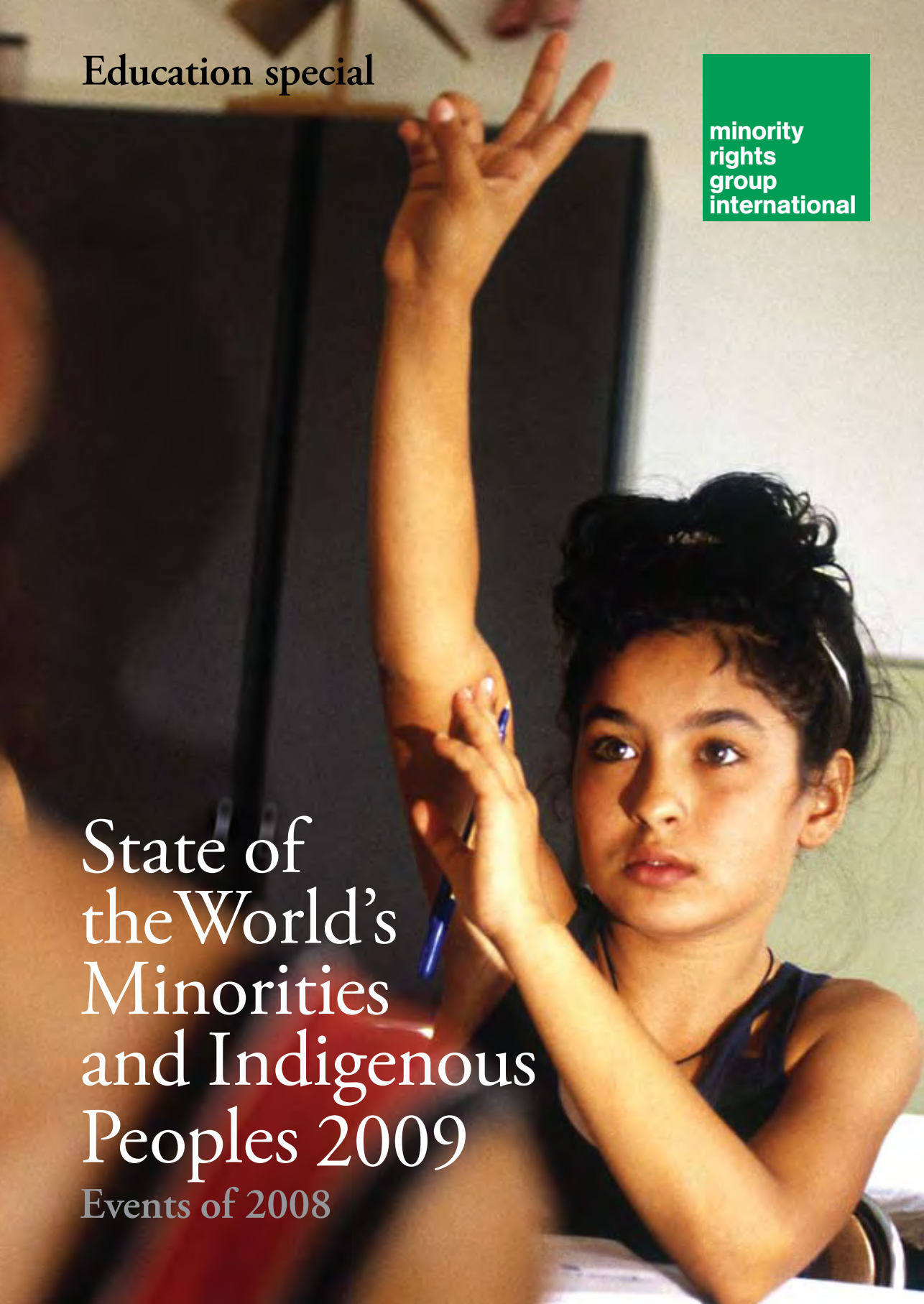


Education special

minority
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State of
the World's
Minorities
and Indigenous
Peoples 2009
Events of 2008





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Indigenous
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Minority Rights Group International

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Minority Rights Group International
54 Commercial Street, London, E1 6LT, United Kingdom. Tel +44 (0)20 7422 4200, Fax +44 (0)20 7422 4201, Email minority.rights@mrgmail.org
Website www.minorityrights.org

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Education special

Edited by Preti Taneja

Education Adviser: Amina Osman

Minority Rights Group International
in association with UNICEF

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Foreword

Gay J. McDougall

*United Nations Independent Expert
on Minority Issues*

John B. Henriksen

Chairperson-Rapporteur

*UN Expert Mechanism on the rights
of indigenous peoples*

As the UN Independent Expert on Minority Issues, over the past three years I have travelled to countries in practically every region of the world. I have talked extensively to people who belong to disadvantaged minorities on every continent. When I ask them to tell me their greatest problem, their most deeply felt concern, the answer is always the same. They are concerned that their children are not getting a quality education because they are minorities. They see educating their children as the only way out of their poverty; their under-dog status, their isolation.

This is a plight that resonates with my own personal story. Slaves in the USA were denied the right to learn to read and write: those in charge realized that knowledge inexorably leads to freedom. Slaves who learned in secret were subject to severe physical abuse.

The public education system in the south of the USA was created to address the education needs of recently emancipated slaves. That promise, however, was short lived. For nearly a century after slavery ended, African Americans in the southern states of the USA were segregated into grossly inferior schools. Even when the Supreme Court in the 1954 landmark decision of *Brown v. Board of Education* decided that racially segregated schools violated the US Constitution, what followed were decades of white resistance to integrating the schools that at times turned violent.

The struggle to achieve equal education regardless of race or class, and the struggle of white communities to avoid integrated schools has been a defining dynamic in the US since the end of slavery.

I am a product of inferior, racially segregated schools – but not a typical product. I was born in the apartheid-like southern state of Georgia when every aspect of life there was segregated along racial lines – most particularly, public education. The Supreme Court decided *Brown v. Board of Education* when I was in primary school, but eleven years later, when I graduated from secondary school, complete segregation was still the reality.

In my secondary school – the first ever for black students in the state – there were upwards of 4,000 students crammed into an ageing and neglected building. Many of my close friends were from homes struggling with poverty. Many in my graduating class could barely write their names. The governing school boards were all white, so the lion's share of financial support went to schools reserved

for white children. There was little doubt that black children were always denied the best equipment, books and opportunities for advanced courses. We had a bare skeleton of the full education experience afforded to the children of the white community.

But we had caring teachers who laboured with little support to overcome all of the educational deficits that had been created by racial prejudice. The remarkable thing was that at times they were able to succeed. Most often, they could not.

Worldwide, minority children suffer disproportionately from unequal access to quality education. Disadvantaged minorities are far more likely to receive an inferior education than a good one. Disadvantaged minority children are more likely to start school later than the prescribed age, if at all; they are less likely to be ready or well prepared for school; and more prone to drop out or fail to achieve in school. That perpetuates the cycle of poverty, leaving them unable to later fulfil their human potential, to gain meaningful employment and to become respected members of society.

Minority girls are disadvantaged, both as a group and as a sub-group of the disadvantaged. They are the most likely to be totally excluded from schooling. Girls may face particular barriers to education based on traditional or religious customs or practices, including those governing their freedom to leave the home without a male escort. Their exclusion from education has a profound impact on their ability to later claim other rights and achieve status in society, such as economic independence and freedom from domestic violence. Educated mothers are more likely to send their girls to school, to look after the health of their families and have smaller families. Educated women are less likely to be exposed to exploitation and risks such as HIV and AIDs.

In many countries, a primary problem is poverty and the under-development of the country as a whole. In societies where there is long-standing endemic discrimination against particular minority groups, they tend to be the poorest of the poor. Even when resources are available, disadvantaged minorities rarely get a fair share. In some countries where resources may not be a major problem, the larger society may have racist attitudes about having their children sit next to a minority child in school. In other countries the majority may not be willing to grapple with the extra cost of redressing the legacy of discriminatory education suffered by minority children.

The harm done by these realities goes far beyond the children and parents whose dreams of a better future are denied. The future of the entire society is impacted negatively. Every year of quality education denied to members of the society robs the country of future leaders and economic engines. Further, education in diverse classrooms is the best way to shape a socially cohesive society and prepare students to perform in a 21st-century globalized world. To achieve that outcome, education should be grounded in an intercultural approach which builds an anti-racism capacity at all levels of educational institutions and which informs all policy decisions

These were the issues and challenges that we sought to consider in the inaugural session of the UN Forum on Minority Issues (UN Forum), held in Geneva in December 2008. Additionally we wanted to identify and consider opportunities, good practices and policy tools relating to minorities and the right to education. The UN Forum was established to provide a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as thematic contributions and expertise to the work of the mandate of the Independent Expert on Minority Issues.

The UN Forum was a significant success. Over 370 individuals were accredited to participate, including government representatives from UN member states and from Ministries of Education, UN bodies and specialized agencies. Approximately 90 non-governmental organizations (NGOs) were represented. The views of education experts and participants from minority communities were given a particularly high priority within the proceedings. Valuable insights were provided by participants with professional experience working in the field of design and delivery of education solutions to address the needs of minorities.

The objective of the UN Forum was to use this unique opportunity to frame a series of practical recommendations intended for a wide readership of governments, international organizations and agencies, civil society, educators and those who learn from them. The recommendations, which are reproduced in this volume, are first and foremost built on the existing international legal framework of the right to education, minority rights and the rights to non-discrimination and to equality.

It is worth noting a few of the recommendations briefly here:

- Education is a fundamental human right of every man, woman and child. Failure to ensure equal opportunities and equal access to education robs people of their full human potential and their ability to contribute fully to their own communities and to the wider society. Equal access to education must be understood in the holistic sense of the rights to non-discrimination and equality. Minorities often face systematic discrimination which creates blockages to their full enjoyment of their rights, including their right to education. To fully protect the right to education for those who have been subjected to historical systematic discrimination, we must go beyond issues of physical or economic accessibility to focus on the ultimate goal of equal access to quality education and to equal achievement outcomes. Disproportionate educational outcomes along racial, ethnic or religious lines must be considered evidence of discrimination that implicates state responsibility for the promotion and protection of these rights.
- One way that minority children are robbed of equal access to quality education is through policies or practices which segregate them into inferior institutions. A striking example is the situation faced by Roma children in many European countries, where Roma children are at times segregated into inferior facilities and are regularly diverted to schools for the mentally disabled, simply because they are Roma. This situation continues despite European Court of Human Rights' judgments against some states (see Europe chapter). In other regions de facto segregation may be a consequence of residential patterns or class distinctions.
- The educational environment cannot be seen in isolation from the wider societal conditions experienced by minorities. Extreme poverty or the denial of citizenship rights are among many factors disproportionately affecting minorities that also have important implications for the enjoyment of their right to education.
- Education is a vital gateway to the enjoyment of a wide range of other rights and fundamental freedoms, without which individuals and societies remain economically, socially and culturally impoverished. Lack of

Right: An African-American student in Mississippi, United States of America. *Mia Brandt/UNICEF.*



- access to education perpetuates the cycle of poverty that is experienced most acutely by minority communities facing discrimination and exclusion. Conversely, education provides a vital key to sustainable poverty alleviation.
- The right to effective and meaningful participation in decision making by minorities is clearly established in the UN Declaration on Minorities (UNDM). It requires that decisions that affect minorities, including those regarding education policy and practice, should include consultation with minority communities, as parents and civic leaders. The expertise and knowledge of minorities themselves should be utilized in every facet of education policy making, including when designing the curriculum and addressing education delivery.
- As one participant noted, 'We know the least about the minority children who are suffering the most.' There is no effective way to address a problem without assessing its magnitude and particularities. There is a compelling need for data that permits an evaluation of the relative situation of minority children and their education needs. Quantitative data must be collected in a way that allows disaggregation by ethnicity, language, family income and sex. This data should be made public on a regular basis to raise public awareness and to enable educators and policy makers to generate effective remedies. Indicators and benchmarks must be set to measure improvement and to monitor progress towards targets.
- Affirmative action to address situations of long-standing and entrenched discrimination and exclusion is mandatory under the International Convention on the Elimination of Racial Discrimination (ICERD). The principle of equality does not require uniform treatment in the field of education regardless of circumstances, but rather that differential treatment of individuals and groups is justified when circumstances warrant it. Standardized education policies overlook the unique problems faced by specific groups of students. In order to create an even playing field, targeted, specialized programmes must be

- employed that take into account the existence of structural factors that have impeded the full participation of minorities.
- Lack of resources cannot be used as an excuse for the denial of the rights of minorities to equality in education. The prohibition of discrimination is subject neither to the principle of progressive realization nor to the availability of resources in general. It applies fully and immediately to all aspects of education and encompasses all internationally recognized grounds of discrimination. Guaranteeing equality in educational outcomes to minorities will have budgetary implications that must be seen as an integral part of meeting the state's international legal responsibilities. States should not give inadequate consideration to social components in their educational services, which can leave minorities disadvantaged. Poor and marginalized minorities may require assistance including with free or subsidized textbooks, meals and transportation, essential to their access to education.
- 'Getting past the door is simply not enough', stated one expert participant. Examples were provided of gross disparities in the treatment and consequently the educational performance and relative success of minority students. In some countries, minority boys are facing disproportionately harsh disciplinary actions as compared to non-minority boys who commit

the same offences. In other countries minority children face unwelcoming environments, racist attacks and hate speech. Teachers are a key component in the learning experience. The actions of teachers can do much to overcome discrimination; equally their practices may have an adverse effect on the experiences of education by minorities. Teachers, administrators and the student body as a whole must be trained to actively work toward the elimination of prejudices and must be held accountable for conduct that conflicts with that overall objective.

- The state must be held responsible for the disproportionate drop-out rates or low school achievement by minority children. The obligation of the state is to guarantee equal educational outcomes. Proposals suggested the need to attract more teachers directly from minorities into the teaching profession, and to also attract teachers to work in areas where minorities are located and keep them there as they gain experience and skills.
- For many children from minorities, the language and culture of the classroom are unfamiliar. Curriculum materials may neglect the cultures, histories and contributions to society of minorities. Classroom interaction and instruction may be in a language they do not speak at home and teaching methods may be unrelated to cultural learning styles. Barriers to education caused by language remain among the greatest obstacles to the right to education for minorities. Mother tongue education and multilingual education programmes were presented to the UN Forum that seek to enable children to learn and operate successfully in their mother tongue as well as national languages. Such programmes, in conjunction with culturally inclusive curricula, seek to provide learners with the opportunity to contribute to and benefit from national society without forcing them to sacrifice their linguistic and cultural heritage.
- It was also emphasized that the principles under discussion should be applied to the educational needs of minorities throughout the life cycle. Pre-school education is important as a means of early promotion of the right to education. It equips minority children at the

earliest opportunity with the resources required to enter the formal school environment on equal terms. More emphasis should be placed on tertiary level education for minorities. Additionally, there is an alarming rate of adult illiteracy in minority communities. The vast majority of those who are unable to read or write are women. Yet adult education is consistently neglected.

It is the desire of all those who participated in the UN Forum, that the recommendations that emerged from it contribute concretely to the struggle to achieve equality and non-discrimination for all in the field of education. The UN Forum demonstrated that the problems faced by minorities are widespread and affect communities in all regions. But it must be remembered that discrimination and inequality in education are not abstract issues, they have a human impact and a human face. They affect individuals from the very beginning of their lives when the principle of equality of opportunity is perhaps at its most meaningful, shaping young people as they grow and realize their potential to contribute fully to their communities and to wider society. Denial of the right to education is thus a very human tragedy which sentences whole communities to new generations of poverty, hardship and further exclusion.

As aptly put in the slogan of a well-known American organization that helps minorities to get university degrees: 'A mind is a terrible thing to waste'.¹

Gay J. McDougall

1. The United Negro College Fund, founded 65 years ago, is an NGO headquartered in the United States; see www.uncf.org

Education is recognized both as a human right in itself and as an indispensable means of realizing other human rights and fundamental freedoms. However, the full enjoyment of the right to education as recognized in international human rights law is far from reality for most indigenous peoples. Deprivation of access to quality education is a major factor contributing towards their social marginalization, poverty and dispossession. The content and objective of education in some instances contributes towards the unwanted assimilation of indigenous peoples into mainstream society

and to the eradication of their cultures, languages and ways of life.

Indigenous peoples, through their communications with various United Nations bodies and officials, have identified a number of serious concerns related to the right to education, including discrimination; lack of control over education initiatives directed at indigenous children; lack of consultation on the development and implementation of educational services; limited consideration given to autonomy and participation of indigenous peoples in the delivery of educational services; limited opportunities to access good-quality mother tongue-based bilingual education; inadequate development of culturally appropriate curricula; failure to develop educational opportunities for indigenous peoples that demonstrate respect for their history and cultures; lack of adequate supplies, funding and teachers; and poor-quality schools.

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, contain specific provisions on indigenous peoples' right to education. Moreover, several treaties between indigenous peoples and states acknowledge the right of indigenous peoples to education and educational services as a treaty right.

The UNDRIP, interpreted in conjunction with other international instruments, provides an authoritative normative framework for the full and effective protection and implementation of the rights of indigenous peoples. In the context of education, the UNDRIP reaffirms and applies the universal right to education to the specific historical, cultural, economic and social circumstances of indigenous peoples.

For instance, Article 14 of UNDRIP acknowledges that indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. This reaffirms existing international human law, including Article 29 (2) of the Convention on the Rights of the Child (CRC) and Article 27 (3) of ILO Convention No. 169.

Indigenous peoples' education systems and institutions can be understood in two main categories: (1) traditional education or ways of learning and institutions, and (2) the integration of indigenous perspectives and language in mainstream education systems and institutions.

Traditional education can be described as a life-long pedagogical process and an intergenerational transfer of knowledge aimed at maintaining a flourishing and harmonious society or community. Children from a young age receive guidance on various aspects of indigenous development from older members of the community to prepare them for life and their responsibilities towards their community. Intergenerational transfer of knowledge, including traditional knowledge, ensures that community members enjoy adequate economic security in an environment of socio-cultural and political stability. The exercise of indigenous peoples' right to traditional education may be closely and in some instances inseparably associated with the use of their traditional lands, territories and natural resources.

Indigenous peoples have also invested tremendous efforts in integrating indigenous perspectives and languages into mainstream or formal education. Mainstream education systems usually involve a standard set of curricula provided by education ministries based on government policy. Inclusion of indigenous ways of learning, instructing, teaching and training are important in ensuring that students/learners and teachers/instructors in mainstream institutions are able to benefit from education in a culturally sensitive manner that draws upon, utilizes, promotes and enhances awareness of indigenous knowledge, perspectives, values, cultures and languages.

For indigenous learners, and instructors, the inclusion of these methods often enhances educational effectiveness, success and learning outcomes by providing education that adheres to indigenous peoples' own inherent perspectives, experiences and worldviews. For non-indigenous students and teachers, education using such methods has resulted in greater awareness, respect for and appreciation of other cultural realities.

In order to improve the educational situation of indigenous peoples, states should establish methods and systems for the collection of disaggregated data, and develop indicators conforming with international human rights standards in the field of education, for the purpose of identifying barriers preventing indigenous peoples from fully enjoying the right to education and reforming education laws and policies to be more inclusive and sensitive to indigenous values and perspectives.

John B. Henriksen

A world of discrimination: minorities, indigenous peoples and education

Mark Curtis

Education is a basic human right, but in all regions of the world minority and indigenous children are being deprived of a quality education or access to schools at all. Of the 101 million children out of school and the 776 million adults who cannot read and write, the majority are from ethnic, religious and linguistic minorities or indigenous peoples. Numerous states are violating international laws and standards by failing to provide adequate education for minorities. The costs of failing to provide education for all are massive, holding back economic growth and potentially sowing the seeds for conflicts. Yet the international community – governments and aid donors alike – has still not fully woken up to the need to address inequities in education, and specifically the needs of minorities and indigenous peoples.

At the UN Forum on Minority Issues (UN Forum), held for the first time in December 2008, speaker after speaker gave evidence about educational discrimination and exclusion in their country. Often, national laws bar or reduce minorities' access to school, or teaching passes over the history or culture of minority groups; further, schooling is often only available in the dominant, official language rather than in mother tongues spoken by minorities, or else personal abuse is heaped on people from minorities by other pupils and even teachers. In most developing countries – but especially in those schools attended by minorities, which tend to be in poorer, more remote areas – overcrowded classrooms, dilapidated buildings, few textbooks, few sanitary facilities and poor teaching are all too common, and are holding back the educational and life opportunities of millions of children.

According to the UN Committee on Economic, Social and Cultural Rights (CESCR), 'as an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty'. Yet educational discrimination against, and exclusion of, minorities is perpetuating poverty, depriving people of fulfilling their potential and of playing a meaningful role in society. As articulated by the former UN Special Rapporteur on the right to education, Katarina Tomaševski, education must meet the 'four As': it must be available (free and government-funded), accessible (non-discriminatory and accessible to all), acceptable (culturally appropriate and with good quality teaching) and adaptable (evolving

with the changing needs of society). Ensuring access to such schooling for minorities is the greatest challenge facing policy makers in the field of education. Furthermore, in a world where inter-ethnic and inter-religious violence is present, and in some cases rising, improvement in the education of minority groups to help create more tolerant, multicultural societies is surely one of the very greatest challenges the world faces.

The most marginalized

It is clear that the major global education targets set by the international community will not be met on time. The Millennium Development Goal (MDG) on education, set in 2000, is to ensure that by 2015 all boys and girls will be able to complete a full course of primary schooling. In the same year, states meeting at the 'Education for All' conference in Dakar, Senegal, committed themselves to ensuring that all 'those belonging to ethnic minorities' would have 'access to complete, free and compulsory primary education of good quality'. At that time 113 million children were out of school. Since then there has been progress in reducing the numbers, but not enough to meet the target: the latest estimate by UNICEF is that 101 million children remain out of school, 53 million of whom are girls and most of whom live in sub-Saharan Africa or South and West Asia. Projections by UNESCO for 134 states are that at least 29 million children in those countries alone will still be out of school in 2015.

The world will fail to meet the MDG on education until policies are properly targeted on the needs of minorities and indigenous peoples, to ensure they receive an education consistent with the 'four As'. There are several reasons why states are failing to educate all children, but a major one is simply that many governments do not properly recognize who those out of school actually are. UN agencies working on education do not provide statistics on exactly how many of the 101 million children are from minority and indigenous populations, but the evidence suggests it is between 50 and 70 per cent. The developing countries with the largest number of children out of school – Bangladesh, Ethiopia, India, Kenya, Nigeria and Pakistan – all have large minority populations who enjoy far less access to schooling than majority groups. In Nigeria, for example, estimates are that 54 per cent of all out-of-school children are Hausas from the predominantly

Muslim north of the country. In India, around 41 per cent of those out of school are from the ‘scheduled castes’ (or ‘Dalits’, previously known as ‘untouchables’) or from the ‘scheduled tribes’ (or ‘Adivasis’).

A 2006 analysis noted that of the 60 million girls not in primary school (based on 2002 figures showing 115 million children then out of school), a full 70 per cent came from ethnic minorities and other excluded groups, as shown in Table 1.

When it comes to adults around the world unable to read and write, minorities also account for a large proportion of the total. Around 776 million people – 16 per cent of the world’s adult population – lack basic literacy skills, two-thirds of whom are women. Of these, 270 million are in India and 73 million in China. Again, there are no official figures citing how

many of these are from minorities, but the available evidence is instructive:

- India’s latest national census, in 2001, found that around 300 million Indians were illiterate (slightly higher than the figure cited by UNESCO). Of these, extrapolation from other statistics shows that around 120 million come from scheduled castes and scheduled tribes, while a further 57 million were Muslims (41 per cent of the Muslim population in India being illiterate). Thus around 60 per cent of India’s illiterate adults belong to minorities or indigenous peoples.
- UNESCO states that 73 million adults are illiterate in China. Although it is, again, not known exactly how many belong to minorities,

around one-third of illiterate adults are believed to live in the western regions, which have the highest proportions of ethnic minorities in China, including Tibetans, Mongolians and Uyghurs. National statistics in 2000 reported 87 million adults as illiterate, of whom around 33 million lived in the 10 provinces (out of 31) where minorities account for the highest proportion of the population. It is in these regions, the mainly rural, western areas, where the illiteracy *rate* (i.e. as a proportion of the whole population) is the highest in the country: the five regions with the highest proportion of illiterate people are all among the 10 regions with the largest minorities. Overall, the illiteracy rate of national minorities in China is 25 per cent higher than the national average.

These figures suggest that the number of illiterate adults from minorities and indigenous peoples is around 162 million in India and 24 million in China; this amounts to a quarter of all the illiterate adults in the world. If those from other countries were included, it is very likely that minorities would account for the majority. By 2015, the UN projects that there will still be around 700 million adults worldwide unable to read or write. As with children out of school, strategies to address illiteracy will have to focus – overwhelmingly – on the education of minorities specifically.

Educational obstacles faced by minorities

Providing adequate education for minority groups is not a choice but a legal obligation on the part of states. Various international conventions outline the duty to respect the right to education and to avoid measures preventing it. UNESCO’s 1960 Convention against Discrimination in Education defined discrimination as ‘depriving any person or group of persons of access to education of any type or at any level’ and ‘limiting any person or group of persons to education of an inferior standard’. States party to the agreement agreed ‘to abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education’, and ‘not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need’. This was followed by the 1966 International Covenant on Economic, Social and

Cultural Rights (ICESCR), which reaffirmed the right to education for all and the principle of free primary education.

The Convention on the Rights of the Child (CRC), adopted in 1989, has become the most widely ratified human rights treaty (of 194 states in the world only the United States and Somalia have not ratified) and provides the most detailed guidelines on rights-based education, spelling out the right of children not to be discriminated against. Article 30 provides specific protection for children from minority and indigenous groups who ‘shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language’. In 2000, states also agreed in the Education for All (EFA) framework of action that ‘education must neither exclude nor discriminate’ and that ‘every government has the responsibility to provide free, quality basic education’. It committed governments to ‘actively seeking out children who are not enrolled’ and to make the inclusion of minorities integral to education policy.

Years on from these commitments, the reality for minorities across the world is different. Access to good quality education is much more likely if you are a boy, living in an urban area and coming from a relatively wealthy household; being a girl is often the first obstacle to a quality education, living in a rural area the second, coming from a poor family the third. But then there is a fourth – belonging to a minority. The most discriminated against of all tend to be poor girls, living in poor families in rural areas who belong to a minority community. The obstacles preventing people from minorities receiving a good education are numerous, and it is useful to draw a distinction between problems that prevent them getting access to school at all and those that hinder their receiving an education of sufficient *quality* – that is, one that meets the ‘four As’ – once they are in school.

Problems getting to school

Official discrimination by states is one reason why minorities are often unable to attend school. Some states do not even formally recognize the existence of minorities, meaning that their commitment to establish schools in areas populated by minorities is low or non-existent. Turkey, for example,

Table 1 Girls from excluded groups out of school

	Total number of girls out of school (million)	Excluded girls out of school (million)	Excluded girls as percentage of all girls out of school	Excluded groups
Sub-Saharan Africa	23.8	17.9	75	Members of non-dominant tribes
South Asia	23.6	15.8	67	Rural people in Afghanistan, scheduled castes and tribes in India, lower castes in Nepal, rural tribes in Pakistan
Middle East/North Africa	5.1	1.7	33	Berbers, rural populations
East Asia/Pacific	4.9	4.4	90	Hill tribes, Muslim minorities, other ethnic minorities
Eastern Europe/Central Asia	1.6	1.4	90	Roma, rural populations in Turkey
Latin America/Caribbean	1.5	1.5	99	Indigenous and Afro-Latino populations
Total	60.4	42.6	71	

Source: Maureen Lewis and Marlaine Lockheed, *Inexcusable Absence: Why 60 Million Girls Still Aren't in School and What to Do about It*, Centre for Global Development, December 2006, p. 8.

continues to refuse to formally recognize the Kurdish minority, even though it amounts to 10–23 per cent of the population (estimates vary widely), while the Constitution prohibits public education in any language other than Turkish. The result is that education provision is extremely poor in the Kurdish areas, with most villages lacking a school or else having class numbers averaging around 50. In Japan, the government also does not recognize what it terms ‘non-national’ communities, which include Korean communities, whose schools receive no government subsidies and where diplomas do not qualify them to enter Japanese universities.

Despite official discrimination in some states, more than 90 per cent of countries have laws requiring all children to attend school; thus the bigger problem, across the globe, is the failure to implement existing legislation. Many governments simply lack the will to establish schools in all the areas that need them, especially in more remote, rural areas. Yet proximity to a school is by some estimates the biggest determinant of primary school enrolment and children are much more likely to attend schools in their own village. A longer distance to school means attendance is less likely, especially for girls.

Many governments do not spend enough to fulfil their national and international commitment to ensure education for all. In 40 out of 105 countries with available data, the share of national income devoted to education decreased between 1999 and 2006. Many countries in sub-Saharan Africa and South Asia now spend only 3–4 per cent of their GNP on education, signifying a low political commitment. Little data is available on education expenditure on minorities or on schools in areas populated by minorities, but it is generally likely to be lower than spending on majority communities. In Israel, government figures show that state investment per Arab student is three times less than for Jewish students; Arab schools have more students per class (30 compared to 26 in Jewish schools) and fewer teaching hours per class (48 compared to 60). In Macedonia, the authorities also spend less on minorities than on the majority group – in 2005, the government devoted \$548 per pupil in schools primarily attended by Macedonians, compared to \$404 for those attended by Albanians.

Poverty is, however, probably the biggest single reason why so many children remain out of school. The need for children to work on household tasks



Left: Children from the Xavante people play within the Xavante protected area, Mato Grosso, Brazil. *Eduardo Martino/Panos.*

such as farming is a major factor explaining why many rural families, dependent on agriculture for their survival, do not send their children to school. In this situation, the poorer the family, the less likely the children will attend school. In Guatemala, for example, only 4 per cent of ‘extremely poor’ indigenous girls attend school by the age of 16, compared to 20 per cent of ‘poor’ indigenous girls and 45 per cent of ‘non-poor’ indigenous girls. The high costs of school are a further prohibitive factor, especially for poorer people. Various international standards, including the Universal Declaration of Human Rights (UDHR), all state that primary education ‘shall be free’, but around 100 countries still do not provide free primary education to all their children. Since 2000, however, more than a dozen countries have abolished school fees which, in Kenya, Malawi, Tanzania and Uganda, has helped more than a million extra children enrol in primary school in each country. Yet even where there are no school fees, there will tend to be some indirect costs for families such as uniforms, textbooks and transport, which, for marginalized, poorer groups, can be insurmountable. A survey in Tajikistan found that 68 per cent of parents consulted reported that cost was the main

reason for not sending their daughters to school.

Parents’ low educational attainment can be passed on to the next generation; in Nepal, for example, children whose parents had some formal education are more than twice as likely to send their children to school compared to parents lacking formal education. Cultural attitudes among some communities, such as those attaching more importance to boys’ education while promoting early marriages for daughters, can also keep girls out of school. For others, education may promise little for the future due to broader prejudice or labour discrimination in society, when even completing school means that people from minorities are less able to secure well-paid jobs than people from majority groups.

Problems in school

Once in school, many children in developing countries, especially in rural areas, receive an extremely poor-quality education; for minority groups, this is widespread. The biggest single result is high drop-out rates – in sub-Saharan Africa, less than two-thirds of all enrolled pupils reach the last grade in the majority of countries. The quality of schools and teachers tends to be lower in more remote, disadvantaged areas, where minorities often live. Teachers are often less qualified, come to work infrequently or promote repetitive, rote learning rather than passing on skills to promote creative thinking. In many countries, few teachers are recruited from minorities, sometimes because there are few of them, sometimes because the state has failed to develop a proactive strategy. There is a general lack of trained teachers, especially in sub-Saharan Africa and South and West Asia – more than 18 million extra teachers will be needed over the next decade to provide every child with a quality primary education. In addition, the more remote the school, the more chance that, in countries where corruption is rife, central government funding will not reach it. A study in 2004 in four African countries (Ghana, Tanzania, Uganda and Zambia) found that only around half of non-wage budgets ever reaches the intended schools.

Segregation of minority from majority groups – either in separate schools or in separate classes – continues to be an all-too-common feature of

schooling in some countries, as with the Roma in Europe (see below). Dalit children in India are often segregated in classrooms and during school meals, and disproportionately subjected to corporal punishment by teachers; likewise, Dalit teachers are often discriminated against, frequently being segregated when eating or drinking. Although the Indian government operates a system of ‘reservation’ or quotas for Dalits in education as well as in government jobs, the policy is poorly implemented. The European Union’s (EU) Fundamental Rights Agency (FRA) has noted that educational segregation produces and reproduces inequalities, as do highly differentiated education systems which lead to a high concentration of discriminated pupils in the lowest educational tracks. A recent UN report states that ‘desegregation strategies in the field of education should be actively pursued’.

Equally destructive of minority and indigenous rights is some states’ policy of trying to assimilate smaller groups and assert the dominance of the majority group; indeed, for some governments it is precisely education policy that is seen as a key tool to achieve this. In Asia, some countries put minority or indigenous children from remote areas into boarding hostels far from home, a strategy taking place under the banner of expanding access to education under the MDGs.

But the classic way of pursuing assimilation is to offer schooling only (or predominantly) in the majority language, in the face of different mother tongues being spoken by minorities. Although Syria, for example, has around 1.5 million Kurds, the law requires teaching to be undertaken in Arabic and forbids children from being taught in the Kurdish language. In Kurdish areas, teachers tend to be poorly trained and there is no public university, while less than 5 per cent of children attend secondary school, meaning that child labour rather than education has become the norm. The absence of early-years schooling in their mother tongue is often a massive obstacle to children’s educational development: they may not know the official language at all, in which case they may be put off attending school, may simply not be offered a place at school or, if they do attend, may make slow progress.

Children are often disadvantaged in school if the language they speak at home is different from the dominant, official language used in school. In Latin America, children from homes where indigenous

languages are spoken perform less well in reading and mathematics than those from non-indigenous households. When home language and official national languages differ, the chances of completing at least one grade of secondary school are reduced: in Bolivia, 68 per cent of Spanish speakers aged 16–49 have completed some secondary education compared to one-third of Aymara, Quechua and Guarani speakers. Mathura Tripura of the Bangladeshi NGO, Zabarang Kalyan Samity, told the UN Forum in December 2008 that indigenous children in the Chittagong Hill Tracts ‘are turning away for not speaking Bangla and they are experiencing education in a totally unfamiliar language’; these children drop out from school at a rate double the national average.

As UNESCO points out, children taught in their mother tongue in the initial years of school have a better chance of becoming literate in other languages and tend to stay in school longer; if schools teach in a home language, attendance rises by around 10 per cent. A number of UN standards affirm the responsibility of states to teach children in their mother tongue. Some countries educate children in their mother tongue in their early years before offering schooling in the dominant language, with positive effect. Bilingual teaching is critical, as it is equally vital that minorities educated in their own language are also able to speak the dominant language, otherwise their exclusion will be reinforced. But even where a bilingual policy is implemented, minorities in particular can suffer from lack of specialized teaching training or appropriate school materials.

A particular problem for minorities and indigenous peoples is the school curriculum in many countries. Pupils are often taught lessons of little relevance to their culture, where their history is excluded, and over which their parents have had little or no say. Karamojong pastoralists in north-east Uganda, for example, have a literacy rate four times less than the national average. One local human rights group giving evidence to the UN Forum on Minorities notes that a key reason for this is the curriculum, which ‘stereotypes pastoralists and their livelihood system as outdated, disorganized, environmentally destructive and economically unproductive’; school children are ‘trained to loathe pastoralism’, while those from pastoralist families ‘become alienated from the reality facing them and become dependent on an imaginary way of life

Right: The fourth grade class from the Afro-Honduran community of Bajamar Garifuna studying at the Francisco Marozan school, San Pedro Sula, Honduras. *Giacomo Pirozzi/Panos.*

remote from their context’.

Also of concern is the direct personal abuse in school often heaped on children from minorities, which can harm their ability to learn and reduce their achievement. Such discrimination, by other children and even teachers, is an all-too-common experience for many children – a factor that is sometimes identified by parents as a reason for keeping their children out of school altogether. Teachers can sit minority children or girls at the back of the class, not call on them in class or give them fewer textbooks. Meghna Guhathakurta, of the NGO Research Initiatives in Bangladesh, notes that Dalit groups ‘are made to sit at the back, given punishments that are considered befitting for them like cleaning the toilets, and generally discouraged to envisage a future that is free from the fetters of their immediate surroundings or social position’. Vimal Thorat, of the National Platform for Dalit Women’s Rights in India, told the UN Forum that ‘by and large teachers reflect the same attitudes and practices against minority students as what is prevalent in the larger society’.

Indigenous communities

Indigenous peoples have to confront particular obstacles to education and tend to face discrimination that excludes them from access to schools or else attempts to assimilate them into mainstream culture. In Guatemala, for example, only 54 per cent of indigenous girls aged 7 are in school compared to 75 per cent of non-indigenous girls. In Laos, 46 per cent of poor, rural non-Lao-Tai girls aged 6–12 attend school compared to 70 per cent of poor, rural Lao-Tai girls. Indigenous children are often deprived of schooling in their mother tongue while teaching downplays or ignores their community’s history or traditional knowledge, meaning the school curriculum is often far removed from their cultural practice. The overall quality of schools in the areas in which indigenous children live – often more remote, poorer areas – is also usually lower. The result is that indigenous children tend to drop out of school more frequently. In Ecuador, for example, indigenous children are 30 per cent more likely to drop out of



schools in rural areas than non-indigenous children, while in Bolivia the primary school completion rate of indigenous children is 55 per cent compared to 81 per cent for non-indigenous children. Overall literacy rates among indigenous communities also tend to be lower: in Ecuador, the literacy rate for indigenous groups is 72 per cent, compared to the average of 91 per cent; in Vietnam the rate is a staggering 17 per cent for minorities compared to a national average of 87 per cent.

A world of discrimination and exclusion

All these educational obstacles for minorities and indigenous peoples have different effects in different countries, but common outcomes are lower attendance at school and lower achievement, including literacy rates, as highlighted in the selection of examples in Table 2 (p. 20).

Although the majority of children out of school are in developing countries, there are also alarming disparities in educational provision and attainment in the developed world. In the EU, for example, damning analysis is now regularly produced by the FRA, established in March 2007. Its latest annual report notes that ‘partial or even total segregation is still a common phenomenon in large parts of the EU’ and that ‘some member states persistently ignore the effects that highly differentiated

and selective school systems have on widening the education gap between more privileged and less privileged population groups’. Although some EU member states report a narrowing of the gap in educational attainment between the majority and minority communities, the FRA notes that in general that attainment gap ‘has remained at a significant level’. Furthermore, most member states do not know how well minorities are performing at school compared to the majority – there is a lack of official reporting of discriminatory practices in the field of education in most member states and in some countries there are no official statistics at all. Only two of the EU’s 27 member states (the UK and Netherlands) have comprehensive monitoring systems registering performance differences among minorities in education.

The situation is starkest in the treatment of the Roma community. In several EU countries, such as Hungary, Romania, Slovakia and Slovenia, Roma children are subject to segregated, Roma-only classes or units within schools. The FRA’s latest annual report notes that in one school in Slovakia, in the town of Medzev, Roma and non-Roma children were not only separated in classes but also during breaks, which were scheduled at different times for each group; non-Roma children received hot meals in a school canteen while Roma children were only

Table 2 Examples of the effects of educational obstacles for minority and indigenous peoples

Bangladesh	In the Chittagong Hill Tracts in eastern Bangladesh, home to 1.3 million people of different indigenous groups, only 57 per cent of indigenous children aged 6–10 are enrolled in primary schools while 60 per cent of those attending school drop out – double the national drop-out rate (see Asia chapter).
Brazil	Only 6 per cent of black people attend university, compared to 19 per cent of whites.
China	One in twelve young people from minority communities have not attended formal schooling, compared to only one in 50 Han Chinese. Fewer than one in 10 Han Chinese are illiterate, compared to nearly one in two Tibetans.
Colombia	Around one-third of the indigenous and Afro-Colombian population is illiterate, a rate nearly three times that of the rest of the population. Around 36 per cent of the indigenous population have never received any formal education.
Ethiopia	The majority of pastoralists have received no formal education at all. In the Somali region of Ethiopia, the literacy rate for male pastoralists is 23 per cent and for women just 4 per cent.
India	While 65 per cent of the general population can read and write, only 55 per cent of Dalits and 47 per cent of Adivasis can do so. For women it is worse: only 35 per cent of Adivasi women are literate, while in some states the rate is even lower – only 16 per cent of Adivasi women in Bihar are literate, for example. Around 37 per cent of Dalit and Adivasi girls aged 7–14 do not attend school, compared to 26 per cent from the majority population.
Nepal	The literacy rate for the ‘upper’ castes is 67 per cent, compared to 34 per cent for Dalits and 54 per cent for Janajati (indigenous groups).
Pakistan	Less than 10 per cent of girls from the Balochi and Pathan ethnic minorities in rural areas complete primary school, compared to over 20 per cent of Punjabi girls (the largest ethnic group) in rural areas and 55 per cent of Punjabi girls in urban areas.
Serbia	Fewer than one in 10 Roma have completed primary school, while 63 per cent have had no education at all; this compares to the majority population, 100 per cent of whom begin school and 90 per cent of whom complete primary school.
United Kingdom	Children of Afro-Caribbean origin are the lowest achievers on average at key exam stages (though a greater proportion of white children fail than those of Indian origin). A study for the Joseph Rowntree Foundation found that 8 per cent of children of African origin and 6.3 per cent of children of Caribbean origin achieved no GCSEs (school leaving certificate) in 2003, compared to 5.3 per cent of white children.
United States	While three out of four white students graduate from public high school, only just over one out of two African-American or Hispanic students do. In some large public school districts with high ethnic minority populations, the graduation rates are even worse – in Detroit, for example, it is 25 per cent and in Baltimore 35 per cent.

given food packages. In Macedonia, an EU candidate country, the OSCE’s High Commissioner on National Minorities, Knut Vollebaek, warned in January 2009 of the ‘creeping separation’ in education and that ‘segregation undermines the very basis on which your children learn to build a shared society’.

Benefits and costs

Education provides enormous economic benefits for countries, while the failure to educate often imposes enormous costs. There is, for example, strong evidence linking education to higher economic growth and productivity. As UNESCO has noted, some studies suggest that an additional year of schooling

for a population lifts annual GDP growth by 0.37 per cent. Research by the International Food Policy Research Institute found that spending on education in rural areas, along with agricultural research (into farming techniques or seed varieties, for example) and rural infrastructure (principally roads), are the three most effective types of investment for reducing rural poverty; in China, India, Uganda and Vietnam, for example, investments in these areas had the biggest impacts.

Education, especially of mothers, also improves public health, tending to lead to better nutrition, lower fertility, better uptake of childhood immunization and improved knowledge of HIV prevention. In many countries, having a mother with secondary or higher education more than halves the risk of child mortality compared to having a mother with no education. In Bangladesh, having a mother who has completed primary education cuts the risk of children being stunted by 20 per cent. UNESCO also argues that education helps to build people’s support for multi-party democracy and to equip populations with more skills to challenge autocracy, and also that it can provide children with the learning needed to better understand complex environmental challenges, such as climate change.

As for the costs of failing to deliver education, some policy makers argue (or else may privately believe) that it will simply be too expensive to educate everyone, especially minorities. It is certainly true that a large proportion of children currently out of school, and illiterate adults, are ‘harder to reach’; they can live in geographically remote areas, require ‘special’ teaching, such as in minority languages, or may belong to nomadic or traveller groups (See Care Study, p. 36). It will certainly cost more to educate these people, but much evidence suggests that it will cost a lot more not to. For example, one study for the Inter-American Development Bank notes that if Bolivia, Brazil, Guatemala and Peru ended their discrimination against Afro-descendant and indigenous groups, their economies would grow by 36.7, 12.8, 13.6 and 4.2 per cent respectively – very large numbers that are likely to dwarf the initial costs of education. Especially when a minority group is relatively large compared to the broader population, discrimination against it hurts the wider economy. For example, it is estimated that had Guatemala increased secondary school attendance among its indigenous population from the existing

7 per cent in 1960 to 50 per cent, the country’s per capita growth rate from 1960 to 1985 might have increased by 1.3 per cent per year. UNESCO notes that several cost-effective measures to promote inclusive quality education have been developed in countries with scarce resources. These include training-of-trainer models, linking student teachers with schools and converting special needs schools into resource centres providing support and expertise to clusters of regular schools.

Failing to provide education to all can have even greater consequences. In countries such as Burundi, Rwanda and Sudan, exclusion from school and the lack of educational opportunities for young people have been critical factors in fuelling conflict over past decades. In Sierra Leone, a similar lack of educational opportunities, along with other social inequities, is widely seen as explaining why many young people took to supporting the Revolutionary United Front, the brutal rebel organization that terrorized the country for a decade. Studies in developed countries also suggest that inequality in education contributes to wider income inequalities and social polarization, which can contribute to increasing social tensions. The relatively poor access of the Catholic community to education in Northern Ireland, for example, helped fuel the conflict with Protestants; whereas the increasing access of Catholics to higher education was one of the factors contributing to reconciliation between the communities.

International policies – not much better?

