leone and the United Nations (UN) to address serious violations of international humanitarian and Sierra Leone law committed after November 1996. Taylor has pleaded not guilty to 11 charges of instigating murder, rape, mutilation, sexual slavery and conscription of child soldiers.

Efforts continue to bring Hissène Habré, the former dictator of Chad, to justice, following a 2006 recommendation by the AU to Senegal (where Habré lives in exile) that he should be prosecuted. The government of Senegal stated that the trial would proceed if donors funded it; in November they pledged to do so. The Court of Justice of the Economic Community of West African States (ECOWAS) also gave input.

The International Criminal Tribunal for Rwanda (ICTR), created in 1994 in the aftermath of the genocide, continued its work. Cases are currently in progress against 21 people, while two are awaiting trial and guilty verdicts against nine more are under appeal. Ten accused remain at large. The UN Security Council had recommended that the Tribunal



conclude its efforts by 2010, but that deadline proved unrealistic. Meanwhile, the vast bulk of genocide cases – reportedly over 1 million – have been prosecuted in Rwanda before *gacaca*, or traditional community tribunals that have been expanded in order to deal with the significant caseload.

The International Criminal Court (ICC) remained an important mechanism for bringing perpetrators to justice, though its Review Conference in Kampala in June heard calls for more robust prosecution of sexual violence crimes. It is currently hearing cases from four armed conflicts, in the DRC, the Central African Republic (CAR), Sudan and Uganda. In March it opened an investigation into the post-election violence of 2007–8 in Kenya.

The arrest in October in France of Rwandan Hutu rebel leader Callixte Mbarushimana of the Democratic Forces for the Liberation of Rwanda (Forces Démocratiques de Libération du Rwanda, FDLR), on charges of crimes against humanity and war crimes dating from 2009, brings to five the number of alleged perpetrators of egregious human rights abuses in the DRC with cases before the ICC. Four are in international custody. The fifth, Bosco Ntaganda, is a serving DRC army general.

**Above:** Internally-displaced Bambuti woman, Kalehe, South Kivu, DRC. *Mark Lattimer/MRG.*

The trial of Jean-Pierre Bemba Gombo, leader of the Movement for the Liberation of Congo (MLC), opened in November; Gombo was arrested in Belgium in 2008 and transferred to The Hague to face charges of crimes against humanity, including murder and rape, and war crimes allegedly committed in the CAR. Since 2007 the ICC has been investigating abuses against civilians reportedly committed during armed conflict between the CAR government and rebel forces in 2002 and 2003.

ICC arrest warrants issued in 2005 remain pending against three surviving leaders of the notorious Lord's Resistance Army (LRA) for abuses committed in northern Uganda. After being forced from Uganda in 2005, the LRA moved into the Haut-Uele and Bas-Uele districts of Orientale province in the DRC, the Central and Western Equatoria region of Sudan and the Haute-Mbomou province of the CAR. In May the UNHCR reported an alarming rise in its attacks on civilians.

Finally, a UN 'mapping exercise' of a decade of conflict in the DRC, published in October, reported that the Rwandan army systematically killed tens

of thousands of Hutu civilians after it invaded the DRC in 1996 in pursuit of perpetrators of the 1994 genocide and subsequent attacks on the region's Tutsis. The report contained more than 600 alleged incidents of violence, including widespread rape and sexual assault by all sides. While the root causes of the high incidence of sexual violence in the DRC today (see below) are clearly complex, the report highlighted victims' lack of access to justice and the resulting impunity as significant contributing factors. The DRC welcomed the report's release but Burundi, Rwanda and Uganda reacted very negatively, with Rwanda calling it a 'dangerous and irresponsible attempt [...] to undermine the peace and stability attained in the Great Lakes region'.

## **Central Africa**

### **Burundi**

Burundi emerged in 2008 from over a decade and a half of civil war between the army, drawn predominantly from the minority Tutsi group, and militias from the majority Hutu. During the war, women and girls of all ethnic groups were systematically targeted for violence by both sides. This violence did not stop with the cessation of hostilities. In May the outgoing Independent Expert of the UN Human Rights Council on the situation of human rights in Burundi, Akich Okola, reported that gender-based violence had escalated year on year.

Also during the civil war, Batwa, caught in the middle between Hutu and Tutsi militants, both accusing them of loyalty to the other side, were killed in large numbers. They continue to face what the Independent Expert called 'systemic discrimination'. In October the UN Committee on the Rights of the Child (CRC) urged Burundi to 'elaborate a plan of action to protect the rights of Batwa children', particularly marginalized girls. In May MRG published the results of research into the reasons for low enrolment and high drop-out rates of Batwa girls in primary and secondary education in Burundi. The report indicated that Batwa boys and girls from other ethnic groups are twice as likely to go to school as Batwa girls. Drop-out rates for Batwa girls are also double those for Batwa boys. Factors contributing to Batwa girls' lack of access to education include poverty, the attitude of Batwa parents towards the education of girls, and early marriage. Finally, violence and discrimination towards albinos also continues to occur, with at least

three reportedly murdered in 2010.

Nevertheless, Burundi's Constitution does recognize 'minority groups', including ethnic, cultural and religious minorities. It also provides for proportionate ethnic representation in public enterprises, the National Assembly and the Senate. The explicit mention of Batwa as beneficiaries of this ethnic quota constitutes an important step forward for this ancient hunting and gathering community. Despite this, however, stereotyping and marginalization of Batwa people continues, restricting their involvement in political life.

Local, communal, legislative and presidential elections were all held in 2010. In the run-up to the elections, opposition parties reported intimidation and violence from both police and the youth wing of the party in power, the National Council for the Defence of Democracy – Forces for the Defence of Democracy (Conseil National pour la Défense de la Démocratie – Forces de Défense de la Démocratie, CNDD-FDD), which had been formed from one of the main Hutu rebel groups active in the civil war. Other parties organized their own youth wings in response, at times with disaffected young ex-combatants. These groups, including that of the CNDD-FDD's closest rival the National Liberation Forces (FNL), were involved in numerous violent clashes.

The communal elections, held in May, went off peacefully, although Human Rights Watch reported at least five politically motivated killings in the weeks running up to them. The international community officially recognized their results; however opposition parties accused the government of fraud and formed a coalition, ADC-Ikibiri. They pulled their candidates from the presidential race, leaving President Pierre Nkurunziza of the CNDD-FDD unopposed. The beginning of the presidential campaign saw an increased level of violence with grenade and arson attacks mainly on ruling party offices, and killings of both ruling and opposition party activists. Some of the opposition parties boycotted legislative contests as well. The government declared the boycott illegal and banned opposition meetings. Scores of opposition activists were reportedly arrested, and three of their leaders were prevented from leaving the country. President Nkurunziza was inaugurated for a second term in August. His party also won most legislative and local posts.

## Democratic Republic of Congo (DRC)

The DRC is the scene of ongoing violent conflicts often driven by concerns relating to resources or ethnic identity and involving the military and numerous armed groups. An estimated 2 million people are internally displaced, and there are more than 200,000 refugees who have returned or are awaiting return to the eastern part of the country. Human rights abuses, including unlawful killings, torture, recruitment of children and sexual violence, are widespread in conflict areas. Minorities, including Batwa or Bambuti, are particularly vulnerable to attack.

Abuses can at times be fuelled, at least in part, by ethnic identity, as armed groups target communities or groups suspected of supporting opposing forces. Analysts believe that the widespread use of rape, inflicted by all sides and affecting all ethnic groups, has led to the 'normalization' of rape even among the civilian population and has resulted in greater levels of sexual violence generally.

North and South Kivu, in the east on the Rwandan border, is one of the most bitterly contested areas, with 1.4 million people internally displaced. While the roots of conflict in the area are deep and complex, the 1994 genocide in Rwanda served as a catalyst to the current displacement and violence. After the genocide, many Hutu extremist perpetrators joined hundreds of thousands of Hutu refugees who feared retribution in fleeing to the Kivus (among other areas) from Rwanda. From there, the militants launched attacks on the new Rwandan government, as well as on Congolese Tutsi. In 1996 Rwanda and Uganda sent their own forces into the area; in the course of their invasion they and their allies killed thousands of Hutus, both combatants and non-combatants alike. As conflict has continued and spread, all identity groups living in the area have been affected, including Batwa/Bambuti.

Ethnic tensions have been exacerbated by successive waves of conflict-driven displacement, and by the ensuing land disputes. UNHCR estimates that over 50,000 mainly Tutsi refugees from the DRC currently live in camps in Rwanda, but the Rwandan authorities claim that three times that number live outside the camps. The anticipated return of refugees, particularly in light of the February signing of a tri-partite repatriation agreement between UNHCR and the two

governments, has further increased these tensions.

In a controversial move, in 2009 UN peacekeepers began providing support to DRC military operations in the Kivus against the predominantly Hutu rebels of the Democratic Forces for the Liberation of Rwanda, FDLR, in an effort to stabilize the region by military means. However, the DRC military is itself accused of committing violations with impunity, while the FDLR continues to carry out abuses undeterred. Both DRC military and rebel militias have been accused of rapes against the civilian population. All ethnicities have suffered in this regard, though UN and other sources have indicated that specific groups have at times been targeted for particularly vicious or widespread 'retaliatory' rapes and related killings due to the victims' perceived sympathies with rival factions.