Unfortunately, it is not only governments’ domestic policies that are failing to provide adequate education for minorities; the international community is contributing too. For example, World Bank-sponsored Poverty Reduction Strategy Papers (PRSPs) are meant to be the developing countries’ flagship strategies for promoting economic growth and poverty reduction, approved and backed by aid donors. They can take years to produce and go through numerous drafts and political bargains; once delivered, countries can receive tens, sometimes, hundreds of millions of dollars worth of aid. However, in most cases, minority groups generally – and the education of minorities in particular – are ignored in the PRSPs. UNESCO’s analysis of 18 countries’ most recent PRSPs concludes that none of them mentions education of religious minority groups; only two mention strategies to address

inequities for ethnic minorities in primary education (one noting the provision of stipends, another the language of instruction) and only one does so for secondary education (mentioning the importance of curriculum relevance). A study of 15 country PRSPs by the Chronic Poverty Research Centre at the University of Manchester found that ethnic minorities were not mentioned at all in six and only mentioned once in a further three. Another academic study found that of 37 PRSPs, 16 did not mention minority groups at all; only in a small number of countries is there a focus on the education of ethnic minorities, such as Cambodia, Sri Lanka and Vietnam, which stress the importance of reducing inequities and enhancing access to education.

The UN Forum notes that 'minorities have a right to participate in the life of the state and in decisions affecting them', and that in the field of education 'this right implies minority input into the design and implementation of education programmes'. There is little evidence that this is happening in most of the PRSPs being drawn up with the help of the world's major aid donors. Clearly, Southern governments, with the support of donors, must revise their national policy strategies to address the needs of minority groups, especially in education. Until they do, the MDG on education will not be met.

A second concern is with development cooperation assistance itself. There are simply no figures showing how much aid donors devote to supporting the education of minorities. Given that they are likely to constitute the majority of children out of school and of illiterate adults, this is a fundamental failing. It can, however, be presumed that the amount of aid targeting minorities is very low. For example, donors provide only a fifth of their education aid to *basic* education – \$2.1 billion out of \$9.8 billion, according to the most recent Organisation for Economic Co-operation and Development (OECD) statistics. Indeed, donors spend more than twice as much on the administrative costs of their own aid programmes (\$4.7 billion) as they do on basic education. Some bilateral donors devote an even smaller proportion of their education aid to basic education – France devotes 12 per cent, for example, at the same time as devoting two-thirds to funding students studying at French tertiary institutions. Donors generally are not living up to their commitments: in the Dakar framework of action, for example, rich countries affirmed 'that no coun-

tries seriously committed to education for all will be thwarted in their achievement of this goal by a lack of resources'.

Third, the broader macro-economic policies being promoted by the international financial institutions have had some major impacts on education policy. For example, the International Monetary Fund (IMF) has been pursuing a policy of placing ceilings on the public sector wage bill in several countries as a criterion for providing loans. A report by the international NGO ActionAid on three such countries – Malawi, Mozambique and Sierra Leone – noted that by insisting on overly restrictive macro-economic policies that constrain government spending on wages, the IMF was in part responsible for the persisting teacher shortage in those countries. In Sierra Leone, for example, the IMF determined the level of the ceiling and the government duly placed a cap on the number of teachers it could hire as a result. In all three countries, the ceiling was too low for the government to hire the teachers needed to achieve the pupil–teacher ratio of 40:1 recommended by the Education for All – Fast-Track Initiative, a partnership between donors and developing countries to ensure progress towards the MDG on education. Following the ActionAid report, the IMF said that it would in future restrict the use of wage bill ceilings and deploy them more selectively. Although it has done this, it continues to maintain budget caps, low inflation or deficit targets in developing countries that limit government spending flexibility, meaning that some governments still face constraints in recruiting a sufficient number of teachers.

Future policies and recommendations

Given political will, sustained commitment and adequate resources, massive progress in education can and has been made. Globally, the number of children out of school has come down over the past decade. UNESCO notes that Ethiopia and Tanzania, for example, have made remarkable progress in increasing school enrolment, thanks to policies such as abolishing school fees, constructing schools in unserved areas and increasing teacher recruitment; Tanzania has cut the number of children out of school by 3 million since 1999.

But governments are not giving sufficient attention to reducing inequities in education and to focusing explicitly on the educational needs of minorities and indigenous peoples. Both develop-

ing and developed country governments, as well as development donors and the international financial institutions, now need to move into a new phase of re-targeting education policies on those most marginalized. The recommendations on the right to education made by the UN Forum state that 'authorities should remove direct institutional barriers to educational access for minorities and address cultural and linguistic barriers that may have equivalent access-denying effects'. These policies should be accompanied by other social programmes to reduce minorities' marginalization and promote broader social inclusion.

There is no blueprint and countries clearly need to promote policies not only according to national circumstances but also the particular needs of minorities and indigenous peoples. But common education policies are likely to involve: removing school fees, building more and better schools in rural communities and recruiting more local, bilingual and minority-language teachers. Segregation that discriminates against minority groups should be abolished, and other discriminatory laws and policies removed. Curricula need to be revised to take account of minority and indigenous cultures (which means the participation of those groups in education policy). Overall, states need to provide appropriate budgetary allocations in recognition of the special needs of minorities. Developed and developing countries need seriously to improve their collection of data to assess how education policy is benefiting particular communities. Developing country governments, the World Bank and other donors must ensure that PRSPs include strategies to focus explicitly on the educational needs of minorities and indigenous peoples. Donors must also report how much of their spending on education is devoted to minorities and ensure that aid is better targeted on them.

There are particular challenges in ensuring that good-quality education reaches marginalized minority and indigenous *girls*. Both improving the opportunities for attending and completing school, and boosting the demand for education are critical. Improvements in the quality of schooling are important in light of evidence that girls are more likely than boys not to enrol in poor-quality schools, or drop out. Policies such as ensuring the physical safety of girls on their way to school and establishing special in-school programmes targeted at girls

can help. Cash transfers to poor families to help with some school costs, and targeted scholarships and stipends for girls can help to create incentives for families to send their daughters to school.

Finally, some key principles need to underpin improved access to education. Human rights, including minority and indigenous rights, should pervade all aspects of school activity, and not just consist of a booklet with guidelines. Training for teachers, administrators and support staff is needed so that they understand and implement these values. Intercultural education should be a part of state education strategy, so that cultural differences are understood and respected.

Increased cooperation and the development of joint initiatives between governmental bodies, educational institutions and NGOs is needed. Women and men from minority and indigenous communities should be fully involved in educational reform. Regular and intensive consultation of policy makers with local stakeholders is needed to identify the best methods and policies to address communities' educational needs. Minority and indigenous organizations, parents and community representatives should be enabled to take a more proactive role and fully participate in formulating the education philosophy on the local level. ■

Overcoming exclusion in education

Yusuf Sayed

The statistics on global illiteracy and children out of school are a stark reminder that Education for All (EFA) is clearly *not for all*. Those who are out of school are in most societies the most marginalized and disadvantaged, the hard and hardest to reach. With 101 million children out of school worldwide, if Education for All is to be achieved by 2015, then the education rights and needs of those excluded must become paramount. This chapter reviews the challenges that minorities and indigenous peoples face in education and strategies to overcome them.

The marginalization of minorities and indigenous peoples: causes and effects

While the education needs of minorities and indigenous peoples are evident, it is clear, as this book notes, that the reality is one of discrimination, stigma and poor-quality education. Overcoming such factors is complex.

In the Philippines, for example, the Constitution provides that the state shall recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions, and that their rights shall be considered in the formulation of national plans and policies (Constitution, Section 17, Article IV). To give effect to this, the government has created various structures, one of which includes the National Commission on Indigenous Peoples (NCIP). In consultation with civil society groups, an Indigenous Peoples Core Curriculum based on an Alternative Learning System (ALS) was created. The curriculum uses the same competencies as the general curriculum but focuses on what is considered essential to indigenous peoples, and each indigenous group may decide either to adapt or modify it as they find the need to do so. However, while this may be a positive development, the lack of certification and equivalency has made it difficult for those in the ALS to be mainstreamed into formal education, as Caoli-Rodriguez notes in a background paper for the UNESCO EFA global monitoring report. Additionally, the danger is that the ALS is seen as a second-best separate education track for indigenous peoples. While some students have completed formal basic education and some have earned college degrees, most indigenous peoples are unserved and minimally reached by the ALS. Moreover, teaching approaches and methods, the curriculum, evaluation

tools and school management are seen as not being responsive to indigenous peoples' needs.

The marginalization of minorities is never the product of just a single factor. It is often the product of complex forces which affect individuals at particular points in their lives. While factors relating to income and livelihoods have been identified as the important economic causes of exclusion, the cultural and social factors that lead different groups to experience and value education differently are important explanatory factors. Table 1 draws from available research and provides a brief summary of some of the structural conditions which drive children into marginalization and its adverse effects. It is important to recognize that while the table presents these factors as analytically separate, they are often interrelated in reality.

Educational exclusion and marginalization of minorities and indigenous peoples are experienced and manifested in a number of ways, creating three sets of hurdles to be overcome. The first hurdle is ensuring physical access to education. Second, even when the excluded do have access to schools, they generally only have access to poorer-quality education. (see Care Study, p. 36). The quality of the educational experience has a crucial effect on the demand for and completion of primary education. Retention in primary schooling and progression to upper primary and secondary education will continue to decrease as it becomes clear that, for many, the school services that are provided do not meet their needs and are alienating and exclusionary. Jansen, writing about education change in South Africa after the ending of *Apartheid* notes how black students are excluded from entry to 'white' schools in the new South African dispensation. He found a hostile and cultural environment in which assumptions are fixed about what constitutes good schooling and appropriate language policy. Delpit writes about curricula for poor and black students in the USA and notes that in schools the worldviews of those with a privileged position are taken as the only reality, while most of the marginalized are ignored. These studies show that schools can be alienating and their ethos and institutional culture effectively exclude the marginalized.

The third hurdle comes once students leave education. It is crucial to focus on the outcomes for marginalized minorities and indigenous peoples. A focus on outcomes considers the labour market opportunities that the marginalized enjoy upon

Table 1 Structural conditions that marginalize children, and some of their effects

Structural conditions	Adverse effect
Conflict	Children often become mentally and physically disabled, orphans, refugees or internally displaced people as a consequence of wars or conflicts. In Uganda, 613,000 children, many of them from ethnic minorities, became orphans during the 1990s due to conflict. In Sierra Leone, it is estimated that during the eleven years of civil war there were nearly 48,000 child soldiers, a quarter of whom were girls. In Jordan and Syria, some 72,000 Iraqi children in refugee camps attend school with the help of UNHCR.
Disability	Disabled children have limited access to educational facilities, learning equipment, and teachers who are trained to teach them. This is particularly so in rural areas or urban slums in developing countries. There are an estimated 150 million children with disabilities in the world. In India, it is estimated that 4.3 per cent of children aged 6 to 13 out of school in 2005 were disabled.
Discrimination	Children from a marginalized ethnicity, religion, tribe or class often experience educational exclusion due to negative social attitudes, sometimes over a long period of history. In sub-Saharan Africa, only 13 per cent of children who receive primary education use their mother tongues. Lack of access to primary education in their mother tongues often makes it difficult for children to follow instructions. Batwa children in the Great Lakes Region of Africa continue to face widespread discrimination. Even when they have access to primary education, they suffer from verbal and sexual abuse and school curricula do not meet their needs.
Disease	Children who are affected or infected by HIV/AIDS and other diseases often become marginalized due to social stigma, poor health or increased costs for treatment. Those children are also more likely to become orphans with little or no protection from violence. In sub-Saharan Africa, it is estimated that the number of orphans whose parents died from AIDS increased from 6.5 million in 2001 to 11.6 million in 2007.
Family breakdown	Children often leave home due to family problems. These include: family crisis, unemployment, divorce, alcoholism and substance abuse weakening family ties. In Central and Eastern Europe, the Commonwealth of Independent States, and the Baltics, about 1.5 million children are in public care, an increase of 150,000 since 1989, due to problems relating to their families.
Location	Indigenous, rural or nomadic people often live in marginalized areas where access to basic facilities such as health care and education is limited. They are also less likely to be registered at birth and are more prone to poor health and low participation in education. Evidence from DfID-funded projects shows that 1 million Peruvians and 87 per cent of Bolivians living in indigenous and rural areas do not hold identity cards. This means that they have limited access to public health care and education, and are barred from political participation.
Poverty	Children work on the streets, in hazardous places, or as sex workers due to household poverty. Such children are at risk of mental, psychological, physical and sexual abuse. Worldwide, as many as 100 million children are estimated to be street children. Some estimates suggest that about 11,172 children live and work on the streets in Mexico City.

completing education and their social status. In many cases minorities are under-represented in key positions in society. For example, the UK civil service still struggles to recruit sufficient numbers of minority ethnic staff into senior positions – they are often clustered at the lower grades of employment. Universities in the UK are still not wholly representative of minority ethnic members in society.

Exclusion and inclusion in education: examples from South Africa and India

In a detailed study, we examined education inclusion and exclusion of race- and caste-based groups in India and South Africa, looking at the extent to which the government’s policy commitment to overcoming discrimination and marginalization was translated into practice at the school level, focusing on governance, curricula and teaching (Sayed, Y., Subrahmanian, R., Carrim, N. and Soudien, C., *Education Exclusion and Inclusion: Policy and Implementation in India and South Africa*, DfID, London, 2008).

Inhibiting access: governance processes and procedures

In South Africa it was clear that access and inclusion were regulated at all schools in the study, despite the welter of prescriptions by central government and in the South African Schools Act (SASA) about the state operating an open access system. Under the SASA, all children have the right to be admitted to school. However, even though schools were following the SASA, the study showed that the schools had very specific interpretations of the policy and used various strategies to exclude learners.

Language at schools was used as a consistent way of excluding parents and their children or limiting their rights. For example, at Ruby Primêr in South Africa one parent reported that her son had been demoted to a lower grade because he did not have an Afrikaans background: ‘There is nothing we could do because they said he could not understand Afrikaans.’

In this group of former House of Representatives (HOR) schools (for people classified ‘coloured’) and former House of Delegates (HOD) schools (for people classified ‘Indian’), the least open school was Amazon Secondary. The school had made a conscious decision to improve its matriculation results and so used learner admissions as a means of achiev-

ing this. Management believed that accepting large numbers of low-income learners from many different areas had contributed to the high attrition rate of learners. The majority of educators favoured the admission of learners from the local area only. In effect this meant a greater intake of ‘Indian’ learners. The reason given was that this would alleviate some of the problems experienced in the classroom in terms of the continuity of standards.

The charging and payment of school fees had a profound effect on the exclusion of the previously marginalized black majority. At Lagaan School, where school fees had increased from R120 in 2001 to R450 in 2002, parents reported feeling embarrassed about the fact that they did not pay school fees as they did not have the means. While they were not excluded, the fact that they did not pay led them to hold back in certain activities at the school. In the case of Eastdale School, parents had to ‘be able to afford it’ in order for their children to be part of the school. Many ‘African’ parents chose Eastdale based on the view that such schools offered a better quality education. In some ways, they wanted the school to remain an exclusive school. It was very much a school for the middle class and, moreover, a school for boys.

What this reveals is that while no schools were overtly discriminating on the basis of ‘race’, class or gender, in practice all of these factors were in use as schools introduced language tests through interviews and entrance examinations, consistently pushed up their fees to maintain what they thought were ‘good’ standards and presented themselves as bastions of one or other culture.

Curricula: language and exclusion

Formally, all the schools in South Africa taught the new mandated Curriculum 2005, which is a skills-based curriculum as opposed to a content-based one. While all the schools expressed and manifested a commitment to Curriculum 2005, language became a key way in which previously disadvantaged black learners experienced exclusion. Clear examples of the problem occurred at former ‘white’ schools such as Eastdale, Oasis and North City High, the former Department of Education and Training (DET) schools such as Basildon, and the former HOR and HOD schools such as Ruby and Lagaan. At Eastdale, the school adopted the attitude that parents wanted their children to learn



Left: On 4 February 2009, a girl sits alone at a desk during a lesson at Omar Ben al-Khattab School in the town of Beit Lahia, in the northern Gaza Strip. Behind her is a hole in the classroom's wall, made during Israel's recent military incursion. *Iyad El Baba/UNICEF.*

they came from homes where education was not valued. These views were expressed by almost all the teachers who were from upper-caste backgrounds. The effect was that they taught in ways which did not challenge or enrich the learning experiences of the marginalized and produced a view among Dalit and Adivasi students that they were not good learners, thus creating a vicious cycle of their exclusion from learning. In many cases the research found that in the classrooms teachers operated a direct prejudicial and discriminatory pedagogy. For example, in both the primary and middle schools in Harda, Korku students were asked to sweep the school and fetch registers, while the task of serving the teacher water was done by Muslim and Kahar (other lower-caste) children.

To overcome discrimination and alienation in the school and classroom settings, attention has to be paid to ensuring that:

- there are adequate financial and other incentives put in place to attract teachers to work in areas where minorities and indigenous peoples are located;
- there are incentives to attract more teachers from minorities into the teaching profession, overcoming current obstacles and barriers;
- there is better initial (and ongoing) teacher training and adequate support in order to prepare teachers for working with minorities in a positive and affirming manner;
- attention is paid to instruction in the home language and teachers are competent to do so;
- there are incentive programmes for teachers that acknowledge good practice in fostering inclusion;
- teachers' appraisals explicitly focus on efforts to promote inclusion;
- the teaching body reflects to some degree the composition of the student body.

To ensure an adequate supply of suitably qualified teachers from minority and indigenous communities, it is essential that higher education opportuni-

ties are available. Thus, a progressive education framework is one in which access to good-quality higher education, as well as primary and secondary education, is available to marginalized groups. Moreover, higher education is crucial to facilitate economic growth, to enhance innovative capacity, and to utilize and diffuse new technologies. More importantly, inequities between the rich and the poor are exacerbated at higher levels of education. Thus, effective strategies to overcome the marginalization of minorities and indigenous peoples in and through education require investment in all levels of education and not merely a narrow focus on primary and basic education.

Strategies to overcome marginalization

While there are no blueprints that can be transplanted from one context to another, there are a number of strategies which are worth considering in tackling marginalization. In general, most of the strategies are what could be classified as affirmative action or positive discrimination as they are interventions targeted for the benefit of particular groups. They are and should be, in theory, short-term strategies designed to leading to greater equality in society – a means to an end and not an end in themselves.

While there are many interventions which can be identified, there is not, as yet, sufficient rigorous and systematic research which documents the cost-effectiveness of these programmes and their impact on student learning. The major evaluations of voucher schemes, for example, show mixed evidence regarding their impact on learning, their cost in relation to benefits compared to other programmes, and the transaction cost.

For affirmative action interventions to be effective, they need to be well targeted, sustainable and cost effective. Tables 2–4 show a number of potential interventions, pointing out not only their benefits but also some of the adverse unintended outcomes. Moreover, it is important to recognize that the strategies should be interrelated. For example, strategies to overcome barriers to accessing school should also ensure that the school curriculum and procedures are made relevant and cater to the needs of the marginalized.

One set of strategies to overcome exclusion can be classified as demand-side interventions. These include, as Table 2 shows, incentives to include the

English, consequently, while it offered Xhosa as the second language, English was privileged throughout the school. At Oasis the approach taken was that English represented a commitment to 'standards'. At Basildon, as explained above, learners who were not English-proficient were either excluded or enrolled in lower classes.

The most extreme example of structured language exclusion happened at Ruby. Here Afrikaans ruled the roost in ways that were considered fairly unproblematic by the school. While some of the educators were ambiguous about the introduction of Xhosa, the school as a whole was inflexible in its privileging of Afrikaans. The case was the same with respect to English at Eastdale and Oasis.

The fact that most of the learners were not English mother tongue speakers made very little difference in each of the schools. Few of the schools made any efforts to use the learners' first languages in a formative and affirming way. Interestingly, this structured exclusion was a process in which 'African' parents, educators and learners were often complicit. At most of the schools, the parents made it clear

that speaking English properly was the major motivation for sending their children to these schools. It was often 'African' educators who were the subject of their complaints and 'African' educators whose teaching competence they doubted. Learners were themselves not innocent bystanders in these processes. 'African' educators complained about the ridicule to which 'African' learners subjected them because of the way in which they spoke English.

Teachers and teaching

Teachers are crucial to ensuring inclusion of marginalized learners at the classroom level. Policies need to address the professionalism and development of all staff, especially teaching staff. Most importantly, staff should demonstrate their commitment to a culture of inclusivity by ensuring that all students feel included in the classroom.

In the study of India we found that teachers had a deficit notion of the educational potential of marginalized minorities and indigenous peoples. They stated that Dalit and Adivasi children were 'not able to be educated', 'were not good at learning' and that

Table 2 Examples of incentives to include the marginalized

Special admissions policies	Lower admission requirements to educational institutions. A preferential university admission requirement for indigenous Fijians in Fiji increased access for the indigenous population. However, quality and performance were found to remain of great concern if indigenous students are to succeed in university.
Reservation schemes	Providing quotas for socially discriminated populations. In India, reserved seats for scheduled castes and scheduled tribes are provided in proportion to their population. The national average of reserved seats for such children is 22.5 per cent and some districts provide 50 per cent, according to government figures.
Scholarship, bursaries, or stipends	Providing scholarships, bursaries, or stipends. In Sierra Leone and Djibouti, researchers found that girls' scholarship programmes improved attendance and retention but created tension between the recipients and non-recipients who were equally qualified. More careful selection of recipients is necessary in order to reduce drop-outs and increase retention.
Reduce or eliminate direct costs of schooling	Abolishing school fees or providing school fee waivers. The government of Kenya abolished primary school fees in 2003. This led enrolments to increase by 1.3 million. However, a UNESCO study found that lack of facilities to accommodate children, overcrowded classrooms, a shortage of teachers, a lack of clear guidelines on admission, delay in disbursement of funds and expanded roles of head teachers were commonly observed.
Grants (conditional and unconditional, cash and in-kind)	Providing cash grants and supporting community-based efforts. The Bolsa Escola programme (merged in 2004 with other income-transfer programmes) in Brazil provided income support to poor families to encourage school attendance. A World Bank assessment found that although the programme was considered to be successful in general, questions remained over the way in which beneficiaries were identified and targeted, and its long-term sustainability.

marginalized by offering special admission policies or reservation schemes, or providing financial incentives such as scholarships, bursaries, stipends and grants.

Other possible interventions create alternative forms of education provision that cater to the specific needs of particular groups for whom conventional schooling models are inappropriate. Table 3 lists some supply-side interventions which focus on creating forms of schooling that are more relevant and appropriate to the needs of specific groups.

While it is important to increase the supply of education and boost demand, it is equally necessary, as noted earlier, to change the educational experiences of the marginalized in schools. Table 4 focuses on key teaching and learning interventions, includ-

ing school curricula, language policy and teacher training, which have the potential to enhance the relevance and quality of education that minorities and indigenous peoples receive.

Financing of education

Adequate domestic and international financing remains key to ensuring that there are effective policies and interventions to increase access to good-quality education for all, particularly the marginalized and disadvantaged. The Dakar Framework of Action is built on a promise that no government committed to education development will be 'thwarted by lack of resources'. Yet, the UNESCO 2009 global monitoring report estimates that of the US\$11 billion in development

Table 3 Examples of alternative forms of education provision

Second-chance education programmes	Providing bridging education for youth people and adults. The national governments in Indonesia and Thailand made legal provision for the right to education for all citizens. This enabled young people and adults to obtain basic education. A UNESCO study found that specific identification of targeted groups rather than the 'rural poor' is important for the success of the programme.
Provide relevant education for children in conflict or post-conflict	Offering programmes to meet the social and education needs of children and young people in post-conflict situations. Through a guidance and training programme called the Healing Classrooms Initiative (HCI) in northern Ethiopia, prospective teachers who had not completed secondary education gained confidence to become alternatively qualified teachers for children in camps. The HCI programme also offered the opportunity to complete and to continue further education. This programme demonstrated that there is potential to provide quality education in camps.
Provide appropriate education opportunities for disabled people	Offering education opportunities that respond to the needs of disabled people. The Inclusive Education Fund supported children with visual, hearing or mobility disabilities to access regular schools. The Uruguay experience demonstrated that, by supporting architectural improvements and training teachers to acquire knowledge and skills for the academic needs of all children in regular schools, the benefit of inclusive education went beyond those disabled children, promoting development of social, cognitive and emotional skills for all children and teachers in the programme school and contributing to the quality of education.
Private schooling	Allow communities to establish schools to empower and include marginalized communities in decision making. In recent years, India received a large influx of children previously denied access to education. Given financial constraints, the government of India allowed the private education sector to flourish and encouraged communities to participate, also addressing the 'upper-caste' hegemony of teaching positions by lowering educational qualifications to become a teacher. However, Sarada Balagopalan and Ramya Subrahmanian, writing for the Institute of Development Studies, cautioned that more low-fee private schools for Dalit and Adivasi children offer a low-quality education with fewer teaching materials and more unqualified teachers. If the reform intends to bring about inclusive education for all children, the government has to improve the quality of education, which is thus undermined.
Mobile schools	Offer mobile schools to those who are unable to reach conventional schools. Most people in North Eastern province in Kenya are pastoralist nomads. Girls in the area have very low school enrolments because they are often assigned to take livestock to a water point with their family, staying a few days before moving to another water point. In order to ensure schooling of girls as well as of boys in the area, the Ministry of Education established mobile schools near water points. Flexible timetables enabled schools to adjust to the nomadic lives. In Cebu City in the Philippines, the mobile school programme delivered by bus serves over 500 street children and other vulnerable children annually. (See Case Study, pp. 36–41.)

Table 3 Examples of alternative forms of education provision (Continued)

Community schools	Offer smaller community schools closer to home. Some girls in Pakistan's North-West Frontier Province attend community schools assisted by UNICEF. The number of public schools in the area is limited, and some children walk for up to three hours each way to attend school. Community schools help girls who could not otherwise receive primary education. In order to ensure the quality of education and the curriculum content, teachers must have a primary teaching certificate and a head teacher of the nearest public primary school visits the community school on a weekly basis.
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aid annually needed for low-income countries to achieve education for all, in 2006 only one-third of this was promised. This affects minorities and indigenous peoples, who are the most in need of special educational support but are also the hardest to reach. In Tanzania, aid to education supported the reduction of out-of-school children by 3 million since 1999. In Ethiopia, the government increased the budget allocation to education from 3.6 per cent of gross national product (GNP) in 1999 to 6 per cent in 2006. The number of out-of-school children decreased from 7 million to 3.7 million during the same period, and this would not be achieved without international assistance. Yet, despite promises made at Gleneagles in 2005, donors are still not forthcoming with aid, and almost US \$30 billion remains to be committed if the overall promise is to be met.

Worryingly, while education as a share of total official development assistance (ODA) remained constant at 9 per cent in 2006, basic education as a share of total aid to education slightly dropped to 45 per cent, compared with 48 per cent in 2004. Thus, more aid to basic education is important to ensure that the world keeps the promise of education for all by 2015.

Although more aid is a necessary condition, it is not a sufficient condition. Increased aid to education must be accompanied by aid which is predictable, harmonized and coordinated. Developing country governments should also improve the fairness and quality of education service delivery, and transparency and accountability, by tackling corruption.

Developing country governments can do much to increase resourcing for minorities and indigenous peoples. One general approach, which is not with-

out controversy, is to load the funding formula in favour of schools that attract such communities. In other words, additional financial resources accrue to schools which teach marginalized groups. There should also be conscious efforts to redirect the best teachers to schools serving minorities.

A further option would be to create a special policy reserve fund from the general exchequer for education programmes that favour the marginalized. Such a fund would pay for the kind of interventions discussed in the previous section. For such a fund to be effective there need to be clearly developed criteria and effective means of targeting and monitoring disbursement.

An obvious strategy is to remove school fees and not just tuition fees. However, free state provision of education seems to be the exception, with a majority of countries charging fees, in different forms. Of the 92 countries surveyed by Bentaouet and Burnett in a 2004 study for the World Bank, 83 per cent have some type of fee (whether legal or illegal). The majority of these countries (58 countries), including South Africa, charge legal fees which often take the form of tuition fees. As many as 33 countries supplement state income with informal types of school fees, such as Parent Teacher Association or community contributions. In sub-Saharan Africa, only three countries provide fully free primary education. The removal of fees (tuition and other charges) will have a positive effect on encouraging marginalized minorities to enrol.

Given the enormous inequalities in state expenditure during the *Apartheid* period, achieving equity in South Africa was always going to be a major challenge. Current reviews concur that there have been enormous gains in racial equity in terms of state expenditure per pupil. What is more contentious is

Table 4 Key teaching and learning interventions

Language	Introduce legislation on minority language instruction in school. Indigenous Sami people in Norway are guaranteed first-language education in and official status for the Sami languages. Until the seventh grade, parents have the choice of whether their children are taught in Sami or not. Local parents welcomed this and many Sami children learn in their mother tongue. Some Sami teacher training is done in Sami languages.
Curriculum	Develop a curriculum that integrates indigenous cultures. In Australia, there is funding for Aboriginal education through special programmes, although this has led to short-term solutions and Aboriginal education has come to be seen as not relevant to business. Consequently, despite improvement in educational outcomes of indigenous Australians in past decades, many indigenous students continue to drop out before Year 12. Poor education outcomes of indigenous students limit their access to further education as well as post-school options.
Teacher training and curriculum	Offer teacher trainees a curriculum that enhances awareness of multiculturalism. Intercultural Bilingual Education Teacher Training Programmes in Peru (AIDSESEP/ISPL Programme) expose trainees to the different cultures that exist in Peru, enabling them to understand the needs and demands of indigenous peoples. Although the Ministry of Education welcomed the programme in teacher training colleges, in 1999 it adopted a new national competence-based curriculum for teacher training, which limited what could and could not be done in the intercultural bilingual education programme.
Teacher training and deployment	Give teachers incentives to teach in remote areas or recruit teachers from minority communities. In Uganda, a recent World Bank study on teacher attrition shows that the provision of housing to teachers who were posted in rural areas had a positive effect on teacher retention. In 2005, 15 per cent of the school facility grant was allocated to the construction of teacher housing. In Ghana, posting newly qualified teachers from the same college in pairs seems to work well, as does providing opportunities for study leave. In Laos, recruiting ethnic minorities into teacher training had some positive outcomes, although language barriers had to be overcome. In addition, not all students who graduated from training courses returned to their communities, due to marriage and other reasons.

the extent to which redress (or differential spending) has been achieved.

The primary interventions to achieve equity in education in South Africa include shifts in inter-provincial funding (the poorest provinces will receive more) and greater school allocations for the poorest pupils. The differential allocation is a significant departure from previous policy that focused on equalizing state per capita expenditure. It is an acknowledgement that the poor need greater support, but also that the *Apartheid* legacy of poverty remains.

The government of South Africa has also sought to use the principle of pro-poor financing in the funding of independent schools on condition that they provide quality education, combat racism and serve the poor. While such public funding of independent schools is fairly limited, it is very significant for lower-cost providers with a high intake of poorer children. The Department of Education recognized in 1998 that independent schools are cost-efficient for the state: 'if all learners were to transfer to public schools, the cost of public education in certain provinces might increase by as much as five per cent'.



Left: Women from the nomadic Hidareb minority who live on the arid plains of the Barka River, Kerkebet region, Eritrea. *Heldur Netocny/Panos.*

framework which has the needs of the marginalized at its centre, impressive rates of growth will not automatically benefit the poor. In adopting a holistic approach, it is also important to note that the marginalized are not a homogeneous group – the category of those classified as excluded reflects and refracts existing ethnic, class and gender differences and other inequities in society.

Third, there should be a participatory process involving all social groups and in particular those whom the policy is intended to benefit. Effective take-up rests on ownership by those for whom the policy is intended.

Fourth, policy mandates need to be coupled with strong political will and enhanced social awareness to ensure effective implementation and desirable outcomes. Thus communities need to be active in arguing for and being party to how inclusion policies unfold at all levels of the education system. In particular, attention needs to be paid to strengthening the ability of communities to hold schools accountable.

Effective implementation of policies

While the rhetorical value of many policies on inclusion is high, their potential for implementation remains precarious. In this regard strong efforts need to be made to establish mechanisms to support the implementation of policy and to ensure that there is much stronger correspondence between policy as pronounced and policy as practised. Implementing policy on inclusion should be the responsibility of all levels of the education system, right down to the level of school heads of department.

Effective implementation at the school level has already been described extensively in this chapter. Additionally, a key condition for ensuring implementation of policy is enhanced monitoring of exclusion. This needs to develop an expanded notion of inclusion beyond formal access to school, and should include monitoring the achievement of learners from marginalized and disadvantaged communities and disaggregating expenditure in terms of beneficiary analysis. Robust and appropriate monitoring means that policy remediation can occur. Effective monitoring also requires that an

appropriate system of incentives is in place at the institutional level to encourage schools to monitor the progress of the excluded.

Development agencies can and should play a key role in overcoming marginalization. There are a number of ways this could be done, including:

- ensuring that educational inclusion features prominently in sector reviews, development dialogues and other modalities of support;
- working with partner governments to ensure that social inclusion is planned for, budgeted and monitored;
- sharing and disseminating good practice on tackling social exclusion in education;
- encouraging constructive policy dialogue with NGOs;
- consolidating and aligning international efforts to tackle social exclusion in education;
- collecting data, reporting on progress and ensuring effective international monitoring and advocacy.

Overcoming the marginalization of minorities and indigenous peoples requires conscious policy choices where the goal is to enlarge the opportunities people have to develop and lead valued lives. For this to occur requires strong political will and capacity on the part of governments. It also requires an active and assertive civil society populated by organizations of the marginalized that champion their needs and hold governments to account. Overcoming discrimination and promoting inclusion in education are important goals in any society, but they are not ends in themselves. They are means to an end that is ultimately the fundamental transformation of society so that groups whose rights are most often denied can see their freedoms enlarged. ■

Policy lessons in overcoming marginalization

A number of lessons can be highlighted from research and experience in overcoming the exclusion of marginalized groups. The first relates to the dialectic between the universality of the right to education and the specificity of need and focus. In developing policies which are responsive to the needs of minorities and indigenous peoples, there is a need to move away from one-size-fits-all policies and instead develop those which recognize that individuals' social positions. A failure to understand the specificity of the problems can create perverse unintended outcomes. However, there is also simultaneously a need to retain a focus on 'universalism' or an integrated view of social equality. In education terms, the needs of minorities are in one way similar to those of all learners, that is, the need for good-quality education that is accessible, relevant, responsive and acceptable. Marginalized groups don't need, as the South African *Apartheid* system prior to 1994 poignantly illustrates, a segregated, separate and inferior second-chance education system. It is

important to develop context-specific policies that are tailored to specific needs while ensuring that differentiation does not drift into new forms of segregation. Thus, the key policy is to move towards an approach which ensures unity and equality through diversity.

Second, it is important to recognize that a more inclusive education system is a necessary but not a sufficient condition for ensuring that the rights of minorities and indigenous peoples are protected, promoted and advanced. What is also needed, as the experience of promoting gender equality reveals, is respect for the rights of minorities in society more widely. Greater synergy between education reform and societal transformation is crucial in developing a more coherent, holistic and joined-up approach to protecting and advancing the rights of minorities. For example, without the marginalized being able to meet basic needs such as health and housing, they have to trade off education against other needs. Without a policy which champions gender equality, girls and women will find it especially difficult to benefit from education. Without an economic

Case Study Challenges in policy and practice: pastoralists and nomadic peoples

Amina Osman

Pastoralists and nomadic herders number several tens of millions of people worldwide. Located mainly in the dry lands of Africa, South and Central Asia, and the Middle East, they include some of the most vulnerable peoples in the world, though they frequently make an important contribution to national food production. In several countries of the Horn of Africa, a significant proportion of the population – at least 10 per cent – are considered to be nomads or pastoralists. Other countries, such as Nigeria and Tanzania, now refer to new types of nomads, including not only fishing communities but also small-scale mining groups, tea harvesters and sugar cane cutters. The mobility of these groups and the remote, often harsh environments in which they live are persistent obstacles to the provision of formal education, and millions of nomadic children remain outside the education system.

One of the biggest risks for these children is that, with the Millennium Development Goals (MDGs) being based on national averages, such inequalities within countries can be obscured. Absence of reliable data and the resulting invisibility of pastoralist groups within national education statistics renders them unseen, uncountable and uncounted. The disconnect probably derives from assumptions that the nomads fit poorly in the imperatives of Education for All and of the MDGs for multiple reasons, which mainly include the scattered and low-density distribution of pastoral populations, their varying degrees of mobility being seen as negative indicators of social development rather than viable livelihood and natural resource management strategies. This is to forget that the Millennium Declaration is both visionary and pragmatic. As the UNICEF *State of the World's Children* report proposed in 2006, its vision is a world of peace, equity, tolerance, security, freedom, solidarity, respect for the environment and shared responsibility in which special care and attention is given to the vulnerable, especially children. Its pragmatism lies in its central premise: human development and poverty reduction are prerequisites for such a world.

International definitions and recommendations

When nomadic peoples are made invisible, it is easier to deny them recognition and the rights common to any national citizen. However, while nomadic peoples are often invisible at the national level, there are several international precedents that can assist to

define and make visible their rights. The first definition of 'mobile peoples' in the international context is given in the Dana Declaration (Jordan, 2002):

'The term mobile peoples (i.e. pastoralists, hunter-gatherers, shifting agriculturalists and other peoples with dynamic regular changing patterns of land use) refers to a subset of indigenous and traditional peoples whose livelihoods depend on extensive common property use of natural resources over an area, who use mobility as a management strategy for dealing with sustainable land use and conservation, and who possess a distinctive cultural identity and natural resource management system.'

The first definition of mobile *indigenous* peoples is included in Recommendation 27 of the 5th World Parks Congress (Durban, September 2003):

'Mobile indigenous peoples (i.e. nomads, pastoralists, hunter-gatherers, and shifting agriculturalists) are a subset of traditional and indigenous peoples whose livelihoods depend on some form of common property use of natural resources, and whose mobility is both a distinctive source of cultural identity and a management strategy for sustainable land use and conservation.'

Most recently, the Segovia Declaration of Nomadic and Transhumant Pastoralists (Spain, 2007) recognizes the need to:

'promote education of children in mobile communities by providing mobile and boarding schools as required, using the indigenous or local languages, and respecting the dignity of mobile communities by incorporating in the teaching curricula elements of the local culture and indigenous knowledge.'

The Segovia Declaration also promotes the responsibility to:

'assure equal access by pastoralists and other mobile communities to higher education, and develop specific educational programmes on pastoralism and subjects related to mobile and nomadic communities, promote action-research of relevance to mobile communities and ensure access by mobile communities to such relevant educational and action-research programmes.'

The Segovia Declaration builds on both the Dana Declaration and the World Parks Congress

recommendations, reaffirming the right of all children to learn while recognizing their diverse needs within a range of flexible learning and teaching strategies and spaces.

Overcoming issues of mobility and remoteness

If nomadic peoples' continuous mobility is perceived as a lack of social evolution, it legitimizes any political push for sedentarization, and educational provision may well serve as a direct or indirect instrument in promoting a hidden agenda of changing the attitudes and beliefs of nomads, when there is no alternative provision that adequately responds to their needs and respects their right to education and learning. Do pastoralists and other mobile communities want their children to learn to read and write?

In effect, with the consequences of food crisis, climate change and globalization and other factors, nomads are having increasing difficulty sustaining their livelihood. Education can bring a sense of possibilities and fulfilment to community members. For example the Tigré community in Geleb, on the Eritrean coast, who live part of the year in semi-desert areas, have seen increased access to education for their children over the last three years, as well as an improvement in safe water supply and sanitation. Quality of life for the community has greatly improved. The elders say their children are learning new concepts and skills, which they hope will provide a future different from their own lives, largely determined by the daily struggle for survival and seasonal migrations in search of water.

Nomads and pastoralists may be turning to education as a means to assure their children's future, but when the outcomes of such provision remain uncertain, they turn away. Consequently, these nomadic pastoralist communities have very low enrolment figures and high drop-out rates in the formal system. Estimates of numbers of nomadic and pastoralist children out of school worldwide are difficult to make because of the invisibility of pastoralist groups within national aggregated education statistics. A 2003 Oxfam study puts the estimated number of nomadic and pastoralist children out of school between 15 and 25 million.

As defined by the 5th World Parks Congress Recommendation 27, pastoralism, as a livelihoods

Right: Children line up to enter the Galifega Alternative Basic Education Primary School, Ethiopia. When they move to a new location, families can dismantle the 'mobile school' along with their huts. The 'alternative education' model adapts learning environments to the pastoral way of life. *Indrias/UNICEF.*

and resource-management strategy, is also deeply interrelated with identity. Saverio Kratli, researcher at the Institute of Development Studies at Sussex University, points out in a study for the World Bank that, when addressing the education of pastoralists:

'it is all too often forgotten that to be "pastoralist" means being Turkana (Kenya), Rabari (India), Qashqa'i (Iran), or from some other community. It is an identity these people take pride in, a complex and sophisticated way of life which, with all its harshness, they profoundly love.'

Arguing that education has mainly been intended as an instrument to transform the pastoralists into something else, however, he explains that:

'The history of mass education programmes for nomads has been that of an encounter between people seeking new ways of adapting to an evolving context – monetarization of the economy, commodification of labour and privatization of land – and a broad set of actors, from policy-makers and project officers to teachers and local officials, who widely believe that nomads have to be "saved" from their way of life. It is upon this cultural clash that the "problem" of delivering mass education to nomads has been framed and policy solutions devised.'

Problems are defined according to the line that the mobility of the nomadic pastoralists makes any effective use of conventional schools difficult. Low population sparsely distributed over an extended area requires a large catchment area to provide enough children for a school, leading to long walking distance to school each day. At the same time, the rigid education system does not allow children of nomadic pastoralists to attend school as they are required to provide labour in herding animals. This also leads to the question of national centrally mandated curricula, which are meant to



realize national objectives and foster national unity through a uniform system. When the centrally planned and controlled curriculum stresses formal academic achievements rather than knowledge and practical skills relevant to pastoralists, it is invariably perceived as inappropriate and irrelevant, alienating children from their communities and lifestyles, and contributing to poor attendance and participation in education. Central curricula tend then to create disparities between pastoralist communities and the rest of the population.

Inequity also comes from an education of poor quality delivered through poor infrastructure and inadequate facilities. Furthermore, the use of permanent and immovable structures for conventional classrooms and schools is unsuitable for nomads, who are continually on the move, migrating from one settlement to another in response to seasonal and occupational demands. With the best intentions, these constant migrations disrupt their children's schooling as they do not stay long enough in a settlement for learners to complete an academic session or school year. For instance, due to a lifestyle

of constant search for pasture for their animals, very few Wodaabe children of Niger go to school. It has not been part of their tradition and they are constantly prone to periods of hunger, especially when there is a drought and they do not have access to millet or to water. Often the Wodaabe would be forced to sell their cattle.

In Ethiopia, pastoralists often do not send their children to school as they cannot afford to pay for their food and lodging in the towns where the schools are located. However, economic challenges are not the only barrier to education for nomadic boys and girls. Even when fees are not charged and indirect costs are low, or when parents could in principle afford to send their children to school, there are other interrelated problems. There is a wide range of tasks that both boys and girls in rural areas are expected to carry out, such as tending livestock, collecting water, cooking. Sending children to school imposes a significant additional non-cash burden on the families. This is particularly important where tasks, and other obligations, fall disproportionately on girls.

Articulation of knowledge systems

Mobile and boarding schools have not always been the best solution. Kratli notes that, in 1970, the parliament in Kenya amended the Anglo-Maasai agreement which had kept reserves closed to non-Maasai, and launched a programme aimed at improving enrolment by setting up low-cost boarding schools. However, the new educational facilities were flooded by pupils from non-pastoral ethnic groups and were disregarded by the Maasai. Mobile schools, likewise, can sometimes turn out to be costly and unsustainable.

Experience in the non-formal education sector shows that community-based interventions that respond to context and mobility patterns can have greater success. In fact, recent work has increasingly reverted to policy frameworks which accommodate diverse provisions and support a variety of responses to the situations and learning needs of nomads and pastoralists. Nomadic and pastoralist families' own informal educational transmittal of their wisdom and their knowledge system is concerned with teaching about their way of life and their values. As Roger Blench describes, in a 1999 paper for the Overseas Development Institute in London:

'In reality, pastoralists' landscape is flecked with an invisible constellation of resources. They have to balance their knowledge of pasture, rainfall, disease, husbandry, political insecurity and national boundaries with access to markets and infrastructure, and preferred established migration routes. Pastoralists usually only diverge from their existing patterns in the face of a drought, a pasture failure or the spread of an epizootic. Nonetheless, this flexibility is often the key to their survival.'

The knowledge is transmitted from generation to generation, as they try to adapt to new circumstances and articulate different forms of knowing.

New opportunities for nomadic children

More in-depth studies, better data collection and promising initiatives are forging new trends and creating new opportunities for nomadic children. A 2006 study commissioned by UNICEF and the African Development Bank, *The Education of Nomadic Peoples in East Africa*, identified major societal issues impacting on more than 10 per cent of the population in the countries studied (Djibouti,

Eritrea, Ethiopia, Kenya, Tanzania, Uganda), which pose a serious threat to the challenge of the MDG of Universal Primary Education by the year 2015. The study makes a set of recommendations for what can be done to resolve problems of equity, access, quality of education provision and learning, and to ensure an environment that is conducive to learning, the assumption being that each context creates the rationale for appropriate policy response(s) and services that address the specific educational needs of nomads.

The recommendations include better articulation of the particular situations of nomadic groups in the Poverty Reduction Strategy Papers, specific support to nomadic communities, as well as training in community participation, and dialogue in education and learning. Multi-sectoral responses for improving the nomads' situation should be conceived alongside poverty reduction strategies as a means to include them within the wider development process and ensure that they are not ignored when MDG-based strategies are being developed and implemented. These issues should also figure prominently in educational fora that often do not underscore them.

The new Nomadic Education Strategic Plan launched in Sudan at the end of March 2009 is expected to respond to the special educational needs of the estimated 500,000 nomadic children living in the northern states, and sets out to increase enrolment rates to 70 per cent by 2011, compared to current levels of 32 per cent. Government enrolment figures for the northern states of Sudan indicate that girls' enrolment in primary education stands at just below 66 per cent. The Plan will also set out to strengthen the responsiveness of the education system and curriculum to the needs of nomadic children, and increase the number of trained, motivated teachers.

Among the practical responses offered for nomadic children is a shift from provision of mobile schools to on-site learning centres, as many children remain in one place for up to six months of the year. The Plan also emphasizes the value of boarding schools for nomadic children, to enable them to continue learning even while their families are on the move, and sets out to enrol a further 133,000 nomadic children in regular primary education. The importance of increasing perceptions of value of education among all families is also highlighted: the 2008 Baseline Survey of Education in the north-

ern states, undertaken by the Federal Ministry of General Education, found that more than one-third of families that did not enrol children in school did so through choice rather than because of any external obstacle.

In Kenya, it is estimated that there are about 6.7 million children of school age (6–13) with about 660,000 in the twelve pastoral districts. These areas have a comparatively low gross enrolment rate (GER), with a majority of children of primary school age not enrolled in schools. The predominantly Muslim North East Province districts of Garissa, Wajir, Ijara and Mandera have the lowest GER. The GER for Garissa indicates that 87 per cent of children are outside the formal system of education, possibly engaged in early marriage, child labour, herding or involved in household duties, combining these activities with koranic teaching in *madrassas*.

The net enrolment rates (NER) in districts where nomads coexist with sedentarized communities are high but very low where nomadic pastoralists are a majority. To increase GER/NER in the ASAL district, UNICEF recently supported the development of a draft nomadic education policy, paving the way for the establishment of a national commission as a significant step in formalizing and assuring viable schooling or learning options for children living nomadic lifestyles. Life skills curriculum development is also ongoing and will be incorporated into the peace education curriculum to prevent or reduce conflict, including ethnic clashes and cattle rustling.

Conclusion

Despite positive commitments to the MDGs and EFA, rigid state control over education can be a barrier to social change. Formal education systems promoting a national curriculum, standardized pedagogy and with inflexible scheduling can lead to conflict between the traditional values of nomadic and pastoralist peoples and state policies as promulgated through the educational system, threatening the very sense of collective unity such policies are often intended to promote. If, in part, the situation of pastoralists and nomadic groups is just an extreme example of the problem that marginalized groups encounter, it is also a reminder that no learning process is context-free. ■

Complementary Elementary Education (CEE) in Eritrea

By UNICEF

Nomadic populations in Eritrea move twice a year between the lowlands and the highlands. These migrations are incompatible with the formal school calendar. Generally, classes are already in session when the time comes for nomadic children to resettle. They end up being excluded from the formal system. Non-formal Complementary Elementary Education (CEE), with its flexible calendar, is more suitable to their migration patterns. CEE is having a positive impact on access to education for nomadic boys and girls, providing them with new opportunities for learning.

The establishment of education committees composed of community elders, mothers and fathers has also contributed to the increased value attributed to the education of girls amongst pastoralists – and to the appreciation of its long-term benefits for the community as a whole.

'UNICEF and the government request that we send more girls to school', said one elder.

'This is a piece of welcome advice. The community is a combination of boys and girls. Unless the girls are developed, the community cannot develop. The sun gives light to the outside world in the daytime. The moon and the stars shine in the sky at night. The light inside our homes is given by our women and our girls. Education can make that light even brighter.'

So far, education for pastoralists has mainly been provided through CEE in Eritrea. The country is now moving towards developing a provision that is tailored around the needs and lifestyles of this group. In December 2008, the first National Consultation on Nomadic Education was held in Eritrea ■

Fulfilling the right to education for minority and indigenous children: where are we in international legal standards?

Vanessa Sedletzki

Education is the vehicle by which a child grows to be an independent adult. It is also the means by which cultural values are transmitted and the child is bound to his or her family, community and society. The right to education has a special value as it enables children to increase their chances of having their other rights fulfilled. According to Katarina Tomaševski, the former UN Special Rapporteur on the right to education, the right to education 'functions as a multiplier, enhancing all rights and freedoms when it is guaranteed while jeopardizing them all when it is violated'.

The realization of the right to education takes on a double importance for minority and indigenous children. First, because these children are often socially excluded and discriminated against, the 'multiplying' effect of the right to education is of particular relevance to break or perpetuate the cycle of exclusion and marginalization. Second, by enabling the transmission of values and culture, the right to education has a key function in the preservation of minorities' and indigenous peoples' cultures, hence their existence as distinct groups.

Culture indeed plays a defining role in identifying national or ethnic, religious and linguistic minorities, and indigenous peoples. While there is no internationally agreed definition of these terms, it could be argued that the main characteristics of these groups lie not in their numerical inferiority, but in their non-dominant status in national society, their cultural distinctiveness and their members' sense of belonging to the group.

The Convention on the Rights of the Child (CRC) recognizes the primary importance of culture. Under the CRC, states have an obligation to preserve and protect the child's cultural identity, as an essential element for his or her development. The Preamble recognizes the 'importance of the traditions and cultural values of each people for the protection and harmonious development of the child'. Article 8 provides for the right of the child to preserve his or her identity. This provision includes not only the administrative components of identity such as name and nationality, but also cultural ones. Article 20 requires states to pay due regard to the 'desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background'. Furthermore, Article 23 provides for the rights of children with disabilities to achieve the 'full-

est possible social integration and individual development, including his or her cultural and spiritual development'. These provisions complement Article 31 of the CRC, for a child's right to participate in cultural life; and Article 30 for the recognition of the rights of children of minorities and indigenous children to enjoy their culture, practise their religion and use their language. Hence, culture is an essential dimension for the implementation of the CRC, including its guiding principles of non-discrimination; best interests of the child; right to life, survival and development; and right to participate.

It is thus well-acknowledged within the international framework that culture is a key element for the development of the child. The conditions under which cultural identity is protected and promoted and the extent of states' obligations in this regard have been progressively defined in international standards.

Following the Second World War, a restrictive interpretation of the principle of non-discrimination prevailed. At the same time, culture was understood primarily as a private matter. However, international standards have progressively acknowledged the importance of taking positive measures for the recognition of cultural differences in the public sphere, including with respect to the right to education. However, indigenous peoples and minorities exhibit significant differences and have diverse aspirations. For this reason, two separate legal regimes have emerged. While necessary, the recognition of their specific rights includes some risks and challenges. It is therefore equally important to examine how the human rights framework has addressed these concerns.

Cultural differences and the right to education: from formal to real equality

The recognition of special rights for minorities and indigenous peoples in the international framework, particularly in a European context, has always met with suspicion. It has been marked by a tension between three elements: the importance of respect for cultural diversity; understandings of the principle of non-discrimination; and the need to ensure peace and stability within states. This explains why international standards bear the influence of historical events and have evolved over time, depending on the weight awarded to each of these elements.

Starting with the religious wars of the sixteenth century in Europe, religion, and especially its

recognition in the public sphere, has been apprehended as a factor of conflict. A state's neutrality in terms of religion was seen as the primary means of solving and preventing these conflicts. In this way, religion, and more broadly cultural identity, has been considered a private matter of no concern to the state. According to the liberal theory, only one legal regime applies to all. If the state were to allow specific rights to some individuals or groups, it would breach the equality principle, which could potentially threaten peace and stability.

But the liberal theory has faced considerable criticism. What is mainly questioned is the extent to which the state can be culturally neutral. It has been argued that states' cultural neutrality is an illusion. Far from guaranteeing equality among citizens, it often marginalizes and excludes minorities by failing to address their specific rights and needs. According to this view, public institutions necessarily represent a majority culture, putting minority cultures at disadvantage.

With the outbreak of the First World War attributed to minority issues, provisions were included in peace treaties in 1919–20 for the protection of minority rights. These treaties emphasize the equality of all citizens before the law. They also recognized the right of minorities to establish and manage at their own expense charitable, religious and social institutions, schools and other educational establishments, as well as the right to use their own language and to exercise their religion freely therein. A similar provision was reviewed by the Permanent Court of International Justice in the *Minority Schools in Albania* case of 1935, which significantly influenced the future regime for the right to education of minorities and indigenous peoples.

In this case, the Greek government was contesting the closure of private schools in Albania, which meant that members of the Christian Greek minority could not retain their schools. The Court stated that this constituted a breach of equality, because it was depriving the minorities of their own schools, while the majority would continue to enjoy the schools provided by the state system. The Court concluded that the treaty stipulation 'ensures that the majority shall not be given a privileged situation as compared with the minority'. Furthermore, the Court recognized the special role of education in the preservation of minority cultures, hence of the group itself. As stated by the Court: 'there would be

Right: Chakma Children at the Motchmara Para centre in Rangamati, Chittagong Hill Tracts, Bangladesh. *Din Mohammad Sibby/UNICEF.*

no true equality between a majority and a minority if the latter were deprived of its own institutions, and were consequently compelled to renounce that which constitutes the very essence of its being as a minority.'

However, it was the liberal approach focused on the rights of the individual which significantly influenced the international human rights system largely defined in the aftermath of the Second World War. On the one hand, the outbreak of the war was associated with the use of minority issues as a pretext for aggression. On the other hand, the Second World War was characterized by genocide and crimes against humanity, by definition aimed at wiping out entire minorities. As a result, there was an imperative that individuals belonging to minorities needed to be protected from discrimination and its possible consequences.

Accordingly, international standards adopted after the Second World War emphasize the state's responsibility to protect individual rights and freedoms, but avoid recognizing special rights for minority groups as such. At the core of this system is the principle of non-discrimination, mentioned in virtually all human rights treaties. This principle has initially been understood as a 'negative' obligation for states, in other terms, an obligation not to intervene. The approach is reflected in provisions on minorities and indigenous peoples. Article 27 of the International Covenant on Civil and Political Rights (ICCPR) states that 'persons belonging to ... minorities shall not be denied the right to enjoy their own culture'. Article 30 of the CRC, on the rights of children belonging to minorities or who are indigenous, also uses a negative construction. Under these provisions, the state has the obligation to make education services available to all children without discrimination.

As a consequence, the recognition of a positive obligation to protect and promote cultural identity in the international legal framework for minorities and indigenous peoples has resulted from the adoption of posterior instruments, as will now be examined. It has also been induced by the proactive position of treaty bodies in charge of monitoring these instruments and guiding their implementation. The



idea was to go beyond formal equality and focus on real equality.

In his book *Multicultural Citizenship*, Will Kymlicka, a political philosopher and authoritative voice on multicultural issues, seeks to reconcile the importance of culture in the individual's development with the recognition that individuals should have the freedom to review their choices, assess their beliefs and question their values. Nevertheless, to be able to make choices, individuals need to have options. As Kymlicka puts it: 'our societal culture not only provides these options, but also makes them meaningful to us'. According to this view, cultural membership is essential to individuals' self-identity. In this context, if a culture is not respected, the dignity of its members is also threatened. At the group level, failure to protect cultural rights can also lead to the disappearance of the group and/or of its distinctiveness.

This is the approach that has progressively prevailed in the interpretation of the principle of non-discrimination, in particular with respect to the right to education by international bodies and in political instruments. Developments in this area were particularly substantial in the 1990s, following the adoption by the UN General Assembly of the

UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) in 1992.

With the increased recognition that non-discrimination alone is not sufficient in the realization of the rights of minorities and indigenous peoples, international instruments have acknowledged the need to take positive measures to ensure real equality. Notably, however, the provision of culturally sensitive education is not fully recognized as a state obligation under international law. Rather, it is identified as one of the important means to be considered for the realization of the right to education for minorities and indigenous peoples.

The UNDM, in its first article, provides that states should adopt appropriate measures to protect and promote the cultural identity of minorities within their territories. The recognition of the importance of preserving minority cultures and their contribution to enriching the society as a whole has inspired the interpretation of existing treaty provisions. These interpretations highlight states' positive obligations to support minority cultures, including in the area of education.

After 1992, several treaty bodies have introduced General Comments recognizing the importance

of adopting special measures to ensure the equal enjoyment of rights by members of minorities and indigenous peoples. In its General Comment No. 23 on the rights of minorities, the UN Human Rights Committee states that the rights contained in Article 27 imply safeguarding minority cultures, languages or religions. It therefore recognizes that: 'positive measures by States may ... be necessary to protect the identity of a minority and the rights of its members'. The same document also emphasizes the value of cultural diversity and states' specific obligation to foster it. The position of the Human Rights Committee has influenced the approach of additional treaty bodies in relation to education.

A similar stance is indeed reflected in the UN Committee on Economic Social and Cultural Rights' (CESCR) General Comment No. 13 on the Right to Education. Outlining the essential features of education systems, the CESCR explains that: 'education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings'. Reviewing specific legal obligations, the CESCR asserts that states must: 'fulfil (facilitate) the acceptability of education by taking positive measures to ensure that education is culturally appropriate for minorities and indigenous peoples, and of good quality for all'.

Mother tongue education is considered an essential aspect of high-quality appropriate education and is of concern to both minorities and indigenous peoples. Various studies have shown that children learn better if education is initially provided in their mother tongue, with skills progressively transferred as they learn the dominant language. Furthermore, a UNICEF study has found that when the cultural background of students is integrated into the curriculum and teaching language, children have higher rates of success and enjoy better self-esteem than when they attend schools where only the dominant culture and language are recognized. Intercultural and bilingual education increases community mobilization and participation in children's schooling due to the use of the mother tongue and the emphasis on cultural identity.

Both minority and indigenous rights instruments recognize the value of mother tongue education. The UNESCO Convention against Discrimination in Education mentions the right of national minorities to use or teach their own language, but adds

to this provision a set of strict conditions. With a broader scope, the UNDM provides in its Article 4 that: 'States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.' The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) also specifies that indigenous peoples have the right to establish institutions providing education in their own language.

While the UN International Covenant on Economic, Social and Cultural Rights (ICESCR) does not contain any reference to mother tongue education, the treaty monitoring body has clearly recognized its importance. In its latest reporting guidelines adopted in November 2008 the CESCR requests state parties to 'indicate whether minority and indigenous children have adequate opportunities to receive instruction in or of their native language'. Additional instruments dealing with specific minority groups such as the Roma also mention the importance of mother tongue education.

There is, therefore, a general movement towards the acceptance in international law that the fulfilment of the right to education for children of minorities and indigenous peoples requires special measures. This movement draws from the progressive recognition of the importance of the preservation of cultural differences within a country and the assurance of equality for all members of the society. However, the content of these rights and related state obligations diverge for these two groups.

Minorities and indigenous peoples: different approaches

Although it is now recognized that the realization of genuine equality for minorities and indigenous peoples can imply differentiated treatment to ensure that their specific needs are addressed, the nature of these measures may not be the same for both groups. Minorities and indigenous peoples are diverse categories and this is reflected in different legal regimes developed in international law.

Origin: different aspirations for minorities and indigenous peoples

The international legal framework applicable to each category echoes the various nature and aspirations of indigenous peoples and minorities.

Below: Playtime at a secret school in the Tak Province of Thailand. Buddhist, Muslim and Christian children of various ethnic backgrounds are provided with learning, mentoring and sometimes accommodation by a Burmese exiled women's organization. *Dean Chapman/Panos.*

The fundamental difference between indigenous peoples and minorities lies in indigenous peoples' ties to their territory of origin or specific livelihoods when nomadic. In many indigenous belief systems, land has a symbolic and spiritual value, as well as a social and economic function within the group, even for those who live outside of the homeland. As a consequence, indigenes as defined by the relationship to the land or livelihood for nomadic peoples impinges on all aspects of life. Asbjørn Eide explains in a working paper prepared with Erika Irene Daes for the former UN Sub-Commission on the Promotion and Protection of Human Rights that: 'the underlying assumption is that persons belonging to indigenous peoples have a predomi-

nantly indigenous identity'. From this consideration stem a number of important implications for the respective international legal regimes of both groups.

First of all, while minority rights are solely individual rights that can be exercised in community with other members of the group, indigenous rights also include rights to be exercised by the group itself. In the UNDM, the subject of rights is the individual member of the minority. Consequently, the wording of the Declaration, including its title, repeatedly refers to 'the rights of persons belonging to minorities'. This formulation is consistently used in international and regional instruments related to minority rights. Conversely, indigenous rights instruments principally refer to 'peoples'.

In spite of their individual focus, minority rights can be exercised 'in community' with others. Some of these rights are linked to the individual's belonging to a specific group. They are originally not aimed at enhancing the group itself, but rather stem from the recognition that, in order to be enjoyed by individuals, these rights require collective exercise. To the



contrary, for indigenous rights, the subject in most cases is the group. One of the main struggles of the indigenous movement has precisely been the so-called 's' battle, for the recognition of the rights of indigenous 'peoples' – and not 'people', implying that they apply to the group as a whole, and not only to its individual members. This approach has been reflected in International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Convention lists a set of peoples' rights while, when relevant, referring specifically to the 'members' of these peoples. Similarly, the subjects of rights in the UNDRIP are in most cases the peoples, rather than the individual. The UNDRIP makes a clear distinction in this regard. In its preamble, it recognizes and reaffirms that: 'indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples'. The recognition of collective rights eventually leads to a higher degree of autonomy for the group.

The right to self-determination of indigenous peoples is understood in international standards within the context of states' sovereignty. However, it is exercised through self-government rights, including with respect to the right to education. The UNDRIP provides in its Articles 3 and 4 that:

'indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.'

As a result, and as reaffirmed in additional provisions of the UNDRIP, indigenous peoples should have control over their institutions and states should obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them. These provisions echo the recognition in ILO Convention No. 169 of the 'aspirations of these peoples to exercise control over their own institutions, ways of life and economic development ... within the framework of the States in which they live'.

Interestingly, this approach has influenced the interpretation of the right to self-determination. The reporting guidelines of the CESCR adopted in November 2008 – i.e. after the UNDRIP – are a case in point. In relation to Article 1 of the ICESCR, the reporting guidelines make specific mention of indigenous peoples. They request information on: 'the ways and means by which the State party recognizes and protects the rights of indigenous communities, if any, to ownership of the lands and territories which they traditionally occupy or use as traditional sources of livelihood'. The guidelines also request states to 'indicate the extent to which indigenous and local communities are duly consulted, and whether their prior informed consent is sought, in any decision making processes affecting their rights and interests under the Covenant'. In contrast, minority rights focus on the right of minorities to manage their own institutions only to the extent that these are linked to the protection of their cultural, religious or linguistic identity, as will be examined in relation to education.

In connection with self-government aspects, one fundamental difference between minority rights and indigenous rights is the question of integration within the society. As Eide says in the working paper previously mentioned: 'Whereas the Minority Declaration and other instruments concerning persons belonging to minorities aim at ensuring a space for pluralism in togetherness, the instruments concerning indigenous peoples are intended to allow for a high degree of autonomous development.'

Consequently, the UNDM focuses on the participation by members of minorities in the larger society. Article 2 (2) provides that: 'persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life'. Another provision indicates that states should take measures: 'so that persons belonging to minorities may participate fully in the economic progress and development in their country'. In contrast, indigenous peoples' rights focus on the right of indigenous peoples to make their own decisions, and participation in the larger society is presented as an option. The UNDRIP specifies that indigenous peoples retain 'their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State'.

With regard to this issue, one characteristic of the minority rights framework is that it explicitly

provides for the possibility of members to opt out, whereas standards related to indigenous rights only implicitly recognize this possibility by reference to general human rights law. The UNDM provides that: 'no disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights' set forth in the Declaration. Similarly, the Council of Europe Framework Convention for the Protection of National Minorities (FCNM) of 1995 specifies that 'every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice'. Conversely, the UNDRIP contains a specific provision regarding the relationship between the individual and the group. Article 35 states that 'indigenous peoples have the right to determine the responsibilities of individuals to their communities'. However, this provision needs to be interpreted and implemented in conjunction with Article 1 of the same Declaration recalling human rights and fundamental freedoms contained in other international instruments (including of course minority rights).

The difference between the nature of individual minority rights and indigenous peoples' collective rights, and the self-government rights recognized with regard to indigenous peoples, affects the exercise of the right to education for both groups.

Effects on the right to education

The implementation of international legal frameworks for the right to education of minorities and indigenous peoples differs in many respects. In line with the above discussions, the right to education of minorities makes a larger space for taking part in the broader society, while education for indigenous children emphasizes separateness and self-government.

Minorities. International standards related to minorities tend to consider culture as one aspect of the identity of individuals belonging to these minorities. As a result, minorities' autonomy to manage their institutions is strictly related to the protection of their cultural, religious or linguistic identity – while for indigenous peoples self-government applies to all spheres. Because minority rights are individual, a number of global and regional instruments containing provisions on the right to education consistently place under the scope of the rights of individuals, in particular parents, the possibility

to manage and choose educational institutions for children. Consequently, while recognizing the right of minorities to manage their own educational institutions, this right is framed by several conditions. It is limited to the institution itself with due respect to standards applicable in the broader society; it should remain optional; and it does not imply any financial obligation on states. For example, the UNESCO Convention Against Discrimination in Education, in its Article 2, provides for the establishment of separate educational systems for religious or linguistic reasons, provided that: 'attendance at such schools [be] optional' and education respects national standards.

These educational institutions are understood as belonging to the private sphere, hence not entitled to public funding as of right. First World War peace treaty provisions specified that the minorities' right to establish and manage institutions was 'at their own expense'. This has been reiterated in the European context. While recognizing the right to freedom of thought and religion including teaching, the European Convention on Human Rights (ECHR) does not provide for the right to mother tongue education. The European Court has clearly stated that this right could not be inferred from existing provisions, as several studies have shown. In an important case regarding language education in Belgium, the Court has underlined that the Convention does not require that, in the sphere of education or teaching, states respect parents' linguistic preferences. This right has only been recognized to some extent in relation to continuation of education in the mother tongue when it had been available in the past. Furthermore, there is neither an obligation on states parties to subsidize private educational establishments, nor to create or subsidize schools which are in conformity with particular religious or philosophical convictions. However, if providing subsidies, the state cannot discriminate between various types of schools. This approach is reflected in other international instruments adopted by the Council of Europe. The FCNM, for example, recognizes the right for persons belonging to a national minority to set up and manage their own private educational establishments, but stipulates that the exercise of this right shall not entail any financial obligation for states parties.

Indigenous peoples. The recognition that indigenous peoples have a general right to control their



Left: Garífuna children outside their home on the Mosquito coast, Santa Rosa de Aguan, Honduras. *Neil Cooper/Panos.*

one hand to the definition of minorities and indigenous peoples, and on the other hand to its effect on children's right to education.

Identifying persons belonging to minorities and indigenous peoples. As previously mentioned, international law does not provide a definition of minorities and indigenous peoples. Yet, since group recognition is associated with specific rights, identification processes have a particular importance. Traditionally, groups have been defined by their members' 'sense of belonging' and 'self-identification'. Accordingly, it is for the individual or, as the case may be, for the group to identify oneself as a member of a minority or an indigenous people. Translated from the individual level to the society level, the issue of definition has intricate implications for states' policies and processes. States' obligations tend to be more complex in relation to the realization of the right to education of indigenous peoples than that of persons belonging to minorities, for whom this right falls under the scope of the private sphere. Beyond financial implications previously examined, the establishment and management of education systems imply the full involvement and consent of indigenous communities. This requires specific decision making processes that take into account indigenous traditions within the process itself. Conversely, for minorities, states' obligations focus on ensuring proper consultation, but education standards for minorities need to conform with national standards. Consequently, even if the rights of indigenous peoples and persons belonging to minorities are clearly spelled out, making them meaningful in practice requires being able to identify each category.

However, states' recognition of the existence of minority groups and indigenous peoples, and its implications for education policies, present additional challenges.

Challenges associated with separate education systems. The provision of culturally sensitive education for children of minorities and indigenous children can lead to the development of separate education systems. In these systems, children may have better opportunities to learn, think and thrive in an environment suited to their cultural needs. At the same time, it may reinforce separateness and has been

used in some extreme cases to carry out segregation policies. Challenges associated with separate education systems therefore take place both at micro and society level.

One issue is the fact that identity has several facets. Individuals have various identities such as gender, disability, etc., which can lead them to feel connected to one group or another. By reinforcing a sense of cultural belonging, culturally sensitive education privileges a specific aspect of individual identity. As a result, it contributes to immobilizing the boundaries of a certain group and can in some instances limit the ability of individuals to opt out. Connected to this topic is the question of dissent within a community. In the context of education, this issue takes on a particular significance. Education should help challenge and re-examine social norms if these do not respect human rights, such as gender biases for instance.

At the society level, the strengthening of groups has significant repercussions. While cultural bonds can create solidarity and opportunities, they can also perpetuate social exclusion. This is especially true for poorer groups. Theories of social capital, as presented in particular by political scientist Robert Putnam, argue that the existence of networks based on shared values creates opportunities for individuals and communities. However, strong cultural ties within one group are also likely to reduce cooperation among groups. As some studies have pointed out, social capital can hinder the economic and social development of groups that are isolated or parochial. Accordingly, in developing separate education systems for children of minorities and indigenous peoples, the risk of aggravating social exclusion should be addressed.

As mentioned above, one of the challenges in the existence of different groups within a state is the risk of fragmentation. In some cases, fragmentation has led to ethnic and international conflicts. States' cautiousness in recognizing minority and indigenous rights stems from the fear that specific rights could exacerbate divisions between groups. These could in turn pave the way for secessionist claims. Education contributes to forming a common cultural identity for group members. It thus plays an important role in reinforcing various cultural identities. However, as will be seen below, education also bears the potential to help overcome these biases and promote peace and stability.

development has a significant impact on the exercise of the right to education by indigenous children. International instruments related to indigenous peoples' rights lay the emphasis on the responsibility of indigenous peoples to manage their own education programmes. For instance, ILO Convention No. 169 highlights the fact that education programmes and services shall be developed and implemented in cooperation with indigenous peoples and provides for the training of their members: 'with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate'. Likewise, Article 14 of the UNDRIP provides that: 'indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning'.

The prevailing framework for minorities is that they can have their own educational institutions, as opposed to 'systems' for indigenous peoples. Nevertheless, these do not have a right to state subsidies (although, as noted above, the UNDM does recognize a positive obligation on states to ensure that minorities have opportunities to learn their mother tongue). In contrast, states' duty to allocate resources for indigenous education is explicitly

recognized in a number of instruments, including ILO Convention No. 169 and the recently adopted General Comment of the Committee on the Rights of the Child on the rights of indigenous children.

In summary, the implementation of the right to education for minorities and indigenous peoples is framed by the diverse international legal frameworks applicable to them. While education is part of a broader approach for indigenous peoples, for minorities it is more strictly linked to the protection of their cultural, religious or linguistic identity, with concrete implications in the exercise of this right and states' obligations. However, the recognition of these rights and its implications raises several issues. These challenges have been addressed in the human rights framework, as defined in particular by the CRC.

A child rights approach to minorities' and indigenous peoples' right to education

Challenges associated with the recognition of differentiated rights and separate education systems

The recognition of differentiated rights for persons belonging to minorities and indigenous peoples raises a number of questions. These relate on the

In conclusion, there are many challenges in the recognition of minority and indigenous rights, in particular with respect to education. Children are likely to be particularly affected for two reasons. First, children are more vulnerable to having their rights violated and have less access to effective remedies. Second, they are generally perceived by their communities as representing the future, hence the main vehicles for cultural survival, potentially leading to some tensions.

Responses by international standards

International standards, and primarily the CRC, provide a framework in which the challenges faced by indigenous and minority groups can be addressed. Certainly, they provide a balance between respect for minority and indigenous rights and the need to protect the child's right to grow and thrive in an open society. The best interests principle is also a primary consideration.

The supremacy of individual human rights and freedoms. The human rights framework consistently reaffirms the supremacy of individual human rights and freedoms, advocating against the misuse of these rights. The two International Covenants (the ICCPR and ICESCR) contain a common Article 5 stating that:

'nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.'

Similarly, the UNDM stipulates that 'the exercise of the rights set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms'. The UNDRIP reaffirms this principle in its first article. In its preamble, the UNDRIP also expressly recognizes 'in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child'. More generally, the overarching obligation in the CRC to give 'primary consideration' to the best interests of the child ensures the primacy of the best interests principle over cultural traditions when the two are in conflict. Hence, the

promotion of the cultural identity of children should not hinder the realization of other rights.

The recognition of the role of parents and the child's evolving capacities. Article 5 of the CRC recognizes the role of parents, or, where applicable, the extended family or community, and legal guardians in providing direction and guidance to the child in the exercise of his or her rights. These terms are reiterated in relation to the right to freedom of religion. Interestingly, several provisions related to the right to education in other human rights instruments contain an analogous recognition of the rights of parents to choose an educational institution for their children in line with their moral and religious convictions. Regional instruments have also included similar provisions. The rationale is to strike a balance between the view that children's upbringing is a private matter and the fact that education systems are provided by the state. These provisions also usually underline that parents' right to choose children's educational institutions should not lead to a lower standard of education.

However, the CRC also provides that such guidance should be provided 'in a manner consistent with the evolving capacities of the child'. This addition is one of the most important elements of the child rights framework defined by the CRC and ensures a space for children's agency in exercising their rights. The African Charter on the Rights and Welfare of the Child uses a similar wording in its education provision. This dimension has been analysed in depth in an Innocenti Insight publication on *The Evolving Capacities of the Child* issued in 2005 by UNICEF and Save the Children. In this context, the rights of parents, extended families and communities as may be relevant, are not unbound. These must respect the extent to which the child is capable of exercising those rights on his or her own behalf. This element should be understood in conjunction with Article 12 of the African Charter regarding the right of the child to express views in all matters affecting him or her, 'the view of the child being given due weight in accordance with the age and maturity of the child'. These provisions also apply to decisions on the child's education.

The aims of education: promoting interculturalism and tolerance. In virtually all international standards starting with the Universal Declaration of Human Rights, and in particular those dealing with indigenous and minority rights, specific provisions are

included with a view to promoting intercultural understanding and tolerance, identified as key components for peace, democratic stability and respect for human rights in the society. These provisions are precisely included in provisions related to education and its goals, highlighting once again the importance of education in promoting a culture of human rights. They aim on the one hand to address the possible discrimination members of these groups experience, and on the other hand to ensure that minority and indigenous children have the opportunity to learn about the dominant and other cultures. Consequently, the onus of knowing other cultures is equally on dominant and minority groups.

Article 29 of the CRC captures many dimensions for the fulfilment of the right to education of indigenous and minority children. Importantly, it lists among the aims of education:

'The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.'

In its General Comment No.1 on Article 29, the Committee on the Rights of the Child stated that:

'Part of the importance of this provision lies precisely in its recognition of the need for a balanced approach to education and one which succeeds in reconciling diverse values through dialogue and respect for difference. Moreover, children are capable of playing a unique role in bridging many of the differences that have historically separated groups of people from one another.'

Interestingly, instruments dealing with minority rights and indigenous rights, including the two UN Declarations, contain stipulations in the same spirit, in relation to the right to education. Article 29 of the CRC is supplemented by Article 17 on the right of children to access to information, which also contains a strong cultural component and requires that attention be paid to the special linguistic needs of minority or indigenous children.

Conclusion: lessons for public policies and best interests of the child

The international legal framework for minorities and indigenous peoples aims to balance several

imperatives. It addresses states' concern for unity and sovereignty over their population. It aims to preserve cultural pluralism. It also protects and respects the rights of minorities and indigenous peoples, including that of their children, to equal access to quality education that takes into account their culture and language. In recent years, the international legal system has been leaning towards a proactive interpretation of treaty provisions in favour of the recognition of cultural differences in the public sphere, particularly through the adoption of Declarations on minority and indigenous rights respectively. This recognition implies increased state obligations to take positive action, including and especially in the area of education. Furthermore, minorities and indigenous peoples have different legal regimes, revolving around the recognition of far-reaching self-government rights to indigenous peoples and more limited autonomy to minorities, thereby implying the need for different approaches in supporting the implementation of this right.

Importantly, the principle of the child's best interests has to remain at the centre of strategies for the promotion of the right to education. While the value of cultural continuity is specifically recognized in the CRC, the Convention also requires a space for openness to knowing other cultures and promoting tolerance among peoples. The purpose of culturally sensitive education should remain to increase the child's opportunities, self-confidence and ability to develop in a harmonious environment, as well as build his or her own evolving capacities to define his or her best interests. As the Committee on the Rights of the Child said in its General Comment No. 1 on the Right to Education:

'Basic skills include not only literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life.' ■

The importance of ethnic data for promoting the right to education

Zoë Gray

Roma people are the most marginalized and least integrated of recent migrant communities to Ireland. Frequently they have been stereotyped in the media as criminals and illegal immigrants (even though they are EU citizens). They fare poorly in all indicators of social and economic well-being including education. According to Sara Russell, Roma Officer at NGO Pavee Point:

‘There are no formal statistics about how many Roma there are in Ireland or how many Roma there are in schools. The previous Census did not include Roma as an option and even if it did few Roma could complete it, as most are illiterate.’

Previously, population estimates could be taken using asylum and work permit data, but as Romania – the country of origin for many of Ireland’s Roma – is now a member of the EU, this is no longer a source of information. ‘This lack of information about the numbers of children in school makes advocacy very difficult,’ Sara Russell said.

The experience of the Roma in Ireland is no exception. Lack of quantitative and qualitative data is a problem affecting minority and indigenous communities around the world. The information that is available frequently shows lower enrolment rates, higher drop-out rates, disproportionately higher disciplinary rates and lower achievements, with the situation usually even worse for minority girls. A clear picture about how different ethnic, religious and linguistic groups benefit or are disadvantaged by educational policies and projects is essential to raise awareness about problems and as a starting point to resolve them. UNESCO’s Education for All (EFA) *Global Monitoring Report 2009* projects that 29 million children will remain out of school in 2015 unless all disparities – gender, ethnic, rural and other – are tackled. Amongst the key recommendations the report calls for improved targeting to reduce disparities based on ethnicity and other indicators of disadvantage.

This chapter will consider the importance of collecting and analysing ethnically disaggregated data (quantitative and qualitative) as the basis for working towards achieving equal opportunities and results in education for all communities.

As discussed extensively elsewhere in this volume, states have a responsibility to ensure that education must be available, accessible, acceptable and adapt-

able, and a human rights obligation to ensure that education occurs without discrimination. According to the United Nations Committee on Economic Social and Cultural Rights (CESCR): ‘Educational data should be disaggregated by the prohibited grounds of discrimination.’ In the 2007 Ostravia case, *D.H. and others vs. the Czech Republic*, statistical data was collected to show the existence of discrimination in the disproportionate placement of Roma children, regardless of their abilities, in ‘special’ schools for children with learning disabilities. The judgment ruled that statistics can be helpful in determining discrimination.

Using ethnically disaggregated data: a long way to go

Urban Jonsson, who formulated the idea of a rights-based approach for development, advocates that ethnic research is essential to address disparities in development and emphasizes that tackling inequalities of opportunities and of results is part and parcel of a rights-based approach to development. But despite the positive judgment in the Ostravia case above, and other small steps forward (discussed later in this chapter), there is still a long way to go before the use of ethnic data becomes standard.

The collection of ethnic data is infrequently prioritized, and the impact of this lack of information is grave. Minorities are not adequately targeted, they fall through the gaps, marginalized in mainstream development and education programmes, stuck in poverty. In the collection of information and development of indices of children’s well-being, geographic and income deprivation indicators are often used instead. In recent years there have been considerable advances in the disaggregation of data by gender, with increased usage and greater attention to developing better methodologies.

In December 2007 researchers from the United Nations Economic Commission for Europe (UNECE) called for attention to sub-populations or minorities when disaggregating information by gender. They said it is unusual for governments and other bodies to collect information by ethnicity – and as minority women often face additional barriers in education and development, information is required to help target minority women. As the case study on the USA included in this book argues, the need also applies to boys from minority communities.

But when ethnic data is collected, it is usually not done systematically and consistently to allow for comparisons to be made across gender, groups, countries and over time, and when it relates to education it tends to focus on attendance rather than achievements. Jonsson's comments notwithstanding, workshops on ethnic data are something of a rarity and child poverty or education seminars and conferences seldom treat the subject.

Furthermore, the Millennium Development Goals (MDGs) do not adequately attend to such issues. Measurement does not require the use of ethnic statistics and little attention is paid to ethnic or minority or indigenous issues in overall assessments of progress. Occasionally countries such as Thailand use data on different regions in their country reports, acknowledging that the particular disadvantaged areas are populated mainly by minorities or indigenous peoples and as such should be targeted. Vietnam's fourth report shows disparities in enrolment rates for minorities, and particularly minority girls, but it does not provide specific information for the different ethnic groups. This failure to adequately attend to the situations of different excluded groups, and girls and boys from those groups, and to tackle structural inequalities is harmful to poverty reduction. To reach the poorest of the poor there must be an understanding of the barriers that minorities and indigenous peoples face. To do this, the MDGs must improve involvement of minority communities throughout programming, and add ethnic and other minority specific indicators such as language and religion targets across all countries. These should also be gathered from a gender-specific point of view.

The World Bank Poverty Reduction Strategy Papers (PRSPs) are one of the key tools for development, setting out country goals regarding reducing poverty. They are intended to pay particular attention to participation of civil society in their formulation but they have been criticized for their failures to involve minority and indigenous groups adequately. According to the EFA report 2009, PRSPs are poor at attending to ethnic and religious issues (thus failing to use ethnic or religious indicators), stating that not one of the 18 second-generation PRSPs mentions education of religious minority groups. However, according to the report:

'Kenya provides a rare illustration of an integrated approach to the needs of marginalized people with its

Pastoralist Thematic Group, which influenced the PRSP ... by developing a creative schooling programme for pastoralist children, strengthening community-based health care systems and preventive medicine, and improving food security through community-based early warning systems ... A target of increasing primary enrolment among pastoralists to 40 per cent was adopted.'

Human rights bodies including the Committee on the Elimination of All Forms of Racial Discrimination (CERD) and the CESCR consistently request that governments provide ethnic information on population, on education and employment in their reports to the Committees. In the last few years the Committee on the Elimination of Discrimination Against Women (CEDAW) has also been asking state parties for data stratified by gender and ethnicity. But the data offered is frequently poor or states give reasons why they cannot or will not collect such data.

When CERD requested data from the government of Russia, the state's response was that it does not collect comparative statistical data, 'in order to prevent any discrimination on the basis of ethnicity'. In its 2008 Concluding Observations to the Government of Russia, CERD persisted in its request stating that: 'Without such data, it is very difficult to assess the socioeconomic status of the different ethnic groups in the State party and, on that basis, adopt special measures to address any inequalities in the enjoyment of those rights.'

Reluctance of governments to collect ethnic data

Many states believe that recognizing ethnic, religious or linguistic differences will have a negative, disruptive and even destabilizing effect on a country. Efforts to deny the existence of minorities can stem from a desire to create a homogenized identity in order to maintain national unity (see Turkey in the Europe chapter, for example), and sometimes in a post-conflict environment. But the negative impact of this desire often means the same communities are consistently excluded, fuelling further tensions; and resources remain in the hands of specific ethnic, linguistic, religious or ideological groups.

According to a Rwanda government delegate at CEDAW in early 2009: 'The country of Rwanda does not have Pygmy children.' Batwa people

(termed 'Pygmy' by this delegate) have been historically marginalized, including in education in Rwanda. In Rwanda, where the 1994 genocide wiped out a third of the Batwa population, this refusal to recognize different identities is based on an argument that it will cause instability. But it also contributes to ongoing exclusion for Batwa children.

In countries and regions where there has been repeated ethnic or sectarian violence it is understandable that there is a reluctance to highlight ethnic and religious difference, but failing to formally recognize different ethnic groups and monitor their needs through data collection does not prevent resentments and differences arising. A general stereotype or perception of these differences will exist without data, and if unaddressed, these inequalities could provide fuel for community violence. Maurice Odhiambo Makoloo, director of the Institute for Law and Environmental Governance, a non-profit civil society organization based in Nairobi, outlines some of the benefits to states of disaggregating data:

'Those who fear that publishing disaggregated data will lead to "unnecessary tension" need to understand that a certain amount of constructive tension within society is inevitable and prevents latent tensions building up which can explode into violence. If a government has no data about the position of different communities, it is extremely vulnerable to accusation, exaggeration and rumour, which it may find difficult to refute. Indeed, without accurate information political extremists can provide their own biased ethnic data to stir up trouble. The existence of authoritative data allows the government not only to refute exaggerated claims and ensure that political extremists manipulating ethnicity do not gain ground, but also to plan programmes so as to reach the poorest. Having transparency in the system allows this not only to be done, but be seen to be done. Such a strategy can avoid the development of unmanageable tensions in the long term.'

In France, traditionally the European nation that stalwartly advocates a 'one size fits all' approach to human rights and development, it is illegal to include ethnic data in official statistics, or for the census to include questions about race or origin. Reporting on her 2007 mission to France, the Independent Expert on Minority Issues Gay McDougall stated that minorities expressed their discomfort at the rigid French identity, that they

felt: 'that acceptance will be granted only with total assimilation that forces them to reject major facets of their identities'. The country experienced race riots in 2005 and in 2007 sparked by poverty and exclusion.

In 2009, the government of France acknowledged the reality of discrimination within the country, giving credence to the view that diversity needs to be accepted and discrimination addressed, by launching a commission to investigate the use of ethnic data, including in the next census. According to media reports there has been uproar about the change in approach, reflecting concerns held by many other states that ethnic data will be divisive or the information used to disadvantage ethnic communities (such as past targeting of Jews under Nazi occupation.) However, the commission is rightly forging ahead, recognizing that the current situation is intolerable. Yazid Sabeg, who is responsible for setting up the commission, said that France is becoming like 'an apartheid state'. He said it was 'essential to measure how effective are official policies combating discrimination', adding that: 'It's no longer possible to say that here we say we're just one community and therefore there's no racism or discrimination. This isn't working any more.'

Challenges in collecting and using data about ethnic, religious and linguistic communities

In some countries there are legal restrictions on data but usually laws don't prohibit collection and analysis of ethnic data used to identify discrimination and inequality. European data protection laws, for example, differentiate between the collection of individual personal data, which is strictly controlled, and anonymous aggregate data. Accordingly, statistical results are not personal data, because they are not linked to a person who is identifiable. There are also considerable methodological difficulties in attaining representative and accurate data where there is a small number of a minority group or groups in an area; creative approaches will need to be used, such as carrying out small targeted surveys, using boosters and combining a range of research approaches.

There are sensitive issues about methods – how to categorize different groups and how to collect the information? MRG holds that minorities are often among the poorest and most marginalized groups in society. They may lack access to political power and



Left: A biology class in Peje/Pec, western Kosovo, offers Roma teenagers the chance to catch up with the curriculum's science component so they can join their peers at the local school. *William Henley/OSCE.*

were enrolled in school and 7.7 per cent of boys. In 2005 the researchers aimed to establish the causes of under-performance of ethnic minority groups at secondary level and consider what could be done to improve the situation. Information that was already available showed high public exam failure and high drop-out rates among minorities. The researchers spent a month in six schools in the region looking at classroom participation, attendance and achievement levels. They used a range of methods, including surveys with teachers, interviews with parents, classroom observation and examination observation. Facing considerable obstacles, including poor school records, they found that a combination of factors negatively impacted the children's performance including language issues, lack of a culturally sensitive environment and socio-economic factors. The report was used to promote more culturally sensitive policies toward educating minorities. Although macro-level research is important to determine patterns of discrimination across a country, in order to obtain information which goes to the core of the matter so as to understand the problem fully, this kind of targeted research is also essential.

Involving civil society in data collection

Involving civil society and different minority and indigenous groups throughout the process, from design through to collection, will help improve accuracy and consistency of data collection and analysis. The Heinrich Boll Foundation and other civil society organizations have been lobbying for improvement of a range of indicators in recent censuses in Cambodia. Language is used as a proxy indicator for ethnicity, and though usually this is not ideal, the group has successfully lobbied for the inclusion of a list of the Cambodian indigenous languages to be included in the most recent census. They are currently lobbying for indicators on education and literacy disaggregated by ethnicity and sex.

Below are some examples of minorities and civil society lobbying to improve ethnic data and conducting some of their own research. Their important contributions should not detract from the fact that governments have the main responsibility for

collecting and using information to benefit minorities and indigenous peoples.

Namibia

According to the most recent census in Namibia (2001), almost twice as many San in Namibia were illiterate (84 per cent: 47 per cent) and almost half as many San of primary school age were enrolled in a school as compared to the Namibian average (34 per cent: 66 per cent). Kleofas Geingob, a member of the Hai//om, the largest San community, and Field Officer in Outjo region for the Working Group for Indigenous Minorities in Southern Africa (WIMSA), collected data for the census. According to Geingob, among other commentators, the data gives an overestimate and most of the San communities are illiterate. However, he said that the census was conducted in quite a positive way: 'Speaking to people in their own languages, people could reply freely.'

In recent years there have been some education and literacy programmes with some improvement but implementation is problematic. Geingob explained: 'A small number of San are being trained as teachers. However these programmes are operational only in some areas. There is still lack of teachers and a lack of awareness. Transport to the schools can be a problem.' But some effort is being made: 'Something commendable from the government is that if San can't afford to pay fees there is an exemption level.' WIMSA visits communities to assess why the San are dropping out and failing, and to help provide support to the communities by giving them information on the exemption rule; the group works directly with schools to persuade them of the need for change. 'When visiting the schools some of the principals are a bit cautious, they feel people should be treated equally. We explain our mission to the principal and explain how the San need and have a right to special attention. We brainstorm with the principal and this can help,' Geingob said.