The LRA, pushed out of Uganda in 2005, is now said to be operating in a remote border area between southern Sudan, the DRC and the CAR. Between January and April 2010, it reportedly killed at least 96 civilians around the town of Niangara, Orientale province, and abducted dozens more, in spite of the presence of UN peacekeepers there. The LRA has also been accused of forcibly recruiting civilians, particularly children, as porters, cooks and combatants, and of widespread mutilation and sexual violence against women and girls, including during revenge attacks on communities it perceives as supporting the state. By May 2010, the UN reported that the LRA had killed almost 2,000 people in Orientale province since December 2007. For their part, government soldiers have also been accused of serious violations against civilians, including unlawful killings and rape.

In Equateur province, over 100,000 refugees have reportedly fled across the Ubangui River to the Republic of Congo as a result of what began as an inter-ethnic clash between the Enyele and Munzaya tribes over fishing rights, with tens of thousands internally displaced.

During mass expulsions of Congolese from Angola in October, a large number of women and girls were reportedly raped by Angolan security forces. Special Representative of the UN Secretary-General (UN SRSG) on sexual violence in conflict Margot Wallström urged both governments to investigate.

Meanwhile, human rights defenders struggling to protect women and girls and to bring perpetrators

to account are themselves under serious threat. Amnesty International reported that in October Clémence Bakatuseka, an activist working for victims of sexual violence in North Kivu, was reportedly attacked at her home by armed men in uniform demanding money.

In another case, the body of Floribert Chebeya Bahizire, executive director of one of the DRC's largest human rights organizations and of the national network of human rights groups, was found in June in Kinshasa, the day after he was summoned to meet with police officials there. His driver, Fidèle Bazana Edadi, is reported to be still missing.

## Rwanda

The 1994 genocide, in which as many as 800,000 to 1 million people – a large part of the country's minority Tutsi population, along with Batwa and moderate Hutus – were killed, continued to shape Rwanda in 2010.

In marking the International Day of Reflection on the Genocide, UN High Commissioner for Human Rights Navanethem (Navi) Pillay praised Rwanda's 'remarkable progress towards gender equality', noting that more than half of parliamentarians and at least 30 per cent of post-holders in the cabinet and the courts are women (no information was available as to the ethnic breakdown of these women MPs). She commended the opening of an independent Gender Monitoring Office to promote equal opportunity.

In August serving President Paul Kagame was elected to a second seven-year term. International observers reported that the elections were peaceful, but they expressed concerns about the stifling of dissent that preceded them. Numerous media outlets were closed in the months before the polls, some of them under a 2009 law restricting media freedom. None of the main opposition parties were able to participate on polling day. Some had been obstructed from holding the meetings required to register their parties while others were blocked by the detention of their leaders, along with key journalists, under a 2008 law criminalizing 'genocide ideology'. The law, like a similar one prohibiting 'divisionism', is ostensibly intended to outlaw behaviour encouraging ethnic hatred. Both texts, however, have been criticized for impinging on freedom of expression by failing to define clearly which specific acts they penalize. While

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## Special report

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# New technologies and 'Africa's World War'

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ipod, Blackberry, DS, laptop ... for some of us, luxuries, for others, seeming necessities. We certainly do not think of them as tangible links to 'Africa's World War', a ten-year conflict with the highest death toll since the Second World War. Its aftershocks continue, most recently in the form of brutal mass rapes in the DRC, planned and carried out with the aim of terrorizing defenceless communities.

Over four days in July and August, around 200 fighters from a loose alliance of three rebel groups systematically cut off and encircled 13 villages along a 21-km stretch of road in the mineral-rich Walikale territory in North Kivu, DRC. To isolate the population, the rebels took control of the one hill in the area from which telephone calls could be made. They approached mostly at night, on foot through the forest or by road. One group would enter the village while another spread out around it, to catch anyone who tried to run. In some places the men initially told villagers that they had come to protect them. Then, armed with AK-47s, grenades and machetes, they attacked, looting shops and houses. All told they raped or gang-raped at least 303 people, including women, men, girls and boys.

Local residents, most of whom belong to the Nianga ethnic group, told UN investigators that their communities had been targeted as punishment for suspected pro-government sympathies. They said that they believed rape was deliberately chosen as a weapon because of



the stigma traditionally attached to in their culture. There were no DRC army units in the region at the time. It was not until 13 August that UN troops stationed nearby substantiated rumours of attacks and began to respond; by then, it was far too late.

These horrific events have their roots in long-standing tensions over identity, citizenship, land rights and related issues in the region. These were exacerbated by the 1994 Rwandan genocide, in which up to 1 million people were murdered in just 100 days. Two and a half years later Rwanda invaded neighbouring DRC (then Zaire) in pursuit of those responsible.

Over time, nine African nations and up to 20 armed groups became involved in the conflict, in large part due to the vast natural resources in the region. These include coltan, a rare commodity essential to the global electronics industry; according to a December report by the NGO Global Witness, this industry 'accounts for much of the demand for

**Above:** A man holds Coltan (columbite-tantalite) in his hands, the precious metal used to make consumer electronic products, DRC.

*Sven Torfinn/Panos.*

eastern Congo's minerals'.

When foreign armies withdrew, the militias remained behind, their allegiances largely fluid and their main motivation greed.

Leaders may grow extremely wealthy from the mines, but this does not necessarily trickle down. As an April report by Oxfam on sexual violence in the region pointed out, militias on the ground are poorly paid and supplied, relying on looting to get what they need. This brings them into direct confrontation with local communities. In this context, rape is an effective, inexpensive, low-tech way to terrorize and impose control on an entire population.

In the wake of the attacks, DRC authorities

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## Special report Continued

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established a commission of military, judicial and police officials to investigate the events and bring the perpetrators to justice. However in January UN authorities reported that the dozens of victims who had dared cooperate with these authorities had apparently received threats.

In a briefing to the UN Security Council on the Walikale attacks, the SRSG on sexual violence in conflict, Margot Wallström, drew special attention to the nexus between illegal mining, the presence of militias and attacks on civilians, particularly women. UN High Commissioner for Human Rights Navi Pillay reiterated this concern:

*'so long as this free-for-all continues, with the mines and quarries controlled by armed groups or other rogue elements, the local population will be prey to attacks such as these.'*

This issue is not new. Some mobile phone companies began trying to track their suppliers after a 2001 Security Council report of proceeds from the mines funding rebel attacks. In November the Security Council went further, adopting a resolution urging the use of due diligence guidelines for importers, processing industries and consumers. For its part, the US Congress in July passed a bill requiring companies trading in or using key minerals to report yearly on their sources and supply chain.

Sourcing of component elements for electronic equipment is not, of course, the only human rights issue facing the industry; if anything, it represents one end of the scale of concerns. At the other, 'user' end are concerns about the potential misappropriation of social networking technologies to spread messages of hate and mobilize ethnic or sectarian violence.

Sitting at the computer or sending a text, the forest of Walikale may seem a world away. It is closer than you think. ■

government sensitivities regarding the mention of ethnic differences are understandable given the country's recent history, its stance risks concealing discrimination against vulnerable minorities such as Batwa and women from minority groups. The government announced a review of the 'genocide ideology' law in April.

Two prominent government critics were killed in the months preceding the election, contributing to a climate of tension and fear. These were André Kagwa Rwisereka, former supporter of the party in power who left in 2009 to help found the Democratic Green Party, and journalist Jean-Leonard Rugambage, who had been investigating the attempted murder a week earlier of a former military chief-of-staff who had become an increasingly outspoken critic of the government.

## Uganda

The UN Committee for the Elimination of Discrimination against Women (CEDAW committee) noted some positive developments in Uganda, for instance in regard to new legislation prohibiting domestic violence, human trafficking, female genital mutilation and sexual violence against women during conflict. A law criminalizing female genital mutilation (FGM) was signed in March. Perpetrators can face sentences of up to ten years in jail, increasing to life in cases where the victim dies. The BBC reported that it is still practised by some Sabiny, some Karamojong sub-groups and Pokot in eastern Uganda, as well as Nubi of West Nile. In its October observations, the CEDAW committee welcomed the law but expressed concern at the 'continued prevalence of this harmful practice'. In addition, a number of other serious concerns relating to women's rights remained.

In May MRG published the results of research into violence against Batwa women in Uganda. One hundred per cent of Batwa women responding to individual interviews reported having experienced some form of violence; for the majority, the violence was ongoing or had occurred in the past 12 months. This is significantly higher than national averages.

Before it was pushed out of northern Uganda in 2005, 20 years of conflict involving the LRA had forced an estimated 1.5 million people to leave their homes. The Office of the UN High Commissioner for Human Rights (OHCHR) reported in June that 240,000 remain in camps.

Vulnerable people, including older women and those with disabilities, faced particular difficulties in returning home. Community support on which they would traditionally have relied has been disrupted, and their home areas lack security and health services. In the camps themselves, they are particularly at risk of sexual violence, the prevalence of which is 'inordinately high' in Uganda according to the CEDAW committee.

Karamoja in north-east Uganda is home to the Karamajong, a traditionally pastoralist ethnic group badly affected by the local impact of climate change. More frequent cycles of drought in an already harsh environment have led to ever greater competition for scarce resources, and cattle-raiding and the violence accompanying it have increased. Raids by armed bands of cattle rustlers have led to heavy security force responses in which civilians have been killed. In January at least 13 people, including children and women, were reportedly killed during a military operation against gangs in the area; in April at least half of the ten deaths confirmed by the OHCHR in similar circumstances were children.