Ireland

Although the Traveller community in Ireland is now considered a 'cultural' group, they are not recognized by the government as a distinct ethnic or minority group. According to Colette Murray, Early Childhood Care and Education Coordinator at NGO Pavee Point: 'Historically there has been no

frequently have development policies imposed on them. The seeds for subsequent tensions are often sown by this lack of participation, while the potential for peaceful coexistence between different communities is thwarted by the denial of minority rights.

However, some communities may not wish to be classified primarily as minorities for various reasons. The word 'minority' is interpreted differently in different societies. In the former Soviet Union and former Yugoslavia, it can have a pejorative connotation, implying a lesser status than nationalities. In certain circumstances, it is preferable to refer to groups or communities, while in other situations reference to sects, peoples or ethnicities is preferred.

This is not something that can be dictated by a government or a researcher, and thus poses a problem in data collection. Furthermore, and understandably, minorities themselves can be mistrustful of data collection; in Hungary some Roma organizations oppose it because in the past ethnic data has been used to develop anti-minority policies. Minorities also often fear stigmatization or being designated as being lesser or backward, based on long-term prejudices against a group. As identi-

ties are fluid and a person from a minority may have a changing perspective of what it means to be a member of a particular community, this can make comparison over time difficult. These factors may contribute to the gross under-representation of minorities in official statistics.

Efforts to collect representative data to accurately portray the situation of minorities in Bangladesh are challenged by its demographic diversity. In Bangladesh 2 per cent of the population is made up of a large number of small ethnic groups. These include indigenous communities or Adivasis from hill regions, and Biharis from urban areas. Approximately 10 per cent of the population are religious minorities. Research from 1999 on the four most populous small ethnic groups that live in Chittagong Hill Tracts (CHT), data collected when the region was recovering from conflict, showed that the net enrolment rates for the Chakma, Marma, Mro and Tripuras were far behind the national estimate. The data showed considerable diversity between the ethnic groups and between girls' primary enrolment rates and boys'. For the worst-off group, the Mro, only 2.7 per cent girls



Left: A young boy plays in the early learning centre attached to Pavee Point Travellers' Centre, Dublin, Ireland. *Derek Speirs.*

and outcomes, there is some data but it isn't very good ... We have been fighting for disaggregated data for some years now.' Over the last few years a government-led Education Strategy was developed to improve the situation for Travellers. It involved consultations around the country and individual meetings with children carried out by Pavee Point. Although consensus wasn't reached on all the issues, the Education Strategy is considered relatively good; however implementation is a problem and there is no formal monitoring mechanism as yet. The government has now made a commitment to set up a Forum to govern implementation of the Strategy, and Pavee Point is lobbying to ensure the Forum has sufficient authority and capacity.

The importance of ethnic statistics to advance the Decade of Roma Inclusion

There has been considerable effort in the last couple of years to advocate for disaggregated data within the Decade of Roma Inclusion as a means to determine the depth of exclusion and to determine progress in National Action Plans. The 2007 report monitoring the Decade highlighted the fact that 'Data collection is sparse, irregular and not nationally representative.'

A Working Group on Indicators was set up in 2008. It found a 'general lack of data and severe measurement problems', including missing variables in data when it is available, low self-identification rates and restrictive questionnaires not allowing for complex identities. The Working Group proposed that indicators should focus on access, results and success. For education the indicators should include enrolment rates; segregation, drop-out rates, special school incidences; length of stay, achievements and attainments. According to the Working Group, all regularly collected data needs to be disaggregated. However it recognizes that in the medium term more creative approaches to monitoring will need to be undertaken, such as dedicated mini-surveys or ethnicity supplements in existing surveys.

The Open Society Institute's Monitoring Education baselines from 2006 and 2008 show how enormous the gaps and inconsistencies are in information on Roma, and the gross disparities between

Roma and non-Roma throughout south-eastern Europe. Information was collated from official and unofficial sources and ranges were presented for numbers of Roma. The 2008 data-set provides estimates for the Roma population, numbers of Roma enrolled in, and who had completed, primary school, secondary school and tertiary education. According to the data-set, in Albania there are between 1,261 and 95,000 Roma in the population (official: unofficial sources), and only 48 per cent of the primary school age Roma population is in primary school – meaning that anywhere between 135 and 10,133 Roma children are enrolled in primary school.

One of the best sources of information on Roma is the United Nations Development Programme (UNDP) vulnerable groups' survey of 2006. Key findings included that one in four Roma in the countries focused on were illiterate, and that three-quarters of Roma women did not complete primary education. It found that a quarter of Roma children were not attending school at all. Poverty, including poor housing, was a major cause of the Roma's poor education, the survey concluded, saying, '21 per cent of Roma households reported exposure to sanitation-related diseases to be the single greatest threat facing their families'. Other barriers to education were the lack of a role model in 'a well-educated household head', segregation in education; and attitudes towards education due to poor employment prospects. Specific barriers for girls include household duties, early marriage and attitudes towards girls' education.

Integrating ethnicity in Multiple Indicator Cluster surveys

UNICEF has been working with governments around the world to address gaps in data collection on children and women. This has included developing nationally representative household surveys, known as Multiple Indicator Cluster surveys (MICs) which focus on a range of health and socio-economic indicators. Governments are given the option to include ethnicity, language and religion questions in the MICs but to date most have chosen not to, due to the concerns discussed above. However, between 2005 and 2006 (the most recent round of MICs), 17 countries collected data disaggregated by ethnicity, language and religion, based on membership of the head of household. These were Albania, Belize, Gambia, Georgia, Guinea-Bissau, Guyana,

engagement with education.' Travellers face discrimination and bullying in schools and have difficulty getting jobs; when they do get jobs they often have to hide their identity. According to the 2002 Census in Ireland 63.3 per cent of Traveller children dropped out of education before they were 15 years old compared to the national rate of 15.4 per cent. Travellers are under-represented in the data as they were fearful of identifying as Travellers, that somehow they would lose something or be targeted in a

negative way. Pavee Point carried out some outreach work to educate them on the importance of being included in the statistics. The most recent available data from 2006 shows a doubling in the number of Travellers in post-primary school between 2000 and 2006, but retention rates remained very poor (709 students were enrolled in first year and only 115 were enrolled in sixth year). Regarding disaggregated data in education monitoring, Colette said: 'There is a lack of information about absenteeism

Kazakhstan, Kyrgyzstan, Lao PDR, Macedonia, Montenegro, Serbia, Sierra Leone, Thailand, Togo, Uzbekistan and Vietnam.

The findings show wide disparities in education attendance at primary and secondary level in a number of countries. The survey asks about highest level of education, current school attendance and attendance during the previous school year, and the information can be used to estimate net attendance rates, survival rate to the last grade of primary school and transition rate to secondary school, among other indicators.

Although a very positive step towards incorporating ethnic, religious and linguistic groups in socio-economic research, there are some limitations in the questionnaires to date. Information on smaller communities' experiences, or those of groups that are not recognized within a given country, can be lost within the survey, often falling within the general category of 'other'. Additionally, like most data that is currently available on the education of minorities and indigenous peoples, the data does not focus on educational achievements except for literacy, and usually information on literacy is investigated for a sub-sample of the female population only.

Friedrich Huebler, of the UNICEF Division of Policy and Practice, has developed a relative parity index using the data-sets. This index is calculated by comparing the net attendance rate of the ethnic, religious or linguistic group with highest attendance with those with the lowest attendance. The further away from 1, the more unequal the situation. For example in Lao the relative parity index (RPI) of primary school attendance based on the language difference of household head is 0.59. Like the Human Development Index and the Gender Empowerment index, this index can be used to rank countries in order, to highlight good or bad practice and outcomes. It has the potential to be a very valuable advocacy tool, if used widely, to indicate the extent of equality or disparity within a country in a way that can easily be compared with other countries. But it is the disaggregated data that informs the index that will be most useful in understanding the problem, as it provides the information on specific groups and the reality of their exclusion.

Conclusions and recommendations

The marginalization of minorities and indigenous peoples in education involves complex patterns of

entrenched, systematic and self-reinforcing discrimination (because the educational level of parents is a key determinant of that of their children). It is very difficult to successfully design interventions to tackle a complex issue like this without detailed, disaggregated and complete data. But even excellent data does not guarantee that the right interventions will be made, or even that any intervention will be made. The UK has some of the most complex and complete disaggregated statistical data, at least in the area of ethnicity (data on language and religion are not as complete). Schools are required to monitor children's performance by gender and ethnicity as well as by some indices of poverty, and these data are analysed and scrutinized at the level of the school, the local authority and nationally. Schools also have a statutory duty to monitor and report on racial incidents within schools. This data shows that UK black children have lower education achievements and are more likely to be disciplined or excluded (i.e. expelled). Each year the London Schools and the Black Child initiative organizes a conference with approximately 2,000 delegates, including black children, their parents and teachers, to give those present an opportunity to voice their concerns and to use the findings to influence policy. But speaking at the UN Forum in 2008, the founder of the initiative, Diane Abbott MP, said: 'Once the ... government agreed to look into the specific problem of Black and ethnic minority under-achievement, they refused to set targets for improvement. This effectively just leaves recommendations, reports and proposals but little action – or effective way of monitoring progress.'

Inequality in access to education will not end without solid ethnic data and analysis, and carefully designed and implemented targeted programming. Treating all people the same in development or education policies and programmes is akin to expecting economic growth to bring a 'trickle down' effect to the poorest and the most marginalized people in a society, regardless of the cause of their disadvantages. There are many reasons why minorities are not benefiting equally in their education; disaggregated data provides objective and comparative materials that can be used to design interventions that tackle the root causes of these problems.

If states are serious about respecting, protecting and fulfilling the human rights that they have voluntarily subscribed to, they must collect minority-

specific data in a consistent and sensitive manner to benefit minorities. The data should come from a range of sources – from censuses, from national socio-economic surveys and from education reporting that covers all aspects of the right to education: its availability, accessibility, acceptability and adaptability. This information should be made easily accessible to the public.

The World Bank, UN agencies, regional bodies such as the EU and ASEAN, and bilateral donor governments, as well as NGOs, need to place much greater weight on disaggregated data in education and development. They can do this by making ethnic indicators a requirement for monitoring poverty reduction and education programmes, in particular the MDGs and EFA goals, and by encouraging, supporting and pressurizing governments to collect this information and to make it available. As data collection on minorities and indigenous peoples involves many methodological challenges, emphasis needs to be placed on developing and sharing best-practice experiences.

Trust is paramount in data collection and analysis. Where groups have been historically disadvantaged, it is important that they are involved in the data collection, from design to use and publication of the information. All efforts to collect information should pay attention to the principle of self-identification, and should be conducted in a language and manner that is accessible to the different ethnic, religious and linguistic communities. Outreach programmes are necessary to sensitize people about the importance of self-identification, and how the information will or will not be used. Regular contact with members of the minority and indigenous groups and consultations with them on the specific issues that affect them is essential.

Methods of governance that deny cultural differences and fail to address inequalities across ethnicities or religions have repeatedly proven to be destabilizing. To promote peace and stability, governments and organizations involved in conflict prevention must attend to the rights of minorities and indigenous peoples, measuring the impacts of policies and programmes on different communities and developing programmes to promote de facto equality for all. ■

Case Study

Using racial data to improve education for minority children in the USA

Daniel J. Losen

When Barack Obama ran for President of the United States of America (USA), he did not avoid difficult questions of racial identity or gloss over the legacy of racial injustice, even while urging American voters to move beyond the racial divide that threatened to undermine his candidacy. Instead, he pointed to continued divides and reframed the deep-rooted racial inequities that exist in the USA as a subset of the great challenges confronting the nation as a whole. Obama said:

'This time we want to talk about the crumbling schools that are stealing the future of black children and white children and Asian children and Hispanic children and Native American children. This time we want to reject the cynicism that tells us that these kids can't learn; that those kids who don't look like us are somebody else's problem. The children of America are not those kids, they are our kids, and we will not let them fall behind in a 21st-century economy. Not this time.'

Obama's approach to race may contain a valuable lesson for those seeking to guarantee the right to education for the world's minority and indigenous children. This article suggests that a similarly sensitive yet unblinking approach toward the collection and utilization of racial data in education is needed to combat the racism that is an obstacle to the right of all children to be educated. Without such data, minority and indigenous children will remain invisible and the injustices they suffer, including the denial of educational opportunity will only persist. Documenting progress is equally important, but without accurate baseline racial data it will be hard to distinguish policies that bring true progress from false claims of equal opportunity.

The examples that follow illustrate how the use of racially disaggregated data bolstered efforts to secure a more racially just system of public education in America. The examples are rooted in the work of the Civil Rights Project (CRP) at Harvard University (now at UCLA). In each case, research using empirical data helped reveal large inequalities in educational opportunity in a way that compelled legislators and administrators to change laws to better improve educational outcomes for minority children. They fall within the context of a long-standing civil rights movement in the USA, that has had the right to education as a primary focal

point since the famous finding in *Brown v. Board of Education* (1954) that 'separate education' in America was 'inherently unequal'. Without access to this kind of baseline data on race, ethnicity, gender and disability, the advocacy efforts described below would have been impossible.

Example one: racial disproportionality in special education

Very similar to the plight of Roma children throughout Europe, in the USA there is a legacy of labelling minority children mentally disabled and relegating them to substandard and segregated educational facilities. Given the extant exclusionary and bigoted policies surrounding students with disabilities, it should not be surprising that the disability label was used by those seeking to preserve racial segregation when they could no longer explicitly use race as the basis of exclusion.

Researchers, disability advocates, educators and minority families had known about this problem for decades, but it was not until 2001 that the national news media really took notice. Following a research conference in 2000, the CRP presented the most salient findings in Washington DC, at a forum co-sponsored by the NGO American Youth Policy Forum. The forum was attended by the staff of members of Congress, education policy NGOs, education researchers and members of the media.

Broadcast journalists who covered the event decried the fact that black people were three times as likely as white people to be labelled mentally retarded, and even mentioned that unconscious racial bias was, at least in part, likely responsible for these disparities. The full report also showed that black and Latino students with disabilities were far more likely than their white counterparts to be suspended from school, to drop out or to be imprisoned. The report had data describing the often significant disparities in each of the 50 states in rank order, and the coverage on national television gave rise to extensive coverage by local news media. There can be no question that the stark nature of the data, and the fact that the data and analysis were from reliable sources (federal databases) that were easy to verify, helped considerably in getting the message out. At the request of Representative Chaka Fattah, the USA House of Representatives convened hearings on the issue in 2001.

One obstacle, however, was the notion that the racial disparities revealed were all explainable by



Left: African American students and their teacher in a middle school in Florida, USA. *Betty Press/Panos.*

the appearance of possibly inappropriate identification of minority students in categories such as mental retardation and emotional disturbance, and the long legacy of students of colour being unfairly stigmatized and intentionally removed to segregated settings.

Revealing this data in the media and in the subsequent congressional hearings elicited a reaction, and by 2004 the Individuals with Disabilities Education Act (IDEA) was amended, making remedying racial disproportionality in special education a top government enforcement priority.

One particular enforcement provision requires state educational agencies to intervene where the state has determined that a district has significant racial disproportionality in identification, and that the over-representation was the result of inappropriate identification. A subsequent provision requires public reporting by the state regarding each district's performance in this regard. But perhaps the most important provision not only requires extensive data collection and analysis, but also requires sizeable expenditures on preventive interventions where a state, in reviewing the data alone, finds significant racial disproportionality.

The legislative achievement created potential for change, but also set the stage for continuing advocacy struggles. For example, even though President George W. Bush signed the reauthorized IDEA into law he issued a 'signing statement' suggesting that he disapproved of the provisions described in this case study. The US Department of Education created administrative interpretations that were often confusing, and many that civil rights groups formally objected to.

Evaluation of the impact is not as direct and straightforward as one would like. One reason is that while single indicators such as unusually high levels of enrolment in special education programmes, or very low graduation rates, may serve well to highlight inequity, no single indicator can suffice to indicate that minority children have equal educational opportunity, or that their conditions of education in fact improved following a change in education policy. One ever-present concern for advocates is that what appears to be a significant

change on paper actually represents a shifting of a problem rather than an effective remedy. For example, as pressure against over-representing students of colour rises, identification rates for special education and removal from class on disability grounds may go down. Yet if during this same period there is also a large increase in the rates of suspension and expulsion for non-disabled minority students, that would suggest that exclusion on grounds of discipline had simply replaced exclusionary special education practices. If this were the case, it would be hard to claim that the change in educational policy and increase in opportunities actually improved the conditions of education for children of colour.

Example two: racial disparities in graduation rates

While internationally the denial of education to women is of primary concern, in the USA, black males are often the sub-group experiencing the greatest harm. Reports combining data on race and gender are therefore invaluable.

Following a conference convened jointly by CRP and the NGO Achieve Inc., the analysis shown in Table 1 was published to confront a major problem: minority youth were failing to finish high school at very high rates. The public was largely unaware of this problem. The Department of Education was not reporting any data to the public on graduation rates, despite the capacity to do so. State governments filled the void with reports that masked over this educational crisis for minority students.

The report on graduation rates, with a focus on the crisis for minority youth, attracted national attention, again using influential and popular media. As public awareness grew, CRP held further conferences, and many other researchers began studying and reporting similar findings. Several politicians, including Obama, added improving graduation rates to their election campaign's educational platform. Before election year in 2008, the Department of Education issued new regulations requiring the reporting of more accurate, disaggregated rates by race. The new regulations added accountability for schools and districts if minority or ethnic groups, students with disabilities, English learners or socio-economically disadvantaged youth failed to make adequate improvements in their rate of graduation. The regulations further called for states to provide greater oversight and accountability for

poverty, not race. Here the research that further disaggregated the disability data by race and gender was most persuasive. The expected relationship was that risk for disability would rise with the level of poverty, regardless of gender or race. But one study of national data powerfully showed that, contrary to the expected trend, black people generally, and black males most dramatically, were at increasing risk of being labelled mentally retarded as poverty decreased. Moreover, neither the large differences in rates of identification by equally poor black and Latino children, nor larger differences in identification rates by gender within each racial group, could be explained by poverty.

The combined analysis of race and gender data also cast doubt on the assumptions: that the special education identification process was a scientific and accurate one; that the placement, supports and services provided to the recipients were necessarily

beneficial; and that there were adequate procedural protections to ensure that students with disabilities were not unfairly disciplined. Additionally, research indicated that children of colour who do have disabilities receive vastly unequal supports and services, especially compared to their white counterparts. Ultimately, compared to white students with disabilities, black students with disabilities were found to be four times as likely to be educated in a correctional facility (prison), and Latinos nearly twice as likely.

Any one of the several studies alone might have raised questions about unjust labelling. An isolated report, however, would not have been as illuminating as the combination of the data with individual anecdotes and historical references. The legal history of the misuse of special education placement to circumvent court ordered desegregation requirements, for example, helped to connect the dots between

Table 1 National graduation rates by race and gender (class of 2001)

Race/ethnicity	Nation	Female	Male
Asian/Pacific Islander	77	80	73
Hispanic	53	59	48
Black	50	56	43
White	75	77	71
All Groups	68	72	64

very low graduation rates among minority students. The regulations should lead to more accurate reporting, but issues of accountability and resources for intervention remain. Fortunately, the issue remains high on Obama’s education reform agenda, and that of numerous politicians, education researchers and campaigners.

But the hard reality is that we know the least about the minority children who are suffering the most. For example, when rates of discipline are disaggregated by gender and race, black males are often significantly worse off than other groups, including black females. Unlike the data on special education and graduation rates, the disaggregated discipline data on short-term suspensions is not reported annually to the federal government, and large racial disparities do not trigger any interventions.

As Table 2 on 12–14-year-old students demonstrates, there are dramatic differences in rates of suspension both between racial groups and within racial groups, when the data are broken down by gender. Moreover, the USA fails to regularly collect and report data on the thousands of children who are arrested (many for offences committed while in school) and put in jail. These untracked children are the most vulnerable, in part because we know the least about them. From the few reports that have been conducted we know these children are disproportionately minority males, and students with disabilities. We also know that children in US prisons are exposed to a high risk of abuse and substandard education, if education is even provided. Juvenile incarceration is known to be a leading indicator of adult incarceration. Moreover, the USA incarcerates the highest percentage of its adult citizenry, with tremendous racial disparities. According to Marian Wright Edelman, President of the Children’s Defense Fund, a non-profit organization:

‘In America, a black boy born in 2001 has a 1 in 3 chance of going to prison in his lifetime, and a Latino boy a 1 in 6 chance, and yet we spend nearly three times as much on every prisoner as we do per public school pupil.’

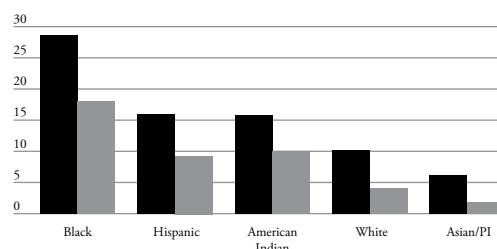
Therefore, domestically and internationally, there is a need to collect and analyse disaggregated data on rates of incarceration and access to education for minority children behind bars.

Conclusion

We only count those whom we care about, the rest remain invisible. If we cannot keep track of children from minorities, their educational outcomes, their access to educational resources or their rates of incarceration, then we cannot hope to protect their right to be educated. From a human rights perspective, having access to disaggregated quantitative data increases our capacity to reveal injustices and speak truth to power.

The disparities highlighted here reflect deep educational resource inequalities. We can often predict educational outcomes for minorities by looking at

Table 2 Middle school suspension rates for all children broken down by race and gender: 2005–6



Source: USA. Department of Education: Office for Civil Rights (over 9,000 middle schools).

their access to key resources, including per pupil expenditures on education and access to qualified teachers. Therefore, one important specific recommendation to complement the general one is that campaigners and others urge governments to track and monitor minorities’ access to the most critical educational resources.

While human rights advocates must be sensitive to the potentially divisive quality of discourse on race, too much caution risks failing to confront racial injustice. Though the examples here may seem unique to the USA, there are several core principles embedded in them that are relevant for advocacy once the following prerequisites are achieved: that states acknowledge that minorities do exist; and that the education of minority children is an important national interest (even if, as in the USA, a fundamental right to education is not yet protected constitutionally). When those prerequisites are in place, here are just a few important principles regarding data that advocates from the international community might stress for every country.

- Data on minority children should be publicly reported and verifiable by independent researchers.
- Racial and ethnic data should be further disaggregated and reported by gender, socio-economic status and disability whenever possible.
- It is critically important to track and monitor data on all forms of labelling, sorting and exclusion from mainstream educational opportunities.
- The most predictive inputs, such as access to highly qualified teachers, as well as outputs that reflect the success or failure of the entire system, such as high school graduation rates in the USA, should be measured and monitored.
- Disaggregated data on minority children who are incarcerated, forced to serve in the military or otherwise foreclosed from the educational system should be collected and investigated. ■

The gender dimension of minority and indigenous education

Kathryn Ramsay

March 2009 saw a historic sentence handed down in a courtroom in Gujarat, India. Six male professors of a women's college were jailed for life for repeatedly gang raping a Dalit girl studying at the college (see Box, p. 72). India's 167 million Dalits, known as Scheduled Castes (and by the derogatory term 'untouchables'), experience extreme discrimination in all aspects of life. Although the caste system has been legally abolished, violence, abuse, segregation and discrimination still occur against them. According to activists working with Dalits across India, rape is a common occurrence for Dalit girls, and perpetrators are rarely held to account.

Minority and indigenous girls are more vulnerable to this type of violence and problems of reporting because of their membership of an excluded group. They may experience violence at the hands of men from their own community or violence may be perpetrated by men from dominant communities as a form of discrimination, subjugation and control. Their disadvantaged position, as minorities and girls, makes reporting violence, having their reports taken seriously and cases brought against male perpetrators from their own and from other communities, extremely difficult. Impunity is widespread. All this makes the judgment in the case in Gujarat a landmark victory in an ongoing struggle for the right to access safe, quality education for minority and indigenous girls.

MRG's 2004 report *Gender, Minorities and Indigenous Peoples* (hereafter Gender report) defines gender as: 'the ascribed, social nature of distinctions between women and men'. Gender issues do not just concern women; socially ascribed distinctions also apply to men. Equally, intersectional discrimination (discrimination on the basis of both sex and race) can affect minority men and minority women. This chapter will concentrate predominantly on intersectional issues affecting minority and indigenous girls in education because of their disproportionately disadvantaged position highlighted above, and briefly touch on some specific examples for minority boys.

Although the factors that impact on the education of minority and indigenous girls are intrinsically linked, this chapter will consider them in three main sections: poverty, discrimination and cultural issues. It will set the context by highlighting problems affecting minorities in general, or girls in general, before examining in more detail how minority and

Below: A teacher helping a child to learn to read at a community school for San children in Botswana. Giacomo Pirozzi/Panos.

indigenous girls are specifically affected by intersectional issues and suggesting ways these problems could begin to be addressed.

Poverty

It is well documented that poverty is a major factor contributing to children not attending school. Poverty forces people into poor housing, it forces them to live in remote areas and far from schools, and they have to cope with hunger. Many countries charge fees for attending primary school and, even where school fees have been abolished, informal charges such as for books, requirements for children to wear uniforms or the payment of 'incentives' for teachers (which act as supplements to low salaries) prevent poor children attending school.

Minorities and indigenous peoples are among the poorest communities in many countries. This, combined with the other factors discussed in this chapter, means they experience greater difficulties in sending their children to school. The ramifications for minority girls are particularly severe.

When poverty prevents all children being educated, the education of boys may be prioritized over that of girls. Communities may not see any benefit in educating their daughters; girls' labour is frequently needed to help the family and, should they get an education and secure better work, that labour will benefit their husband's family rather than benefiting their parents who paid for the



‘They targeted her’

Manjula Pradeep, executive director of Indian NGO Navsarjan, tells *Leena Patel* about a young Dalit girl brave enough to take her rapists to court

On Friday 6 March 2009, a ground-breaking case was heard in the Fast-Track Magistrate’s Court in the north Indian state of Gujarat. Despite huge pressure from her family and community, and against the norms of Indian society, a young Dalit girl spoke out against six of her professors. They had raped her 14 times over three months as she struggled to complete her teacher training.

Despite the odds posed by centuries of discrimination against Dalits, and against women from the community in particular, the court found in her favour. All six men were sentenced to life imprisonment.

Manjula Pradeep, executive director of Navsarjan, an Indian NGO fighting for the freedoms and rights of Dalits in Gujarat, supported the girl through the court case.

As Pradeep went to the court to listen to the judgment, she was called names and shouted at by the wives and supporters of the accused. But she stayed to hear the court’s decision. She says it was a moving experience. ‘I was so relaxed and so happy I don’t have words.’

The young Dalit girl was a student at the girls-only government Direct Institute of Education Training – Primary Training College (DIET-PTC) in Patan district. The attacks took place both in the college grounds and outside. Two of the rapists were from the Dalit community.

Pradeep explained how the girl’s background and status made her vulnerable. According to Pradeep, ‘They targeted her.’

‘Her father was a labourer and an alcoholic. But she was a very bright girl. She achieved 76 per cent in her twelfth grade exams. She could have been a

doctor, if she wanted, but they are very poor. She decided to be a primary school teacher.

‘Her father asked the school’s professors for help with the fees, as he did not have the money to pay them. He said he was putting the girl in the school, in their care and trust. She was staying in the hostel. She was frequently asked to come and help the professors at lunch times and breaks.

‘The first time the incident occurred, one of the professors asked to see her and there were two professors in the room. One of the professors grabbed her by the hand and the other removed her salwar. She was 17 years old at the time.’

Pradeep said the professors were blackmailing the young Dalit girl, and raped her again and again.

She said: ‘To fight against caste-based violence, the affected Dalit woman has to first face the challenge within the family, then the community and the society at large.’ The girl’s father threatened to commit suicide, and the Dalit community pressured the girl not to go to court. The girl’s father was threatened by a BJP Party member and the village head, who was an upper-caste leader, and the accused side offered bribes through caste leaders.

The girl was cut off from family and community and, said Pradeep, ‘obviously alone – everybody’s eyes were on her’. She was under police protection for 20 days while the trial took place.

The case highlighted that girls were abused at the school over a period of 10 years. Pradeep said: ‘After the filing of a complaint in this incident 58 girls wrote to the Education Department about similar experiences which they had also gone through. The girls who were targeted were from various castes but mainly from the lower castes.’

Pradeep has commented that the ‘rape of Dalit females is a regular occurrence that has largely gone unpunished’ throughout India. But she added that the case and the judgment ‘opened the eyes of many dominant castes’, and ‘the Dalit community has gained faith in the judiciary’.

The girl herself went back to the school to complete her final exams. ■

schooling. MRG’s 2008 report *A Double Bind: The Exclusion of Pastoralist Women in the East and Horn of Africa* highlights that Boran pastoralists in northern Kenya perceive that there are very few opportunities for pastoralist women to secure any paid employment that requires an education; therefore there is little incentive for families to sacrifice the benefits of their daughters’ labour to send them to school. In Vietnam, similar views are held among the Bahnar and J’rai communities, even though they are matriarchal societies. Natal families do not lose their daughters’ labour following marriage because girls do not join their husbands’ families; however, a lack of job prospects means the education of girls is not considered important. One teacher from a J’rai district noted: ‘An ethnic minority student who completed ninth grade could not find any job in the commune ... She got discouraged and dropped out of school ... Even with education, eventually the children would end up working on the field.’

Though the prioritization of boys’ education over girls’ is frequently the case in majority communities as well, the higher poverty rate of many minority and indigenous communities means that they are more likely to be forced to make this choice. Minority and indigenous girls are therefore disproportionately affected.

Hunger is also a factor that impacts on minority girls. A UNICEF study in Vietnam found that the need for Bahnar and Khmer girls to find or prepare food for the family contributed to them dropping out of school. One Khmer girl, who had to wait for her mother to return with rice after harvesting it for other people so the girl could cook for the family said, ‘The teacher asked [why I was late] and I answered that we didn’t have rice to cook any earlier in the day, so I didn’t come to school.’ She dropped out of school because of this. Batwa boys in the Great Lakes region of Africa may be given priority over their sisters in the amount of food they receive. Batwa girls go to school hungry and consequently are less able to concentrate.

Many minority and indigenous communities live in remote areas. These frequently suffer from higher levels of poverty than the national average and have fewer facilities or services. Therefore, minority children may have further to go to get to school. Bad or non-existent roads may make the journey dangerous, especially during seasonal rains. This may disadvantage minority girls whose parents are unwilling

for them to travel long distances alone.

Minority girls are frequently enrolled in school later than their male peers, or miss large amounts of schooling and so have to repeat classes. Poverty contributes to this. Therefore minority girls in primary school can be several years older than their classmates. This has an impact on their self-esteem; it also means they reach puberty by grade 3–5, setting them apart from the group. Lack of adequate sanitation facilities compounds the problem. UNICEF noted that in Vietnam, ‘J’rai girls often enter school late, and thus, by the time they reach lower secondary school, studying at a school without toilets was a great barrier that made them feel uncomfortable and contributed to their drop out.’ Minority girls may therefore drop out at the same age and for the same reasons as other girls, but will have completed fewer years of primary schooling.

Economic, social and cultural rights, including the right to education as set out in the Convention on the Rights of the Child (CRC), must be implemented by states to ‘the maximum extent of their available resources’ (Article 4). This recognizes that immediate full implementation of the right to education for all is unrealistic, especially for poor countries; however, states are legally required to continuously improve the situation.

Minority and indigenous girls may suffer acute embarrassment about their family’s poverty, the low quality of their clothes or their difficulties catching up following periods of absence from school when they have to work, which affects drop-outs (see Box, p. 76).

Strategies

A wide variety of initiatives could be taken to improve the access to education of minority and indigenous girls affected by poverty. A thorough examination of the barriers, with the effective participation of the community, especially the affected girls, is needed to ensure that any measures are appropriately targeted and will have the desired effect. When asked for their ideas, the minority communities taking part in the UNICEF study in Vietnam suggested a range of schemes: providing stipends to girls for buying books, notebooks or for paying fees; awarding scholarships to high-achieving girls to continue in higher grades of schooling with the hope they would provide role models for younger girls; and improving school facilities, including sanitation.



Left: Heena (not her real name) teaches young children from her village in Madhya Pradesh, India. A Dalit, forced into prostitution at the age of 12 by her parents, she has recently started studying as well as teaching. *Atul Loke/Panos.*

majority language before entering school. For example, in Vietnam, although minorities have the right to receive mother tongue instruction in primary schools, and efforts are being made to improve the provision of bilingual education, for many H'mong children the only schools available use Vietnamese as the language of instruction. H'mong boys may accompany their fathers in social and communal activities, thus exposing them to the Vietnamese language before they enrol in school, whereas H'mong girls tend to help their mothers with agricultural work and housework and do not have the same chance to learn.

Some stereotypes about minority and indigenous women in society as a whole can lead to physical danger for girls from those communities, with severe consequences for their education. MRG's Gender report noted that in southern Africa, perceptions of indigenous San women as inferior, weak and promiscuous lead to violence against them from majority groups. In the Great Lakes region, Batwa women's vulnerability to rape is increased by a widespread myth in the region that sex with a Batwa woman cures backache.

While violence against women is endemic in many, if not all countries, and minority and indigenous women and girls may experience violence from men in their own community, violence, including sexual violence may also be perpetrated against them because of their minority or indigenous identity (particularly in conflict situations). It is frequently used by majority communities to subjugate and exert control over the minority. Sexual violence not only harms the women, it acts as a form of collective humiliation for minority and indigenous men who are perceived to have been unable to perform their traditionally perceived roles of protecting women from the community. Finally, the widespread impunity which exists for perpetrators of violence against women across many countries is even stronger when the victims are minority and indigenous women and girls, who are thought of as inferior and/or stereotyped as sexually available to dominant groups. It is in this climate of stereotypes, violence and impu-

nity that minority and indigenous girls go (or try to go) to school.

Those stereotypes may make minority and indigenous girls vulnerable to violence at school from those who are supposed to protect and educate them (see Box, p. 72). Fellow pupils may also target minority or indigenous girls. An Amnesty International report into school safety highlighted the case of a 14-year-old Muslim girl in Canada who was sexually assaulted at school by male students who allegedly targeted her because they thought that, as a member of a minority, she would be less likely to report the attack to the authorities.

The journey to and from school may be fraught with danger too; girls may face bullying or harassment from their fellow pupils or local men. A 16-year-old Dalit girl reported being attacked by dominant-caste boys from her class on her way to school. They grabbed her and tried to drag her into the bushes 'to teach her a lesson' for touching the water pitcher at school the day before. ('Untouchability practices', such as refusing to allow Dalits to touch water or food utensils used by other castes, have been banned in India; however, occurrences are widely reported, especially in rural areas.) She was lucky that her screams alerted a passer-by and the boys ran away; however, after the incident she stopped going to school.

The threat of this violence contributes to the reluctance of minority and indigenous parents to send their daughters to school. Parents worry about the consequences of possible violence against their daughters – pregnancy, HIV and the resulting shame these would bring on the family. One H'mong mother said: 'I only want to let my sons go to school. If girls go to school and get pregnant, I'd be very ashamed.' In many countries pregnant girls are prohibited from going to school. A girl, particularly one from a stigmatized minority, who became pregnant following rape, would be highly unlikely to be able to complete her education.

Gender stereotypes not only affect minority and indigenous girls, minority boys are also particularly disadvantaged by some gendered ethnic stereotypes against them. In the UK, although the gap is narrowing, Afro-Caribbean boys achieve lower results than Afro-Caribbean girls or any other ethnic group. Diane Abbot MP reported to the UN Forum the 'possibility that Black children – particularly boys – are excluded from school more than their peers as

However, monitoring of the implementation and impact (both intentional and unintentional) of any programme is essential to ensure that the affected communities are reached. In India's federal system, states may make a variety of provisions for poor Dalit children through financial schemes, scholarships and reductions in fees, to help them attend school. Some of these provisions are general schemes for talented poor children and others are reserved for Scheduled Castes. The NGO National Campaign on Dalit Human Rights (NCDHR) cited a case where a Dalit girl discovered that dominant-caste teachers had given scholarship money that was due to be given to Dalit students, including her, to dominant-caste children. She approached the dominant-caste headmaster to ask for her scholarship, was beaten for daring to speak out and suspended from school for a month.

Discrimination

The experience of minorities and indigenous peoples in the education system (as outlined earlier in this book) is frequently one of discrimination and exclusion. Discriminatory attitudes prevalent in society are also present in schools: teachers and fellow pupils may hold stereotyped ideas about

minorities and indigenous peoples; textbooks may reinforce stereotypes by containing racist references. This can lead to negative treatment of minority and indigenous children, such as low teacher expectations of their abilities or bullying from their peers. Such discrimination can contribute to a decision to drop out, low self-esteem or a negative perception of their own culture. The forms this discrimination takes may impact differently on girls and boys from minority and indigenous communities.

The 2007 UNESCO report *Education for All by 2015: Will We Make It?* cited a variety of studies worldwide showing that, in general, girls are often marginalized in class and given less attention by teachers, leading to low self-esteem. Stereotypical views of minority communities, combined with these views of girls, have a double impact on minority girls. Negative assumptions about their academic ability may lead to low expectations and therefore a lack of encouragement from teachers. For linguistic minorities this is especially true where the language used in education is not their mother tongue.

Minority and indigenous children may be perceived as stupid if they struggle to understand the language of instruction. Minority girls may have had fewer opportunities to be exposed to and learn the

'We both share this one pen'

A report brings home the impact of discrimination in Vietnam. By *Karen Emmons*

The national primary enrolment rate of children in Vietnam stands at more than 95 per cent. But there are large numbers of children, and particularly girls, in ethnic minority areas whose absence from a classroom is conspicuous. Among some ethnic groups, rates have been only 40–70 per cent; and, worse, lower secondary enrolment can be as low as 20 per cent. The difference between girls' and boys' enrolment rates in those areas is as much as 20 per cent.

In 2006, the Vietnamese Ministry of Education and Training asked UNICEF and UNESCO to carry out collaborative research among four ethnic groups – Bahnar, H'mong, J'rai and Khmer – in three provinces (north, central and south Vietnam). The children's testimony revealed the details of difficulties they deal with each day. Hunger: 'Sometimes I do not eat for two to three days.' Bullying: 'They teased me and said I'm very ugly', 'Boys often write nonsense on the back of my shirt and even hit me.' Lack of resources: 'The teacher loaned me a pen. I study in the morning, my older sister studies in the afternoon, and we both share this one pen', 'When [my one uniform] got wet in the rain, I stayed home or wore my own

clothes. I asked Mother for money, and Mother said, "Mother does not have money. You have to work and earn money to buy your own things."' The inability to communicate: 'My younger sibling studies in grade three but still cannot speak Vietnamese.'

Research was conducted by the Research Centre for Ethnic Minority Education from January to May 2006. The report gave evidence from 79 focus group discussions, in-depth interviews with 62 girls and 24 boys (both in and out of school) and observations of 42 classrooms. It included statements and solutions from parents, teachers, community leaders and local officials. It was the first time a government education study directly interviewed children, using a participatory approach.

To help the young people and parents rank their barriers and propose solutions, teams of five researchers used sorting cards and a problem/solution matrix. Local minority people were trained as translators, with instructions to retell responses honestly and avoid personal judgement. The questionnaire and other approaches were first tested among two ethnic minority communities for appropriateness. Changes were needed: questions were too general or not friendly, or salutations were out of line with local custom.

Each ethnic group identified five primary barriers to girls' education: economic and financial, the need to work, the poor quality of teaching and learning, inadequate school infrastructure, and parents' and girls' perceptions of an education's value to girls. The findings also showed these barriers ranked differently in importance for each ethnic group, indicating a need for contextual responses. For example,

the economic and financial barrier was the most important for three of the four groups. The report describes many not-surprising issues such as lack of food, money, nice clothes and bicycles for getting to school over distances of up to 23 km. There also are major language difficulties, issues of caring for siblings and wanting to help parents work, bad teacher behaviour, security concerns in boarding facilities, early marriage and gender discrimination, as well as a disconnection between education and future needs. The most recurring theme throughout is children's embarrassment about what they lack.

The report's final recommendations include immediate strategies for enabling a community, stipends or elimination of direct costs, boarding and sanitation facilities, and new secondary schools. Longer-term strategies include support to school leaders, child-centred and culturally appropriate teaching, safe learning environments, bilingual education, gender-sensitivity training, ethnic minority teachers, vocational education and microfinance schemes.

In October 2008, 40 policy makers discussed the findings. They vowed to use existing policies to lighten the burden on ethnic minority girls, and called for a specific policy that protects their right to an education. They pledged to finalize a decree for mother tongue learning from pre-school through higher learning. One participant said: 'Many cases mentioned in the study broke our hearts, as we have marginalized those disadvantaged children.' ■

and experiences of dominant groups are included. Teachers need to be equipped to challenge intersectional discrimination and stereotypes that negatively impact on minority and indigenous students whenever they occur.

Cultural issues

There are a number of cultural issues which impact on education for minorities and indigenous peoples. These can be cultural barriers, tensions or dilemmas between the majority education system and minority or indigenous culture that inhibit access to education or make dropping out of school more likely. As with other types of difficulty, there is a gender dimension to these cultural issues which affects and disadvantages minority and indigenous girls and boys differently.

An education that is rooted in their experience and relevant to their lives is more likely to motivate and inspire children. The education provided in state-run schools may not be relevant to the lives and cultures of minorities and indigenous peoples. In some cases, curricula designed by the majority may ignore the history and culture of minorities, sometimes through a government policy of assimilation. In other cases, the culture of the minority may be so different from that of the majority that what is taught may be alien to minority children. The education system may teach minority and indigenous children that their culture and way of life is backward, wrong or inferior.

These factors have particular impact on minority and indigenous girls. Girls are often perceived to be the custodians and transmitters of traditional culture; as such, parental concerns over the curriculum may be stronger for girls. A district education officer in Uganda said of Karamojong pastoralists: 'In Karamoja, parents believe that if their daughters attain formal education they will become less competent wives, prostitutes, or run off to marry non-Karamojong men who will divert them from the Karamojong way of life.'

In some cases, restrictions imposed by states on cultural practices can force minority girls to choose between their culture and gaining an education. The ban in France on the wearing of visible religious symbols in schools is phrased in neutral terms but disproportionately affects Muslim girls who wish to wear a hijab. France's last report to the UN Committee on the Elimination of Discrimination

a result of some form of institutional racism: being assumed to be more violent/disruptive/unruly than their peers'.

Strategies

States have an obligation to ensure the elimination of discrimination in education – both direct discrimination (for example, excluding children from a school because they are minorities) and indirect dis-

crimination (where, for example, an apparently neutral provision has a disproportionate negative impact on minorities or indigenous peoples). Legislation in line with international principles, which defines and outlaws discrimination, is imperative.

Specific strategies to eliminate discrimination against minority and indigenous girls include the training of teachers on anti-discrimination and the particular needs of minority and indigenous girls.

Procedures should be put in place for complaints of discrimination to be investigated impartially and disciplinary measures taken against perpetrators of discrimination or violence, whether they are teachers or fellow pupils.

Revision of textbooks is needed to ensure the removal of discriminatory references and the inclusion of minority and indigenous contributions and concerns in the same way as the historical narrative



Left: For 20 years, the Masai residents of the Highland town of Dol Dol have claimed that soldiers from the nearby British army camp have sexually abused their women, yet no soldier has ever been punished. *Sven Torfinn/Panos.*

tion. According to the National Committee on Traditional Practices of Ethiopia, rates of marriage by abduction are as high as 92 per cent in one province, the Southern Nations, Nationalities and Peoples Region. Where a man's family does not have enough money to pay a 'bride price' to a girl's family it is customary for him to forcibly abduct her, rape her and then afterwards negotiate to pay a small amount to the girl's family so he can marry her. Adolescent girls are particularly vulnerable to abduction on their way to and from school. Few school-age girls who are abducted return to school afterwards. Fear of abduction can also lead to girls dropping out of school.

The UN Special Rapporteur on violence against women highlighted that in Iran a Kurdish man decides, 'whether or not his daughter, sister or spouse attends school ... For this reason, the literacy rate of Kurdish women and girls, particularly in the rural areas is either the lowest or one of the lowest in the country.' These strict social codes hinder outsiders (including state officials) from addressing Kurdish girls' education.

But barriers to the education of minority and indigenous girls can be the result of multiple factors. Bedouin girls in the Negev region of southern Israel have a drop-out rate of 77 per cent in some of the 'unrecognized villages' (much of the Negev was declared state land between 1948 and 1966, with settlement on this land declared illegal; around half the Bedouin population live in 39 villages which remain unrecognized by the Israeli government). The UN Forum in 2008 heard how these 'unrecognized villages' have no basic services such as electricity or drinking water, and there is no high school anywhere nearby. Bedouin culture requires girls to be accompanied by a relative when leaving their villages and they should not study with or be in the company of unknown boys. This means that the long journey to the nearest school is a great obstacle and leads to the high drop-out rate of Bedouin girls.

The multiple factors impacting on the education of these girls must be examined; it cannot simply be assumed that the Bedouin restrictions on girls'

movements are to blame. The reasons for a lack of schools locally, or in areas where girls would be able to travel, should also be examined. As discussed above, fear of violence perpetrated by members of other communities may also be an issue. There is an obligation on the state to protect minority girls, punish perpetrators of violence and provide access to quality education.