In March a fire destroyed the Kasubi tombs, a world heritage site in Kampala and the burial site of the kings of the Baganda, Uganda's largest ethnic group. President Yoweri Museveni was met by protests when he tried to visit the scene, and his guards reportedly shot and killed at least three people.

Moves to begin exploiting oil reserves at Lake Albert fuelled tensions around the proposed distribution of the eventual proceeds from resource extraction. Most of the drilling is set to take place in zones belonging to the Bunyoro kingdom, and some of its members, as well as environmental activists, have demanded greater participation in the process and more transparency about the government's agreements with oil companies.

Bombs in a restaurant and in a crowd watching the football World Cup final killed at least 76 people in Kampala on 11 July. Somali Islamist group al-Shabaab claimed responsibility, reportedly in retaliation for Uganda's participation in the AU military force in Somalia. Following concerns about the impact of the attacks on relations between Uganda's Muslims and Christians, President Museveni publicly cautioned Ugandans not to collectively blame Somalis for the bombing. Two Kenyan activists working on the cases of suspects detained in relation to the events were themselves

arrested in September. One was released, but the other, Al-Amin Kimathi of the Nairobi-based Muslim Human Rights Foundation, remained in detention.

The 2011 presidential campaign opened in November, with President Museveni seeking another five-year term. He was returned to office in February 2011.

## **West Africa** **Côte d'Ivoire**

Côte d'Ivoire has over 60 ethnic groups, whose linguistic and cultural identities and interrelationships are complex. The five main cultural clusters are: the dominant Akan-speakers, who make up 42 per cent of the population; Northern Manding (Mandé); Voltaic peoples; Krou; and Southern Manding (Mandé). The Baoulé, an Akan sub-group, are the largest single ethnic group, comprising about 15–20 per cent of the total population.

Long-delayed presidential elections were held in Côte d'Ivoire, the first in a decade. The previous contest, in 2000, was followed by widespread violence. In 2002 a group of army officers attempted a military coup. They failed to overthrow then President Laurent Gbagbo but did take control of the country's largely Muslim north, arguing that northerners had been treated as second-class citizens by a largely southern government. A ceasefire in 2003 followed by political accords in 2007 eased tensions between the regions, but they remained effectively partitioned.

Xenophobic election campaign language heightened tensions between north and south. Gbagbo and his 'Young Patriot' supporters questioned the nationality of his main opponent, northerner Alassane Ouattara, playing on the perception among some of the public of northerners as descendants of economic migrants drawn to Côte d'Ivoire by its relative affluence over past decades.

Calls by Gbagbo's supporters for 'foreigners' – largely those with Muslim names – to be barred from the electoral roll were met by protests. The 10,000-strong UN Operation in Côte d'Ivoire (UNOCI), in the country since 2004, reported that 13 demonstrators and bystanders were killed by security forces in February following Gbagbo's decision to dissolve the government and the Independent Electoral Commission (IEC).

The first round of the presidential elections, in

October, went off peacefully, with an estimated turnout of over 80 per cent. The run-off between Gbagbo and Ouattara was held on 28 November. The UN Special Representative said that it had taken place in a democratic climate, and other international observers agreed. The IEC declared Ouattara the winner with over 54 per cent of the vote. However, Gbagbo appealed to the Constitutional Council, which overturned the IEC findings and declared him the victor. The UN, the AU, the ECOWAS, the European Union (EU) and individual governments recognized Ouattara's victory; but Gbagbo, with the backing of the army, refused to step down.

This refusal was followed by violence, including 'disappearances', extra-judicial killings, unlawful use of force and other violations. Most were attributed to security forces and militias loyal to Gbagbo. Francis Deng, the Special Adviser of the Secretary-General on the Prevention of Genocide, and Edward Luck, the Special Adviser of the Secretary-General on the responsibility to protect, expressed concern at indications that some leaders were 'inciting violence between different elements of the population so as to serve their political purposes'. By the end of December, the UN reported that 173 people had been killed in the violence, which was showing little signs of abating. UNHCR reported that over 15,000 people, including supporters of both camps, had fled to Liberia from western Côte d'Ivoire out of fear of political violence; others had arrived in Guinea.

## Guinea

Presidential elections in 2010 offered Guineans their first real opportunity to choose their own leaders, after successive dictatorships following independence from France. When Lansana Conté, president for 24 years, died in 2008, a military coup followed. Its leader, Captain Moussa Dadis Camara, promised elections but then announced his intention to run. A peaceful demonstration by tens of thousands of opposition supporters at a Conakry stadium in September 2009 was brutally dispersed by security forces and militia. In several days of violence at least 150 people were killed and scores of women raped. More than 1,500 were wounded, and many others detained. The majority of victims were reported to be from the majority Peuhl (Fula) ethnic group.

The events were placed under preliminary

**Right:** A Haratine woman and her son, Sahara Desert, Mauritania. *Robert Moran.*

examination by the ICC. In February the deputy prosecutor Fatou Bensouda announced her belief that 'crimes constituting crimes against humanity were committed'.

In December 2009 Dadis left the country after being shot by an aide. His deputy, General Sékouba Konaté, joined with opposition groups to form an interim government. He announced elections for mid 2010 and promised that no serving member of government would be allowed to stand. The first round of the elections, in July, was predominantly peaceful. Former prime minister Cellou Dalein Diallo, a Peuhl, won 43 per cent of the vote in June, so he and the runner-up, opposition leader Alpha Condé, moved to a second round in November.

The contest between Diallo and Condé, a Malinké, fuelled existing tensions between their ethnic groups. Guinea's first president, Ahmed Sekou Touré, a Malinké, led the country from independence in 1958 until 1984, and those from his ethnic group held relatively favoured status during his tenure. He distrusted the Peuhl, however, and they suffered disproportionately under what became an increasingly autocratic and brutal state. Though they represent the country's largest ethnic group, a Peuhl has never led the country, and many Diallo supporters felt that this situation was due to change.

The 15 November run-off was carried out fairly peacefully, and international observers said that it appeared free and fair. However, violence erupted after Condé was found to have won by a narrow margin. A state of emergency was declared, imposing a curfew and granting security forces extra powers. Inter-communal violence, as well as violations by security forces accused of systematic attacks against Peuhls, reportedly resulted in at least seven deaths and several hundred people injured. However, the new government was installed peacefully. At year's end President Condé named himself defence minister. He promised to reform the military and to organize a truth and reconciliation commission to address past human rights violations.

## Mauritania

In August the UN Special Rapporteur on contemporary forms of slavery, Gulnara Shahinian,



reported that 'de facto slavery continues to exist in certain remote parts of Mauritania', despite the legal abolition of the practice in 1980 and its criminalization in 2007. She indicated that Haratine, or 'Black Moors', are the ethnic group most at risk. In this situation, she reported, women suffer 'triple discrimination: firstly as women, secondly as mothers and thirdly as slaves. They are viewed by their masters firstly as labour and secondly as producers of a labour force.' Among other violations, they are systematically denied the right to a family life, and have no rights in their children.

In December up to eight activists from the Initiative for the Resurgence of the Abolitionist Movement in Mauritania (Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie), were said to have been arrested on public order charges, in the course of a police investigation into a case of possible slavery that they had reported.

The UNHCR repatriation programme for Mauritanian refugees in Senegal, begun in 2008, resumed in October after a 10-month break. Most of the refugees are black Africans from the Peuhl ethnic group. They were forced to flee in April 1989 following ethnic violence sparked by the alleged killing of two Senegalese farmers in a dispute over grazing rights with Mauritanian herders in the Senegal River valley border region. Returnees face a number of obstacles. Disputes over ownership of property are frequent, as other families have often occupied lands left vacant by the fleeing refugees. Some children of returnee families, born in Senegal, do not speak local languages.

In January a group of 34 Muslim clerics and scholars in Mauritania signed a *fatwa*, or religious decree, banning FGM. In 2009 the UN CRC reported that some 70 per cent of girls in Mauritania undergo the procedure, and all ethnic groups are affected; it is more prevalent in rural areas.

## Nigeria

Nigeria opened 2010 with uncertainty, following the hospitalization outside the country of President Umaru Yar'Adua. In February the National Assembly named Vice President Goodluck Jonathan acting president. In May Yar'Adua, a northerner, died, leaving Jonathan, from the oil-rich Niger Delta in the south of the country, to finish the final year of his term. The dominant People's Democratic

Party (PDP) named Jonathan as its candidate for April 2011 elections, in spite of an informal arrangement whereby northerners and southerners alternate every two terms in the Presidency.

The Middle Belt dividing the largely Muslim north and the largely Christian south has long been an area of tensions, in part due to a system whereby people are classified as 'indigenes' or 'non-indigenes' depending on where their parents or grandparents were born. 'Non-indigenes', in this region, generally Muslims from the Hausa group, are barred from competing for government jobs or academic scholarships, leading to resentment against 'indigenes', most often Berom Christians. While ostensibly intended to protect traditional cultures, the policy has served to divide communities, fuel identity-based politics and deepen existing disputes, for example over land.

These tensions reignited in Jos, the capital of Plateau State, on 17 January, between rival mobs reportedly armed with guns, bows and arrows, and machetes. At least 200 people were killed, with another 5,000 estimated to have been forced from their homes.

Violence spread to the town of Kuru Karama, 30 km away, where at least 150 Muslim residents were reportedly massacred by marauding gangs believed to be Christian. Some of the victims reportedly sought refuge in the local mosque. On 7 March, in what were said by police to be revenge attacks, several hundred Christians were reportedly massacred in the villages of Dogo Nahawa, Zot and Ratsat, 10 km from Jos. In this case the attackers were said to have been Muslim.

UN High Commissioner for Human Rights Navi Pillay called for:

*'... a concerted effort to tackle the underlying causes of the repeated outbreaks of ethnic and religious violence which Nigeria has witnessed in recent years, namely discrimination, poverty and disputes over land.'*

At year's end, however, violence flared again. Christmas Eve bombs in Jos reportedly killed at least 80 people, sparking more inter-communal violence. Around ten people were said to have been killed in a series of attacks in Maiduguri. The Islamic sect Boko Haram claimed responsibility; police arrested 90 suspects and were accused of excessive use of force and other violations in the process.

Armed groups based in the Niger Delta have long demanded more even distribution of government income from oil production, which over the last decades has caused environmental damage that has wiped out traditional livelihoods such as farming and fishing. An August 2009 amnesty brought a pause in their activities. However, in October the Movement for the Emancipation of the Niger Delta (MEND) claimed responsibility for two car bombs in Abuja during celebrations marking the 50th anniversary of Nigerian independence, though some members disputed its involvement. At least ten people were killed. By year's end sabotage of pipelines and kidnappings of workers had resumed. The Nigerian army said that six civilians were killed in mid-December when it attacked a suspected militant base near the Niger Delta community of Ayakoromo; local groups said the number was higher.

# East and Horn of Africa

**George Mukundi Wachira**

Legal and institutional reforms and elections were key highlights of the year 2010 in East and Horn of Africa. The adoption of constitutional reforms in Kenya, and elections in Sudan and Ethiopia, were ostensibly aimed at improving and guaranteeing citizens' fundamental rights and freedoms, and promoting the rule of law and good governance. But ironically, in all three cases, minorities and indigenous peoples were left more vulnerable following these events.

In Kenya, the promulgation of a new Constitution on 27 August 2010 was hailed by many Kenyans, including those belonging to minority and indigenous groups, as promising a new start for the country. It may be too early to pass verdict, but so far that promise is yet to be realized. Already since August, the president has been compelled to withdraw a list of nominees to key constitutional offices – the Chief Justice, Attorney-General and

Director of Public Prosecutions – on the basis that he did not adequately consult the Prime Minister and did not follow the requirements laid down in the Constitution regarding gender parity and the processes requisite in such nominations. Such a development raises questions as to the extent to which ordinary citizens' views are being taken into account in processes and mechanisms to implement the new constitutional order.

Of equal if not greater significance in Kenya during the reporting period is the question of dealing with impunity with regard to the post-election violence in 2007–8. Following the failure of the state to prosecute those responsible for the violence – which particularly affected minorities and indigenous peoples in the Rift Valley – the International Criminal Court (ICC) issued summonses in 2010 for six suspects to appear before the Court. The possible indictment of the six suspects has serious ramifications, given that the suspects continue to occupy high leadership positions in the country. Indeed, the Kenyan government is seeking a deferral from the United Nations (UN) Security Council for these cases, ostensibly with the aim of accord an opportunity for the domestic courts to proceed with prosecutions.

In Sudan, reflecting earlier patterns, minorities were again excluded from the general elections held in April 2010. The boycott by the main opposition parties, coupled with incidents of violence, intimidation and general insecurity, effectively denied most members of minority groups their right to vote. Minority women in Sudan continued to bear the brunt of the conflict and the seemingly elusive peace in Darfur, a situation that was often compounded by their exclusion from peace negotiations that are ongoing in Doha, Qatar and other world capitals. In the South, members of minority groups awaited the outcome of the referendum to choose between unity and secession which took place in January 2011, in the hope that the outcome would bring an improvement in their human rights situation.

Parliamentary elections in Ethiopia in May 2010 were marred by controversy and riddled with allegations of fraud, violence and intimidation, according to European Union (EU) and US election observers, who also concluded that the elections were not free and fair, and did not conform to

international standards (a view disputed by election observers from the African Union [AU]). Critics, however, continue to accuse Western governments of condoning or turning a blind eye to Prime Minister Meles Zenawi's political repression of his opponents in return for his support in the fight against global terrorism in the region. This repression includes targeting of some minority political movements, such as the Ogaden National Liberation Front and the Oromo Liberation Front. Granted Zenawi is credited with reducing Ethiopia's reliance on development assistance. However, questions abound as to whether minorities and other marginalized groups are gaining from these economic advances, as wealth does not appear to be trickling down to poor people in general, and minorities in particular, particularly in the historically neglected southern, eastern and western border regions.

Eritrea has not held elections since the country seceded from Ethiopia in 1993. The human rights situation of Eritreans generally and of minorities in particular are compounded by UN sanctions imposed on the country in 2009 for allegedly backing Islamist insurgents in Somalia. Apart from the UN sanctions, the fact that relations over borders with all of its neighbours are either severely strained or completely blocked due to disputes, impacts on the human rights situation in the country. The regime has also clamped down on political dissidents, and continues to violate freedoms of religion, movement and expression, with private media outlets closed down and large numbers of journalists imprisoned. Meanwhile in Somalia, widespread human rights abuses and ongoing conflict continue to have a disproportionate impact on minority groups.

## Eritrea

The year 2010 saw sanctions imposed on Eritrea by the UN, following a vote by the Security Council in December 2009. According to UN Security Council Resolution 1907, the sanctions include an arms embargo as a result of Eritrea providing 'political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability'. In addition, the government of President Isaias Afewerki continued to suppress, detain and torture political opponents and prisoners of conscience.

Religious freedom was severely curtailed,

especially for Jehovah's Witnesses, who are opposed to compulsory military service on the grounds of conscientious objection. In 2010, the US Committee on International Religious Freedom (USCIRF) again recommended that Eritrea be classified a country of particular concern. Apart from Jehovah's Witnesses, USCIRF noted that the situation for evangelical and Pentecostal Christians remained very serious. The Eritrean government uses a registration requirement (and the withholding of permission) as a way of curtailing religious activities. Muslims at risk of repression included those who were viewed as radical or opposed to the government-appointed head of the Muslim community. Hundreds of members of unauthorized religious groups continued to be detained. Human Rights Watch (HRW) reported that a woman died in April 2010 following two years' detention in a cargo container for not renouncing her unregistered faith.

Women in Eritrea, including those from minority communities, face state harassment for their own political views and actions, but also as a result of the actions of their children and relatives. Indefinite military service is compulsory for all able-bodied young people, male and female. Each year, many young people leave the country to avoid this, and it appears that their mothers are then targeted. According to a 2009 HRW report on indefinite conscription in Eritrea, families and especially mothers are subject to retribution if conscripts desert and leave the country. In such cases, families are fined 50,000 Nakfa (approximately US \$3,300). Several persons interviewed said that land would be taken or mothers would be imprisoned if the families could not pay the fine.

According to a woman interviewed by HRW, sexual harassment, serious death threats as well as inhumane treatment and conditions are the daily reality of women conscripts in the military in Eritrea. Because of their objection to military service on the grounds of conscientious objection, Jehovah's Witnesses are particularly targeted. HRW concluded that: 'Eritrea's extensive detention and torture of its citizens and its policy of prolonged military conscription are creating a human rights crisis and prompting increasing numbers of Eritreans to flee the country.'

## Ethiopia

As highlighted in *State of the World's Minorities*



*and Indigenous Peoples 2010*, the adoption of the Charities and Societies Proclamation Act of 2009 (NGO Law) has severely restricted the activities of most human rights organizations working in the country. The law also prohibits international organizations from engaging in human rights advocacy and governance work in the country, which has seriously limited the resource capacity of organizations working with minorities, such as the Pastoralist Forum of Ethiopia. According to HRW, the government claims that the legislation:

*'is mainly intended to ensure greater openness and financial probity on the part of nongovernmental organizations. But instead it places such severe restrictions on all human rights and governance-related work as to make most such work impossible, violating fundamental rights to freedom of association and expression provided for in the Ethiopian Constitution and international human rights law.'*

The law appears to be part of a broader strategy to suppress political dissent, limit fundamental human rights and freedoms, and control the populace.

Wider political repression in 2010 continued

**Above:** A young Oromo woman in Central Ethiopia.  
*Eric Lafforgue.*

to affect minority communities, particularly those supporting the Oromo Liberation Front and the Ogaden National Liberation Front (ONLF), whose leaders were detained, harassed or went into exile. In addition, despite the withdrawal of Ethiopian government troops from Somalia, the Ethiopian National Defense Forces (ENDF) used force to quell dissent in its own Somali region (also known as Ogaden). Minority women bore the brunt of the repression, with Amnesty International reporting that there were 'cases of rape and extrajudicial executions by government forces of suspected supporters of the ONLF in the Somali Region of Ethiopia'. The struggle against international terrorism was given as the government's reason for cracking down on dissent, but the opposition insists that these actions are politically motivated.

It is worth noting that in June 2010, the Ethiopian government signed a ceasefire agreement in Germany with one faction of the ONLF. The ceasefire was expected to hold for three months to prevent further loss of life and facilitate a framework for future talks,

and was renewed again in October 2010. However, given that the ceasefire was not signed by all the parties to the conflict, the hostilities continue.