Law and strategies

States have a duty to protect women and girls from practices that violate their rights whether the practices are carried out by a majority or a minority community. However, balancing this with the right to identity can be a particularly difficult area for both governments and minorities. The UN Declaration on Minorities (UNDM) provides guidance on the issue (the UNDM is not legally binding; however, it was adopted by consensus which means that no state objected to its provisions). Minorities have the right to protect and develop their culture except under two circumstances: where specific practices are in 'violation of national law' and where they are 'contrary to international standards'. The reference to national law is problematic, but it is clear that it would be meaningless if states were permitted to adopt whatever laws they wished against the cultural practices of minorities. Prohibitions on cultural practices must be based on reasonable and objective grounds. 'Contrary to international standards' means that states are free to (and should) prohibit practices that violate other international human rights standards.

But states may not use provisions permitting them to prohibit harmful cultural practices in order to prohibit whole cultures on the grounds that a practice violates human rights norms; the restrictions must be on the specific practices. Neither may they act in a discriminatory manner, prohibiting harmful practices in minority communities while ignoring those of the majority. Legislation is needed to prohibit specific practices in violation of human rights norms – but legislation alone will not be sufficient to end these practices. For example, in Ethiopia, the government has set the legal age for marriage as 18 and outlawed marriage by abduction; however the practice continues. The most effective methods of eradicating harmful practices require the cooperation of all sections of the affected community and are implemented in a way that is non-

Against Women (CEDAW) stated that at the start of the school year when the ban was introduced, of the 639 children wearing religious symbols, 626 were Muslim girls. During that school year, 47 children were expelled from school because they did not comply with the ban (three Sikh boys and 44 Muslim girls) and 96 others left the state education system to circumvent the ban, moving to distance-learning courses or private schools, or leaving education completely. The choice they were left with was to give up a cultural practice, to leave education or to move to a form of education outside the state system where they would effectively be segregated because they do not have the opportunity to mix with children of other backgrounds.

Restrictions on cultural practices designed to regulate the education system must not discriminate (either directly or indirectly) against minorities or indigenous peoples, and international law does not permit states to adopt any restrictions they choose.

For example, restrictions on religious practices must conform to standards on freedom of religion. Any restrictions must be 'prescribed by law' and 'necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others'. States also need to monitor the effects of the restrictions to ensure that minorities and indigenous peoples are not suffering discrimination by being disproportionately affected.

Cultural restrictions placed on them by their own communities can also make education more difficult for minority or indigenous girls, and in certain cases these can be harmful and also violate their other rights, for example, female genital mutilation (FGM) or early or forced marriage (which also occurs in majority communities). Girls do not usually return to school following FGM as they are considered ready for marriage.

Among a number of ethnic groups in Ethiopia there is a traditional practice of bride abduc-

threatening to the overall cultural identity of the community. For example, states may use the education system to encourage eradication of a specific cultural practice affecting minority or indigenous girls. However, without the cooperation of the community, it may result in more girls being withdrawn from school by parents who are fearful of the school changing their daughters' opinion of the practice and thereby losing their culture.

Minority or indigenous communities experiencing discrimination or marginalization may perceive legitimate state concern over specific cultural practices that violate human rights norms as a further attack on them. There may be a negative reaction from the community (or from community leaders who tend to be men) to what they feel is state interference or pressure. However, no culture is homogeneous – majority or minority – and very often there are individuals or groups within a community who do not participate or are working to eradicate harmful practices. When minority and indigenous women refuse to conform to cultural practices that violate their rights and/or work to eradicate them, they very often face resistance or hostility from both men and women in their community. MRG's 2008 report on Pastoralist women highlighted the case of a woman from the Sabin community (one of the very few groups in Uganda which still practise FGM) who avoided FGM by staying with relatives. She tried to participate in politics and was told by community leaders she was still a 'child' and not to waste her time. Women (and also men) who actively work to stop harmful practices might be told that by speaking out, they are giving the government and the majority more reasons to attack their community. The arguments used are often that it is more important to secure the rights of the group first before addressing other 'less important' issues relating to women's rights. They may be accused of pandering to the majority or aiding assimilation by trying to change a cultural practice that is seen as a cornerstone of the culture. They may even be threatened or suffer from violence. In Sierra Leone, where most communities practise FGM and it is estimated that 94 per cent of women aged 15–49 have undergone it, one campaigner has received death threats, been threatened with machetes and had over 100 people protesting outside her house. According to media reports, four female Sierra Leonean journalists were abducted by a pro-FGM

group, stripped and made to march through the streets naked simply for reporting on an anti-FGM campaign.

States, NGOs and community groups need to be aware of the diversity of opinions within minority and indigenous communities. They should be sensitive to, and supportive of the difficulties faced by women from those communities who are working to eradicate harmful practices.

Conclusions

Though the experiences of the minority and indigenous girls highlighted above represent a fraction of the world, they are illustrative of the problems faced by many. The serious shortage of information about these issues means that the day-to-day reality faced by minority girls remains hidden and is a severe barrier to addressing their situation. Governments and development agencies need to know about the realities of their lives and understand the interlinkages between the various contributing factors in order to ensure that efforts to improve the situation are effective. Without adequate data and analysis, programmes may not help get minority and indigenous girls into school. For example, a cursory examination of a situation might show the most obvious reason for minority girls not being in school to be the poverty of the family. As a result the government may set up a scheme to provide income supplements for poor minority families; however, the most important factor for that community may actually be the distance from the minority area to the school and related safety concerns. Therefore the income supplement scheme would be ineffective and minority girls would remain unable to access education.

While legislation against discrimination is vital, it is not enough to ensure protection. Effective implementation is necessary, as are specific policies and programmes designed to reach long-disadvantaged minority and indigenous girls. The policies that are most likely to succeed will work at a number of levels, recognizing the barriers to participation that minority girls face at all levels of society. Working directly with the excluded minority and indigenous girls themselves, in order to ensure a full understanding of their experience and what they feel, is necessary to address the situation.

Parents and the local community (recognizing that no community is homogeneous and that 'community leaders' may or may not be fully rep-

resentative of the group) should also be consulted. Participation by schools (teachers, managers and other students), with local government and other relevant local organizations such as NGOs, is essential, and with the national government and other national or international organizations (education bodies, teachers unions, UN agencies and NGOs).

A 15-year-old Barwa girl in Burundi said, 'School is very important because when you have been, you have a better life, better health.' All minority and indigenous girls have the right to go to school, but as this chapter has shown, they struggle to access it. The situation of these girls, who face double discrimination, requires urgent attention if the balance is to be redressed, and they are to take their equal place in society. ■

A positively plurilingual world: promoting mother tongue education

Claire Thomas

'Fifty percent of the world's out-of-school children live in communities where the language of schooling is rarely, if ever, used at home.' (World Bank, *In Their Own Language, Education for All*, 2005)

Decisions about the language medium used in schools affect most minorities and almost all indigenous peoples. It is these groups who most commonly speak a language other than the prevailing national or majority one. As such, minority and indigenous children are most often affected by the absence of education in their 'home' language, and suffer the most severe consequences; for generations, they are relegated to life on the margins. Very high numbers of children are affected. For example, according to the Institute for Development Studies in the UK, approximately '1.38 billion people speak local languages – languages that are less well-known, without written forms and not used in formal education. This includes an estimated 221 million school-aged children.'

It seems obvious to say that children learn better when they understand and speak the language of the classroom. But currently many children around the world are taught at school in a language that they do not understand either well or at all. This has a direct impact, resulting in lower educational achievement, higher drop-out rates, loss of heritage languages and lower self-esteem for these children.

The challenges facing mother tongue education provision include the concentration or dispersal of minority communities, and the effects of decentralization on educational decision making. These will be discussed here, and the best ways of organizing mother tongue education sketched out, using examples and results from practice around the world.

Finally, some of the reasons decision makers give for resisting mother tongue education, despite its proven effectiveness, will be examined. Therefore, the chapter will be most useful for advocacy by minority and indigenous activists, and those working to shape educational policies.

Terminology

In this chapter, a 'mother tongue' is a language that children learn from their parents (both mother and father), siblings, wider family and community, when they are very young (this includes signed languages used primarily by deaf people and their families).

Non-specialists most commonly use 'mother tongue education' to mean education in a language that children speak at home, with the implication that education is solely in that language, although this is rarely if ever the case. This is particularly unfortunate because policy makers often mistakenly believe that education in a home language will mean that children will never really master a national or majority language. But in fact, the opposite is true (see below.) What we are really talking about is multilingual education, whereby children start school speaking the language that they speak at home, and other languages are gradually introduced over time. For the rest of this chapter I will refer to Mother Tongue-based Multilingual Education (MTME).

Education in MTME is better for children

World Bank research from Mali in 2005 showed that, 'End-of-primary pass rates between 1994 and 2000 for children who transitioned gradually from a local language to French were, on average, 32 per cent higher than for children in French-only programmes.' Policy makers' most common reaction to a population of children who speak a different language at home (and who are often not doing well in school as a result) is to put in place special programmes teaching the national or school language for these children. But research over two decades has demonstrated that, instead of supplementary support in the national language, teaching such children through their home language and gradually introducing other languages is more effective in terms of educational achievement for minority language pupils. Importantly, it also showed that minority language children progress faster in both their language *and the majority language* when they first receive education in their home language.

While all children benefit from education in their home language, UNESCO has found that girls benefit more. This may be for cultural reasons: girls, in general, are more restricted to the home. This limits their opportunities to be exposed to and learn other languages that may be spoken outside the home. Minority girls may participate very little in class because they do not understand the classroom language. Teachers may support and challenge boys in this situation because they have higher expectations of them but may not do so with girls.

Bilingual teaching heads to the front of the class in Vietnam

By Karen Emmons

In a typical Vietnam primary class with ethnic minority students, the Vietnamese teacher strains to communicate through body language or through classmates who may know both the minority language and some Vietnamese. Learning is a sporadic occurrence.

Vietnam's Constitution and 1991 Universal Primary Education Law recognize that ethnic minority children have a right to study in their mother tongue. With 54 ethnic groups in the country, that's a lot of mother tongues. But somewhere along the way, using Vietnamese for instruction took precedence as the way to help ethnic minority students overcome the language

barrier. Unfortunately, students have struggled. Many gave up.

The Ministry of Education and Training (MOET) asked UNICEF and international consultants for help in developing a flexible bilingual programme specific to the Vietnam context. Preparation spanned almost two years, including policy decisions on which languages to choose for the pilot (H'mong, J'rai and Khmer were chosen), assessments to pick pilot sites and field visits to suggested schools.

In 2008 the first piloted bilingual kindergarten classes opened their books and played games in the three mother tongues. One child said, 'I enjoy speaking H'mong with my teacher and friends and find it much more fun going to school.' Grade 1 classes follow in 2009. Ultimately, 13 kindergarten and 13 grade 1 classes (in three provinces) will be monitored until 2014, with materials and teacher training developed up to grade 5. That research will contribute to new policies and practices (including a legal framework) to promote the use of ethnic minority languages as a means for improving access, quality and equity of education and other social services. ■

Below: Girls from an indigenous community read outdoors at Ban Pho primary school in Lao Cai Province, Vietnam. The UNICEF-supported school provides education in a safe, child-friendly learning environment and includes classes taught in the children's indigenous language. *Josh Estey/UNICEF.*

home ... [helps] pupils feel secure about their identity. They will meet other children like themselves, make friends within their community, engage in cultural activities and, most important of all, gain in self-esteem.'

MTME as a tool of conflict prevention

The link between assimilationist education policies and low self-esteem, absenteeism and high drop-out rates of children from indigenous and linguistic minority communities is now widely accepted. Such policies perpetuate a cycle of exclusion and marginalization that, in turn, can pave the way for mobilization of communities along ethnic lines when tensions are high.

Some policy makers may feel that both minority languages and education are relatively soft topics – compared, perhaps, to land rights, resource rights or reserved seats in Parliaments. This might lead them

to conclude that groups are less likely to mobilize around topics like the language of schooling. But this is dangerously short-sighted. Examples show that the closure of minority language schools and universities has been a contributing factor to raised ethnic tensions and conflict. In Kosovo in the early 1990s, the closure of many Albanian language primary and secondary schools and the mass expulsion of Albanian language students from the university certainly was one significant factor in increasing tensions. This was echoed a decade later in Tetovo, Macedonia; this time, however, partly due to more effective international interventions, a compromise over an Albanian-language university helped prevent widespread ethnic conflict. Other examples that demonstrate the links between assimilationist policy, language provisions and potential conflict include Botswana, China and Nicaragua, as documented in recent MRG reports.

States that run well-planned and well-implemented MTME programmes will, in the long run, reduce the risk of inter-ethnic conflict. Minority children will do better, will be able to break out of cycles of poverty, and intercultural education will build links between communities.



MTME means lower drop-out rates, improved attendance

A telling insight from Bangladesh was offered by activist Mathura Bikash Tripura at the UN Forum. He said:

'As a whole, net enrolment rate in Bangladesh has been increased from 71.2 per cent in 1990 to 86.6 per cent in 2001, with gender parity. But in the Chitragong Hill Tracts, only 56.8 per cent of the indigenous children from 6–10 years old enrolled in schools, and 60 per cent of the enrolled children drop out in early primary. This is double the national drop-out rate; the children are turning away for not speaking Bangla and they are experiencing education in a totally unfamiliar language.' (see Box, p. 154)

Conversely, in Guatemala, according to Save the Children in 2008, with long-term bilingual and intercultural education, grade repetition is about half that in traditional schools, while drop-out rates are about 25 per cent lower. These are just two examples of many worldwide that confirm the benefits of MTME to minority and indigenous pupils.

MTME means higher self-esteem

Educational development expert Carol Benson believes that systematic but frequently ignored differences between the language and culture of the school and the learner's community only succeed in teaching low self-esteem. She goes on to state:

'Bilingual education addresses self-esteem in at least two ways. First, children are allowed to express their full range of knowledge and experience in a language in which they are competent. Second, use of the mother tongue in the official context of school demonstrates that their language and culture is deemed worthy of high-status activities such as schooling.'

The benefits of this to children and to parents who may not have had MTME or even mainstream schooling cannot be underestimated. According to Our Languages, a languages project in the UK:

'Introducing pupils to their heritage language, or teaching them literacy in a language they already speak at

MTME gives life to languages that are threatened

Alexandra Vujic, in her statement to the UN Forum on behalf of the Vojvodina Center for Human Rights, stressed that for endangered languages, language as a medium of education (rather than as a subject taught alongside other subjects) is critically important:

'Homogeneous minorities [i.e. geographically concentrated] have more opportunities to preserve their language and culture in education through the medium of mother tongue, while dispersed minorities, whose only opportunity is more often just to learn their language, are strongly faced with assimilation processes and loss of their language and culture.'

Ahola Ejembi of the Civil Liberties Organization in Nigeria, stated that the 'Akweya language is thus threatened with extinction and we are of the opinion that if the language is taught in primary schools in the area this drift will be arrested'.

Degrees of geographic concentration or dispersal

It is important to note that, rights to mother tongue education for children notwithstanding, the number of speakers of a language and the geographical distribution of speakers do impact on the practicalities of organizing MTME, and both policy makers and minorities and indigenous peoples accept that these practical effects are important.

Most linguistic minorities and indigenous peoples around the world tend to live in areas where there are high concentrations of people speaking one, two or three languages. However internal migration to cities, internal displacement, and international migration and refugee movements are leading to a situation where more and more linguistic minorities find themselves isolated from their traditional community area. Their languages are therefore more vulnerable. In some cases, a particular school may have pupils speaking 20, 40 or even 60 different languages, and teaching through the medium of all of these languages would clearly be challenging. Minorities and indigenous peoples who are dispersed rather than living all together are much less likely to benefit from MTME. Though some states do provide at least some educational support for highly dispersed minority languages (e.g. Sweden and Belgium), the teaching is not through the medi-

um of these languages and it takes place outside the main school day. In 2003, the National Agency for Education Statistics in Sweden reported on 'Mother Tongue Studies', whereby:

'Students with a mother tongue other than Swedish have the right to receive tuition in their native language as a school subject ... [with] its own separate syllabus ... Just over half of all pupils who are entitled to receive mother tongue tuition do so.'

It said: 'Mother Tongue Studies courses are taught in approximately 60 languages (e.g. Arabic to 21,073 pupils, Bosnian/Croatian/Serbian to 14,829 pupils, Finnish to 11,384 pupils and Albanian to 7,704 pupils).' This type of provision is very valuable to dispersed linguistic minorities and offers a partial solution, but it is not MTME.

Devolution or centralization of decision making on education

A separate but related issue is the degree of devolution or centralization of power on educational decision making. Devolving power to regions or states can lead to a resurgence in MTME where one language community is concentrated. For example, since 1999, when the Welsh Assembly was established, there has been a 46 per cent increase in Welsh medium secondary school pupils. This is despite the fact that support and provision for speakers of minority languages in the UK (particularly migrant languages but also sign language and other regional languages) is not at all adequate.

However this is not always the case. According to the Indian Constitution, states and local authorities in India must 'provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups'. In Andhra Pradesh education programmes in eight languages have been running since 2003. The state of Orissa began rolling out programmes in ten languages in 2007. Despite this, according to experts in India:

'Most states decide their own medium or mediums of instruction (MOI) for primary schools ... state policy varies for lack of implementation guidelines. States often designate the official state language (such as Tamil in Tamil Nadu) as MOI or even, increasingly, English.'

Success in three countries tells its own story

By Juan de Dios Simón

The EIBAMAZ project (Intercultural Bilingual Education in the Amazon Region) works with 17 indigenous groups in Bolivia, Ecuador and Peru. It is run by UNICEF and is supported by the government of Finland. In Bolivia the groups are the Cavineño, Movida, Mosenen, Tacana and Tsimane. In Ecuador the project works in eight provinces of the department of Puyo, with nine indigenous peoples and nationalities: Achuar, Ando, Cofan, Kichwa, Secoya, Shuar, Siona, Waorani and Zapara. In Peru it is working in the Ucayali region with three groups: Ashaninka, Shipibo and Yine. The project started in 2005.

Early results include:

- 100 per cent of indigenous children studying under the integrated unities of learning (first four years) in the Amazonian area of Ecuador have their own books.
- More than 4,000 boys and girls received their first bilingual materials in Ucayali, Peru.
- Thousands of teachers in Bolivia have guidelines on how to apply interculturality in classrooms and didactic skills for multi-grade teaching and multi-ethnic classrooms.
- 3,000 bilingual teachers have been trained in diverse themes of Intercultural and Bilingual Education (IBE) in three countries.
- 1,000 indigenous teachers have access to technology centres, using the internet and diverse books in the documentation centres.
- Indigenous teams have been created to produce materials, using local technology combined with computer software to edit and

documents. These teams are organized by languages and regions of indigenous peoples in three countries.

- Thirty-three indigenous students from the University of Cuenca are studying for a bachelor's degree as investigators and high school teachers.
- Indigenous investigators have been chosen by their own peoples to conduct applied research in IBE in their own communities.
- Five bilingual and teachers' schools have received technical and financial support. Three public universities (Universidad Nacional Mayor de San Simón in Bolivia, Universidad de Cuenca in Ecuador, Universidad Nacional Mayor de San Marcos in Peru), have committed to including indigenous professional and traditional community leaders in the teaching and research institutes of the universities.

An evaluation of the programme to date found that:

- EIBAMAZ is innovative, well accepted by actors and counterparts and its components are dynamic.
- With UNICEF's management, the project has had a broader impact and radius of activities than it would otherwise have done.
- EIBAMAZ has generated a wide range of activities, and engaged with both teaching and education reform, despite a relatively small budget.
- The cost-benefit ratio and the efficiency of use of financial resources are very positive.
- There is a strong demand in the Amazon for an efficient, effective and pertinent intercultural bilingual education.
- Indigenous leaders are committed to working for their own IBE based in their own culture.
- Parents see the school as an ally in their attempts to transmit to their children their cultural heritage.

How to organize MTME

Successful MTME requires high-quality, well-planned and well-implemented programmes. The best initiatives include consultation with and participation of the community, and are sensitive to and include the specific cultural knowledge and practices of children. MTME should go beyond merely sustaining languages to significantly contribute to a child's development, and education programmes need to be run in combination with policies that maximize the use of minority and indigenous languages in the economy and in the public sector.

However, because a majority of countries are running either no MTME or programmes that fall significantly short of even the very minimal standards set out below, activists in such challenging situations will need to first concentrate on more limited and targeted goals.

Expert Kathleen Heugh has found that good practice is to have education using only one language as a medium (the language spoken at home) for at least six years. The most common failing of current MTME programmes is that children stop using the home language after only two or three years and transition to a national language at this point.

MTME can be either additive or subtractive. Subtractive MTME is where the home language is replaced by another language after the first years of education. This is by far the most common form of MTME. But well-planned and well-implemented additive MTME programmes, where languages are added but none are dropped, are associated with a very high degree of fluency and a wide and deep vocabulary in several languages. It is helpful if mother tongues/minority languages are also used as a language medium for national examinations.

Children and parents should always be able to choose whether children attend MTME or mainstream education in the majority language or schools that combine both. Under no circumstances should bilingual or minority language schools be less well resourced than majority language ones. Certainly there should be no issue of any required segregation of children by language, although MTME may in fact lead to some separate classes in practice. For this reason, it is important that minority languages are also taught as a subject to all children in a country along with intercultural education.

Why the gap between research findings and reality?

After significant civil society lobbying at the International Bureau of Education international conference in 2008, the world's education ministers recommended that states should: 'view linguistic and cultural diversity in the classroom as a valuable resource and promote the use of the mother tongue in the early years of instruction'. The UN Forum also made strong recommendations on MTME (see References, pp. 234–40).

But despite these and other similar public statements, actual implementation of high-quality MTME around the world is rare. Unlike some other aspects of education provision covered in this book, the wealth of a state and the availability of resources is rarely a determining factor in whether or not MTME is provided, or even of its quality. Ideological considerations come into play too, with varying practices across regions.

At the UN Forum, the French Minister of Education stated, 'French policy ... does not prevent the teaching of languages and heritage culture on an optional basis and outside the school day to those who desire it.' But more progressive policies on diverse languages as education mediums exist in many of France's neighbours including Belgium, the Netherlands, Italy, Spain (in relation to the Basque region), the UK (in relation to Wales) and Switzerland. Some countries in Latin America have made great progress but Canada's record remains patchy, with far more effort being made and success resulting with French and English as minority languages in different regions than with indigenous and migrant minority languages. The USA retains bilingual education programmes but California, through a measure known as Proposition 227, moved away from bilingual programmes and back to giving children with limited proficiency in English extra support in that language.

Some states have far better special provision for a few languages than for others (e.g. French in Canada, Saami in Sweden, Welsh in the UK). In some cases, certain languages are protected by historical treaties (e.g. Greek in Turkey and Turkish in Greece). But this continues to leave those speaking other languages in these states disadvantaged and complaining about these disparities.

'A person who does not know his history is doomed'

Graduates of Intercultural Bilingual Education speak out. By *Anna Lucia D'Emilio*

The UNICEF-supported 8th Latin American Congress of Intercultural Bilingual Education took place in Argentina in 2008. Participants included a panel of high school graduates from Intercultural Bilingual Education (IBE) programmes.

The group included: Ramber Molina, 23, a Quechua Bolivian; Moisés Rivero, 20, a Guaraní Bolivian; Daniel Paucar, 17, a Quechua Peruvian; Dora Virginia Alonzo Quijivix, 17, Maya Quiché from Guatemala; and Jessica Peñafiel, 14, a Kiwcha Ecuadorian.

Dora said IBE made a difference to her identity as an indigenous woman.

'I believe that IBE has made new opportunities available to us, one of the greatest signs being that we can demonstrate to the whole world that we indigenous women can indeed attain what we set for ourselves. A clear example is that we have women MPs. I feel very proud of having a representative who is a woman and a Maya at the Guatemalan Congress, of having indigenous teachers who impart to us our education, of our grandmothers who have much knowledge which compares with the people who know about anthropology, astrology and other subjects, and then our grandfathers, who know what a Mayan ceremony is, living in harmony with our loved ones [and] our ancestors, [who] remember them and want to shape our identity.'

She added: 'It would be good if, when making public policies regarding children, our opinions

could also be included' and that policy should take account of 'Girls ... who benefit most deeply from the contributions', including girls from 'the remote rural communities'.

Jessica agreed that the IBE 'has still a way to go', that it could be improved through better textbooks and more learning materials. She also said that there are few options available within the bilingual educational system, and that is why she had to do part of her studies in the Hispanic system.

Ramber summed up the importance of giving indigenous children the opportunity to gain access to IBE programmes when he contrasted 'study in one's mother tongue' – through which it is possible to study in depth 'important and significant aspects of our experiences, philosophy and our life itself' – with study in Spanish, because the texts that they were taught to read in Spanish were not 'that enjoyable since we would understand little of the real meaning, the essence ... it's that that view did not match (adapt to) our way of understanding life'.

Ramber is about to complete his undergraduate studies in law at Universidad Nacional Mayor de San Simón in Cochabamba, Bolivia, and would like to become a lecturer in constitutional law.

Moisés is studying to become a teacher at INSPROC, a model institute in teacher training for IBE, in Camiri, Bolivia.

'I'll be a teacher, not for advancement but as a vocation. I'd like to reach the sectors most in need within the community and the sectors that nobody knows about nor studies. I want to reach out to them, for them to be aware of the cultural values, the grandfathers' knowledge, the values of our region, so that they remain in the books and will never be rubbed out of the Guaraní culture. In my region slavery still exists – we help them to rise up and eliminate slavery.'

Daniel, who is studying to become a social communicator and a community leader, said: 'A person who does not know his history is doomed. I don't want to be like this.' ■

Reasons given for not providing MTME

Some states declare a national language as necessary for national unity. Article 21 of the Syrian Constitution states: 'The education and cultural system aims to build an *Arabic* national socialistic generation' (emphasis added). This excludes the Kurdish speaking community in Syria (around 3 million people). Jian Badrachan, of the Kurdish Centre for Legal Studies and Consultancy explained that in Syria:

It is forbidden to teach a lesson in the mother tongue of the Kurdish language. Teachers are forced to give lessons to pupils in Arabic which nobody understands, thus reflecting a strategy of the government in excluding the Kurds from a prospective education.'

Syria has such a hardline stance on this issue that teaching Kurdish in private has even led to teachers being arrested, as reported at the UN Durban Review Conference in Geneva in April 2009 by the Human Rights Organization in Syria.

Some governments claim that majority opinion forces them to follow assimilationist policies and quote examples of MTME issues that have been put to the public vote (Proposition 227 in California is the best-known example). Botswana has brought bills to parliament on several occasions, which would modify the policy that privileges the Setswana language and culture over Botswana's 20 or so other languages, but none has passed.

However, when the benefits are explained and a debate takes place in which nationalist or anti-immigrant sentiments are not promoted, there is widespread public support for MTME. Initiatives are going ahead with broad support in Ethiopia, Papua New Guinea and Mozambique, which is currently rolling out a new programme of education in 16 languages (out of 43), with some early indications of success.

Practical arguments made against MTME education

There is an acute shortage of trained teachers who speak or have training in mother tongue languages. According to the NGO Save the Children, 'Because speakers of local or minority languages often don't do well in school due to an unfriendly language of instruction, they don't make it through higher education and thus cannot qualify as teachers.' It

Right: Ryan Malibirr, an Aboriginal student at school in Ramingining, Northern Territory, Australia. Yolngu Matha, the local language, is taught in language and culture classes. *Polly Hemming.*

should be made easier for local people to be trained as teachers, as local teachers are much more likely to stay in remote areas (where minorities often live) than teachers from cities or other parts of the country. The EIBAMAZ project in Latin America coordinated by UNICEF (see Box, p. 89) has worked in this way, as has SIL in Papua New Guinea. As Carol Benson points out in 'Girls, educational equity and mother tongue education', locally based mother tongue teachers are more likely to have a closer relationship with and the trust of parents. This can particularly affect girls' enrolment in school and reduce girls' drop-out rates. Benson adds that a higher proportion of locally based mother tongue teachers are often female, providing positive role models for girl pupils.

Education departments often cite the additional investment and costs of MTME. It is true that funding is often needed to develop materials, and to invest initially in teacher training. However researchers and analysts, including at the World Bank, have shown that because of the reduced drop-out rate and repetition of years, even though the initial costs may be somewhat higher, MTME is still more cost effective in the long term.

Conclusion

It is not coincidental that children from linguistic minority communities make up a large proportion of the children who are currently not in school. Linguistic minorities and most indigenous peoples are often marginalized in political and economic life. They are often either invisible or are just not a priority when policy decisions are taken. This is the overwhelming, if short-sighted reason, why their needs are so often ignored.

It is clear that education policies that deny education rights for linguistic minorities must be challenged. Education must be adapted to the languages that children speak rather than children being changed to fit in with the education systems in place. Provision needs to be tailored to take into account different languages and different cultures. More domestic and international litigation to call states to account on these issues is sorely needed.



Let there be no more children who describe their experience as one Punjabi speaker, who was submerged in an English-language medium education aged 7, did, saying:

'Very difficult ... I didn't understand what people were saying around me so I thought that they were talking about me and I was thinking "What are they planning?" I didn't understand a word ... It was scary ... I came home every day in tears.'

Let there be more parents of children who can say, as UNESCO reported this Tok Ples speaking parent in Papua New Guinea:

'Now my child is in a Tok Ples school. He is not leaving his place. He is learning in school about his customs, his way of life. Now he can write anything he wants to in Tok Ples. Not just the things he can see, but things he thinks about, too. And he writes about his place. He writes about helping his mother carry water, about digging kaukau, about going to the garden. When he writes these things they become important to him. He is not only reading and writing about

things outside, but learning through reading and writing to be proud of our way of life. When he is big, he will not reject us. It is important to teach our children to read and write, but it is more important to teach them to be proud of themselves, and of us.' ■



Africa

Sophie Elmhirst

While enrolment at all education levels has increased in recent years in sub-Saharan Africa, children in the region, depending on where they live, what gender they are, how poor they are, and if they are part of a minority or indigenous group, will have widely varying degrees of access to school. Overall, progress has been made: according to UNESCO's *Global Monitoring Report 2009*, sub-Saharan Africa accounted for the world's highest increase in total primary school enrolment (42 per cent) in the period 1999–2006. And in 2006, more than 23 million children in the region stepped through a classroom door for the very first time. However, millions of children remain out of school – some 35 million children were not enrolled in 2006, around one-third of the school-age population. The reasons for this vary. Over four out of five out-of-school children live in rural areas. Many of these are from minority and indigenous communities. Gender also plays a significant role. In 2006, girls accounted for 54 per cent of children not in school. And children from minority groups, either because they suffer discrimination, live in remote areas and because of their gender, are also much less likely to access education.

Events of 2008 have clearly shown the vulnerability of minority groups to political change and discrimination, and the knock-on effects on children's education. Political upheaval and violence in Kenya, Sudan and Zimbabwe has had a devastating effect on children's access to education, particularly of minority groups such as the pastoralists in Kenya, whose mobile existence makes them especially vulnerable to the volatile situation in the country. Ongoing problems, such as the abduction of children to be child soldiers in Chad and the Democratic Republic of Congo, also has a terrible effect on children's ability to take part in school. And the living conditions of certain minorities in African countries – for example the Saharawi refugees in the Western Sahara refugee camps – has a very damaging effect on people's ability to access basic services, including education. Language is another key issue that acts as a barrier for children from minorities to go to school, for example in Mauritania where neither Afro-Mauritanian national languages nor the local Hassaniya Arabic dialect are used as languages of instruction.

Each child's experience of, and access to, education is extremely varied across the region. Most

importantly, and least surprisingly, it is the most vulnerable and marginalized of children who struggle to get to school and reap the many rewards from a comprehensive education.

Women from minority and indigenous communities continue to suffer FGM and rape, often in areas torn by conflict. They face double discrimination in such situations, as the chapter by Kathryn Ramsay discusses. Reporting such incidents, often in a climate of impunity, is extremely difficult for those already marginalized by their minority status and gender.

Algeria

Long-standing rivalries between Arabs and the minority Berber community erupted into violence in May 2008. At least three people were killed and many made homeless after three nights of rioting in the north Saharan town of Berriane. Algerian security forces were deployed to quell the unrest. The Berber group involved, the Mozabites (Berbers from the M'zavb valley), say they have been excluded from state jobs and that they continue to be discriminated against by the Arab majority.

Since the 2007 elections, achieving cultural unity within Algeria has been a priority for the government. Education plays a major role in this aim – the government has permitted the teaching of the Berber language in schools in order to reach out to the Berber community. They have also created an Academy and a Superior Council of the Tamazight language. A *New York Times* report in June 2008 described the efforts by the government to implement changes to the education system and school curriculum to 'wrest momentum from the Islamists'. After French colonial rule ended in 1962, French was banned as the language of education and replaced by Arabic; the study of Islamic law and the Koran became obligatory. An April 2008 report by United Press International claimed that North African al-Qaida were seeking to woo recruits from the Berber community, playing on the unrest revealed in protests on April 20 to honour those killed during anti-government action.

Recently, French has been reintroduced into the curriculum, the most extreme religious teachers have been removed and there have been attempts to revise the religious curriculum. A committee appointed seven years ago to overhaul the school system collapsed under political pressure from conservative and Islamist groups. But in 2008, the

government started to make significant changes, including stopping rote learning (which was linked to memorizing the Koran).

Botswana

The president of Botswana, Seretse Khama Ian Khama, took office in April 2008 with statements about the need to celebrate Botswana's 'unity in diversity'. These were welcome in the context of a country that continues to give the eight Tswana tribes, a numerical minority, the privileges attached to official recognition, while many of Botswana's other 38 tribes continue to suffer from disproportionate poverty and have experienced the loss of both their culture and language, which are not permitted on private or public radio, or in education. However, according to Survival International, the new president dealt the Bushmen a major blow in a speech in December 2008 when he said that 'the notion ... that [the Bushmen wish] to subsist today on the basis of a hunter-gathering lifestyle is an archaic fantasy'.

Some small steps towards recognition were made by the government during 2008. In May, at a workshop on the Botswana Consensus on the Rule of Law and Good Governance, the Attorney General stated the need to 'review the Constitution and enhance the protection of fundamental rights', which gives minority rights groups in Botswana an opportunity to address the current imbalances. In addition, in July, President's Day holidays were marked with cultural competitions in performing arts – again providing an opportunity for minority groups to express their own cultures.

Another major step was the appointment of a Wayeyi chief to the House of Chiefs (Ntlo ya Dikgosi) for the first time. However, the chief has no powers to appoint headman like the Tswana chiefs do. Minority groups are now calling for legislation to be changed to respect all the other minorities similarly.

Non-Tswana, especially the San communities, have long faced barriers to education, as they have been unable to educate their children in their own language. According to a 2007 IRIN report, teaching is mostly done in English or Setswana, which many San children do not speak.

Burundi

The ongoing conflict between the Hutu-majority government in Burundi, led by President Pierre

Nkurunziza, and the last active Hutu rebel group, the Party for the Liberation of the Hutu People National Liberation Forces (Palipehutu-FNL), was not entirely resolved in 2008. But on 9 January 2009 the rebels announced changes that meant they could become a legally recognized political party – a potential breakthrough.

Batwa are formally recognized in Burundi, unlike in neighbouring Rwanda, and representation in parliament and the senate for Hutu, Tutsi and Batwa is written into the Constitution. But the Batwa, who number only 30,000–40,000 (0.4–0.5 per cent of the population), have historically suffered a deep level of ongoing discrimination. Batwa communities have difficulty accessing health care; Batwa women and girls report being sexually harassed; and some remain in bonded labour, according to a 2008 MRG report.

There is very little disaggregated data on the Batwa community as the government has not conducted a general census. Anecdotal reports illustrate the needs of the Batwa community, particularly in the field of education. In 2005 an African Commission working group on indigenous peoples found that the Batwa's lack of access to land, and the contempt of other Burundians, 'seem to be the root causes of the high illiteracy rates within the Batwa communities'. This view is supported by Alfred Ahingejeje, a Batwa MP. In March 2008 he described the need for affirmative action:

'Generally speaking everyone in Burundi, the Hutu and Tutsi too, has needs in the area of education. But the Batwa have been forgotten for many years. This is why we ask for particular help ... the government says that there are no funds to lend to the Batwa in the domain of education ... the Batwa are forgotten, we haven't been able to do long studies.'

The government has however made some moves to actively collaborate with other organizations on behalf of the Batwa. In December 2008, according to UNIPROBA, a campaigning organization representing the Batwa, and the Burundian Senate in partnership with the AWEPA (Association of European Parliamentarians for Africa) organized a day of 'reflection' on the living conditions of the Batwa in Burundi. Recommendations included giving Batwa children free schooling and ensuring that they are admitted to secondary schools. The issue

of the Batwa's land rights was also discussed, and it was recommended that Batwa with no land, or very little land, be given fertile land and ownership rights. The recommendations are clearly positive, although, as UNIPROBA make clear, it is essential that they be implemented.

Burundi has ratified the UNESCO Convention on Discrimination in Education, and Batwa communities and activists have reported that discrimination has decreased in schools. Batwa children can now sit with Hutu and Tutsi children in the classroom which was previously not possible.

Central African Republic

Political change came to the Central African Republic (CAR) in 2008 as a new Prime Minister, Faustin-Archange Touadéra, was named on 22 January. On 9 May a 'peace accord' was agreed in Gabon between the government and the Popular Army for the Restoration of Democracy (APRD). A further peace deal was signed with the other rebel group, the Union of Democratic Forces for Unity (UFDR), in June. However, fighting continued in bursts and IRIN reported from Sam Ouandja, a town on the border with Sudan, that the majority of the population (20,000 people) had fled as rebel factions (reportedly of the UFDR group) attacked. This came just ahead of further peace talks that began on 8 December.

The humanitarian consequences of the conflict within CAR and the wider region have been great. According to the Office of the UN High Commissioner for Refugees (UNHCR) around 56,000 Central Africans have fled to southern Chad since 2003 and are living in five different camps. Since late 2008, some 100 Central Africans had been arriving monthly.

IRIN reports reveal the particular impact on some minority groups in Chad, such as the cattle-raising communities of the Mbororo group in north-western CAR. Many men fled to Cameroon to avoid being kidnapped by 'bandits' who demanded huge ransoms. Many had to sell their cattle to pay ransoms, leaving them in poverty. Tensions between pastoral populations persisted along the border with southern Sudan over water and grazing rights. In January 2008 UNICEF reported on the worrying living conditions and challenges facing the Aka people.

According to the country's Humanitarian Development Partnership Team, which comprises

Right: Children lining up before the start of their lessons at a school inside a refugee camp run by the Office of the United Nations High Commissioner for Refugees near the Chadian-Sudanese border. The camp houses approximately 60,000 Sudanese refugees who have fled the conflict in Darfur. *Teun Voeten/Panos.*

UN agencies and NGOs, CAR has 'one of the world's weakest educational systems'. Only 1.45 per cent of GDP is spent on education, half the African average, and insecurity in the north has meant the formal education system there has vanished. 'Bush schools' have been set up, with parents providing basic tuition to children whose families were forced to flee their villages to live in temporary settlements. Where primary education exists, the pupil to teacher ratio is 92:1 and according to United Nations Development Programme (UNDP) figures for 2007/8 the adult literacy rate is 48.6 per cent. Girls are less likely to be schooled than boys – UNICEF figures show that net primary school enrolment for boys is 64 per cent, but only 45 percent for girls.

In June 2008, UNICEF reported good news from the northern regions of the country as schools began to reopen. In 2007 UNICEF had worked with Italian NGO COOPI to help re-open 104 schools in northern CAR, allowing 32,000 children to return to school. Sixty per cent of these schools were in the bush, serving families too afraid to return home. In addition, UNICEF has supported the training of 300 parent-teachers in the region as most teachers fled during the fighting in 2003 and 2004. Parents are now teaching their children the national curriculum, which will help to reintegrate the children back into school when they return.

Chad

The situation in Chad remained highly volatile during 2008 as the conflict with Sudan escalated. The African Union attempted to make peace between the two countries, without success. In early August, the Libyan government helped to broker an agreement between the two governments, and in October 2008 representatives from Chad and Sudan met in Tripoli to formally restore diplomatic ties between their nations. In November, UN Secretary-General Ban Ki-moon called for the number of international troops deployed in eastern Chad to be doubled. UN peacekeepers are expected to replace the EU force



in March 2009 – with 6,000 troops replacing the 3,700 currently there. The Chadian government has said that it does not need any more troops however.

The humanitarian impact of the conflict is severe. Human Rights Watch estimates that there are more than 400,000 civilians living in refugee and IDP (internally displaced people) camps along Chad's eastern border. Refugees from Sudan are mostly Zaghawa and other small ethnic groups, who are escaping attack in Darfur. There have also been thousands of house demolitions in Chad's capital, N'Djamena. IRIN reported in January 2009 that 10,000–15,000 homes have been destroyed, with the government claiming it was because they were built on government-owned land. Observers suggested that it was an attempt to wipe out rebel households in the city.

Many of the barriers facing children in accessing education are associated with, or created by, the conflict. Human Rights Watch reported that 'the use and recruitment of child soldiers by government forces and allied para-military groups is ongoing'. UNICEF also reported on the thousands of Sudanese refugee children living in 12 camps in eastern Chad who are struggling to access education. According to October 2008 reports, UNICEF's work in the camps allowed 75,000 children to attend school in the first half of 2008, but many

more are still missing out, especially at the post-primary level due to insufficient funding and teachers.

Democratic Republic of Congo

Minorities in the DRC, particularly the Batwa, Bambuti and Babendille groups, have been hugely affected by the ongoing instability of the country. Of particular concern were the Bambuti living in forest communities.

A local NGO, Programme d'Intégration et de Développement du Peuple Pygmée au Kivu (PIDP), which promotes and protects the rights of indigenous Batwa in North Kivu, South Kivu and Maniema provinces, said that the sexual violence, displacement and insecurity caused by the ongoing conflict in the DRC has particularly affected the Batwa/Bambuti community. PIDP described how the fighting between August and October 2008 in the capital city of the Rutshuru territory and in Kiwandja uprooted more than 120 Batwa/Bambuti families, and 20 of these families are still missing. NGOs working with the Batwa community have also been affected. In October 2008, the international NGO Care International was forced to suspend two major programmes in the DRC, including one in the Rutshuru territory in North Kivu that focused on marginalized populations including the Batwa.

'If a child pays their school fees, they can't be chased out of the class'

Adolphine Byayuwa Muley, director of l'Union pour l'Emancipation de la Femme Autochtone (UEFA), tells *Fay Warrilow* about the plight of Batwa in the DRC

'For the Batwa the problem is discrimination. It is made worse by poverty. Everyone poor has to deal with the attitude of other people, but Batwa are poorer, because they used to live only through hunting and gathering. Now this kind of life doesn't provide remuneration and they can't advance from a socio-economic point of view.

'There is a problem with access to education because parents have to pay school fees. At the start, we had problems sensitizing parents to send their children to school: parents wanted their children to accompany them hunting, and for the girls to accompany them in other kinds of work. But now almost all have a sense of the value of schooling. Yet they still have a problem finding the means to do it.

'When it comes to girls, they are doubly marginalized, because if these families are able to afford an education for just one child in

the family they will not choose a girl, they will choose a boy. The girls will accompany their mothers to go and work or find food. That is a general problem [for poor communities]. Specifically for the Batwa, where there is conflict, children are not schooled because their families have been displaced. The school year passes and there is no way of taking them to school.

'Also there are Batwa girls who have been raped. This makes them ashamed to go to school in case people say: "Her there, she has been raped." Even the parents, they know that their child has been raped and that holds them back a bit.

'Lack of shelter is another problem. There are Batwa who were dispossessed of their territory by the government, after the time of Mobutu and during the creation of the national parks. The forest where they made a living has become a conservation area, and all the Batwa who lived in the forest no longer have land or their nomadic lifestyle. But to practise agriculture you need a field. Because they have been dispossessed of their land they have to work for other communities and they are not paid a fair price. This also makes it difficult to put together the school fees for children. Even to stay temporarily they have to ask the head of a village to accept them. But there are conditions and if it happens that the Batwa don't respect the conditions put on them the village head may chase them away. So there is a problem of instability.

'Yet in the east discrimination against Batwa is reducing because there are lots of organizations working now for the benefit of the Batwa. If a Mutwa child pays their school fees they can't be chased out of the class.' ■

Sexual violence has been widespread. Since 2005, more than 32,000 cases of rape and sexual violence have been registered in South Kivu alone, but numbers are certainly far higher as most attacks go unreported. In eastern DRC, Rose Mutombo and Immaculée Birhaheka are leading a campaign (Urgent Action Fund) for a women-specific agenda in conflict resolution efforts that have been going on for over a decade.

Indigenous communities also face challenges beyond the direct impact of the conflict. In April 2008, a report was submitted to the African Commission on Human and Peoples' Rights by the Forest Peoples Programme and the Centre d'Accompagnement des Autochtones Pygmées et Minoritaires Vulnérables. The report outlines the 'systematic discrimination' experienced by such minorities. As a result of the DRC government's

failure to demarcate their lands and territories, extractive industries, such as coltan, gold, timber and iron ore companies, have entered indigenous peoples' territories and caused many to abandon their land and traditional way of life, forcing them into poverty. The report also expresses concern over the World Bank and DRC government forestry reform programme that so far has failed to recognize or protect indigenous peoples' rights. On a more positive note, the Indigenous Peoples of Africa Co-ordinating Committee (IPAAC) reported their support in 2008 for a project in eastern DRC in which local Batwa and Bambuti people were attempting to negotiate their rights with the Kahuzi Biega National Park, which covers some 600,000 hectares and is classified as a World Heritage Site by UNESCO (making it a potentially important contributor DRC's economy). The park employed minority group members as trackers in conservation or anti-poaching units, but often failed to remunerate them properly or recognize their skills.