Parliamentary elections held in May 2010 were won by Ethiopia's ruling party, the Ethiopian People's Revolutionary Democratic Front (EPRDF), with a large majority. The elections were judged free and fair by AU observers, but other international observers (such as EU observers) felt that they had fallen short of international standards, and had taken place within a 'narrowing political space', heavily skewed in favour of the incumbent. In such circumstances it is difficult for women from minority communities, especially those perceived to be from the political opposition strongholds of Oromo and Ogaden, to participate effectively, let alone be represented in national government and public affairs. For while women from those constituencies are likely to be targeted by security agencies for their assumed allegiance to opposition political movements, generally 'women are underrepresented in the Ethiopian political scene and within the electoral administration', as observed by the EU Election Observation Mission.

## Kenya

The year 2010 presented significant promise and potential for minorities, while at the same time also witnessing continued derogation of the fundamental human rights and freedoms of some communities. Some significant positive developments included the promulgation of a new Constitution in August 2010, which followed the adoption of a Land Policy and transitional justice mechanisms in 2009, security sector reforms, legal and institutional reforms, and the launch of the 'Kenya Vision 2030' national development plan. The implementation of these processes – the outcome of the 2008 National Accord and Reconciliation Act – proceeded in earnest in 2010, despite some political, legal and capacity-related challenges.

These institutional and legal reforms present an opportunity for minorities and indigenous peoples in Kenya to participate in and influence the implementation of the new Constitution, in a way that could for the first time take into account their historical marginalization, exclusion, needs, special circumstances and aspirations. The new Constitution is progressive and includes provisions that have the potential to secure the rights of

minorities and indigenous peoples in Kenya. For instance, it stipulates national values and principles of governance (Article 10); expressly acknowledges the rights of minorities and marginalized groups (Article 56); protects community land ownership (Article 63); incorporates socio-economic rights (Article 43); guarantees access to justice for all persons (Article 48); guarantees the right to language and culture (Article 44); provides for an equitable share of the national revenue and resources (Article 202); and importantly, devolves power to the people at the local level (chapter 11).

Of key significance to minority and indigenous women in Kenya, the new Constitution provides for 'equal treatment of men and women including the right to equal opportunities in political, economic, cultural and social spheres' (Article 27 (3)). That means that women in Kenya, including those from indigenous and minority communities, have equal rights relative to citizenship, matrimonial property and inheritance. The new Constitution further outlaws any person from compelling another 'to perform, observe or undergo any cultural practice or rite' (Article 44(3)). This provision effectively protects women and girls from harmful cultural practices, which are common in some indigenous and minority communities. In addition, the Constitution calls on the state to 'take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals and groups because of past discrimination' (Article 27 (6); 20 (5)(b)). This can be construed as an express acknowledgment of the historical marginalization and exclusion of minority and indigenous peoples in Kenya.

As the new Constitution is implemented, it is expected and hoped that indigenous and minority peoples in Kenya will begin to enjoy the fruits of *uhuru* (independence). However, minority groups must remain vigilant, given past experiences where they have often been left at the margins of reform processes by elites and mainstream communities. Indeed, during the reporting period, one minority community – Ogiek – were threatened with eviction from their ancestral lands in Mau Forest. An application has since been filed (2009) at the African Commission on Human and Peoples Rights (ACHPR) on behalf of the community by Ogiek Peoples Development Programme (OPDP), Centre

for Minority Rights Development (CEMIRIDE) and MRG, alleging various violations, including forced evictions from their territory and lands.

However, it is important to acknowledge the Ministry of Lands' intimations that it is looking to secure the land rights of indigenous communities. Indeed, responding to a question by a Member of Parliament, Ekwe Ethuro, the Minister of Lands, James Orenge, indicated that the ministry was 'seeking to secure land rights of marginalized communities especially the Endorois, Ogiek and Ilchamus by proposing geographical mapping of their areas and resources'.

In December 2009, the Kenyan parliament adopted a new National Land Policy, aimed at resolving land disputes and addressing historical injustices. Despite this, and promises that the state would implement the 2010 Endorois decision by the ACHPR, this has not yet happened. However, it is encouraging to note that the matter of the implementation of the Endorois decision has been raised in parliament. Ethuro (who is also the chair of the Pastoralists Parliamentary Forum) asked the Minister of Lands a question by Private Notice on the steps the minister had taken to comply with the ACHPR decision on the Endorois. The minister replied that he had yet to receive an authenticated copy of the decision, meaning that he could not proceed towards implementation. He has since received a sealed copy of the ACHPR recommendation.

Women, including those from minority communities, who suffered internal displacement and serious abuse including rape and grievous bodily harm during the 2007–8 post-election violence, are yet to receive legal remedy at the national level. The summons in 2011 by the ICC of six suspects – Former Police Commissioner Hussein Ali, Head of Public Service Francis Muthaura, suspended Higher Education Minister William Ruto, Deputy Prime Minister and Finance Minister Uhuru Kenyatta, Former Industrialization Minister Henry Kosgei, and Head of Operations and Kass FM Radio Presenter Joshua arap Sang – is a significant development, sending the message that impunity will not be tolerated by the international community. However, even if the suspects are formally indicted and arraigned, those indictments at the ICC are not likely to yield much if the Kenyan courts do not bring the thousands of people

who perpetrated violence in the post-election period to justice, in particular those who committed acts of gender-based violence against women.

Inter-communal conflicts between pastoral communities also continued throughout the reporting period. According to the 2010 mission report of the African Commission Working Group of Experts on Indigenous Populations, the Kenyan government's response to such conflicts has often been harsh and one-sided. An example is the case of Samburus of Laikipia and Pokot pastoralists who were involved in conflicts over cattle in 2009. Government forces responded violently, and Samburus accused them of taking sides. Samburus of Laikipia say that they are not adequately represented and therefore lack state protection.

## Somalia

### Anna Horvai and Bobbie Mellor

Many Somalis regularly experience serious human rights violations, regardless of their ethnicity, religion or clan affiliation. These violations become more severe for both women and members of minority groups, resulting in the multiple discrimination that has come to characterize the lives of Somali minority women.

In September 2010, Prime Minister Omar Abdirashid Ali Sharmarke of the Transitional Federal Government (TFG) resigned and was replaced by Mohamed Abdullahi Mohamed. The year 2010 also saw the TFG lose more territory to insurgent groups, dominated by Islamist group al-Shabaab, who now control most of south-central Somalia. In mid August, the TFG's Constitutional Commission (IFCC) submitted a new draft Constitution to the Somali parliament and the cabinet for scrutiny. This was followed by a wider consultation process, with official launches in Galkayo, Galmudug, Garowe, Mogadishu and Puntland. However, by the end of the year minority communities remained largely unaware and excluded from the consultation process.

The '4.5' formula – designed to include minorities in political participation by allowing half a seat for all minorities for every four seats granted to members of the 'majority' clans – further limited the scope for the political participation of minorities in 2010. Although the exact size of the minority population in Somalia is unknown, population estimates are far greater than the proportion reflected in the 4.5

**Right:** Interior of a Bantu family home in Puntland, Somalia. *Petterik Wiggers/Panos.*

formula. And even with this system in place, the government is disproportionately dominated by members of ‘majority’ clans.

Having been postponed for two years, Somaliland’s second presidential election took place on 26 June 2010, resulting in the victory of opposition candidate Ahmed Mohamud Silanyo. HRW reported that the election was ‘reasonably free and fair’ with the exception of one incident in the Sool region, where an individual was killed.

Large areas of both south-central Somalia and Puntland were affected by droughts in both early and late 2010. In March, the UN Security Council reported that over half of UN aid was not reaching civilians, due to it being diverted en route, although this was denied by the UN World Food Programme. According to news reports, al-Shabaab has banned more than 20 aid agencies from working in south-central Somalia. Taken in the context of Somalia’s brutal and ongoing civil war, it is unsurprising that the UN Independent Expert on Somalia, Shamsul Bari, concluded from his visit that in 2010 that: ‘Somalia continued to slide deeper and deeper into humanitarian crisis’.

### South-central Somalia

South-central Somalia is populated by a number of different minority groups, who face considerable discrimination. These include Bantu, Benadiri and Bajuni fishing people. All these minority groups are diminishing in size, as thousands move to camps for internally displaced people’s (IDPs) camps in Somaliland and Puntland and refugee camps in Kenya, where they face renewed discrimination.

Victims of multiple discrimination, minority women across south-central Somalia encounter barriers in every aspect of life, including access to education, health care and employment. One Bantu woman living in south-central Somalia told MRG:

*‘Ethnic minority women don’t play a significant role on the social, [economic] and political platforms in mainstream communities. Most are illiterate and have no capability to improve their quality of livelihoods; most do household chores and other domestic errands mainly in the major clans’ homes. Due to high poverty [levels] and discrimination against ethnic minority*





*women, they do not have access to quality health care as compared to women from major clans who usurp all relief or other medical facilities.'*

Fighting between militant Islamist groups and the TFG's forces, the African Union Mission for Somalia (AMISOM), gave rise to gross human rights violations and discrimination in Mogadishu in 2010. The UN High Commissioner for Refugees (UNHCR) reported an average of at least 20 weapon-related casualties per day in Mogadishu, with intensified fighting during Ramadan, marking 2010 as the worst year for fighting in over a decade.

The version of Shari'a law that al-Shabaab enforces severely breaches international standards and includes a number of 'morality laws', such as dress codes for women, the systematic closure of cinemas, and bans on smoking, *khat*, music, television and sport. Both Amnesty International and HRW reported that girls in Mogadishu and other al-Shabaab-controlled regions, as well as in IDP camps and refugee camps in Kenya, were being forced to cook and clean for al-Shabaab soldiers, and were also forced to marry them in some instances. MRG and Al Arabiya also reported that al-Shabaab conscripted Bantu and Madhiban children into their militia.

Several minority groups, including Bantu, Benadiri and Christians, have been targeted by al-Shabaab for practising their own religions. MRG's 2010 report on Somalia revealed that Bantu women have been forced to wear the hijab, and that some have faced attacks from al-Shabaab members. In January, Compass Direct News (CDN) reported the murder of Christian community leader Mohammed Ahmed Ali, whose wife was subsequently forced to flee the country following death threats. CDN also reported the murder of 17-year-old Christian convert Nurta Farah in the Galgadud region. The teenager was shot dead after fleeing her family, who had beaten her and shackled her to a tree when they discovered she had converted from Islam to Christianity.

A 2010 HRW report also revealed severe restrictions placed upon women by al-Shabaab, including the continued obligation to wear the abaya, a garment supplied by al-Shabaab, which covers the entire body. Due to its expense, families can often only afford one per household, which in turn limits freedom of movement, as only one

woman can leave the house at a time.

As in Somaliland and Puntland, minority women experience sexual violence in IDP camps in south-central Somalia. In one camp, three to five cases of rape were being reported every one to two weeks. However the actual number is likely to be higher, as many women do not report attacks due to stigma and fear.

### **Somaliland**

Despite the relative success of the 2010 Somaliland election, tensions remain high in the Sool, Sanag and Cayn regions claimed by both Somaliland and Puntland administrations. June 2010 saw increasing tension between clans and competition over resources, leading to the displacement of thousands of civilians from these regions.

The maltreatment of minorities in Somaliland remains a significant problem. Somaliland's Gaboye minority held protests in Burao, Somaliland and London, UK in 2010, in order to 'raise awareness [of] the continual suffering of Somaliland, and the minority tribes in Somalia'. In particular, the protests focused on the unwarranted detention and abuse of two Gaboye men and a Gaboye woman in the Aynabo district of Somaliland. According to the protesters, Gaboye lack legal representation and access to justice, and also face violence in the Somaliland courts. Most notably, the Gaboye Minority Organization Europe highlighted an incident involving the abuse and kidnapping of two Gaboye women during a trial, in the presence of a judge and police officers.

In a July 2010 article published by the African Press International, Gaboye clan elder Ahmed Shide Jama identified some of the problems facing Gaboye, including discrimination in the labour market, and lack of political representation and access to healthcare. Moreover, he identified inter-marriage between clans as something treated as a problem, 'despite the fact that [Gaboye] are Somalis and Muslims' as well.

### **Puntland**

According to the United Nations Development Programme (UNDP), Puntland is home to about 35,000 IDPs, many of whom belong to minorities from south-central Somalia, displaced by civil war. These minorities face further and renewed discrimination in IDP camps. A UN database cites '409 incidents of rape, attempted rape/sexual

# Five years on: the Protocol on the Rights of Women in Africa

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On 25 November 2010 it was five years since the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (hereafter the Protocol) entered into force. The Protocol has been ratified by 29 out of 53 AU member states. Of the countries covered in this edition of *State of the World's Minorities and Indigenous Peoples*, only Democratic Republic of Congo, Kenya, Mauritania, Nigeria, Rwanda, South Africa, Uganda, and Zimbabwe have signed and ratified the Protocol.

Drawn up with the close involvement of women's rights activists from across the region, the Protocol essentially supplements the non-discrimination and equality clauses (Articles 2 and 18) of the principal human rights treaty in Africa – the African Charter on Human and Peoples' Rights – by elaborating norms and standards that are crucial for the protection and promotion of women's rights on the continent. The Protocol also seeks inspiration from international standards and instruments such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and UN Security Council Resolution 1325 (2000).

The Protocol codifies important international standards relating to the protection of

women's rights, including but not limited to: non-discrimination; dignity; life, integrity and security of the person; elimination of harmful practices; marriage, divorce and inheritance; rights of widows; access to justice and equal protection before the law; right to peace; participation in political activity and decision making; economic and social welfare; health and reproductive rights; and sustainable development. Article 24 specifically refers to protection of women from 'marginalized population groups'.

In addition, Articles 2(2) and 5 prohibit harmful traditional cultural practices (such as female genital mutilation – FGM). Article 6 prescribes a minimum age for marriage (18 years). Given the prevalence of FGM and early marriage among some minority and indigenous communities in the region, the Protocol thus has the potential to function as a vital advocacy tool for minority and indigenous women (and men) wishing to challenge such practices within their communities.

The Protocol also seeks to give women a central role in the promotion and maintenance of peace and protection from armed conflicts (Articles 10 and 11). Again, given the prevalence of armed conflict in many of the areas where minority and indigenous groups live, these clauses also have the potential to enable minority and indigenous women to press for protection and a role in conflict resolution.

Another provision that is of significant importance to minority and indigenous women is Article 18(2)(c), which seeks to protect and enable the development of indigenous knowledge systems. In addition, the continued economic and social marginalization of minorities and indigenous peoples could be reversed and redressed in Africa if state parties complied with the Protocol to guarantee minority and indigenous women the right to education and training, socio-economic rights, health and reproductive rights, the right to food security, the right to adequate housing, the right to a healthy and sustainable environment, and the

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## Special report Continued

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right to a sustainable development.

The Protocol thus provides a comprehensive framework for the protection of women's rights in Africa, but what difference has its coming into force made to the realization of these rights? This question is even more pertinent for women from minority and indigenous communities in Africa, who face even greater and almost insurmountable challenges – poverty, inadequate resources, illiteracy, and living in inaccessible and remote locations – in employing domestic legal standards and norms for their human rights protection, let alone regional and international standards.

First of all, states ratifying the Protocol are able to list reservations, some of which dilute the enjoyment of the rights enunciated in the Protocol. To date, none of the countries party to the Protocol included in *State of the World's Minorities and Indigenous Peoples 2011* has listed reservations, with the exception of South Africa (the reservations relate to South African law being *more* progressive than certain provisions in the Protocol relating to marriage, the death penalty and nationality).

Further, it is important to note that, without incorporation of the Protocol's clauses into national law, its application remains fraught with numerous challenges. Principal among these is that, at present, implementation of the Protocol effectively relies on the will of individual progressive and judicial activist judges (who may not always be easy to come by). This means that while some judges may choose to draw on the Protocol, overall there is inadequate and inconsistent interpretation and enforcement of the Protocol's standards at the national level. For instance, Zambia has yet to incorporate the Protocol, but it was invoked in a 2006 case by Judge Philip Musonda, with the effect of advancing domestic jurisprudence on eradicating sexual violence against women,

whether the violence takes place in public or private. The case involved the rape of a 13-year-old girl by her teacher in his house (*R.M. v. Edward Hakasenke, Attorney-General* (2006) HP 0327 (Zambia)). In his judgment, the High Court Judge invoked and cited at length the Protocol and found the state in breach of its duty to protect the girl, called on the state to arrest and prosecute the accused, and awarded damages to the girl. He also called on the Ministry of Education to put into place guidelines to protect girls from sexual abuse in schools.

In addition to its championing by individual judges, the Protocol has also been employed by women's rights activists across the continent to develop campaigns to lobby for legal reforms pertinent to the protection of women rights. In the Gambia, the Protocol was the key reference tool in the drafting of the Women's Act, as was the case in Mozambique during the drafting of the Domestic Violence Act. The Protocol has also been employed by activists to lobby against FGM in Tanzania, where it affects minority and indigenous women.

All in all, although five years is not a long time to measure the impact of an international instrument at national level, there is no doubt that, in the short period since its coming into force, the Protocol has stirred progress in Africa with respect to the protection of the rights of women. Of course, much remains to be done, especially for minority and indigenous women. Beyond a drive towards continent-wide ratification of the instrument by the remaining 24 states, what is most important is practical implementation of the Protocol to ensure that women in Africa, including those from minority and indigenous communities, truly realize and enjoy their fundamental rights. ■

assault, forced prostitution and domestic violence' between January and June 2010, with much of this sexual violence occurring in IDP settlements. The women who experience sexual violence in these camps 'are generally of minority clan origin, bereft of clan protection and often forced to engage in risky coping mechanisms', according to UN Independent Expert Bari. A Somali researcher who interviewed women in the Puntland camps for MRG reiterated the dangers facing minority women: '[M]inority women said they seemed to be more vulnerable because there will be no revenge for [sexual violence], or there will be no justice at the end.' Indeed, the researcher suggested that these women are seen as 'easy prey'. As a result, there is a demand for a more robust legal system 'that is accessible to women of all groups' and that recognizes the specific needs of minority women and girls. This is particularly important considering that most cases go undocumented, either because minority women's rights are often neglected by the legal system or because of the stigma associated with sexual violence.

Human trafficking remains a serious issue for IDPs in Somalia. The International Organization for Migration (IOM) emphasizes the susceptibility of IDPs and other vulnerable groups to trafficking, with the Middle East, Sudan and South Africa identified as some of the destinations for human trafficking.