All children in the DRC lack access to education. A 2008 MRG report cites Department for International Development (DfID) statistics that fewer than 64 per cent of children overall are enrolled in primary school and the literacy rate is 62 per cent. While the government's Poverty Reduction Strategy Paper (PRSP) does not identify the Batwa as needing special support, the World Bank recognizes that the Batwa are among the most vulnerable groups when it comes to education. However there is as yet no government policy on education, let alone a specific policy for Batwa children.

UNICEF reported in November 2008 that thousands of schools in North Kivu province had been closed due to fighting; many of these schools were now occupied by displaced people. 'Rutshuru territory, in particular, has been a zone of conflict and we know that 85 per cent of schools in that territory have been closed for the last three weeks,' UNICEF Communications Specialist Jaya Murthy reported. 'That has halted the education for approximately 150,000 students.'

Egypt

The year began badly in Egypt for the minority Coptic Christians who make up about 10 per cent of the population. An attack on a monastery in January was followed by another assault in May when monks were kidnapped, whipped and beaten according to

the *New York Times* (2 August 2008). In response, Egypt's security officials said that this was a 'singular incident' and not to do with wider inter-faith hostility in the country. But according to both Human Rights Watch and Amnesty International, discrimination against Egyptian Christians and official intolerance of Baha'is and some Muslim sects continues.

IRIN reported on the dire circumstances of the 30,000 Bedouin in the Sinai peninsula. They are no longer able to earn an income from their livestock and are forced to work on the rubbish tips of Sharm Al-Sheikh to survive.

Border issues also continued. Egypt refused to allow officials of the UNHCR access to a group of 91 Eritreans, Sudanese, and Somalis, whom Israel returned in August 2008, and to a prior group of 48 whom Israel returned in August 2007. In April 2008 Egypt forcibly returned 49 Sudanese men and boys, including 11 refugees and asylum seekers, to southern Sudan, where authorities detained them for four months. In June Egypt forcibly returned at least 740 Eritreans, including women and children, without allowing UNHCR access to them. They are allegedly detained at a military jail and are at risk of torture and ill-treatment.

Egypt has a good track record in education compared to many African countries, with net primary school enrolment exceeding 94 per cent, according to UNICEF. However, not all regions are equal – the poorer parts of the country, such as Upper Egypt, lag behind the rest of the country's progress.

Eritrea

Eritrea remains under the totalitarian grip of President Isayas Afewerki. According to Human Rights Watch, in 2008 the president said that elections would not be held for decades because they would polarize society. He also said he would remain in full control of the country until the country is secure. On 31 July, the UN Security Council terminated the UN Mission in Ethiopia and Eritrea; observers were hopeful that neither side would return to conflict, despite the unresolved border issue. However, in June, International Crisis Group warned in a report that the border problem meant there was a risk of a new war, and suggested that the immediate priorities were for Ethiopia to withdraw its troops from all land that the border commission had awarded Eritrea, and for Eritrea to pull its army back from the Transitional Security Zone.

Education Focus: Gabon

For the Baka discrimination is at the heart of the problem, reports
Pascale Paulin

The Baka in the north of Gabon are a community of around 350 people living in eight villages around the city of Minvoul. Previously nomadic hunter-gatherers, they have been subject to a settling process imposed on them by government. But they still mainly get their livelihood from the forest and have always had close contact with neighbouring populations, for the purpose of trade. Today, they live in close connection with Gabon's largest community, the Fang, and are bilingual, speaking Baka and Fang from an early age.

Hunter-gatherers are rejected and discriminated against in Gabon. They are excluded from general social services such as health, education, citizenship and legal rights.

The Baka have no education and are often hired as an underpaid workforce. They are seen by their neighbours as subhuman. Their Bantu neighbours generally think Baka belong to them, like land or property. In an interview with the Dynamique du Langage laboratory (DDL) in Lyon, France in November 2004, a member of the Bantu community said: 'They are my grandma's pygmies, they belong to her. Anyway, they aren't really human, they are like animals.' Although it is wrong to claim that hunter-gatherers are not free, they are increasingly dependent on a bondage system for survival.

Gabon's national education policy advocates an education for all children, but there is no specific

mention of hunter-gatherers as an excluded group. Their particular needs must be taken into account in policies, in order to ensure that education for Baka children respects and supports a semi-nomadic way of life.

Seven out of eight of the villages are far from the town centre, where schools are situated. It is difficult, sometimes impossible, for most Baka children to access schools. In 2002, a complaint was referred to the government by the inhabitants of the village of Doumassi, who expressed their wish that the state provide them with schooling services. But, like the other remote villages, they still do not have access to educational services.

Some children from Bitouga started going to school, but mockery from their Fang schoolmates discouraged them. Out of 20 children from this village, only one young boy is attending school, but this is in Libreville where he has been living in an urban environment. Such a move has a profound impact on the identity of the person, and thus for the survival of the Baka way of life.

Of the 130 to 150 Baka children living in this area, only about 10 – all from the village of Mfefelam (which is the closest to the city and where Baka are permanently in contact with the Fang from the village of Esseng) – actually attend the school. But they often miss school during hunting periods or for other reasons.

And school itself is not free from discrimination. The language of instruction is French, which clearly excludes Baka. There have been initiatives to take national languages into account in education, such as the 'Rapidolangue' programme of the Raponda Walker Foundation. Baka is not included in that programme, however, which is all the more serious as Baka is an Ubangui language and is very different from the country's other Bantu-like languages.

A pre-education project, which was put in place by the local NGO Association pour l'autopromotion des populations de l'Est du Cameroun (AAPPEC) among the Baka from Cameroon, is based on the 'Observe, Reflect and Act' (ORA) method. This encourages children to draw on their daily lives during learning, and use Baka and French. However, the school schedule does not coincide with Baka's seasonal movements and, as children have to go with their parents, they cannot attend school. The learning method is also exclusionary for Baka as it is based on explicit didactics rather than on imitation, which is a practice of Baka communication. According to a joint OHCHR, ILO and UNICEF report, almost 50 per cent of children did not complete their 2007–8 school year.

The practices of Baka and other hunter-gatherer communities must be taken into account when education policy and delivery strategy are formed. The Baka calendar of life, their daily agendas, and their traditions of learning should all be considered. Decisions related to curriculum development should be more decentralized. It would be an advantage to train one teacher, and hire Baka teachers so as to avoid any possible tensions linked to differences of social status.

Communities should be put at the heart of any education or social project, and serve as the main decision makers. At a national level, communities of hunter-gatherers or their elected representatives must participate in decision making processes for education and other services. The educational programme and content should be reviewed according to a set of objectives and methods that correspond to their specific value system rather than set national criteria. ■

usually spoken need to be translated into written form. According to UNICEF, half of school-age children, mostly girls, do not attend school. The government has partnered with UNICEF to ensure that 100,000 girls complete primary school in three target regions. The scheme, Complementary Elementary Education (CEE, see p. 41), was set up in 2005 and provides out-of-school children with basic competences. It is currently bringing education to over 5,000 girls and boys in more than 70 centres in remote villages.

Kenya

Kenya continued to be rocked in early 2008 by the violence triggered by the presidential election in December 2007. Politicians from both the Orange Democratic Movement (ODM) and the incumbent Party of National Unity (PNU) allegedly organized violence in the Rift Valley and western Kenya in January and February 2008. According to the Waki Commission, at least 1,133 people were killed and a further 300,000 (some estimates claim up to half a million) people displaced. An estimated 10,000 people fled the country as refugees into neighbouring Uganda.

The Kikuyu, the dominant group in Kenya since the country's independence in 1963 and backbone of the PNU, bore the brunt of the violence. In the Northern Rift Valley town of Eldoret, Kalenjins forced Kikuyu to flee their homes and burned them down. Attacks were also reported in the Southern Rift, Western Kenya and in the minority Ogiek hunter-gatherer community close to Nakuru.

A power-sharing deal was struck on 28 February 2008 between Mwai Kibaki (PNU) and Raila Odinga (ODA) and this heralded the formation of the Grand Coalition between the two parties. The delicate brokering process, led by Kofi Annan, has brought peace back to Kenya, but it is fragile.

Large numbers of internally displaced people (IDPs) are living in camps and displacement has continued over the year due to ethnic conflicts over water resources and a government operation against the Sabaot Land Defence Force in the Mount Elgon region of Western Kenya. In May 2008 the government launched an IDP return programme, Operation Rudi Nyumbani (return home) and, according to the Internal Displacement Monitoring Centre, pressured people to leave by cutting off essential services.

Pastoralist groups in Eritrea were at grave risk during 2008 because of inadequate rains. UNICEF stated that the ongoing border stalemate with Ethiopia, crop failure and high food prices would all have a negative impact on the already challenging humanitarian situation. There are 22,300 internally

displaced people, and an estimated 85,500 malnourished children in the country.

Religious persecution remained a live issue: Amnesty International calculated that there were 'at least' 2,000 religious prisoners of conscience, mostly from evangelical churches.

Eritrea has around nine ethno-linguistic groups and the country has a policy that primary school instruction should be available in the mother tongue. In reality, there are not enough qualified and experienced teachers to prepare the curriculum, and challenges arise when languages that are

The violence and instability has particularly affected minority and indigenous peoples, who have received the least assistance from the government and have not been involved in the political negotiations and deals. The coalition government has pledged to tackle the 'scourge of ethnicity' in Kenya; it is unclear whether this means a more hostile approach to minority rights or an attempt to depoliticize ethnicity, which would be welcome.

Ogiek community members who were caught up in the post-election violence have so far received no assistance from the government; they see this as evidence of state discrimination rooted in the government's refusal to recognize their existence as a distinct group. The state officially recognizes 42 ethnic groups in Kenya but there are over 70 distinct communities. According to a 2008 MRG report, several minorities believe they are in danger of being wiped out, either through the destruction of their traditional livelihoods or through assimilation.

The new government has created a Ministry for Northern Kenya and Arid Lands, which seems to offer assistance to marginalized communities in northern and western Kenya. The pastoralist communities of northern Kenya have long had poor access to resources and a very limited voice in government. The promise of the new ministry has been offset by complaints that it is under-resourced and was created for political reasons, rather than to improve the lot of the poorest communities in the country.

The smaller indigenous communities still lack representation in parliament. Recently there have been attempts by groups such as the Ilchamus, a pastoralist community located around Lake Baringo, to challenge the lack of representation in the Kenyan Constitutional Court.

The constitutional review process currently under way offers opportunities for minorities to fight for recognition. The review covers the issue of regional autonomy, which is popular among minority groups in Kenya. However, the tight timetable limits the time for wide-ranging consultation with minorities. The newly formed Minority Reform Consortium, a body representing around 50 minority and indigenous groups, advocated that at least one of the members of the Committee of Experts should be from a minority community. The process of establishing a National Ethnic and Race Relations Commission to investigate complaints of ethnic dis-

crimination divided MPs and it seems unlikely that the commission will ever be established.

Land distribution was historically skewed in favour of some of the major ethnic communities, for example the Kikuyus, and this was a factor in the post-election violence. Indigenous groups have particularly suffered in terms of violations of their land rights. According to an MRG report, many pastoralists have had land seized and resources stolen in recent years. A particular source of concern is the Endorois community, who were evicted from their lands around Lake Bogoria in the Rift Valley to make way for tourist game reserves. The community have not been compensated and now live on a strip of semi-arid land, with no way of sustaining their former work of cattle-rearing and bee-keeping. They live in severe poverty and struggle to access basic services. Many can't afford to send their children to school; the few children who do have to walk up to 40 km to get there. The community await the result of a case, outlining the rights violations, that it took to the African Commission on Human People's Rights in 2003. The result is expected in 2009.

The draft national Land Policy (led by the Lands Ministry) includes special sections to protect minorities and, significantly, recognizes pastoralism as a legitimate land use. But the policy has met fierce resistance from the Kenya Landowners Association.

Education in Kenya was affected by the post-election violence in early 2008. UNICEF reported on the thousands of children not returning to school in January, and provided 'tent schools' to those who had been displaced. Children from pastoralist communities commonly face exclusion from the school system, through a range of factors, although some NGOs are addressing this. Oxfam supports the Coalition of Pastoralist Children's Education (CPCE) to lobby for the establishment of a National Commission for Pastoralist Education. Oxfam also supports alternative forms of education, better suited to pastoralist communities, such as mobile and boarding schools.

Mali

Relations between the Malian government and Tuareg minority remained strained through 2008. The Tuareg continued to push for more self-determination, particularly in places where their traditional territory coincides with rich deposits of gold and uranium. Their desire for independence

Below: Muslim girls from Mauritania doing exercises before school. Bounessa is a village of only 61 families, once nomadic but now settled due to the construction of a new dam. *Ami Vitale/Panos.*

has a long history and has been intensified by years of marginalization by the government. The Tuareg report that they have been deprived of equal education opportunities and suffered discrimination, hindering their ability to get identity documents or register to vote. In 2008, the Tuareg-based human rights group Temedt, along with Anti-Slavery International, reported that 'several thousand' members of the Tuareg Bella caste remain enslaved in the Gao Region. They complain that while laws provide redress, cases are rarely resolved by Malian courts. The Tuareg in Mali have now formalized into a political movement in the form of the Alliance for Democracy and Change.

Clashes in early June 2008 in the north-west desert region of Kidal in Mali killed at least 20 Tuaregs. These followed a series of abductions by the Tuareg over the previous year. In July, a cease-fire agreement was brokered by Algeria. Further peace talks took place in August, but ex-rebel fighters continued to stir unrest in the north and the government tried to carry out a crackdown on mili-

tia groups in the area. In September, IRIN reported that Mali officials had arrested dozens of suspects in the Ganda Izo militia, or 'children of the earth', including its leader Amadou Diallo, who had fled to neighbouring Niger and was arrested there.

In November, the rebels, part of the Alliance for Democracy and Change, met two government ministers in the north-eastern Kidal region, in a bid to restart a peace process. However, in December Reuters reported that the Tuaregs killed at least 14 Malian soldiers in an attack on an army post close to Mali's border with Mauritania.

Mauritania

Minorities in Mauritania continued to face discrimination by the government. The unreliable issuing of national identification cards, which were required for voting, effectively disenfranchised numerous members of southern minority groups. Racial and cultural tension and discrimination also arose from the geographic and cultural divides between Moors and Afro-Mauritanians. According to the US State Department: 'the Black Moors (also called Haratins) remain politically and economically weaker than White Moors. Afro-Mauritanian ethnic groups, comprising the Halpulaar (the largest non-Moor group), Wolof, and Soninke, meanwhile remained



'People who are slaves or former slaves like me, bear witness'

Biram dah Abeid, who works as an adviser to human rights group SOS Esclaves Mauritania, talks to *Fay Warrilow* about his life and work

'The Haratin identity developed in the historic practice of slavery and a caste system that confined them to manual labour under the sun and keeping them out of the education system.

'There are large shantytowns or ghettos populated by impoverished people surrounding the major cities of Mauritania, as well as *adwaba* in rural areas, which are the villages of former slaves who have broken with their masters. This section of society is marginalized and there is reluctance to abolish discrimination in the administration of education in the Haratin ghettos and villages. If the ghettos have schools, they suffer from a shortage of equipment. More importantly the teachers, who are mainly from the dominant community, often refuse to teach in Haratin areas or the *adwaba*. Also, children work for their families during school

hours, or in domestic work, or in gardens and tending livestock.

'I am the son of a slave. My grandmother was a slave but my father fled and went to the town. He left for Senegal where there are lots of former slaves. Then he returned, married my mother and we were born. I was the only member of my family who went to school – of my family four children died and we are six now.

'It was difficult at school because when I was there because the teachers lived with 'les blancs' [the majority Arab-Berber population]. When we went to school it was at a time when if you weren't a "blanc" you didn't normally go to school.

'The teachers were friends with the [Arab-Berber] children and after, when I went to lycée, there were [Arab-Berber] students with nice clothes but we had nothing. When I did my Baccalaureat I had to take the bus each day. In the end I had to leave because I couldn't pay the fare, and I didn't go back for ten years.

'It was difficult for my father to find work. A former slave finds it difficult to find work. The former master or his family may come to look for him and offer work, but one doesn't want to do that – my father said no.

'For 10 years I worked in a little interpreting office because I knew the national languages. Finally I had enough means to go to Senegal and do a superior diploma in sociology. At the moment I work in the movement SOS Esclaves and write about the situation of slaves in Mauritania. People who are slaves or former slaves like me bear witness to their plight.' ■

Ethnic tensions between the black population (Afro-Mauritanians) and White and Black Moor (Arab-Berber) communities escalated during the year. The black refugees who fled to Senegal to escape the ethnic conflict have been particularly affected. They have been returning to their homeland throughout 2008. In February 2009 IRIN reported that more than 7,000 people have returned. Returning families have been given 400 square metres of land and support from UNHCR to help them resettle. Despite the 2007 law that criminalized the practice of slavery, there are still many issues associated with slaves and ex-slaves in Mauritania. There are said to be around 600,000 slaves in the country (20 per cent of the total population). The National Human Rights Commission has said that the law has led to the liberation of 43 people, with hundreds of cases still in the courts. Ex-slaves have difficulty constructing lives after having left bonded labour (see Box, p. 104).

A new human rights commissioner, Lemine Dadde, was installed after the coup. He has been recorded as saying that the ruling military council has budgeted more than US \$5 million to help victims of slavery. Forty-six villages in extreme poverty with high concentrations of black Africans – who make up the majority of the slave population – were earmarked to receive emergency cash assistance from February 2009.

Minorities face difficulties in the education system as neither Afro-Mauritanian national languages nor the local Hassaniya Arabic dialect are used as languages of instruction. The Constitution designates Arabic as the official national language and encourages French and Arabic bilingualism within the school system.

Namibia

Namibia faces a presidential and parliamentary election in November 2009. Its indigenous groups, in particular the San, still face exploitation. While the law says that all indigenous groups should participate equally in decisions affecting their lands, cultures, traditions and allocations of natural resources, the San and other indigenous groups have been unable to exercise these rights fully as a result of minimal access to education, limited economic opportunities and relative isolation. According to the US State Department's 2008 Human Rights Report, the Namibian government, under President Hifikepunye

Pohamba, took measures to end discrimination against the San. According to a report from the United Nations Committee on the Elimination of Racial Discrimination (CERD) in July 2008, this included the San Development Programme, which: 'aimed specifically to accelerate San people in education, literacy and resettlement programmes'. It also included seeking their advice about proposed legislation on communal lands and increasing their access to education. Indigenous lands were effectively demarcated, but 'poorly managed' and the group remained excluded in many cases.

A major issue for minority groups in Namibia is achieving political recognition. The government has the authority to withhold recognition from traditional leaders, even in opposition to local preference. For example, in February 2008, Katjamba Tjambiru, a female chief of the Ovahimba community, claimed that the government rejected her application for official recognition as a traditional authority because she did not support the ruling party. The government subsequently recognized her nephew Vemui Tjambiru, a SWAPO (the governing party) supporter.

Many children of indigenous and rural families do not attend school. Children from poorer families are also less likely to be educated, and more likely to be involved in child labour.

The government has introduced programmes to support children to stay in school. Overall, primary school enrolment has risen to about 76 per cent for boys and 81 per cent for girls. The Ministry of Gender Equality and Child Welfare and the Ministry of Health and Social Services targeted orphans, providing grants and scholarships to keep them in school. Additionally, the government collaborated with the Namibia Agricultural Union and the Namibia Farm Workers Union to eliminate child labour through awareness campaigns.

Nigeria

The government of President Umaru Yar'Adua is now in its second year and, according to Human Rights Watch, has 'done little to address deeply-entrenched human rights problems' in the country. Since the end of military rule in 1999 more than 12,000 Nigerians have died in ethnic, religious and political violence (some estimates put the figure far higher). In November 2008, around 400 people were killed in Plateau State when Christians and Muslims clashed over the result of a local election.

Other clashes in Ebonyi, Enugu and Benue states left at least 42 dead and many more displaced.

The long-running dispute between local communities and Shell in the Niger Delta ended on 4 June 2008, when the Nigerian government took a decision to replace Shell as operator of oil concessions in Ogoni areas. Initial enthusiasm was dampened when the government announced that the concession would be taken over by the Nigerian Petroleum Development Company (NPDC), the upstream subsidiary of the state-owned Nigerian National Petroleum Corporation (NNPC). International Crisis Group reported that, as Ogoni leaders sought clarification, it was first revealed that Addax Petroleum of Canada would run the operation, and then that Russian-owned Gazprom, one of the world's largest gas companies, had signed a preliminary agreement to do so. Further details are not yet clear. The Ogoni saw this development as yet another denial of their rights as local stakeholders. They are increasingly insistent in their demands for agreements that grant them rights in the exploitation of oil and gas reserves on their land.

Guerrilla activity by MEND, the Movement for the Emancipation of the Niger Delta, stepped up in September 2008 when the group released a statement saying that their militants had launched an 'oil war' throughout the Niger Delta against pipelines and oil production facilities, and the Nigerian soldiers that protect them. Both MEND and the Nigerian government claim to have inflicted heavy casualties on one another.

On social issues, both the new government and its predecessor have tried to make progress. Official figures indicate that primary school intake has more than doubled in Nigeria since the government introduced free primary education in 2001. However, there is still a significant gender discrepancy, particularly in the northern states. According to UNICEF, just over a quarter of girls in northern Nigeria make it to secondary school, and more than half are married before the age of 15. Overall in the north, 40 per cent of school-aged children are not in school. According to the UN, this is because of 'the low value accorded by parents to girls' education, early marriages, poverty, and low quality learning environments'.

IRIN reported from Kano in December 2008 that a community-run project to create 'girl-friendly' primary schools is 'helping to correct long-time gender inequalities in education'. Kano is

Education opportunities for the indigenous population of the Republic of Congo

By *Victor Mboundou*

The situation

In the Republic of Congo, the indigenous population is estimated to be 300,000 people (representing one-tenth of the total Congolese population). They mainly live in Lekoumou, Likouala, Plateaux and Sangha, and are extremely vulnerable to social marginalization and discrimination. Their basic rights are not recognized as they have no access to basic social services, land and resources, and they suffer from illiteracy, economic exploitation, poverty and lack of empowerment to claim their rights.

Data collected from a survey supported by UNICEF on the situation of children's education reveals that:

- more than 50 per cent of indigenous children do not have a birth certificate, compared with 19 per cent for the population as a whole;
- 65 per cent of indigenous teenagers aged 12–15 years have not had access to education, as against 39 per cent for the general population;
- 50 per cent of indigenous youth have had their first sexual experience at the age of 13 years, compared to 31 per cent of the

general population, and there is high rate of sexual violence against indigenous girls and women;

- teenagers do not have access to information, nor to life skills education opportunities, which makes them particularly vulnerable to HIV/AIDS.

Efforts to address the issues

UNICEF – in partnership with the government – has supported a process of advocacy and the implementation of a programme to improve access to basic social services, strengthening the communities' ability to participate in society and setting up a legal framework for the protection of the rights of indigenous populations. As a result, the National Network for Congo's Indigenous people (RENAPAC) was established. A national consultation workshop in November 2007 led to the development of a national strategy on the issue of the indigenous people, a process that involved the government, NGOs, international agencies, the media, and other stakeholders from the sub-region.

The aim is to ensure that by 2013, 50 per cent of indigenous children have access to and achieve quality basic education, and that children and youth previously excluded from any education are provided with literacy courses for them to be fully integrated into society.

The ORA (Observation, Reflection and Action) method was introduced in 18 pilot schools. It is a teaching approach that aims to help children to manage their first language and learn French, using concepts and items they are familiar with in their everyday lives.

Achievements

- In 2008, with the support of the major partners:
- 2,461 indigenous pupils gained access to basic education, of whom 1,600 now attend ORA schools (Likouala 14, Sangha 4); 120 attend the Béné school (Gamboma); and 741 go to Lékoumou;
 - 1,720 indigenous pupils benefited from receiving basic education materials;

- 25 people were trained in the ORA method;
- 456 indigenous teenagers received literacy programmes in the pilot area of Likouala.

The overall engagement was increased and the partnership enlarged to include: UNICEF, IPHD, the World Bank, RENAPAC, the Association of Congo's Spirituals (ASPC) and the Association of Retired Teachers without Borders (GREF)

Implementing the plans quickly and effectively relies on:

- raising awareness among parents on the issue and importance of a basic education for their children;
- identifying children who are out of school and, through local organizations, associations and religious groups, organizing recruitment campaigns;
- building the capacities of RENAPAC, NGOs and indigenous peoples' associations on the issue of education;
- rehabilitating schools and infrastructure, providing learning materials and equipment;
- ensuring a stronger influence on national and local government with regard to the action plans and their implementation and working towards scale;
- supporting the implementation of the national education strategy for indigenous people through the key priorities of: school legislation, harmonization of the school calendar, training of teachers, non-formal education, mobilization of partners and resources, and literacy training;
- coordination of the actions of partners, monitoring, supervision and evaluation of the activities of the decentralized action plans.

Challenges

There are still serious challenges related to the implementation of the programme. In particular, partners need to work towards influencing national policy more strongly, and mobilizing resources more effectively towards the theme at national and international levels. ■

the region's most populous state in the north. Boys continue to outnumber girls in school, but education officials say the margin has narrowed. The government has also partnered with UNICEF and others to launch a Girls' Education Project in northern Nigeria. The UK committed \$50 million to the project, which so far has distributed free learning materials to more than 700 schools in the region.

Republic of Congo

The indigenous groups in the Republic of Congo, who constitute about 10 per cent of the country's population of about 3.6 million, have borne the brunt of ethnic division in the country. Civil society organizations say that their access to education and health is especially limited. In August 2008, IRIN reported on the discrimination against indigenous communities in the north of the country. A local leader of an indigenous group, the Sangha people, living near Ouesso, the main town in the region, said that the dominant group, the Bantus, disparaged the 'Pygmies' for their way of life. He also said that in school, 'indigenous children are often ridiculed by their peers'.

Toutou Ngamiye, president of the Association for the Socio-Cultural Promotion of Congo Pygmies (APSPC), said it was necessary to promote literacy and the education of indigenous children to help the people out of extreme poverty and dependence, (see Box, p. 106). According to Ngamiye: 'Over 40 years have passed since the country's independence and unfortunately there are fewer than 10 Pygmy graduates and very few have completed secondary school.'

As part of the process of recognizing their rights, Congo organized the first International Forum of Autochthonous Peoples of the Forests of Central Africa (FIPAC) in 2007, bringing together delegates from all over the region. A law to protect the rights of indigenous people is also being considered.

Rwanda

Government attempts to end genocide trials continued in Rwanda. Nearly fifteen years after the genocide that killed three-quarters of the Tutsi population, the government is concentrating on the economic development of the country. During 2008, most of the serious genocide cases were shifted from conventional courts to community-based *gacaca* courts. Rwandan troops re-engaged in ethnic

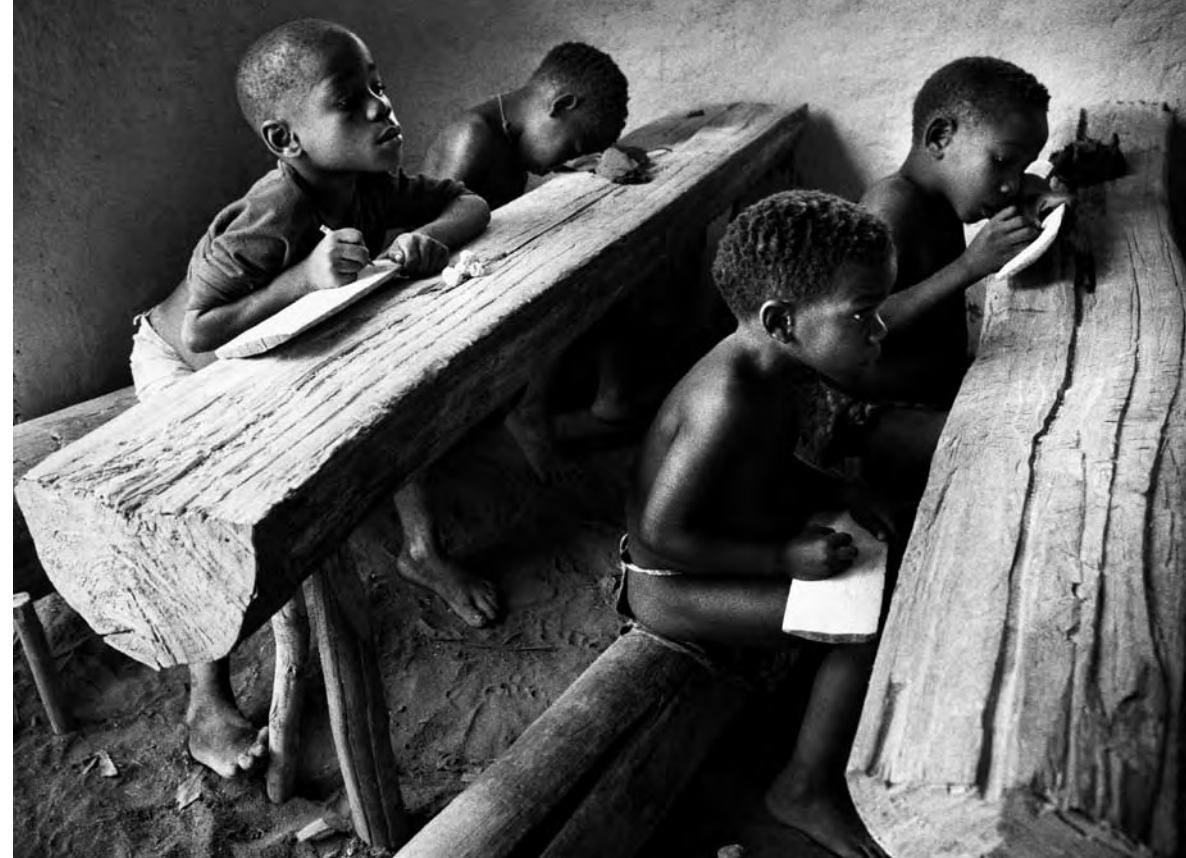
Right: Bambuti children sit on wooden logs in a classroom using pencils and wooden boards to make notes. Ituri province, DRC. *Sven Torfinn/Panos.*

conflict in January 2009, when hundreds of troops entered Democratic Republic of Congo to back a DRC operation against Rwandan Hutu rebels in the east of the country. According to IRIN reports, a government spokesman, Lambert Mende, said that the operation's aim was to 'disarm the Interahamwe' and repatriate them 'voluntarily or by force'.

The Batwa in Rwanda still struggle for any kind of formal recognition. Given the country's past, the Rwandan government does not recognize ethnic groupings. According to a 2008 MRG report, recent historical evidence has suggested that the Hutu/Tutsi ethnic differentiation was the product of a colonial perspective. The Batwa maintain that their case is different, arguing that Batwa identity cannot be conflated with Hutu and Tutsi identity, and that their distinct history and culture sets them apart. As in Burundi, there is a lack of formal census data but rough estimates put the Batwa population at around 33,000 in Rwanda. A director of the Girubuntu programme, which runs infant and primary schools in Rwanda, explains: 'We don't count them. We can do it if there is a need, but there has not been any need to count who is Batwa, who is what, because we are trying to counter discrimination.'

In 2007, the principal organization representing the Batwa in Rwanda had to change its name from CAURWA (Community of Indigenous People of Rwanda) to COPORWA (Community of Rwandese Potters) to adhere to the government's rule on not allowing formal recognition of distinct ethnic or indigenous groups. This was a setback for activists, and in the last year they have reported continuing discrimination. COPORWA particularly noted discrimination in rural schools, which lack the policy of non-discrimination and tolerance found in some Kigali schools.

According to the Ministry of Education, Rwanda has one of the highest primary net enrolment ratios in the region (92 per cent in 2004). But there is no mention of the Batwa in the government's education strategies. The Ministry for Local Government's (MINALOC) Good Governance, Community Development and Social Affairs programme has a system to identify vulnerable members of the community and through this could



support Batwa in light of their economic, rather than ethnic status. Similarly, educational support is provided for Batwa children through a scheme aimed at helping poorer children through school. This scheme uses lists compiled by Batwa welfare organizations, although there are no statistics available on exactly how many Batwa children have been assisted. Some Batwa community members would like to see a dedicated grant system, based on the model used to support genocide survivors, so that school leavers can go on to university.

Somalia

The situation in Somalia deteriorated further during 2008. The conflict between Somalia's weak Transitional Federal Government (TFG) and a fragmented insurgency continued, killing more than 6,000 civilians. It is estimated that more than 870,000 civilians have fled the capital, Mogadishu, since the beginning of 2007. A political process to stabilize the country continued; the TFG and the Alliance for the Re-liberation of Somalia (ARS) reached the Djibouti Agreement on 9 June and began to implement its terms. On 30 January 2009,

Somalia's parliament, in Djibouti, met to elect a new president, Sheikh Sharif Sheikh Ahmed. In an interview with IRIN, President Ahmed said that 'rebuilding the unity of our people and nation will be one of our biggest challenges'. He maintained that he was open to 'dialogue and negotiations'. However, according to the US State Department, minority groups (who make up 22 per cent of the country's population) were generally excluded from 'effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services'. Data on minority groups is sorely lacking, given that they make up nearly a quarter of Somalia's population.

Intermarriage between minority groups (including the Bantu – the largest minority group – the Benadiri, Brawanese, Faqayaqub, Hawrarsame, Madhiban, Muse Dheryo, Rer Hamar, Swahili, Tumul, Yaxar and Yibir) and the majority clans remained restricted. And minorities, who did not have their own militias, suffered disproportionately from the violence, including the looting of their land and property by militias and majority clan members.

Minorities in Somalia suffered in other ways too.

The Somali press reported on the Eyle community, a marginalized hunter-gatherer group, living in the drought-stricken Middle Shabelle Region. An estimated population of around 10,000 were lacking food and water due to droughts and high food prices. Those representing minorities come under attack. In an interview with Amnesty International in 2009 Zam Zam Abdullahi, a human rights activist working for the Coalition for Grassroots Women Organizations, described how she received threats and her office was targeted.

Women in Somalia continued to experience widespread discrimination – the laws prohibiting rape in the country remain largely unenforced and, according to the US State Department: ‘NGOs documented patterns of rape perpetrated with impunity, particularly of women displaced from their homes due to civil conflict or who were members of minority clans.’ Women remain ‘systematically subordinated’. Female genital mutilation (FGM) remains a major problem in Somalia. According to UNICEF, it has a prevalence of about 95 per cent in the country, primarily being performed on girls between the ages of 4 and 11.

Education is a major problem in Somalia – statistics are unreliable because of the conflict, but the latest data (from 2003–4) suggests that there is a 19.9 per cent enrolment ratio, one of the lowest in the world. UNICEF says that ‘education and formal classroom learning opportunities are limited and unavailable for a majority of children in Somalia’, and only a third of those who are educated are girls. There is also a lack of female teachers – only about 13 per cent of teachers in Somalia are women. Most existing schools are in urban areas, while more remote areas lack any facilities.

In November 2008 IRIN reported on the issue of children from minority groups in Somalia, and particularly Somaliland, missing out on school. The Ubah Social Welfare Organization said that the low economic status and ‘social exclusion’ of minority groups such as the Gaboye, Tumul and Yibir, were the main obstacles stopping children going to school. In collaboration with UNICEF, the organization has built an education centre for minority children in Daami and enrolled almost 300 pupils. Parents from minority groups said that discrimination prevented them from sending their children to public schools. Minority groups used to have a representative in the lower house of Somaliland’s

parliament but the seat was lost in the last election. However, two officials from minority communities – the Deputy Minister of Health and Labour, Mahdi Osman Buri, and Jirde Sa’id Mohamoud, a member of the standing committee of the upper house of parliament – remain in government.

Sudan

Four years after the Comprehensive Peace Agreement (CPA) that ended two decades of conflict between North and South Sudan, fears have grown that progress is stalling. A January 2009 report by the Royal Institute for International Affairs highlights the flaws in the CPA, saying that the parties involved (the Sudan People’s Liberation Movement [SPLM], and the National Congress Party) have used the country’s oil wealth to build armies and that there are still major issues around border demarcation. These problems will be heightened with the presidential and parliamentary elections due to take place by July 2009; however, delays in preparations for these elections have created challenges of their own.

A long-delayed census, necessary for the elections to take place, was eventually carried out in April 2008, although it is yet to be made public (the date of release has been repeatedly postponed). The highly politicized process was beset by logistical and security problems. Many in South Sudan objected that the census would be inaccurate due to the estimated 2 million internally displaced Southerners still living in the North. In a massive blow for minorities the government decided not to break down census data by religion or ethnicity. Officials said that such information could open old wounds and increase tensions. In Darfur, rebel leaders and victims of the violence wanted the census postponed until there was increased stability and camp-dwellers were able to return home. As it is, many camps were deemed ‘no-go’ areas for the census-takers, despite attempts by UN negotiators to persuade camp leaders to embrace the process.

According to the US State Department’s Human Rights report for 2008, the Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society in the north of the country. There were also reports of discrimination against Arabs and Muslims by individuals in the Christian-dominated south. Non-Arab Muslims and Muslims from tribes and

‘There is no future ... they don’t think about education’

Amna Abdallah Osman Wadi tells *Preti Taneja* about the lost youth of Darfur

Amna, 33, is a graduate from a university in Sudan with a Master’s in Peace Development Diplomacy. She is also a member of the Zaghawa. Since 2003, the Zaghawa have been caught up in the conflict in Darfur, and Amna is deeply concerned about the long-term impact of the conflict on the children who are growing up in a culture of war.

In 2008 it was estimated that in a five-year span about 300,000 people have died as a result of the war, famine and disease. An estimated 2.3 million people have been internally displaced in the region. Among those struggling to survive in vast IDP camps, about 1 million are children. The deprivations of camp life, including the ongoing lack of access to education, point to a bleak future for the generations to come.

‘[Our] community is 40 per cent of the population of Darfur and the conflict has affected access to education. There is no transport, no communication and most young children live in camps,’ Amna says. Things have got worse and worse, she adds, saying, ‘We had 2,500 children not enrolled in school in 2007. Since then there has been conflict and displacement, therefore now [there are] more [displaced].’

With restricted access to education and social activities, it is difficult for children to imagine any future. Amna says, ‘There is no future, they are lost [in] between. All they think is about how to get food for tomorrow. They don’t think about education.’ She says the situation is the same even for those who do not live in camps.

Where opportunities are present, institutional discrimination poses a barrier for the children from Amna’s people. She says, ‘Forms for enrolment ask for tribe; if you say you are from a targeted minority, you can’t get a place. Scientific education like medicine or engineering is blocked for minorities.’

Girls, according to Amna, face multiple discrimination, within their own tribes as well as from external threats. She says they are viewed as being, ‘born for marriage and taking care of men’, and that their rights are further violated in the form of early marriage and forced circumcision. Finally, they are highly vulnerable to sexual abuse both within and outside camps.

Peace and security are a long way off for the people of Darfur. Amna says, ‘There is the Darfur Peace Agreement with the intervention of the international community since 2005/6, but no change on the ground.’

In the meantime, it is essential that any possible future for the children is not ignored. That is why Amna and her people are struggling to bring attention to issues such as education and welfare. ‘We are trying to raise our voices to UN and NGOs, so they can try and see,’ she says. While the world is preoccupied by larger political battles, it is vital, as Amna says, to ‘try and see’ that the children of Darfur deserve the chance an education might give them, for a life beyond the conflict. ■

Additional reporting by Madeeha Ansari

sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, said that they were treated as second-class citizens, and experienced discrimination when applying for government jobs and contracts in the North and government-controlled southern areas.

The State Department report also refers to the ‘hundreds of politically and ethnically-motivated disappearances, particularly of Zaghawas living in

Khartoum and Omdurman’. The government was held responsible for these. Thousands of the estimated 15,000 Dinka women and children abducted between 1983 and 1999 remain unaccounted for. UNICEF estimates that 4,000 Dinka abductees remain in South Darfur – far from their ancestral villages in South Sudan.

Displacement has drastically affected the education of children in Sudan. In October 2008,

UNICEF reported from the contested area of oil-rich Abyei, where 50,000 people have been displaced since May 2008. Many have arrived in Agok, and UNICEF has attempted to provide emergency schooling to children; however a local headmaster, Peter Majok Deng, expressed concern over overcrowding and lack of resources.

In more positive developments, UNHCR reported in February 2009 that over 300,000 refugees had returned to South Sudan. A tripartite commission comprising representatives of UNHCR and the governments of Sudan and Kenya met in Juba, the capital of South Sudan, to discuss the further repatriation of refugees, and the development of educational facilities in the area.

The situation for women in Sudan remains dire, with rape continuing to be a systematic problem. Rapes go unreported because victims fear being arrested – unless a victim can provide proof of her rape, she is liable to be charged with the capital offence of adultery. The law also remains deficient in not specifically prohibiting sexual discrimination or domestic violence.

Darfur

Over the course of 2008, the nature of the conflict in Darfur has changed, with further splintering of the parties involved and an increased number of confrontations. Aerial bombardments and ground attacks were launched by the government in West Darfur in February 2008 and in mid-May the rebel Justice and Equality Movement (JEM) launched an assault on Khartoum which left at least 200 dead. This was the first assault on the capital in 30 years. The hybrid UN/AU peacekeeping force (UNAMID) began deploying on 31 December 2007 and faced difficulties in its first months, including staff shortages and attacks on peacekeepers (one in July 2008 killed several members of the force).

The ethnic dimension of the conflict is complex. According to the International Crisis Group: 'Inter-Arab dissension has added new volatility to the situation on the ground.'

The recent resumption of conflict in the South Darfur town of Muhajiriya has had a particularly damaging impact on civilians. Fighting between government forces, the Sudanese Liberation Army/Mini Minnawi faction and JEM has claimed at least 30 lives and forced 30,000 people from their homes.

One of the reasons for the escalation of violence, according to Sudan expert Alex de Waal, was the impending decision by the International Criminal Court (ICC) on charges related to war crimes in Darfur against President Omar al-Bashir.

UNICEF has reported progress, however, thanks to the presence of humanitarian agencies. In education, primary school enrolment has increased from 516,000 in 2006 to more than 976,000 in 2008 according to UNICEF and Ministry of Education data. Whether this progress can be sustained is another matter.

Women in Darfur remain highly vulnerable to sexual violence. A Human Rights Watch 2008 report stated that women and girls are 'now as likely to be assaulted in periods of calm as during attacks on their villages and towns'. Women in IDP camps in the region are particularly targeted, and rapes and attacks are carried out by government forces, militias and rebel soldiers alike. For those in the camps, education remains particularly inaccessible (see Box, p. 111).

Tanzania

The indigenous communities of Tanzania include the Maasai and the Barbaig, both pastoralist groups, and the Hadzabe who are forest-dwelling hunter-gatherers. They are all extremely vulnerable, as their access to their traditional lands is not currently recognized under Tanzanian land laws. For example, a report to the African Commission on Human and Peoples' Rights (published in May 2008 by Community Research and Development Services, CORDS) described how the Ngorongoro Conservation Area Authority prioritized conservation and tourism interests over the welfare of indigenous peoples. The Authority has the power to prohibit, restrict, or control residence or settlement in the area; it has used this to restrict the movements of the local indigenous Maasai population and banned them from cultivating certain areas. This has made the practice of pastoralism impossible and denied the Maasai pastoralists their right to livelihood.

On 10 February 2008, more than 5,000 residents of Irkeepusi village within the Ngorongoro Conservation Area threatened to demonstrate against the regulations imposed by the authority. This protest was not able to change the rules, however. The Ngorongoro Conservation Area Authority still reserves the right to decide where the

Maasai pastoralists may graze their cattle and the right to evict or relocate families who they deem not to be 'original' inhabitants of the area. More than 40 families have been issued with letters by the Authority warning them of relocation to the Soit Sambu village in Loliondo division, approximately 300 km from their homes. Maasai in Soit Sambu village in the Ngorongoro Conservation Area have also been threatened. MRG has made a submission to the UN Committee on the Elimination of Racial Discrimination (CERD) on their behalf. CERD has responded to the state party, although details are yet to be made public.

Both the Barbaig and the Hadzabe have also suffered discrimination at the hands of the authorities. Attempts to evict the Barbaig from their land have met with fierce resistance, for example their response to the leasing of Barbaig grazing land in the Babati District in Northern Tanzania to a foreign investor to set up a tourist camp. Police arrested 14 villagers, alleged 'ringleaders' undermining the district authorities who were encouraging the foreign investment. The villagers were released without charge but the situation was not resolved and at least 45 families are still under threat of eviction.

The Hadzabe, who live in the Mbulu district in northern Tanzania are both the smallest in number and probably the most marginalized group in Tanzania. In 2007, it was reported that the Mbulu District Council was giving away some of their land to the United Arab Emirates royal family for hunting. This was supposedly in return for investment in a secondary school, health clinics and roads in the area – but the Hadzabe were never consulted. PINGOs FORUM, an umbrella NGO that advocates for the rights of the indigenous peoples, made an intervention to help the Hadzabe secure their lands. Some activists were arrested on charges of breaching the peace after they voiced their opposition at a meeting.

Other reports of evictions emerged during the course of 2008. A report from the International Work Group for Indigenous Affairs (IWGIA) published in June 2008 revealed how, from May 2006 to May 2007, large numbers of Sukuma agro-pastoralists and IIParakuiyo, Taturu and Barbaig pastoralists and their livestock had been evicted from the Usangu Plains in Mbarali district. The IWGIA estimates that more than 400 families and 300,000 livestock were moved, and that a large number of

livestock had died or been lost in the process: 'The eviction ... was implemented by a heavily armed ... regular police, anti-poaching unit and game wardens ... [at] short notice and [in] great haste and caused a lot of suffering for the pastoralists.'