## Sudan

The indictment of President Omar al-Bashir in 2009 by the ICC continued to raise uproar among his political supporters, just as it garnered support from victims of his alleged crimes in Darfur. Many of these victims are members of minority groups, including women who have endured rape, sexual violence and displacement. Although a ceasefire held for much of 2010 between the rebels and the government forces in Darfur – while peace negotiations and discussions were ongoing in Doha and elsewhere – sporadic incidents of violence continued, leading to loss of lives and destruction of property.

The April 2010 general elections did not help much. These were won by the ruling National Congress Party (NCP) of Omar al-Bashir, but were boycotted by the main opposition parties and judged by international observers as falling short of international standards. One of the main

international election observers – the Carter Centre – observed that:

*'the continuing state of emergency, repression of civil liberties, and ongoing conflict in Darfur did not permit an environment conducive to acceptable elections. Given the limited participation of internally displaced persons (IDPs) in Darfur in the census and voter registration, much of the population was left out of the process.'*

Attention was also focused during the reporting period on the upcoming South Sudan referendum, one of the provisions in the 2005 Comprehensive Peace Agreement, which took place in January 2011. The CPA had also envisaged a separate but concurrent referendum for the residents of Abyei – an oil-rich special administrative region – to determine if its residents would elect to join the North or South in case of secession in the January referendum. However, unresolved border issues and residency criteria of who qualifies to vote in that particular referendum led to an indefinite postponement. The decision prompted attendant rising tensions and violent clashes among the residents that are still ongoing and have claimed lives. This includes disputes between Misseriya pastoralists, who are nomadic and seasonally cross into Abyei to graze their animals, and Ngok Dinka, who are the settled inhabitants of the region. It is feared that unless a comprehensive and amicable resolution of the outstanding issues is found, these clashes could escalate into a wider civil conflict. Experts suggest that to avoid this and address the Abyei question would entail granting full grazing rights for Misseriya herders if Abyei does join the South, an open and flexible approach to citizenship by both Khartoum and Juba, that allows for citizenship for Southerners who are established residents in the North (and vice versa), resources invested in citizen-led mediation mechanisms in case of tensions between Misseriya and Ngok Dinka, and a fair and transparent process for a referendum in Abyei, with international observers.

At the time of writing this report, the South had suspended post-referendum talks with Khartoum, accusing President Bashir of plotting to overthrow the new government ahead of the region's secession. According to Pagan Amum Okiech, the Secretary-General of the Sudan People's Liberation Movement, that decision followed reports alleging

that ‘the ruling National Congress Party (NCP) of Sudan was recruiting, arming, financing and deploying militias in South Sudan with the aim of destabilizing the South’. Reports in March 2011 indicated that the escalation of fighting between the Sudan People’s Liberation Army and rebel groups had left more than 100 dead since the referendum, with Fangal, in Jonglei and Malakal, the capital of Sudan’s Upper Nile state, all particularly badly affected.

The South Sudan referendum concluded peacefully in favour of secession, and heralded the 54th independent state in Africa (expected to be declared officially in July 2011). But there is concern that the tenfold surge in population in Juba (the capital of the South) in anticipation of better prospects that occurred over the course of 2010 is already stretching available resources to the limit. The long period of civil war in Sudan and the inequitable distribution of resources by the North to the South mean that infrastructure is inadequate for rapid economic development in the South, and the new state will have to start from scratch. The sudden increase in population is also impacting on levels of gender-based violence. A 2010 report by the Humanitarian Policy Group entitled *Gender, Violence and Survival in Juba, Southern Sudan* reveals that urbanization and people’s experiences during the displacement have led to changed gender roles and challenges, leading to increased domestic and sexual violence. The UN news agency IRIN also observed that ‘if there is one group that faces special challenges in Southern Sudan, it is women. Principal among them is gender-based violence, which is under-reported and spreading given the long history of conflict, certain traditional practices and weak judicial systems’.

# Southern Africa

## Rahnuma Hassan

Across Southern Africa, the indigenous peoples known as Khoisan, San, Basarwa or Bushmen continue to face discrimination. Driven to the

margins of society, their struggle to retain their culture and use of their traditional land has had a huge negative impact on their well-being. In 2010, the most prominent of these struggles for land rights took place between the Botswana government and G/wi and G//ana communities living in the Central Kalahari Game Reserve (CKGR). In Namibia, Khwe people also expressed their concern over the establishment of a 10,000 hectare farm in the Bwabwata National Park. The proposed site covers a forested area which is home to many plants that are important for tribal livelihoods; any clearing of the area will have a negative impact on the community. Khwe consider the land to be theirs, but were not consulted when the decision to build the farm was made. Instead, permission to use the land was granted by the Hambukushu Chief, who technically represents the Khwe community, since the community’s own traditional leaders are not recognized by Namibian law. This dispute highlights the need for Khwe people to have their traditional leaders recognized under the Traditional Authorities Act 25 of 2000. In May 2010, in protest against government actions, Khwe community members boycotted a meeting called by the Hambukushu Traditional Authority.

Although more research is required on the lives of women from San communities, a 2001 study entitled ‘A Gender Perspective on the Status of the San in Southern Africa’ provides some insight into how the lives of San women have been negatively affected by continuous marginalization. The study notes how the status of San women has changed over time, from being considered equals to being regarded as inferior to men. Suggested reasons for these changes include: ‘sedentarization following wide-scale loss of land, the shift to pastoralism and waged labour’, as well as the ‘influence of male-dominated neighbouring communities’.

In Zimbabwe, political unrest has continued to affect civil society as violence becomes more commonplace and tensions still run high. There were also reports of tensions among minority religious groups.

Across the region, gender-based violence remained a pervasive problem, particularly for women from minority and other marginalized communities. In addition, both minority and majority women continue to be affected by the dual legal systems operating in many countries,

whereby both civil/common law and customary law are recognized. Customary law in Southern Africa tends to reflect the patriarchal attitudes of society more explicitly than common law, and puts women at a socio-political and economic disadvantage. Codified customary law may also often reflect the customs of the dominant ethnic group, meaning that women belonging to minority groups are denied rights that they are entitled to under their group's customary laws.

## Botswana

The year 2010 saw a continuation of the tensions between G/wi and G//ana communities of the Basarwa indigenous group and Botswana's government regarding G/wi and G//ana's rights to land inside the Central Kalahari Game Reserve (CKGR). Despite having been granted the right to occupy land within the CKGR as a result of a court ruling in 2006, the government has been slow to respond to the additional needs of the community.

Since their return to the CKGR, G/wi and G//ana community members have continued to suffer due to poor provision of social services within the reserve, including health services, with an adverse effect on women's access to reproductive health care. Due to the government's refusal to reopen the only borehole within the CKGR, the community has struggled to secure access to water sources. Community members have to leave the reserve and travel 300 km in order to fetch water for their homes. In addition to the dispute regarding the borehole, Survival International reported that wildlife scouts had told family members of the community that using donkeys to transport water into the park is not permitted. This increases the difficulty of bringing water into the reserve further, as the Basarwa community do not have access to vehicles and are dependent on donkeys for transport.

James Anaya, the United Nations (UN) Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, expressed concern over the treatment of the Basarwa indigenous group by Botswana's government, in a report released in February 2010. The report stated that although the government, 'may or may not be following the order of the Court in the Sesana case in a technical sense', its behaviour was neither congruent 'with the spirit and underlying logic of

the decision, nor with the relevant international human rights standards'.

At the beginning of June 2010, a court heard an appeal made by the G/wi and G//ana community regarding their access to the borehole in the CKGR. More than a month later, on 21 July 2010, the court announced that it had ruled against the appeal. Human rights activists around the globe decried the decisions made by the government and another appeal was submitted in September 2010. In January 2011, the appeal court overruled the previous judgment, finally allowing the G/wi and G//ana community access to the water borehole.

In regard to women's rights, Botswana has made progress in establishing gender equality over the past years with laws such as the 2004 Abolition of Marital Powers Act, which establishes 'equal control of marriage estates and equal custody of children, [removing] restrictive domicile rules, and [setting] the minimum marriage age at 18.' However, despite theoretical commitment to gender equality, some laws continue to discriminate against women (such as the failure to recognize rape within marriage), and social pressure prevents women from speaking out about gender-based violence, or leaving abusive partners.

In February 2010, in its Concluding Observations on Botswana, the UN Committee on the Elimination of Discrimination against Women (CEDAW committee) expressed concern over the continued violations of women's rights due to the coexistence of customary law and common law. While common law recognizes and protects the rights of women in regard to marriage and property rights, customary law is deeply patriarchal and women's rights are often forsaken for the rights of men. For instance, under customary law, women are considered to be minors. This has particular relevance to women from minority ethnic groups, because customary law as recognized in Botswana reflects the patriarchal practices of the majority ethnic group, the Tswana. Therefore, the specific cultural rights to which minority women are entitled are not expressed in either of Botswana's legal systems, leaving them unprotected from violations against their human rights. For instance, the practices of matrilineal minority groups such as the Wayeyi are not recognized. A case lodged in 2006 with the African Commission for Human and People's Rights (ACHPR) in relation to this issue is still pending.

In late 2010, it was reported that the Paramount

Chief of the Bakgatla (one of the eight major Tswana tribes in Botswana), Kgosi Kgolo Kgafela II, had mobilized Bakgatla against the government and was demanding constitutional reform. They claimed that the current Constitution, with its colonial roots, did not reflect the culture and values of the people and thus should be changed accordingly. It is unclear how this situation will develop, but if the Constitution is changed, it could have serious implications for the rights of non-Tswana groups as well as the rights of women.

In September 2010, it was announced that the government passed an amendment to its Employment Act that will make the dismissal of employees due to their sexual orientation or HIV status illegal. This is significant as homosexuality is criminalized, and 24.8 per cent of 15–49-year-olds are HIV positive in Botswana. The response from civil society organizations was positive yet muted, as many felt that an amendment was not enough to end discrimination in the workplace against those who are HIV positive.

## South Africa

Although women's rights are enshrined in the South African Constitution, women continue to suffer from mistreatment as patriarchal attitudes prevail within the dominant culture. Women are more likely to experience unemployment than men, to have lower levels of education, and to experience violence. Women living in rural communities that follow customary law can be particularly vulnerable to discrimination, as some traditional practices undermine the rights women have under civil law.

A recent study by Community Agency for Social Enquiry (CASE) on women and their access to land ownership shows that even though women's rights are increasingly recognized, conservative attitudes continue to form a barrier to women in accessing land. Of the three areas studied, the municipality of Msinga in KwaZulu-Natal, reputedly a stronghold of Zulu culture and tradition, was found to have the most conservative attitudes towards women and land ownership. Zulu women in Msinga continue to have to rely on male members of their family to access land, as traditions dictate that women can only inherit land through their husbands or in-laws, or through the eldest male child. In the case of polygamous marriages, only the first wife has a right to inherit her deceased husband's land, unless he has

made specific arrangements indicating otherwise. To protect widows from potential landlessness, it is customary for men to marry their brother's widow. However, this often does not happen, and women can be chased away from their homes by their in-laws upon the death of their spouse.

In contrast to women who are affected by traditional customs, Muslim women face discrimination because Islamic marriages are not legally recognized in South Africa. The 2010 case of a Muslim woman in Cape Town, represented by the Women's Legal Centre (WLC), highlights the consequences of such discrimination. The client asked for and was awarded 50 per cent ownership of a property she had previously shared with her ex-husband, on the grounds that, at the time, she had not been allowed to purchase the property jointly because she was not married to her husband under civil law. As a result, the sole ownership rights were transferred to her spouse upon their divorce. Although the Cape Town Housing Policy has now been changed, those in living arrangements agreed upon before the change in policy are still vulnerable to its discriminatory effects.

In February 2010, the Muslim Marriage Bill came under discussion. The aim of the bill is to uphold and protect the constitutional rights of individuals, while respecting the religious significance of marrying under Islamic law for South African Muslims. If passed, the bill would address issues such as the lack of protection available to women married under Islamic law, who subsequently divorce or become widowed. At the beginning of 2011, the draft of the Muslim Marriage Bill was approved by the cabinet and put forward for discussion in parliament.

Gender-based violence is part of the reality for many South African women. For women who are marginalized by mainstream society, this is of particular concern, as violence towards them may be more easily accepted, making support less readily available. In the case of 'corrective' rape, lesbian women (or women assumed to be lesbian) are targeted by heterosexual men who rape them in an attempt to 'change their sexuality'. This practice received global attention in 2010 when members of the lesbian, gay, bisexual and transgender (LGBT) community in South Africa launched a worldwide petition demanding that 'corrective' rape be listed as a hate crime in South Africa, and that the harshest

# Reed dances and virginity tests: balancing cultural rights and women's rights in South Africa

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The traditional Zulu reed dance, uMkhosi WoMhlanga, drew international press coverage in 2010, when South African President Jacob Zuma attended the ceremony as a guest. The reed dance is the culmination of an annual ritual of virginity testing, where young Zulu women submit to an inspection of their virginity (usually undertaken by an older female member of the community). Once their virginity has been ascertained, they are permitted to participate in the reed dance, a ceremony where thousands of young women perform in front of the Zulu king and present him with reeds as a symbol of their chastity. The ceremony has gained popularity as a tourist attraction over recent years and concern has been expressed over the event being targeted by pornography syndicates, as the participating women perform semi-clothed. During the 2010 reed dance, King Goodwill Zwelithini also expressed dismay over problems regarding 'rogue' virginity testers and photos of virginity testing being published online.

The tradition of virginity testing has been condemned by human rights and gender activists as a practice that polices the sexuality of young girls and women, and stigmatizes those who fail to comply with traditional notions of femininity. Additionally, the practice has been associated with spreading the belief that having sex with a virgin can cure HIV, which puts proclaimed virgins at great risk. Although supporters of the practice claim that encouraging chastity through virginity testing helps to curb HIV infection rates, critics have rejected this notion, highlighting how ultimately, the practice merely delays sexual activity and thereby the chance to become infected.

The issue of virginity testing in the Zulu community highlights the difficult balance governments often have to strike between respecting the cultural traditions of minority groups, while also ensuring that the civil rights of women in those groups are not violated by discriminatory practices. In the case of the South African government, the conclusion was reached that the practice of virginity testing harmed women and so it was outlawed in 2005. However, supporters of the practice have largely ignored the ban and continue to perform virginity tests.

The Commission for Gender Equality in South Africa sums it up best by stating:

*'Religious, cultural and traditional practices have every right of expression, but within a human rights framework and without minimizing any other values as expressed in the Constitution. Therefore, when these practices are patriarchal, misogynist and/or discriminatory, this cannot be allowed with the State's consent.'* ■



sentences be made applicable for perpetrators. But during the same period, concerns regarding the humiliating and violent sexual assaults faced by migrants crossing the border from Zimbabwe into South Africa at the hands of armed men and women, known as *magumaguma*, were overshadowed by the FIFA World Cup, held in June and July of 2010.

### Zimbabwe

Despite hopes that the formation of the 2009 coalition government would lead to political stability and constitutional reform, Zimbabwe continued to be affected by political turmoil throughout 2010.

In April 2010, Human Rights Watch (HRW) published a report detailing the ‘illusion of reform’ in Zimbabwe. The organization expressed concerns over the continued ‘lack [of] both political freedom and accurate, non-partisan information about the state of the country and the activities of government’.

In the past, political affiliation was largely determined by ethnicity, as ZANU-PF, President Robert Mugabe’s political party historically represented the interests of the Shona majority ethnic group. Due to the gross mistreatment of Ndebele in the past by Mugabe and the ZANU-

**Above:** Muslim school girls in Cape Town's Malay Quarter, South Africa. *Caroline Penn/Panos.*

PF, the Ndebele minority group was represented by political parties like the now defunct ZAPU party. Although the relationship between political affiliation and ethnicity is no longer as overt, tensions between the two ethnic groups remain. It is difficult, though, to separate violence that occurs along ethnic lines from violence that occurs along political lines.

In the months leading up to the World Cup (that began in July 2010), civil society groups expressed outrage at the government's decision to let the Democratic People's Republic of Korea (North Korea) football team train in Zimbabwe. North Korea was involved in the training of the Fifth Brigade, a group responsible for killing over 20,000 Ndebele during the 1980s. The action showed a great insensitivity of the government towards Ndebele concerns; however, the tourism minister maintained that this was a sporting, not a political matter. In May 2010, it was announced that the North Korean team had cancelled their scheduled stay in Zimbabwe.

In December 2010, a new party was launched, the Mthwakazi Liberation Front. The party has been identified as an Ndebele nationalist party, and seeks to represent the region of Matabeleland, the Ndebele home region. It is unclear if they will be participating in the forthcoming elections announced for 2011.

A 2010 report on international religious freedom published by the US Department of State showed a continuation of violence against Anglicans. Anglicans were arrested, harassed and denied access to their church buildings throughout the year. In May 2010, more than 2,000 Anglicans were barred by the police from attending a special service for Pentecost in the main cathedral in Harare. The report also mentions rising tensions between African Independent/Initiated Churches (AIS) members and Anglicans, due to religious practices such as polygamy. The relationship between the AIS community and Anglicans became particularly strained in Chipinge, a community near the border with Mozambique, as the exacerbation of a measles outbreak was blamed on the AIS community for not vaccinating their children. A health official interviewed by the UN news agency IRIN confided

that the government was working on regulations to make it an offence for parents to deny their children vaccinations against 'killer' diseases.

In 2010, a South African court ruled unlawful the violent land grabs that had occurred in Zimbabwe against white minority farmers. The papers to a house owned by the Zimbabwean government in Cape Town were given to the plaintiffs as compensation. Although any money received from the sale of the house will go towards legal fees, the ruling creates a precedent for farmers who lost property in Zimbabwe to file for compensation in South African courts.

Like Botswana, Zimbabwe has a dual legal system, supporting both common and customary law. Although common law protects the rights of women in some respects, gender equality is undermined by customary law. Forced and early marriages under customary law are common, women are considered to be minors, widows are not allowed to inherit property from their husbands, and daughters are only allowed to inherit property from their fathers if there are no sons. Additionally, the custom of the bride price, also known as *lobola* or *bogadi*, is protected by common law and continues to stigmatize women.

Political instability has had a negative impact on the well-being of women in Zimbabwe. Violence against women, particularly rape, is a common tool used to intimidate women who support political opposition groups. Women in rural areas are also particularly vulnerable. Violence is predicted to escalate in 2011 if the proposed elections go ahead; such political unrest will continue to put those who oppose Robert Mugabe's rule at risk. ■