The report described a range of human rights abuses committed during the eviction: 'theft of livestock; imposition of unjustified fines for environmental degradation; extortion of bribes; subjection of individuals to torture; the forced separation of families; children, women and elderly left without protection and food; disruption of social networks and safety nets, denial of access to education to children; death of large numbers of livestock, and widespread hunger.' A Commission of Enquiry presented its findings to the president in June 2007, but the affected families have neither been compensated nor helped in their move to southern Tanzania. Many are now completely destitute.

Another victimized group in Tanzania are the Albinos who are targeted on cultural (witchcraft) or superstitious grounds. There have been local reports of murders of Albino children. The issue has attracted international attention, and condemnation from the UN and the US government.

Access to education is problematic for indigenous communities, in many cases through sheer lack of facilities. In Ngorongoro, for example, efforts to build secondary schools have been blocked by bureaucratic procedures on the pretext that such areas are ecologically sensitive, though hotels and resorts are being built in places where schools have been prohibited. The president of Tanzania is clearly conscious of the country's need to progress in terms of education, but in March 2008 he pinpointed 'mobility among pastoralists as having the potential of causing failure to achieve the Millennium Development Goals as far as primary school enrolment is concerned'. According to CORDS, this attitude reflects a fundamental 'lack of appreciation on the part of the Tanzanian government of the special plight of the indigenous peoples'.

Uganda

Although the Ugandan Government of President Yoweri Museveni and the Lord's Resistance Army (LRA) concluded peace talks to end the long-running war in northern Uganda, the final accord was not signed by LRA leader Joseph Kony. Now flushed out of their bases in north-eastern



Left: Alternative Basic Education for Karamoja (ABEK) provides Karamojong children with schooling close to their homes, and of a sort that would not alienate them from everyday life in a herding community. *Crispin Hughes/Panos.*

Democratic Republic of Congo (DRC) and split into smaller groups, the LRA are accused of mass murder, rape and pillage in both the DRC and Southern Sudan. They have been particularly violent since December 2008 when the Ugandan government, with the support of the DRC and Southern Sudan armies, launched an offensive against them. Hopes for a peaceful end to the conflict rose on 30 January 2009, however, when IRIN reported that a senior LRA commander, Okot Odhiambo, had defected. Some opposition leaders expressed doubt as to whether these reports were true.

The political instability and conflict in Uganda has badly affected the minority Batwa community – for example, on the country's western border with the DRC, which is close to the home districts of many Batwa communities. However, there is a lack of official data on the communities and the government does not officially recognize the Batwa as indigenous. According to the Forest Peoples Programme (FPP), an NGO representing the Batwa throughout the Great Lakes Region, there are approximately 6,700 Batwa living within the state boundaries of Uganda. According to an MRG report in 2008, the Ugandan Equal Opportunities

Committee has conducted a survey of ethnic groups in Uganda, but it has not been published and the Batwa are not acknowledged to be a priority.

In a September 2008 report, the FPP described recent evictions and exclusions of the Ugandan Batwa from their forests, and their endemic marginalization within Ugandan society. The FPP calculates that almost half of the Batwa squat on other people's land, while working in bonded labour (essentially slavery) for non-Batwa masters. Those who live on land donated by charities still experience poorer levels of health care, education and employment than their non-Batwa neighbours.

Batwa children have historically faced extreme exclusion in accessing and staying in school. Discrimination against children from ethnic minorities, and the quality of education they receive, were identified as major issues for dialogue between the Committee on the Rights of the Child and Uganda. Uganda's Equal Opportunities Commission Act 2007 established a committee to monitor and evaluate state bodies, NGOs and businesses to ensure that they comply with equal opportunities and affirmative action policies. Education is identified as a policy priority area. The Act could significantly help the situation of the Batwa in Uganda, and stand as an example to other governments in the region.

Uganda's Poverty Eradication Action Plan (PEAP), first formulated in 1997, provides the framework for education policy and planning towards the attainment of the MDGs. In the most recent January 2008 version, areas identified for intervention include shifting public expenditure allocation in favour of broader access and quality to basic education and improving retention. However the Ugandan government is now dropping the PEAP in favour of a National Development Plan, which is more focused on economic poverty than the basic social dimensions of poverty affecting the Batwa. The civil society consultation process which is under way as the PEAP is replaced by the National Development Plan may allow Batwa organizations and other civil society bodies the

opportunity to press their case to the Uganda government and donors.

The Karamojong people in Uganda has experienced similar difficulties to the Batwa in accessing education – fuelled in part by a long-held suspicion of the formal education system. According to the UNICEF Uganda country report 2008, in Karamoja, where communities are largely pastoralist or agro-pastoralist, complex armed conflicts stemming largely from inter-communal large-scale violent cattle raiding and exacerbated by climate change, have resulted in enrolment and completion rates as low as 6–8 per cent in four of five districts. Girls' enrolment been particularly affected. Severe poverty is another barrier to access; MRG has reported that often the Karamoja cannot afford to pay for school materials, or lose children's labour during school hours.

Education is a key tool for peace building in such an environment. Non-formal education schemes such as Accelerated Learning Programmes (ALPs) for northern Uganda and Alternative Basic Education for Karamojong (ABEK) were included in the Education Act (2008). They seek to make education more relevant by including topics such as animal husbandry, and health and sanitation, which are not offered by the national curriculum, and offer a more flexible schedule. These innovations can help to soften parental resistance to sending their children to school.

UNICEF has reported that such programmes have sparked a debate on whether they are indeed beneficial or if the emphasis should be placed on formal schooling. Difficulty moving from non-formal education programmes into more formal schooling has impacted negatively on student retention in ABEK, as well as similar interventions offering mobile schooling or boarding schools.

In 2007 and 2008, the Go-to-School, Back-to-School, Stay in School (GBS) campaign, created after national-level consultation between government, civil society partners and UN agencies, increased enrolment in both northern and north-eastern Uganda. In Kamwenge District, for example, comparison of pre- and post-campaign data indicates an increase of 14 per cent (15 per cent for boys; 14 per cent for girls) over a six-month period. Girls' Education Movement (GEM) statistics indicate that 299 children (141 girls) enrolled in school as a result of GEM mobilization. In Kitgum and Pader districts, 1,416 learners (64 per cent girls)

were mainstreamed into formal primary schools through the Accelerated Learning Programme (ALP). Another 1,891 learners (91 per cent girls) are accessing primary education in the ALP centres under the tutelage of all-female community instructors. In north-east region (Karamoja), there are an additional 35,643 learners (59 per cent girls) enrolled in ABEK centres.

Smaller minority groups in Uganda, such as the Acholi, and other minorities such as the Alur, Kakwa, Lugbara and Madi in north-west Uganda, continue to be disproportionately disadvantaged. Many Acholi children have been abducted to serve as child soldiers and have missed out on education entirely. The Acholi used to enjoy among the highest per capita representation in Uganda's higher education. Now, however, Acholi children lag behind the rest of the nation in all educational areas.

Western Sahara

Talks between Morocco and the Polisario Front (the independence movement of Western Sahara) resumed in March 2008 in New York, with Mauritania and Algeria also attending. However, they quickly stalled. Representatives from the government of Morocco and the Polisario Front have now met four times since August 2007 to negotiate the status of Western Sahara, but there has been no progress since the UN envoy to the territory stated in April 2008 that independence is unrealistic.

The exiled government of the self-proclaimed Sahrawi Arab Democratic Republic (SADR) is based at the Tindouf refugee camps in Algeria, which it controls. It also claims to control the part of Western Sahara to the east of the Moroccan Wall, known as the Free Zone. The area has a very small population, estimated to be approximately 30,000. The Moroccan government, however, views this area as a no-man's land patrolled by UN troops. The SADR government whose troops also patrol the area regard it as the liberated territories and have proclaimed a village in the area, Bir Lehlou as SADR's provisional capital.

The conflict in Western Sahara has resulted in many serious human rights abuses, including the displacement of tens of thousands of Saharawi civilians from the country and the expulsion of tens of thousands of Moroccan civilians by the Algerian government from Algeria.

Former US Secretary of State Condoleezza Rice

attempted to break the impasse between the two sides during a visit to North Africa in September 2008 (while still in office), but the pursuit of al-Qaeda networks in Morocco and Algeria instead dominated her visit. A Human Rights Watch report released in December 2008 claimed that Morocco was violating 'the rights to expression, association and assembly in Western Sahara'. The report also said that human rights had improved in the Saharawi refugee camps managed by the Polisario Front in Algeria, although it claimed that the Polisario marginalizes those who oppose its leadership. The population of the camps is vulnerable because of the camps' isolation, the lack of any regular independent human rights monitoring and reporting, and Algeria's claim that the Polisario, rather than Algeria itself, is responsible for protecting the human rights of the camps' residents. The UNHCR's plans for voluntary repatriation of Saharawi refugees have had to be repeatedly put on hold, due to the continuing political deadlock.

The status of education in the refugee camps has improved in recent years. Although teaching materials remain scarce, literacy has received welcome attention and the Polisario Front claim that nearly 90 per cent of refugees are literate, compared to less than 10 per cent in 1975. Thousands have also received university education in foreign countries as part of aid packages (mainly in Algeria, Cuba and Spain).

The Moroccan government has also invested in the social and economic development of Western Sahara. El-Aaiun in particular has been targeted, and has grown quickly. Several thousand Saharawis study in Moroccan universities and literacy rates are estimated at some 50 per cent of the population.

Zimbabwe

In the March 2008 parliamentary election, Zanu-PF, the party led by Robert Mugabe, lost its majority in parliament for the first time in 28 years. After months of turmoil, his party won the run-off election in June, after opposition leader Morgan Tsvangirai (of the Movement for Democratic Change), the only challenger, pulled out on the grounds that a free and fair election was not possible because of violent attacks on his supporters. Under a power-sharing deal signed with the opposition in September 2008, President Mugabe remained head of state, head of the cabinet and head of the armed services. Further talks were put off until

January 2009, when Tsvangirai declared his party's willingness to join the power-sharing government. Tsvangirai was sworn in as prime minister in February 2009.

In a speech after his inauguration, Tsvangirai called for an end to human rights abuses and political violence. However reports in the *Zimbabwe Times* said that Tsvangirai had come under fire for not achieving an adequate 'tribal balance' in his selections for nominations to the cabinet. The Ndebele community was particularly outraged as only one Ndebele representative was included. The selections were instead mostly dominated by Shona Karangas, the biggest tribal group in Zimbabwe. After Mugabe's predominantly Shona government, the Ndebele thought they would achieve greater recognition from Tsvangirai. The group, who make up 20 per cent of Zimbabwe's population, say they have borne the brunt of the country's economic crisis. Members of the community called Tsvangirai's selections 'a betrayal' of the community; however others suggested he had simply chosen the best people for the jobs and had not been considering tribal issues in his selections.

European communities in Zimbabwe faced further hardship during 2008. By June 2008, it was reported that only 280 white farmers remained and all of their farms were invaded. On 28 June, the day of Mugabe's inauguration as president, several white farmers who had protested at the seizure of their land were beaten and burned by Robert Mugabe's supporters. A British-born farmer, Ben Freeth and his in-laws, Mike and Angela Campbell, were abducted and found badly beaten. Mr Campbell, speaking from hospital in Harare, vowed to continue with his legal fight for his farm. Then, on 28 November 2008, a Southern African Development Community (SADC) tribunal ruled that the government had racially discriminated against Mike Campbell, denied him legal redress and prevented him from defending his farm. The tribunal also found that the Campbells were entitled to compensation for the expropriation of their lands.

The situation of Zimbabwe's people, and in particular the country's children, is horrifying. One in five Zimbabwean children (an estimated 1.3 million) are orphans; many are out of school because their guardians or parents cannot afford school fees and uniforms; others have been affected by the death of one or both parents. UNICEF has made the rising

levels of child abuse a major advocacy issue.

In February 2009, UNICEF released data regarding the crisis in education in Zimbabwe, particularly in rural areas. In a country which used to have the best education system in Africa, 94 per cent of schools in rural Zimbabwe remain closed and 66 of 70 schools visited were abandoned. UNICEF reported that: 'in the only fully operational school found during visits, a third of pupils were reporting for classes'. Many of the abandoned schools have been vandalized.

The year 2008 saw a massive decrease in numbers of teachers in schools, a plummeting school attendance rate from over 80 per cent to 20 per cent, and postponement of national exams. In 2009, schools were opened two weeks late, exam results have not been released and learning only resumed in some urban areas for the few who could afford to subsidize teachers' salaries and pay exorbitant tuition fees in US dollars. UNICEF has invested \$17 million over the last two years in the Ministry of Education, Sport and Culture – to help 100,000 children with school fees and to provide books and learning materials as well as constructing classrooms and toilets. However the lack of teachers is still critical. ■



Americas

Maurice Bryan

The immense and diverse Americas region contains large populations of mixed ethnicity. These are composed of descendants of immigrants from European, Asian-Pacific and Middle Eastern countries, and tens of millions of distinct indigenous peoples (IP) and African descendant populations (ADP). In some Central and South American states ADP and IP constitute as much as 45 per cent or more of the national total.

A 500-year-old colonial era legacy characterized by dispossession, enslavement and cultural imposition continues to hamper efforts to bring about real and lasting change, especially with respect to the rights of people of indigenous and African descent. In 2008 they remained the most marginalized and disadvantaged populations, constituting a disproportionate percentage of the poorest of the poor in their respective countries.

Among these minorities the main concerns in 2008 continued to be societal and institutional discrimination, chronic poverty, land seizure, socio-economic marginalization and various other forms of exclusion. This included limited political participation, poor infrastructure provision and inadequate access to services such as health and education.

By most measures, therefore, the human rights situation of IP and ADP in the Americas region remains very challenging; however, there were increasing signs during 2008 that some significant positive trends are now gaining momentum.

Education and gradual change

Increasingly over the past two decades IP and ADP rights movements in Latin America have been able to advocate and organize successfully at local, national and transnational levels. Consequently, there is now a general trend towards official state acceptance of the specificity of diverse identities and cultures.

For example, in 2008, after centuries of marginalization and oppression, Andean peoples of Bolivia and Ecuador were finally able to articulate a stronger national indigenous presence by approving new constitutions that provide greater recognition of IP cultural, political and land ownership structures.

In several regional states, including Brazil, Honduras and Nicaragua, there is now special legislation, and government departments are developing policies for African descendant populations.

Most countries have now formally adopted multicultural citizenship structures and rights reforms are

Right: Indigenous children in Pimbaro, Ecuador, playing outside their bilingual school. *Julio Etchart/Panos.*

occurring within an international regime of Inter-American and international treaties including the International Labour Organization Convention No. 169 and the 2007 UN Declaration on the Rights of Indigenous Peoples.

Legislation and decisions by regional bodies such as the Inter-American Human Rights Court have also bolstered the rights of indigenous peoples and African descendants in their claims for recognition, territory, autonomy and justice.

Moreover, agencies such as the World Bank and the Inter-American Development Bank (IADB), once strongly criticized for ignoring the plight of the region's minorities, now officially recognize their marginal status and routinely enact special guidelines for the inclusion of indigenous and African descendant populations in development initiatives.

This includes commissioning special studies, such as the 2006 World Bank Policy Research paper on the quality of schools and education available to indigenous students in Guatemala, Mexico and Peru.

State of education

It could be said that these changes – though arguably modest – would not have occurred without prior access to primary, secondary and higher education by a critical mass of ADP and IP rights activists, who used their knowledge and training to campaign for fundamental rights and freedoms for their communities

Consequently, during 2008, in addition to having to address pressing issues such as continuing land dispossession, climate change effects and global economic contraction, minority rights advocates in the Americas increasingly directed their attention to bolstering the right of access to a proper education.

Marginalized people in the hemisphere have long seen education as the key to long-term improvement of collective material well-being, and to enabling them to realize their aspirations, worldviews and right to self-determination. This includes the safeguarding of languages, histories and cultures. However for several generations – in Latin America and the Caribbean especially – they have had to depend mainly on the goodwill of faith-based organizations for education, and were served to a much lesser extent by their national governments.



Whether state-provided or non-governmental, these educational efforts essentially supported an assimilationist national agenda that devalued indigenous languages, practices, ideals and beliefs. Indigenous students in particular were sometimes subjected to verbal and physical mistreatment, and, in extreme cases such as government residential schools in Canada, also sexual abuse.

At the 2008 World Indigenous People's Conference on Education (WIPC:E) Dr Marie Battiste – the first indigenous Canadian woman to receive a doctorate (1984) – explained that moving beyond the limitations imposed by the dominant cultures towards identity reclamation and self-empowerment often required that survivors of assimilationist education engage in radical self-analysis, reorientation and identity reclamation.

To some extent this contributed to strengthening their resolve to work not just for improved education access but also for policies and reforms based on respect for the rights and values of indigenous and minority populations.

Nevertheless, access to quality education in 2008 remained one of the most difficult rights for African descendant and indigenous populations in the Americas to realize. Although their nations' constitutions and international conventions may guarantee that right, this does not always translate into adequate budget allocations or policy initiatives. As a result, in 2008 a significant majority still had lit-

tle or no adequate primary or secondary education, much less higher learning.

Student profiles

Regional studies show that a majority of African descendant and indigenous students come from low-income households. They often need to travel long distances to classes, have poor nutrition levels, study in dilapidated rural or overcrowded urban schools with few resources, and have higher rates of non-completion compared to others in their societies.

In 2008, IP and ADP students continued to represent a disproportionate number of school drop-outs and repeaters in their countries, and to have high failure rates. Many are unable to read or write adequately. In Central American countries with large indigenous populations (Guatemala, Mexico) indigenous adults tend to have half the years of schooling of non-indigenous people. Moreover there are few if any special programmes for continuing their education as adults.

UNESCO's Regional Education Office for Latin America and the Caribbean (OREALC) and the United States College Board indicate that IP and ADP students across the Americas are a minority of test-takers and, as a whole, perform significantly worse than their national counterparts on a range of standard exams.

There is a variety of contributing causes, including the fact that some minority students are placed

at a disadvantage very early in their educational lives through the failure of educators to accommodate linguistic and cultural diversity in learning approaches.

Compared to their non-indigenous counterparts, students in Latin America who still speak an indigenous language more often enter school with limited knowledge of the main idiom of educational instruction (Spanish).

Education and income

In 2008 there also continued to be especially compelling links between low educational levels of parents, their reduced income-earning opportunities and the perpetuation of poverty cycles in minority populations. Poorly educated indigenous and African descendant parents earn less and cannot afford to send their children to good schools where they have a better chance of getting a quality education and increasing their income-earning potential.

A World Bank poverty report found that in Guatemala, average hourly wages increased 15 per cent with a primary education, 51 per cent with a secondary education, and 74 per cent with a university education. Moreover, the improvement for women was especially pronounced. Also, according to a 2007 US College Board study, people in the United States with a bachelor's degree earn over 60 per cent more than those with only a high school diploma.

In Brazil, where African descendants make up more than half the population, 78 per cent live below the poverty line and only 2 per cent of university graduates are black Brazilians. According to the World Bank, African Colombians represent approximately 25 per cent of the entire population but nearly 80 per cent of African Colombians live in extreme poverty, and only 13 per cent of adult African Colombians have completed primary education.

The poor, predominantly rural dwelling IP and ADP students in Latin America, are not only underserved where they live, but also are hardly likely to attend a private school or pursue further study in an urban area, and therefore have almost no chance of changing their status.

Even if they could afford private school costs, there are societal factors that come into play. The daily assimilationist pressures, racial stereotyping and historical prejudices of both peers and teachers

Intercultural and bilingual education in Latin America

By *Inge Sichra*

Since 1996, the Training Program in Intercultural and Bilingual Education for Andean Countries (PROEIB), based at the University of San Simón in Cochabamba, Bolivia, has focused on the training of indigenous professors, researchers and professionals of six South American countries (Argentina, Bolivia, Chile, Colombia, Ecuador and Peru). It has produced five graduating classes of the teaching programme and two graduating classes of the relatively new training programme in indigenous leadership. At present a sixth class is being formed, with students from some of these countries alongside seven indigenous professionals from Mexico. The 25 peoples represented in PROEIB's six Master's programmes are: Amuzgo, Awajún, Aymara, Chayahuita, Cofán, Colla, Guambiano, Guaraní, Huasteco, Mapuche, Maya, Mazahua, Mixe, Moxeño, Nahuatl, Nasa, Otomí, Quechua/Quichua/Inga, Shawi, Shwar, Triqui, Tsotsil, Wayuu, Wixarica and Yanacona.

The main goal of PROEIB is to train indigenous intellectuals and professionals capable of making new Intercultural and Bilingual Education (IBE) programmes across the region viable. As well as training of new professors and researchers, it includes academic exchanges, collaborative research and publishing, and participation in workshops.

The programme includes personal reflections, indigenous languages, theoretical

texts and the production of teaching materials. An important part of the work is the empirical research of institutions and students who look at the inherent problems of education in multilingual and multicultural contexts, especially in indigenous education, and also provide proposals on how to improve the current situation. PROEIB Andes has also collaborated with many national and international organizations, including UNICEF.

However, the biggest impact of PROEIB is how the new professionals trained by the IBE teaching programme and who have taken up important positions in the IBE network across Latin America, use and pass on their skills (see table). There are now 158 indigenous professionals who graduated over ten years of IBE courses in roles related to education and culture; 63 of these are women (40 per cent). In Chile, a female graduate of PROEIB Andes is Director of the Anthropological Museum of Cañete, Concepción. In Bolivia, graduates of PROEIB Andes have been and continue to be deputy ministers, national directors, governors of normal and higher IBE institutions.

The development of the PROEIB Master's programme takes into account the leading role of indigenous people, and has been formulated in consultation with indigenous leaders from the six associated countries.

Finally, PROEIB's selection process

includes compulsory support of an indigenous organization to guarantee an organic link between the student and his or her community, to encourage the student to use their PROEIB skills towards building better opportunities for the people of his or her organization and community.

In a joint project UNICEF, the Spanish Agency for Development Cooperation and the PROEIB Andes Foundation have developed a *Sociolinguistic Atlas of Indigenous Peoples in Latin America*. This is a tool to promote the visibility of the ethnic, cultural and linguistic diversity of the region, diversity which needs to be taken into account to address prevailing inequality. It is also a key for planning in the education sector.

The *Atlas* and accompanying DVD cover 522 indigenous peoples; 420 registered indigenous languages are in use in the region, of which nearly a quarter are cross-border. However, what distinguishes Latin America from other world regions is the diversity of linguistic families: the *Atlas* records no less than 99 such linguistic families.

Through its interactive character and use of graphics, the *Atlas* is designed to be used by planners, officials and international organizations, as well as indigenous peoples themselves, students and the media. It should become a key tool for conveying the rich diversity of indigenous peoples in the region and promoting genuine multiculturalism. ■

Placement of graduates of four PROEIB Andes Master's programmes (2001–7) in the education sector

Entity	Argentina	Bolivia	Colombia	Chile	Ecuador	Perú	Total
Governments and ministries	1	8	3	2	4	13	31
Universities and teacher training institutes		29		3		4	36
Schools		2	2	2	4	5	15
Indigenous organizations, NGOs		13	2	3	2	5	25
Independent consultants, doctoral candidates and others		8	1	7	2	7	25
Totals	1	60	8	17	12	34	132

in many urban environments can often diminish the quality of the educational experience. World Bank study results for Guatemala have shown that private school attendance is not necessarily as beneficial for indigenous students as it is for their non-indigenous counterparts.

Teacher quality and work requirements

There are also issues related to the quality of instruction. Studies across the Americas show that instructors of IP and ADP students more often tend to be less experienced, less educated and less well paid compared to teachers of mainstream students.

Within the United States, the Urban League has found that teachers with less than three years' experience teach in minority schools at twice the rate of those in predominantly white schools. World Bank studies in Guatemala, Mexico and Peru in 2006 also show that teachers of indigenous groups tend to have half the number of years' experience compared to teachers in non-indigenous schools. UNICEF has been working in the Andes region to train teachers to work in Intercultural and Bilingual Education (IBE) schools.

A combination of often acute financial need as well as cultural factors – such as the encouragement of customary work values in children – means that in every country, minority population students are more likely than their national counterparts to combine schooling with work in and outside the home.

In Guatemala, 24 per cent of indigenous children work, compared to 16 per cent of non-indigenous children. In the many small cooperatively run tin, zinc and silver mines in the high plains of Bolivia, indigenous children constitute up to 10 per cent of the approximately 38,600-strong workforce. In the Dominican Republic, African descendant children 12 years old and younger regularly work alongside their parents in the sugarcane fields. Also in Bolivia young girls often leave school early to work at home or in the informal economy.

Accordingly in 2008, policy makers across the region have been focusing their attention especially on the linkage between high child labour rates and low schooling results for indigenous and African descendant populations.

Cultural and linguistic dimension

There is an absence of culturally appropriate curriculum content. During 2008 rights advocates in the

Americas continued to point out that the historical component of IP and ADP education continues to be overlooked. This not only helps to restrict the full academic participation of the specific groups, but also denies opportunities for attitude and perception changes within a larger intercultural national context.

In the majority of countries of the Americas – including the Caribbean states – the history and contributions of indigenous and especially African descended populations is rarely if ever included in state-based school curricula. Critics argue that this distorts the true historical record of each nation and denies students an opportunity to develop a sense of self-worth and pride in their indigenous and African descendant heritage. It also reinforces students' sense of alienation and exclusion from the society in general.

When coupled with societal discrimination and economic necessity, this 'disconnectedness' can sometimes cause minority students to question the benefits and need for any formal education in their lives. They then either fail to enrol or drop out, thus narrowing their income-earning options to legal but low-paid work or involvement in potentially more lucrative but high-risk criminal ventures. UNICEF has been working in Bolivia on a scheme to address this (see Box, p. 131).

According to the Brazilian NGO, Reference Center on Children and Adolescents (CECRIA) the thousands of females and adolescent males exploited in sex and labour trafficking schemes in 2008 typically were 'darker skinned', came from low-income families, usually had not finished high school and were often lured with promises of well-paid local or international work.

Likewise in the USA, the Bureau of Justice Statistics as well as the National Council on Crime and Delinquency, in February 2009 reported that 75 per cent of the inmates in America's state prisons are high school drop-outs, and about 67 per cent are functionally illiterate.

Cultural education and ecology

IP and ADP rights activists point out in that culturally specific instruction and bilingual education are particularly important to social and ecological preservation. This includes halting the outright loss of heritage languages and cultures, which may contain universally useful knowledge.

They cite the example of the philosophies and worldview of the indigenous peoples of the

Americas with respect to the relationship of humans to the Earth. These have greatly influenced the development of the international environmental movement and approaches to sustainable global ecological management.

Nonetheless, in most cases public school curricula in the Americas have completely failed to develop new methodologies or cultural content relevant to the contemporary issues and needs of African descendant and indigenous groups.

In Jamaica, the Ministry of Education is launching a major initiative in 2009 to raise the literacy levels in schools. A lack of children's books dealing with Jamaican and Caribbean life, history, culture and values is being addressed through the publication of books for children up to the age of 8 featuring a 6-year-old Rastafarian boy.

Bilingual programmes

Many countries in the region have passed legal guarantees of bilingual education; nevertheless, in all these countries, bilingual education is consistently under-funded, continues to have limited reach among indigenous children and therefore has a limited social multiplier effect.

Bilingualism is also an issue in the Anglophone islands in the Caribbean area, where African descended populations make up the majority, as well as in Central America (Belize, Nicaragua), where there are substantial African Caribbean cultural minorities. In 2008, cultural rights activists continued their call for the recognition of Caribbean Creole (Kriol) as a respected first language, and for its formal introduction into the education system.

Programmes that use Creole as an initial 'start-up' language for primary grades are being piloted in Belize, Nicaragua and Providence-San Andreas Islands (Colombia), and university researchers are involved in standardizing Creole spelling and developing learning materials.

Advocates in places such as St Lucia point out that the overwhelming majority of the population uses Creole, yet there is no government policy on the use of the Creole language. Moreover, people are denied the right to participate in the Saint Lucian parliament if they do not speak standard English.

Statistical invisibility

Many of the problems affecting basic service delivery are difficult to tackle without proper statistics. Latin

American African descendant activists have consistently advocated the need to end their group's statistical invisibility as a means of addressing exclusion.

Based on national averages half of the states in Latin America and the Caribbean (LAC) are statistically considered to be middle-income countries. During 2008, however, there was the growing understanding that this often results in a distorted picture of the true conditions of IP and ADP.

Given the great income gap that often prevails within individual LAC countries, the real status of minority and indigenous communities at local and municipal levels is very often hidden behind the broad national averages.

During 2008, organizations such as UNICEF continued to highlight the difficulty in determining whether Millennium Development programming goals are actually being met for these vulnerable populations, especially given the absence of local-level statistics.

Such data provides governments with specific demographic information and allows better use of increasingly limited resources. This helps to ensure that national funds go further and go where they are most needed. In most cases this means the many historically disadvantaged African descendant and indigenous communities.

However, in 2008, despite the best intentions of institutions such as the Economic Commission for Latin America and the Caribbean (ECLAC) and other multilateral agencies – and even when government departments are willing to cooperate – a reliable system to gather statistical data at municipal and provincial levels has not yet been developed.

One factor is the absence of systematic strategies to accurately identify IP and ADP in census or household surveys. The self-identification registration methods currently used are not always fully reliable. In the race- and colour-conscious societies of the Americas the process is often influenced by the highly subjective perceptions and prejudices of both the data collector and the informants with regard to nomenclature and racial/ethnic categorizations.

Often this translates as favouring 'white-oriented' designations and avoiding labels such as 'indigenous' or 'black'. Furthermore, rights researchers indicate that in countries such as Colombia census takers are more likely to avoid entering socially marginalized zones with high indices of violence and to opt for filling out the questionnaires themselves.

Child and adolescent registration

Another key factor linking statistical invisibility of IP and ADP communities to limited service delivery in LAC countries is the issue of child registration. Non-registration restricts children's access to important public services including education.

During 2008 a range of NGOs as well as multilateral agencies have continued to address this in initiatives such as the 'Name and Nationality' programme supported UNICEF and other development organizations. At the first and second regional conferences on the 'Right to an Identity' (2007 and 2008), Latin American governments, international organizations, civil society and representatives of indigenous and African descendant communities agreed to cooperate to achieve free, universal and appropriate birth registration for all children in the region by 2015.

Identity registration also has a cultural dimension. For example, in some areas, indigenous cultures do not believe in officially naming a child until it articulates its first word. Studies in Guatemala also found that, as well as the investment of time and money, the need to travel to unfamiliar urban areas and interact with non-indigenous male government officials tended to discourage indigenous women from registering their children and themselves.

Ultimately this is related to the historical marginalization, official indifference and consistently poor-quality services that IP and ADP communities continue to receive from their governments.

Economic crises and climate change disasters

The end of 2008 produced economic and environmentally related events in the Americas that further threatened the long-term well-being of IP and ADP communities. One was the contraction of the global economy and the other was a succession of natural disasters, both of which risk retarding access to education among minority populations.

Between October and December 2008, heavy rainfall left a trail of destruction across Central and South America. Landslides and substantial flooding affected large areas in Belize, Brazil, Costa Rica, Guatemala, El Salvador, Honduras, Nicaragua and Panama.

Indigenous people and African descendants represented a large part of the affected population. According to relief organizations and disaster

management agencies, more than 250,000 people were affected by damage and destruction to houses, infrastructure and crops. Many of the affected lived in marginal hard-to-reach areas that in most cases had little prior access to basic services. Moreover, massive agricultural damage raised the possibility of further increases in already high food prices.

Agencies such as UNICEF have noted that such natural disasters take a great toll on children and their education. There are long-term effects on educational activities: student nutritional levels stay low, damaged schools are slow to be rebuilt and parents sometimes are forced to choose between food and schooling.

Because of their marginal social, political and economic status and historical official neglect, IP and ADP tend to recover much more slowly from the losses incurred and their needs are much greater in the aftermath.

Indigenous and rural ADP communities often have very strong community structures and collective practices, which facilitate recovery. However, educated populations arguably are more likely to be in a stronger financial and political position to engage in disaster preparedness, including having the means to evacuate themselves beforehand from threatened areas.

They are also more likely to independently access information and undertake civic reorganization and rebuilding in the aftermath, even if government programmes are slow to arrive in their areas. This includes knowing how and when to petition authorities and denounce corruption if required, and how to encourage heightened media focus to publicize concerns.

It is in such circumstances that appropriate human rights instruments that can guarantee the delivery of services such as health and education become even more useful to IP and ADP; especially given the regional history of social exclusion and official indifference.

Draft American Declaration on the Rights of Indigenous Peoples

The draft of the American Declaration on the Rights of Indigenous Peoples (ADRIP), geared specifically to the legal needs of the indigenous and original peoples of the Americas, moved closer to completion in December 2008.

During the special sessions at the OAS

(Organization of American States) headquarters in Washington DC, the group working on final text revisions debated issues and identified the regional particularities that should be reflected in the final draft document. These included the regularity with which states fail to comply with treaties signed with IP; the long-running internal armed conflict in Colombia that is imposing blatant human rights violations on IP and ADP; as well as autonomy issues, such as IP who choose to remain in isolation (in Colombia, Ecuador, Peru and the Amazon region), and those with their own judicial systems, governments and traditional legislative organizations.

While there is consensus among the working group's indigenous representatives, a major ongoing challenge has been the attitude of the US to new human rights standards. The USA has not yet ratified the UN Convention on the Rights of the Child. Moreover, along with Australia, Canada and New Zealand, the US voted against the 2007 adoption of the UN Declaration on the Rights of Indigenous Peoples. Currently US representatives attend ADRIP drafting sessions only as non-active observers.

Nonetheless, indigenous rights activists see ADRIP as providing strong regional standards for justice administration and the promotion and protection of human rights, especially in light of the existence of autonomous organs such as the Inter-American Court of Human Rights (IACHR) and the Inter-American Commission on Human Rights.

ADRIP is therefore viewed as being a more effective instrument for the region than the UN Declaration. The IACHR and domestic courts in Mexico and Central and South America have already used the standards of the draft ADRIP in deciding indigenous cases.

Two more meetings are scheduled for 2009 and, once the final language is approved, the working group will submit the text to the OAS General Assembly for a final vote in 2010.

Argentina

Transnational scholarship programme During 2008, Argentina, the second largest country in South America, continued to strengthen its international ties with other states in the region, including Brazil, Cuba and Venezuela.

Having been divided by the national fron-

tiers imposed during the post-independence era, Argentina's indigenous minorities proclaim a transnational identity and also endorse greater linkages.

Bilingual intercultural education is an issue which continues to unite members of Aymara, Chiriguano, Mapuche, Mbyá Guaraní, Mocoví, Quechua, Toba and Wichí nations that have ethnic links in all the neighbouring countries.

The indigenous population in Argentina is estimated at between 700,000 and 1.5 million. Although the Argentine Constitution recognizes indigenous ethnic, cultural and other rights, implementation is the task of the 23 provinces, of which only 11 recognize indigenous rights in their constitutions.

In 2008, IP poverty rates in Argentina continued to be above average and IP displayed higher levels of illiteracy, unemployment and chronic disease. Access to education remained a problem for indigenous children as well for the small, mainly urban, African Argentine population. African Argentines continued to experience discrimination in employment, housing and education, as well as racial insults while using public transportation.

Indigenous education

Indigenous education in Argentina is the responsibility of the National Institute for Indigenous Affairs (INAI). During 2008 it continued to focus on adding to the 6,000 plus scholarships which enable Argentina's IP to attend secondary and post-secondary institutions, including universities.

The country's interest in forging international links has also been visible in the area of IP and ADP education. Twenty indigenous and African descendants from rural Bolivia, Colombia, Ecuador and Peru are now receiving an education in Argentina at the Universidad Nacional del Litoral (National University of the Coast) in Santa Fe. The transnational programme is financed by the Inter-American Development Bank (IADB).

The five students from each country, totalling eight women and twelve men, are participants in a two-year agribusiness administration degree programme. The students will receive full scholarships and also have an opportunity to build ties with indigenous students from within Argentina. Five indigenous students drawn from Mocoví and Toba communities in Santa Fe will also participate in the programme.



Left: Quechua Indian women marching for equal rights, Cuzco Department, Peru. *Jeremy Horner/Panos.*

sion violated the Constitution and instructed the provincial court to take into consideration the rights of indigenous people to use the resources found on ancestral lands.

In December 2008, in response to a lawsuit filed by 18 indigenous communities, the Supreme Court ordered Salta Province to suspend plans to harvest approximately 2 million acres of forest, pending the outcome of a further hearing.

In 2008 the Inter-American Commission on Human Rights continued to evaluate a petition presented by the Lhaka Honhat indigenous association concerning failure of the Argentine government to implement a titling policy that would return their ancestral lands.

Bolivia

Despite having 70 per cent of the world's iron and magnesium and the second largest natural gas reserves in South America, in 2008 Bolivia continued to be regarded as the poorest country in South America, with two-thirds of its population living in poverty or extreme poverty.

According to the 2001 census, the majority (approximately 62 per cent) of Bolivia's 9.25 million people self-identified as indigenous (Quechua and Aymara). Most were rural subsistence farmers living in remote areas where government services remain unavailable. In 2008, 70 per cent of Bolivia's IP continued to live with little access to basic services such as health, water, sanitation and education.

Discrimination and strong historical prejudices against Bolivia's indigenous groups remained extensive, and the country's human rights ombudsman reported that approximately 70 per cent of the national population considered racism a problem.

Societal and institutional discrimination was also directed against the African Bolivian minority (approx 35,000), who continued to face severe disadvantages in life expectancy, income, literacy, employment, health and education.

Political representation

Bolivia's IP have continued to be under-represented in government and politics. In 2008 only an estimated 17 per cent of members of Congress were

indigenous. One of the nine departmental prefects (governors), Sabina Cuellar, is an indigenous woman.

Since attaining the presidency in 2005, Evo Morales – who is of indigenous Aymara ancestry – has focused on instituting a number of key reforms aimed at addressing the historical exclusion of the indigenous population. Central to this was the introduction of a new constitution that recognizes indigenous cultural, political and ownership systems, and includes clauses aimed at achieving more equitable distribution of land and natural resources, and at opening opportunities for indigenous people to gain more power.

The plan has faced stiff resistance from opposing landowning interests in the eastern departments, at every step. This included strikes, walk-outs and armed conflicts that have led to scores of injuries, human rights abuses and loss of life.

Directly connected to this initiative was the government's April 2008 ratification of its recognition of indigenous autonomies, in accordance with a November 2007 ruling and the UN Declaration on the Rights of Indigenous Peoples, which demonstrated its commitment to enabling self-determination, and self-government for IP and ensuring the management of their own financial resources.

Opposition

The non-indigenous landowning minority in the wealthy eastern departments of Beni, Pando, Santa Cruz and Tarija, who feared their farms would be broken up and handed over to the poor, have mostly opposed the government's efforts and, during 2008 increased their efforts to block reforms, including calling for departmental autonomy and fomenting civil strife.

In May 2008 opposition gangs, encouraged by civic leaders from Sucre, captured and humiliated a pro-government advance party of approximately two dozen indigenous workers and leaders, who had travelled to that city to ensure safe entry during a planned presidential visit.

After being taken prisoner by a hostile mob, several were beaten and subjected to significant abuse, forced to remove their shirts and march several miles to the central plaza, where they were then made to kneel and shout anti-government slogans.

Between May and June 2008, in defiance of legal injunctions, Beni, Pando, Santa Cruz and Tarija

departments held autonomy referenda, which the international community declined to monitor and the federal government refused to recognize. Although all four referenda gained easy majorities they were marked by high voter abstention.

In August 2008 the government held a national recall referendum to determine whether President Morales, the Vice President and eight out of nine departmental Prefects should remain in power. This received a 67 per cent national vote of confidence, and six of the eight prefects were returned. Although four of the six were pro-opposition prefects, significant for government supporters was that the plebiscite produced an almost 40 per cent approval vote in the autonomy-seeking eastern states. This demonstrated that the vocal and well-orchestrated anti-government regional opposition did not represent unanimous opinion.

In the face of continuing violence in September in eastern departments such as Pando, Morales called for a week-long 200 km march from the western highland city of Caracollo to the capital La Paz in October 2008, to demand a referendum on the proposed constitution. This drew tens of thousands of mostly indigenous peasants, miners, coca-growers and other government supporters, who marched to demonstrate their resolve and pressure the Bolivian Congress to pass the law sanctioning the twice-postponed constitution referendum.

By the end of the march, the government and opposition had reached a compromise, allowing a final national vote on the proposed constitution. Among the concessions were that the president would not seek a third term in 2014, and that limits on the size of landholdings (5,000 hectares) would not be retroactive.

New constitution

The January 2009 constitution referendum received the required 50 per cent plus national majority but, as expected, was defeated in the eastern opposition strongholds.

Among other clauses, the new document enshrines state control over key economic sectors, and grants greater autonomy, not only to indigenous communities but also for the nine departments. The implementation of the new charter is far from certain, however. Several articles have to be approved in Congress, where President Morales does not have a Senate majority.

Food security is increasingly becoming an issue in the region. Along with Uruguay and southern Brazil, Argentina was among the countries most affected by what is arguably the worst drought to hit the region in decades. In early 2009 this began to pose a serious threat to agricultural production.

Land claims

In 2008 land claims and related issues continued, such as the eviction of IP to make way for mining forestry and other projects. In October Argentina's Supreme Court overruled a decision by Salta provincial court, which had previously turned down a land claim appeal by the Eben Ezer indigenous community.

IP of Eben Ezer had asked the Salta provincial court to issue an injunction halting the sale of provincial land previously considered a natural reserve and which they claim as ancestral territory. The Supreme Court indicated that Salta's court deci-

Nevertheless, for the indigenous majority who, just some 50 years ago, were not allowed to vote, or even walk in the central square of the capital La Paz, this represented a major turning point in their long-standing efforts to achieve their fundamental rights and freedoms.

There are enormous challenges: indigenous lands are not demarcated fully and traditional prejudices and social conditions remain obstacles in rural areas, including restrictions on land inheritance for women.

In the cooperative-operated mining sector that is responsible for some 32 of the overall 40 per cent of the country's exports that mining produces, mainly indigenous miners continue to work for less than \$3.00 for a 12-hour day in dangerous and unhealthy conditions. The fall in global fossil fuel prices has diminished revenues from natural gas sales, which in turn limits the amounts available for social investment, such as the provision of quality health and education services.

Brazil

According to official figures, African descendants represent almost half of Brazil's approximately 190 million population; the true figure is likely to be higher.

During 2008, besides continuing to experience historical societal discrimination African Brazilians continued to be remarkably under-represented in the government, professional positions, and the middle- and upper-income groups. They experienced a higher rate of unemployment and earned average wages approximately half those of a white worker. In part this may be linked to a continuing gap in the area of education.

African Brazilians average just 6.4 years of schooling and the illiteracy rate among African descendants over 15 years of age is 20 per cent compared to just 8 per cent for Euro-descendants. In the area of higher education the US-based *Chronicle of Higher Education* reported that, while 45 per cent of the country's people defined themselves as either black or mixed race (*pardo*) in the 2000 census, only 17 per cent of university graduates are of mixed race and only 2 per cent are black.

Under the government of President Luiz Inácio da Silva (Lula) there is now explicit legal state opposition to racism, and public policies against discrimination. In addition, the increase in social mobility – partly due to the still hotly debated

affirmative action policies – continued to promote some improvements in African descendant education during 2008.

Federal universities such as the prestigious Rio Branco training university run by the Brazilian Ministry of Foreign Affairs have continued to implement admissions quotas and affirmative action programmes, and the federal government has mandated the teaching of African and African Brazilian history in high schools and universities.

Favela containment

These initiatives are yet to have a significant multiplier effect in the lives of the majority of the country's African descendants. In the 800 low-income *favelas* (shantytowns) of Rio de Janeiro, which have large African Brazilian populations, human rights observers in 2008 continued to report on the indiscriminate use of force by police. Few killings are independently investigated and perpetrators are seldom prosecuted.

In 2008 Amnesty International and local NGOs claimed that in these marginalized urban areas, which contain over 2 million residents, law enforcement continued to be characterized by large-scale armoured 'invasions' by police units that inevitably result in human rights violations.

Moreover so-called 'militias' have continued to expand and now control over 100 of the city's *favelas*. Made up mainly of off-duty or former law enforcement officers, they take community policing into their own hands but have come to engage in similar illegal activities to the drug traffickers they were formed to confront. Militias tend to enjoy the tacit support of the police, who regularly fail to investigate 'social cleansing' killings and other violations, and often do not conduct operations in the militia-controlled communities.

Indigenous Brazilians

Brazil's National Indigenous Foundation (FUNAI) estimates that there were 460,000 indigenous persons in 225 communities living on demarcated lands, and an additional 100,000 to 190,000 dwelling outside these territories, including in urban areas.

More than half of Brazil's IP live in poverty and under constant threat from expanding agricultural, mining and other development projects. In 2008 indigenous leaders continued to criticize the government for failing to protect their lands

New curricula are making a difference for indigenous children in Bolivia

By Adán Pari Rodríguez

The Tacana, Mosestén, Tsimane' and Movima peoples are situated in the Amazonian area, in the provinces of Beni and La Paz. There is a low school registration and high drop-out rate of pupils in these areas.

With government backing, and in collaboration with the Universidad Mayor de San Simón de Cochabamba, UNICEF has formulated four separate curricula for indigenous groups, using the criteria of nationality and indigenous territory. Teachers, students, indigenous organizations and other community members took part in shaping the curricula.

The first stage of the programme worked with indigenous organizations, leaders and experts in their respective cultures to highlight indigenous knowledge and understanding. The second stage took place in schools, incorporating the findings into the current primary curriculum, and teachers were simultaneously trained.

The impetus behind the programme is the historical process by which indigenous and original inhabitants of Bolivia have demanded their own education, first supported by Intercultural Bilingual Education (IBE), and developed over the course of more than ten years. Today, this demand and the influence of IBE is getting stronger and stronger, and indigenous organizations and parents are involved in designing educational models, from

defining curricula to classroom implementation and evaluation.

Principal results

The aim of the programme is to improve the quality of learning for children involved and to give them more relevant and improved learning in mathematics and languages. At the end of the first year they know how to read and write tales, tongue twisters and stories in their own language and in Spanish. At the same time they know a great deal about their own cultural context. Specific results include:

- 11 indigenous organizations (local and regional) and parents in the communities actively participate in the educational process of their children, guiding the teaching staff in planning, evaluating and teaching aspects of their culture; and guiding educational management across their territories, municipalities and departments.
- 1,600 teaching staff are now indirectly qualified, of whom 40 participate directly and actively in the process, and have changed their daily routine and curricular development, teaching a fresh curriculum, producing texts, doing bilingual classes, encouraging pupil participation and varying didactic strategies.
- 1,200 children, from 28 educational units, are learning better and in a meaningful way, both established standard contents as well as innovative and relevant contents from their own cultures.

With government support, the programme is set to expand into other schools in each educational district and to other indigenous peoples in the Amazonian area. This time universities of the region will be involved, supporting the investigation of knowledge and culture as well as outlining teaching processes that include educational planning. Universities can also support the permanent training of teaching staff. Going forward, the programme should also be introduced in teacher training colleges, so that new contents that are relevant to the indigenous peoples of each zone are incorporated into the teacher training curriculum. ■



Left: A Xavante child within the Xavante protected area in Mato Grosso, Brazil. *Eduardo Martino/Panos.*

ensuring that schools are located in indigenous villages as a way to revitalize the local culture and to maintain young people in their communities.

Community initiatives

The establishment of indigenous schools in Brazil has come about after decades of independent effort by rights activists and groups to promote indigenous education. Moreover the issue of indigenous education in some areas is closely tied to ethnicity and land rights, especially because many teachers take on leadership roles in their villages.

On the Brazil-Paraguay border, in the State of Mato Grosso do Sul, where indigenous Guaraní ancestral lands were taken over by big cattle ranchers, the search for better education is closely linked to the struggle for *Nanderú Marangatú* (Great Sacred Father): a term for 'land' used by the Kaiowá branch of the Guaraní. The Kaiowá, a nomadic people, constitute half of the over 60,000 indigenous people who live in northern coastal state of Mato Grosso do Sul.

In 2005 the government recognized indigenous rights to 9,317 hectares of territory; actual possession has been delayed, however, pending a decision by the Supreme Court and negotiations on land-owner compensation. Since then relations between indigenous people and settlers have remained tense with local high-level elected officials being among the foremost opponents of demarcation.

Many Guaraní/Kaiowá continue to live in poor conditions in roadside tents and the Indigenist Missionary Council (CIMI) noted that 40 of the 53 murders of indigenous people in Brazil during 2008 were of Guaraní/Kaiowá in the state of Mato Grosso do Sul. One such murder in 2003 led directly to the establishment of one of the first Guaraní community-based bilingual schools. Following her father's murder for leading an occupation of a large estate, the current 28-year-old Kaiowá head teacher at Panambizinho village dropped out of her law school course and trained to run a bilingual school programme.

Community-based bilingual schools in Mato Grosso offer an example of the positive aspects, as well as some of the challenges involved in com-

munity involvement in the indigenous education process.

According to one of the early school organizers, they had to overcome significant resistance to the idea of children being taught entirely in the Guaraní language during the first two years at school, before gradually switching to Portuguese. Ironically, the resistance came from Guaraní parents, who were afraid that their children would not learn Portuguese, thereby limiting their chances to 'get out of the village'.

In addition to the Guaraní language, there are also interdisciplinary classes that include Guaraní regional geography discussions with community elders, and participation in community action such as land occupations to recover indigenous territory.

In 2006 a special five-year training course called *Teko Arandú* ('living in wisdom') was established for Guaraní students at the Don Bosco Catholic University (UCDB) (in nearby Dourados), which provides technical assistance through the efforts of female Professor Adir Casaro Nascimento, a campaigner for indigenous education for the past 20 years. Most of the 114 students are adults, including a few elderly people; the majority are women.

The experience in Matto Grosso has show that ethnically sensitive education within indigenous communities provides an education better suited to the preservation of indigenous identity and culture, and can also have a significant multiplier effect. The expansion of indigenous education is especially empowering Guaraní women, who are now more confident about expressing their opinions publicly at school meetings.

Community involvement has also stimulated a new desire for education in general, leading to increased Guaraní enrolment in standard state schools: 500 indigenous children currently attend these institutions, with the long-term potential of significantly changing Guaraní attitudes towards further pursuit of higher education.

Long-time supporter and facilitator of indigenous education, UCDB professor Antonio Brand explained that, while going to university was once seen as a way of losing indigenous identity and becoming assimilated into mainstream society, with the new sense of self-esteem that is no longer the case.

In 2008 the Kaiowá reached an agreement with local landowners to provisionally move onto two areas totalling 127 hectares pending the legal outcome.

from encroachment, and for not devoting sufficient resources to health care and other basic services such as education.

In Brazil the three levels of formal education are the responsibility of the government and the right of indigenous societies to a 'specific, intercultural and bilingual scholastic education' is constitutionally guaranteed and established in the 'Directives for a National Policy of Indigenous Scholastic Education'.

Indigenous education is currently provided to approximately 165,000 students in 2,332 schools. In 2008 the Brazilian Ministry of Education (MEC) announced the addition of some 400 new schools at a cost of nearly US \$8.5 million. This is expected to provide an additional 15,000 places and benefit 90 indigenous groups.

Twenty state and federal universities in Brazil reserve places for indigenous persons and, according to the MEC in 2008, there were nearly 5,000 indigenous university students, or approximately 1 per cent of the national university student body.

FUNAI also has an Education Department that

supports the training/development of teachers and technicians in a culture- and identity-preserving intercultural education programme. There is also a programme which supports indigenous students to continue their studies at urban-based schools.

In an effort to ensure cultural content in indigenous education, FUNAI has organized seminars and meetings between teachers and indigenous leaders, including the 3rd Meeting of Oral and Written Languages of Indigenous Societies, and the 2nd Seminar on Indigenous School Education.

Indigenous schools in Brazil differ from their mainstream counterparts by having more culturally related content. Classes may be given in more than one language and they are usually geared to the demands of each indigenous community.

For example, environmentally sensitive agriculture, or *agroecology*, is included in the village secondary school curricula of some municipalities. This is aimed at bolstering local production and drawing on the resources of traditional knowledge.

MEC also has a directorate of Education for Diversity and Citizenship that is responsible for

Raposa Serra do Sol

In December 2008 Brazil's Supreme Court voted to uphold President Lula da Silva's creation of the Raposa Serra do Sol reserve, along the Venezuela-Guyana border in the northern Brazilian state of Roraima.

The over 4 million acre territory encompassing about 42 per cent of Roraima State is the ancestral land of a combined total of 19,000 indigenous Ingaricó, Macuxi, Patamona, Taurepang and Wapichana. It will be one of the largest protected indigenous areas in the world. The territory was demarcated in 2005 following a 20-year plus battle that involved significant pressure from the Indigenous Council of Roraima and the UN Committee on the Elimination of Racial Discrimination.

However, the proposed area contains hundreds of cattle ranches and, as in other demarcated areas in Brazil, a tense, sometimes violent frontier conflict has smouldered between Euro-Brazilian farmers and the indigenous people since its initial proposal in 1993.

In early 2008 there were armed skirmishes with farmers using Molotov cocktails, blocking roads and burning bridges to hamper police eviction actions against them. Rice farmers who moved into the territory two decades ago petitioned the court to create non-indigenous 'islands' within the reserve so they could remain. However in an 8–11 vote, the judges decided in favour of restarting their eviction.

The court also ruled that the indigenous people could not stop the national government from sending military forces into the territory to protect the national borders, or from establishing hospitals, schools and other service delivery infrastructure. All the same, indigenous rights advocates hailed the court's action as historic with regard to the rights of Brazil's indigenous people to their original lands.

Sustainable Amazon Plan

In early May 2008 President Lula unveiled what was titled a 'Sustainable Amazon Plan', which will grant farmers US \$600 million in loans at 4 per cent annual interest (compared to the 11.75 per cent national rate) to adopt supposedly eco-friendly farming methods and encourage reforestation. However, the plan also aims to broaden access to electricity, expand ports and improve Amazon highways and river transport. All of these are intended to boost economic activity and will inevitably place

Right: A girl in the fourth grade class from the Afro-Honduran community of Bajamar Garífuna studying at the Francisco Marozan school. *Giacomo Pirozzi/Panos.*

greater strain on the environment and the Amazon people who have traditionally depended on fishing and hunting in the rainforest for their livelihood.

In an effort to raise global awareness, in January 2009 indigenous people and African descendants staged a display before the opening of the 2009 World Social Forum (WSF) in the northern city of Belém – the north-eastern gateway to the Amazon. The demonstration took the form of a human banner made up of more than 1,000 people, that could be seen and photographed from the air, and that spelled out 'SOS Amazon'.

In addition to indigenous groups from Brazil, other original peoples included indigenous representatives from neighbouring countries and African descendant Quilombolas from the African Brazilian 'maroon' communities created during the colonial era by Africans escaping enslavement.

The message was particularly designed to draw the attention of presidents of Amazon region countries (Bolivia, Brazil, Paraguay, Venezuela) to the issue of climate change and its effects on the indigenous peoples; most especially the immediate and long-term effects of projects such as the construction of hydro-electric power stations in Brazil that flood vast areas of Amazon rainforest and displace riverbank dwellers.

The unusual weather patterns at the end of 2008 and early 2009, which brought extreme temperatures and unprecedented drought conditions to Argentina, southern Brazil and Uruguay, also served to strengthen their message.

Belize

Transnational cooperation

Belize is the most culturally diverse nation in Central America and the approximately 300,000 person population considers itself to be both Caribbean and Central American. There are four main indigenous groups in Belize, namely the Kekchi Maya, Mopan, Yucatec, and the African descendant Garífuna (Garinagu), who retain their own language and indigenous African Carib culture.

One of the main constraints to indigenous self-realization in Belize has been the critical lack of trained indigenous Belizeans to participate in the



development of joint ventures and projects. This prompted the establishment of a centre to meet the specific training requirements of indigenous peoples.

Belize Indigenous Training Institute (BITI), which began operations in 2008, is a ground-breaking indigenous cooperative educational project that marks the first time that the country's indigenous peoples (Mayan and K'iche-Garífuna) have cooperated on a project as 'indigenous Belizeans'. It is also an example of the strong transnational nature of the indigenous rights movement in the Americas.

BITI is a unique alliance between the indigenous peoples of Belize and the Inuit of Canada, represented by the Inuit Circumpolar Conference (ICC) and Unaaq, an Inuit-owned firm. Over the course of two years the Inuit provided planning and facilitation services, and helped to implement a comprehensive project plan and communication strategy for BITI.

The experience in indigenous community-based practical training gained in the Arctic was used in the Belize education project. This included organizing consultation meetings in Maya and Garífuna village community centres and government offices

throughout Belize to obtain information on training needs and indigenous community priorities, and to demonstrate that the institute would rely on the communities for governance and direction.

BITI will deliver programmes in Kekchi, Mopan and Garífuna (African Indigenous) communities. This includes a range of services, among them the design and production of culturally appropriate training materials and the administration of local and remote training programmes and facilities.

Canada

Indigenous residential schools

According to the 2006 census, indigenous people represent about 4 per cent of Canada's 33 million population and constitute sizeable minorities in northern areas such as Yukon (25 per cent), Northwest Territories (50 per cent) and Nunavut (85 per cent).

Although Canada was one of the four nations that voted against adoption of the 2007 UN Declaration on the Rights of Indigenous Peoples, over several decades it has acquired the reputation of being in the forefront of demonstrating a strong and

practical commitment towards state recognition of indigenous rights in the Americas. During 2008 this commitment was extended also to officially addressing induced 'wrongs' in the area of indigenous education.

In June 2008 Canadian Prime Minister Stephen Harper issued a public apology to 80,000 First Nation residential school survivors. On behalf of all Canadians, he expressed strong regret for the psychological trauma and social damage the schools had done to individuals and to indigenous culture and heritage for over a century until 1996.

The prime minister admitted that the original objectives of the residential schools were based on an incorrect assumption that aboriginal cultures and spiritual beliefs were inferior and unequal. Moreover the institutions were inadequately controlled and had given rise to significant physical and sexual abuse and neglect.

Besides separating children from their cultures and traditions the process had disrupted community life and undermined the ability of many to adequately parent their own children. Furthermore, its effects had continued to negatively affect subsequent generations.

Indigenous leaders, including Phil Fontaine, National Chief of the Canadian Assembly of First Nations, and Clem Chartier, Metis National Council – themselves residential school survivors – as well as Mary Simon, president of Inuit Tapiriit Kanatam, were among those who responded from the floor of the parliament.

While stating that the memories of the years of racism and abuse were hard to forget, the leaders, along with the country's indigenous elders, said they respected what they considered to be a sincere apology and the commitment to reconciliation and building of a new relationship with Canada's indigenous Inuit, Metis (mixed indigenous-European) and First Nations.

The public apology followed an approximately US \$1.8 billion settlement (2006) between the federal government and former students. A Residential Schools Truth and Reconciliation Commission began holding hearings across the country in 2009.

Indigenous conditions

Despite the gesture, tensions between the government and indigenous groups continued in 2008 over other key issues such as land claims, autonomy,

treaty rights, revenue and taxation, and fishing and hunting limitations. Indigenous people remained under-represented in the workforce, over-represented in prison populations, and more vulnerable to suicide, poverty and police harassment compared to other groups.

Indigenous women are particularly affected. In a 2008 report Amnesty International highlighted the continuing high levels of discrimination and violence against indigenous women, including internal trafficking, and criticized officials for failing to put forward a functional national strategy.

In 2008 IP accounted for 18.5 per cent of the total Canadian federal prison population, with indigenous women especially accounting for 32 per cent of the inmates in female federal penitentiaries. A disproportionate number of IP prisoners were in maximum-security prisons and in isolation, and indigenous inmates spent longer periods in jail than non-indigenous prisoners.

Land claims

In 2008 the government continued the process of claim settlements and self-government negotiations with more than 350 First Nations communities. In February 2008 parliament voted into law the Nunavik Inuit Land Claims Agreement Act, which provides for the establishment of an Inuit-controlled regional government (accountable to Quebec's National Assembly) to administer the large region of Quebec north of the 55th parallel.

In June 2008 the federal government passed legislation implementing the Tsawwassen First Nation Final Agreement, which grants control over approximately 1,790 acres of coastal British Columbia to the Tsawwassen First Nation. This includes control over governance, tax policy, land management, fisheries, wildlife as well as culture and heritage.

Indigenous communications technologies and education

As a result of its immense geographical area, Canada is one of the pioneers in developing satellite communications technology. Canadian indigenous populations are now among the leaders in the use of information technologies (IT) for long-distance tele-health and tele-education service delivery.

In 2008 Canada's indigenous Kuhkenah Network (K-Net) enhanced its efforts to obtain transnational partners in the rest of the Americas who are inter-

ested in connecting underserved indigenous and African descendant populations through greater use of IT. K-Net is a programme of the Keewaytinook Okimakanak (KO), Tribal Council, and is directed by the chiefs of six indigenous communities. It began in 1994 as a simple electronic bulletin board (BBS) to fill the education gap created by the high student drop-out rate from the now officially discredited indigenous residential boarding schools. It has since grown into the world's largest indigenous broadband network and a global model for indigenous telecommunications and IT-based tele-education. Consisting of a terrestrial network with satellite links, K-Net connects about 70 Canadian indigenous communities and a number of non-indigenous locations to each other and to the world.

The indigenous communities – some reachable only by aircraft – coordinate with service agencies and universities to deliver Internet high school programmes, tele-health, tele-justice, and webcasts of education and training events to residents via K-Net.

The network provides Internet broadband services to homes and public sites (community centres and libraries). The online high school programme consists of general content for middle grades (9–10) as well as compulsory courses for grades 11 and 12. It also shares teachers among communities, allowing students to remain at home longer and maintain their cultural support system.

Other services include video conferencing, which allows health care providers at distant locations to listen to a patient's heart and breathing. This serves a crucial need as First Nations and Inuit tuberculosis rates nationwide were 29 and 90 times higher respectively than among the Canadian-born non-indigenous population.

Canadian indigenous communities that developed K-Net are strong supporters of the Indigenous Commission for Communications Technologies in the Americas (ICCTA), which was created by indigenous peoples of North, Central and South America following the 2003 Geneva World Summit on the Information Society. They have therefore been active in sharing their experiences with others.

At the 2008 World Indigenous People's Conference on Education (WIPC:E), Canadian indigenous rights activist Dr Marie Battiste criticized the idea of residential schools particularly for violating the cultural rights of members of the affected language communities. Indigenous peoples

in Canada have seen nearly 10 languages become extinct.

Ottawa-based ICCTA President Tony Belcourt has noted that simple indigenous communications technologies – educational information on digital discs or electronic indigenous language dictionaries – can greatly help in the preservation of indigenous language.

In October 2008 interested Brazilian delegates at a tele-health conference in Ottawa met with indigenous representatives via K-Net video conferencing and ICCTA has received a \$100,000 grant from the Canadian International Aid Agency (CIDA) to support its development.

Colombia Education policy

African Colombians and indigenous peoples together constitute a sizeable minority of Colombia's nearly 44 million total population. Approximately 27 per cent of Colombia's population self-identifies as African Colombian and 2 per cent as indigenous.

Article 67 of Colombia's Constitution (1991) deviates from inter-American and international treaty obligations regarding the right to universal free primary education, by requiring payment by those who can afford to pay. This has a direct negative impact on Colombia's African descendant and indigenous populations. Being unable to afford matriculation fees and the costs of uniforms, school supplies and transportation, they are the least educated in the country. In 2008 they continued to make up a disproportionate number of the poorest of the poor.

In a country where the (former) UN Commission on Human Rights once noted that the wealthiest 10 per cent is responsible for 46.9 per cent of all consumer spending, nearly half of Colombia's total population lives below the poverty line. Fully 80 per cent of African Colombians live in extreme poverty.

African Colombians annually earn the equivalent of US \$500 per person compared to the average non-African Colombian annual income of US \$1,900. The majority of African Colombians are rural subsistence farmers and live in the Choco, the region of Colombia with the absolute lowest levels of health and education service delivery. Most indigenous people live in territorial entities or reservations which are defined as autonomous units in the Colombian Constitution, but their administrative integration has not yet been achieved.

Colombia's national education policies also limit the control the government can exercise in ensuring the quality of schools and teachers that serve these populations. This has led to the mushrooming of so-called 'garage schools' – poor-quality fee-charging private schools which generally lack quality teachers, curricula, learning materials or adequate infrastructure. Often such schools are all that is within the economic reach of African descendant and indigenous populations.

In 2008 African Colombian and indigenous populations had an illiteracy rate of 33 per cent and 31 per cent respectively – nearly three times that of the rest of the population.

Seventy-two per cent of Colombia's indigenous people and 87 per cent of African Colombians over 18 years of age have not completed primary education. At the postgraduate levels, less than 1 per cent (0.71) of enrolled students are indigenous and just 7.07 per cent are African Colombian.

Apart from issues related to adequate access, there were ongoing concerns over education content. In a December 2008 report the Observatory on Racial Discrimination pointed out that, although the Colombian government has adopted measures to implement ethno-education policies and guarantee the right to cultural diversity in education, so far this is limited to hiring teachers with ethno-education training.

There are no institutional measures allowing for the implementation of ethno-education and, in a country where the myth of egalitarian social relations between ethno-racial groups (social democracy) is deeply rooted, the state is yet to adopt measures to eradicate racist stereotypes that persist in the general education system. There are still no tools to educate against racism or promote values of acceptance, tolerance, diversity and respect for indigenous and African descendant cultures. Consequently long-standing practices of racial discrimination remain an integral part of the social, economic and educational structure.

Endless conflict

Despite negotiated ceasefire agreements, violence and territorial dispossession in Colombia continued during 2008.

The long-running internal conflict has killed hundreds of thousands and displaced nearly 3 million people.

Some paramilitaries have refused to demobilize and others have returned to violence, including selected and systematic threats and killings of leaders and rights advocates, and illegal usurpation of community lands.

In 1993, under Federal Law 40, African Colombian communities were granted legal right to over 15 million acres of land (nearly 5 per cent of Colombia's territory). Much of it is now greatly desired by expansionists making all rural ADP a targeted population. Among African Colombians, the probability of being displaced is 84 per cent higher than for the majority *mestizo* population and African Colombians now represent 30 per cent of all Colombia's IDPs.

The Inter-American Commission on Human Rights has noted that forced displacement has become a 'tool of dispossession' aimed at acquiring land for the benefit of large landowners, narco-traffickers, and private enterprise initiatives.

In 2008, female African Colombian Senator and rights campaigner Piedad Córdoba, who campaigned strongly for Law 40 and was herself once taken hostage, continued to play mediating role, helping broker the release of hostages and to advocate for a commitment by all factions involved to develop a political settlement.

War and education

The conflict continues to have a devastatingly disproportional effect on minorities and is another factor seriously hampering ADP and IP access to quality education. African Colombian and indigenous peoples have been forced into extreme poverty and driven into displaced person camps, and are now part of the highest number of internally displaced persons (IDP) in any country in the Western Hemisphere. The Colombian NGO Consultancy for Human Rights and Displacement (CODHES) estimated that during the first six months of 2008 alone, 270,675 persons were displaced – a 41 per cent increase compared to 2007.

Although collectively constituting under 30 per cent of Colombia's total population, African Colombians and indigenous people together make up 46 per cent of all IDPs. Significantly, indigenous people, who make up just 2 per cent of the national total, account for 16 per cent of all IDPs.

The government Social Solidarity Network found that housing quality, sanitation access, education

levels and employment levels of IDPs are always lower than for poor people who are not displaced. Half of all displaced persons live in shantytown homes made of cloth, cardboard or wood scraps. Education is both economically and physically difficult.

Indigenous and African descendant children's schooling is disrupted or permanently abandoned by displacement. In addition, paramilitary groups enter low-income areas and refugee camps with cash offers and/or threats with the aim of recruiting children.

Minors are forced to drop out of school and thereafter fighting becomes their principal 'educational' experience. Minors now make up at least 15 per cent of paramilitary group members and in some areas as many as 50 per cent.

Dominican Republic

The situation affecting the Haitian minority in the Dominican Republic (DR) is a notable example of how ethnicity, colour, history and economics interact to disadvantage indigenous and African descendant populations in the Americas, including with respect to their right to education.

An estimated 70 per cent of the 9.5 million population of the DR is of mixed African descent and define themselves as 'Hispanics' while identifying Haitians as 'blacks'.

In 2008 local NGOs continued to report on discrimination against people with dark skin, including being denied birth registration in hospitals, enrolment in private schools and right of access to some public places.

Despite a November 2007 report by the UN Special Rapporteur against racism and the Independent Expert on Minority Issues, as of early 2009 there was still no official effort to recognize the existence of anti-black racism and discrimination in the DR, or to adopt a national action plan to address the problem, especially given its effects on citizenship rights, including education.

The Dominican Constitution recognizes all people born in the territory as Dominican citizens, except children born to diplomats or those 'in transit'. This means that hundreds of thousands of Dominican-born people of Haitian descent, who are the product of a century-long history of substantial economic migration between the DR and Haiti, legally qualify to be registered as citizens.

In 2008, however, DR government policies con-

tinued to marginalize and cast Haitian-Dominicans as irregular or illegal immigrants, and to regularly use the 'in transit' clause to deny national registration to Dominican-born children whose parents are of Haitian descent.

This occurs even though Haitian-born parents and grandparents may have resided in the country for decades, and even when the child may be as much as third-generation Haitian-Dominican, with grandparents who were also born and raised in the DR.

For their part, Haitian consulates indicated they were legally authorized to register only those births declared within the child's first year. Parents are required to submit valid identification forms to support the claim, but many persons of Haitian descent in the DR lack any documents. Consequently, in 2008 an estimated 600,000 to 1 million Dominican-born persons of Haitian descent remained not just merely undocumented but functionally stateless and destined to a life of marginalization and uncertainty.

They face difficulties when travelling within as well as outside of the DR, and cannot obtain national identification cards (*cedula*) or passports. Persons without a *cedula* have limited access to formal sector jobs, higher education, marriage and birth registration, or financial services such as banks and loans. They especially have no access to courts and judicial procedures, cannot own land or property, and cannot vote.

In 2008 the largely undocumented Haitian-Dominican population continued to live with a 70 per cent poverty rate and in perpetual fear of ethnically motivated assault, arrest and forced expatriation. This makes them particularly vulnerable to sub-minimum wage exploitation by employers and prone to attacks by anti-Haitian mobs.

In a May 2008 document, the Jesuit Service for Refugees and Migrants (SJRM) in Santo Domingo reported that as many as 62.5 per cent of Haitian construction workers receive no overtime pay, even though 21.4 per cent of them work between 9 and 11 hours per day and 38 per cent work seven days a week.

In October 2008 a mob in the town of Neiba killed two Haitians and injured 12 in reprisal for the alleged killing of a Dominican national by a Haitian, and migrant rights defenders remain at risk.

As a result of their uncertain status, some Haitian immigrants continue to live in shantytowns or work

camps known as 'bateyes', with limited or no utilities and inadequate schooling. Despite the conditions, for some undocumented residents *bateyes* may have come to represent relatively safe retreats.

These *bateye* communities have virtually no access to primary education. This also eliminates all chances of secondary and higher education. Available schools are deficient in infrastructure, poorly equipped and staffed by minimally trained voluntary instructors. Students are very often under-nourished and unable to afford basic clothing.

A survey conducted by the NGO Health Justice Collaborative in 28 Haitian settlements in the DR found that the average illiteracy rate was 35 per cent and in some cases as high as 64 per cent; the overall national illiteracy rate is 13 per cent. In one Haitian settlement near the Dominican-Haitian border, the survey found that 48 per cent of the adult residents over 15 years of age could not read in Spanish.

Over the past five years the process for registering births in the DR has been structured to make it almost impossible for Haitian-Dominicans to obtain the identification cards needed for attaining citizenship, and/or access to services such as education. More information on this can be found online in MRG's *World Directory of Minorities and Indigenous Peoples*.

Documentation and education

Besides the issue of nationality, these policies have an immediate effect on children's education, with long-term consequences.

The Dominican Constitution guarantees the right to free and compulsory primary and secondary education to all those legally within its borders; since Dominican children of Haitian descent do not receive proper birth certificates or the identification cards needed for school enrolment, this effectively excludes them from obtaining education and restricts further opportunity.

Moreover, although previous DR administrations had allowed undocumented Haitian descendants educational access through to eighth grade, following an IACHR ruling the Secretary of Education limited access to just primary schooling (fourth grade) and made enrolment the discretionary responsibility of local and regional education administrators.

The result is that some Dominican-born children of Haitian descent have been expelled from school

and in 2008 tens of thousands of black children continue to be denied initial enrolment and their right to an education; even more so if their parents lack legal documentation.

Guatemala

Colonially derived social and economic relationships have remained particularly deeply entrenched in Guatemala. Despite attempts at reconciliation at the end of the civil war, in 2008 these historical patterns continued to affect access to education for indigenous and African descendant populations. The departments in Guatemala with the highest concentration of indigenous and African descendants have the highest poverty indicators and the lowest levels of educational achievement.

The almost 12.5 million Guatemalan population is particularly diverse. Indigenous Mayan and African descendant peoples together comprise over 40 per cent according to the 2001 census, although over half the population has some Mayan ancestry. The Mayan population is made up of at least 21 sub-ethnic groups, each with their own distinct language. African descendants consist of Atlantic Coast Garifuna and African Caribbean Creoles, and rural ethnically assimilated African mestizos.

Sixty-five per cent of the Guatemala population is rural and three-quarters of the indigenous population live in the rural departments. Basic service delivery is poor.

Income distribution in the country is particularly unequal: 20 per cent control two-thirds of the country's wealth, with the topmost 10 per cent dominating fully 50 per cent. This leaves 80 per cent of the population to get by on about 35 per cent of the national wealth. According to a 2006 study by the Universidad de San Carlos de Guatemala, 86 per cent of Guatemala's indigenous population lives below the poverty line.

Legal framework

The Guatemalan Constitution guarantees the right to free compulsory primary education to all without discrimination. The National Education Law also recognizes bilingual education as being important for strengthening indigenous Mayan communities.

Moreover, in the 1996 Peace Accords that followed the protracted civil war, the government agreed to improve indigenous education through scholarships, literacy projects and increased spend-

ing on indigenous-focused programmes, including rural bilingualism and the creation of a Mayan university.

However, one huge impediment to indigenous and minority access to quality better education is the country's low level of social investment. In 2007 Guatemala spent just 1.8 per cent of its GDP (US \$611 million) on education – well below the Latin American and Caribbean average of 4.7 per cent, as well as the UNESCO-recommended 6 per cent of GDP.

This policy helps to preserve the highly unequal socio-economic structure and weighs most heavily on indigenous populations. It also guarantees the continuation of their historical socio-economic exclusion, including the denial of their educational rights.

Minimal social investment rates, coupled with Guatemala's largely rural demography and the historical marginalization of ethnically diverse populations, have helped to produce among the lowest literacy and education levels in all of the Americas – and these levels are lower among indigenous and African descendant populations.

In urban areas, 91 per cent of non-indigenous males are literate versus 75 per cent of the indigenous males; 86 per cent of urban non-indigenous females are literate, compared to just 55 per cent of urban indigenous women.

However the largest percentage of the indigenous population lives in the rural departments, where 42 per cent of indigenous males cannot read or write, compared to 30 per cent for the rest of the rural male population. Among women, 65 per cent of indigenous women in the rural areas lack literacy skills, compared to 38 per cent of non-indigenous women.

Low government expenditure means there are not enough schools to serve the country's student population. In 2006, Guatemala had 14,207 primary schools for 2,116,385 primary level students. Eighty-five per cent of schools have inadequate space, classrooms and services such as electricity, drinking water and sanitation. Classes are overcrowded, with high student/teacher ratios (31:1). Significantly more than half (7,832) of all schools are in departments with substantial indigenous populations.

Given the low income levels in rural indigenous communities, a lack of financial resources means

that indigenous children are less likely to be enrolled in school and more likely to be over-age if they do enrol.

According to the Guatemalan Ministry of Education (MINED), the highest concentration (64 per cent) of school-aged children (7–12) who are not enrolled live in the rural mainly indigenous regions of Alta Verapaz, Huehuetenango and Quiché.

Once in school, indigenous children are also more likely to repeat grades and drop out without attaining literacy or completing primary school. In 2005, 25 per cent of all enrolled students in Guatemala repeated first grade. This increases the chances of non-completion. Most drop-outs occur between the fifth and sixth grades. According to a 2008 World Bank study, over 45 per cent of children enrolled in grade 5 in 2005 did not return the next year.

Consequently, only 33 per cent of all students in Guatemala aged 13 to 15 were enrolled in lower secondary school (grades 7 through 9), and indigenous people as a whole end up with half the number of years of schooling of non-indigenous people.

There is also a problem with teacher quality: there is a chronic shortage of teachers and it is difficult to attract new staff. Guatemala's teachers are trained only up to secondary level (grades 10–12); those who teach indigenous children have even less experience and education.

Pay scales are linked to years of service so once teachers reach the highest pay grade they often retire to work as independent contractors or in the private sector.

Language

The failure of the state to take account of the language barrier faced by many indigenous students is also a major factor. Twenty-seven per cent of indigenous Guatemalans speak no Spanish, and there are 23 distinct indigenous languages officially recognized by the state including those used by African descendant populations (Garifuna). Forty per cent of the population speaks one of the 20 Mayan languages and the majority (75 per cent) of these are rural dwellers.

The lack of adequate bilingual schools is another deterrent to enrolment. In 2005, of the 7,832 schools in departments with significant indigenous Maya populations only 1,869 provided bilingual education.

Furthermore the bilingual education that is provided does not necessarily translate into skills that enable graduates to progress socially and economically. About half of employed indigenous people work in agriculture, but the education programme is not adapted to the unique needs of the rural farming population.

A 2003 study undertaken by the Guatemalan General Directorate of Bilingual Intercultural Education reported that 58 per cent of bilingual education graduates still worked in the poorly paid agriculture sector. With little to gain through staying in school, indigenous people often choose to remain close to their traditional values.

In the year 2000, indigenous children were most commonly employed in household work or elsewhere (approximately 23 per cent and 28 per cent, respectively). In comparison, only 16 per cent of non-indigenous children work.

Traditional values are passed on orally; often they are at odds with the nationally endorsed Western value system. According to a UNESCO, five out of the eight Mayan communities studied perceived a conflict between formal education and traditional oral teaching.

With indigenous science and philosophical principles not being valued in the curriculum and remaining in school being of limited economic value, drop-outs and non-completion continue and the education rates among the indigenous population will almost certainly remain low in 2009.

Flooding

During 2008 Guatemala experienced an intense rainy season. By December 180,000 people were affected and there were government appeals to donors for assistance.

Torrential rains destroyed 67,000 hectares of land; underground water sources were contaminated; and serious damage was inflicted on infrastructure. The weather seriously affected the mainly indigenous rural departments of Alta Verapaz, El Peten, Izabal and Quiche, causing some 27 municipalities in these departments to come under a state of emergency.

The affected area is the principal producer of the country's staples: corn, rice and beans. According to the Ministry of Agriculture, more than 65 per cent of the crop was damaged by flooding in May 2008 and Tropical Depression No. 16, destroyed more

than 80 per cent of the second crop. The affected indigenous populations are likely to experience a food shortfall, hunger and rising prices in 2009, further jeopardizing education activity.

Nicaragua

During 2008 efforts increased to end the statistical invisibility of minority populations in Nicaragua as an essential step towards achieving their basic human rights, and especially their right to education. This involved a programme to document some 250,000 indigenous children and adolescents who did not figure in national demographic data. Among other rights restrictions, public schools would not accept them without birth documents.

The initiative is the fruit of a five-year effort by human rights groups and universities on the Caribbean Coast of Nicaragua who became concerned that around 500,000 youngsters in indigenous communities in the North Atlantic Autonomous Region (RAAN) and the South Atlantic Autonomous Region (RAAS) had no birth certificates.

According to their research, nearly 40 per cent of all children in Nicaragua are unregistered. In the indigenous areas on the Caribbean Coast, and in central and northern Nicaragua, researchers found communities where none of the children and adolescents had ever been inscribed in the civil register. Many parents also lacked documents, requiring that the entire community become involved in helping relatives to remember information.

During the past four and a half years, the mission has inscribed 97,000 out of 100,000 children and teenagers in the RAAN, and in 2008 these efforts expanded to the RAAS, and the nearby province of Nueva Guinea, where the goal is to register a total of 150,000 minors. At the end of the first stage in late August 2008 several municipalities in the RAAS had already been declared free of unregistered children.

The socially complex process of on-site data collection, registration and issuing of birth certificates was carried out by the Centre for Human, Civil and Autonomous Rights (CEDEHCA) as part of the 'Right to a Name and Nationality' programme supported by Save the Children, Plan International, UNICEF, Nicaragua's Supreme Electoral Council (CSE) and regional and municipal authorities.

Low registration rates are linked to the extreme poverty affecting the country's indigenous people.

Parents find it difficult to take time off from their subsistence fishing and farming activities and leave often-remote villages to register their children.

According to the University of the Autonomous Regions of Nicaragua's Caribbean Coast, indigenous people make up 8.6 per cent of the country's 5.4 million people, with Garífuna, Mayangna, Miskito, and Rama ethnic groups of the Autonomous Atlantic coastal region representing 5.3 per cent of the national total.

In addition to enabling greater access to health care and education, registration would also help to guarantee the political autonomy rights of the indigenous peoples of the region.

The Autonomous Caribbean Coast region is one of the poorest and most neglected parts of the country. There are almost no paved roads and communities are widely dispersed. For some, it was a five-day river journey to a child registration point.

The programme has already had an impact, helping to expand voter lists in some RAAN municipalities by as much as 33 to 45 per cent, as well as providing data that will help prevent people trafficking.

United States

Presidential elections

The size, complexity and global influence of the United States make it unique in the Americas. The population profile includes African descendants, indigenous peoples and minorities from within the country and the rest of the Americas, as well as from around the world.

In November 2008, Democratic senator Barack Hussein Obama, an African American (partly of Kenyan heritage) became the first person from a minority to be elected president. Media estimates are that about 20 per cent (5.8 million) more ethnic minorities voted in the November 2008 election compared to 2004. Obama received 96 per cent of the African American vote, 67 per cent of the Latino/Hispanic vote and 63 per cent of the Asian American vote. The ethnic minority voters overwhelmingly favoured the campaign's focus on social and economic issues: access to employment, health and quality education.

Obama graduated from Harvard Law School and worked as a grassroots community organizer before becoming a senator. He provides strong evidence for the role access to good-quality education can play in promoting change and helping minorities achieve

political, economic and other human rights.

In March 2009 the new president unveiled a comprehensive education reform plan at the US Hispanic Chamber of Commerce, stressing the need to reach those who have been historically excluded. The plan includes investing in early childhood education; encouraging better standards; recruiting, training and rewarding good teachers; and promoting excellence.

US educators in recent years have been increasingly concerned about the apparent decline of the US education system. The country has fallen from second to eleventh place globally in the portion of students completing college, and this situation has disproportionately affected African American, Native Americans and Hispanic Latino Americans. Inner-city schools, which generally have large minority populations, have drop-out rates of over 50 per cent.

The 2000 US census found that 27.7 per cent of African Americans had less than high school education, and only 14 per cent had an undergraduate or higher degree, compared with 19.6 and 24 per cent, respectively, of the total US population. Moreover, in 2007 more than 9 per cent of all black adults were incarcerated or on probation or parole, as opposed to about 4 per cent of Hispanics and 2 per cent of Euro-Americans.

In February 2009 the US College Board reported that African-Americans are notably under-represented in the Advance Placement (AP) programme, which offers students college-level courses and exams while still in high school, thereby enabling them to receive college credits acceptable at many universities.

While 14 per cent of last year's 3 million high school graduates were African American, African Americans represented only 8 per cent of the 460,000 taking AP exams, and just 4 per cent of those who passed. Hispanics, at 15 per cent of all graduates, were proportionally represented in the AP exams.

Asian students made up 10 per cent of all those who took AP exams, despite being just 5 per cent of the overall US high school graduating population. However, a March 2008 report prepared by New York University, the US College Board and a commission of mostly Asian-American educators and community leaders, challenged the stereotype of the high-achieving Asian-Pacific American student.

The report stresses that the test scores of Asian

Americans tend to match the income and educational level of their parents, and that there are real educational disparities within this very diverse population group.

AP credits are seen as being particularly useful for minority families with limited budgets, since they can cut college time by an average of two years (approx. \$18,000) and also introduce students early to college-level disciplines.

Historically Black Colleges and Universities (HBCUs)

The majority of African American college students (76 per cent) now attend standard universities, but some choose to attend one of the 103 so-called Historically Black Colleges and Universities (HBCUs), which are a legacy of the pre-civil rights era.

HBCUs, which constitute only 3 per cent of America's 4,084 higher learning institutions, enrol 14 per cent of all African American students and play a valuable role in providing a culturally supportive environment. In 2008 the all-female Spelman College had 6,000 applicants for the 525 places offered.

A majority of students at black colleges come from low- or middle-income families, and nearly 98 per cent require loans and scholarships, which became much less accessible between 2007 and 2008, in some cases causing nearly 10 per cent of the students to drop out before completion.

In the government's reform plan, HBCUs will have access to more than \$800 million for infrastructure projects on HBCU campuses, and \$500 million for technological and federal grants for students from low-income families.

Latinos

Latinos are the fastest-growing minority group in the country, having increased more than 60 per cent since 1990; they now form 4.5 per cent of the total US population and are the second largest minority in the US.

Many Latino immigrants to the US are of mixed (*mestizo*) or indigenous descent. In 2000, about 59.3 per cent of Latinos were Mexican Americans with the rest being from Central and South America. The number of Mexican migrants to the United States over the past 28 years is 26 million.

In 2008, Latinos in the USA continued to suffer high levels of poverty, ill-health, discrimination,

arrest and incarceration, and low-quality education. One in five lives below the poverty line, and one in three has no health insurance coverage. More than twice as many young Latino men are in prison as young white men.

According to a study released in February 2009 by the Pew Research Center, Latino convicts also now represent the largest ethnic population in the federal prison system, accounting for 40 per cent of those convicted of federal crimes. Nearly 48 per cent were convicted of immigration crimes, with drug offences being the second most prevalent charge.

According to figures from the US Department of Justice, the United States has the highest incarceration rate and the biggest prison population of any country in the world in recorded history. The Pew Center study found that in 2008 state spending on prisons had increased 300 per cent over the last 20 years. Critics say that the privatization of the US penal system has contributed to the sharply increased rates of incarceration and has encouraged corrupt practices, such as bribes to judges to help fill the institutions. In February 2009 two judges in the state of Pennsylvania pleaded guilty to accepting more than \$2.6 million from a private youth detention centre in return for handing out long sentences to youths and teenagers.

Educators have compared the costs of incarceration to education, arguing that the money would be much better spent on early education programmes for at-risk minorities. Children in these programmes are less likely to drop out and much more likely to graduate from high school, attend college and earn more in their jobs.

The average tuition cost for a full-time student at a public four-year institution of higher learning in the US is about \$9,000 a year, while incarcerating one inmate for a year costs \$29,000, with no obvious positive multiplier effect.

Native Americans

Indigenous Native Americans remain the most educationally disadvantaged of all minorities in their country: they continue to have the lowest high school and university graduation rates of all groups in the country.

Most Native American children attend public schools. Programmes such as bicultural education and Native-run schools established under the Indian Education Act of the early 1970s have improved the

situation, but only marginally – in part because of a shortage of qualified Native American teachers.

Alaska Natives who were concerned about the disappearance of their languages have begun to organize their own schools. However, they receive little financial support and serve only a small minority of the students interested in attending such schools. Consequently, parents were left with no choice but to send their children to English-speaking public schools designed for Euro-American children.

Representatives of the Alaska Federation of Natives and the Indigenous Youth have indicated that many Alaska Native peoples are adversely affected by government policies that call for English-language proficiency. Indigenous languages are mostly ignored or are taught as foreign languages. Such policies have helped to sever the ties between indigenous youth and their ancestors, and have been especially detrimental to people's confidence.

Indigenous law

In January 2008 the first female Native American US attorney was formally sworn into office. Diane J. Humetewa of the Hopi nation, who was previously a tribal liaison officer, also sits on the Native American Issues Subcommittee. This is composed of US attorneys who have jurisdiction in Native American territories, and who are responsible for informing the Attorney General about indigenous issues.

For the Navajo Nation, a key legal concern is the continued unwillingness of businesses and the United States government to acknowledge the validity of Navajo judicial system which that nation's Council has institutionalized in its government structures since 2002. The system, which takes into account Navajo values and culture, is the basis of the group's common law and has influenced the very structure of Navajo government.

Navajo concerns about proper recognition of customary law indicate the importance indigenous peoples of the Americas place on ensuring that such specifics are adequately reflected in the final draft of the American Declaration on the Rights of Indigenous Peoples.

Meanwhile, in a gesture of support and solidarity with indigenous people in the rest of the Americas and worldwide, in 2008 the Gila River Indian Community Council passed a resolution ratifying the UN Declaration on the Rights of Indigenous Peoples.

The Gila are the first federally recognized tribal nation within the United States to support the UN Declaration of September 2007, and leaders indicated that their actions were intended to affirm their own inherent right to self-determination as well as to demonstrate transnational solidarity with Ak-Chin, Pee-Posh, Salt River, Thono O'otham and other ethnically related indigenous groups who live on the Mexican side of the border with the United States. ■



Asia

Snježana Bokulić, Emma Eastwood
and Farah Mihlar

Central Asia

Snježana Bokulić

Authoritarianism continued to characterize the political domain in most Central Asian states placing serious limitations on minorities' ability to exercise their rights. In 2008 further restrictions have been placed on freedom of religion in several states. Kazakhstan and Kyrgyzstan adopted restrictive laws on religion, while a draft law has been under consideration in Tajikistan. Complaints of limited political participation of minorities and scarce representation in the public sphere have been voiced across the board, although in some countries members of minority communities serve as members of parliament. Moreover, the use of Russian language in the public sector has seen further restrictions in practice as governments strive to strengthen the use of non-Russian language, giving rise to allegations by minorities of discrimination.

Kazakhstan

In November, the Kazakh parliament approved amendments which tightened the already restrictive law on religion. International and local human rights groups argue that the new legislation is not compatible with the international conventions Kazakhstan has signed, undermining Kazakhstan's credibility as it readies itself to take over the chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2010. The changes mean that, for the first time, faith 'associations' – defined as formal groups with over 50 members – are legally bound to register with the authorities and banned from operating if they fail to do so. Groups which have already registered will need to re-submit their documents. President Nazarbayev publicly criticized foreign missionaries and minority religious groups in a public speech, saying they pose a 'threat' to society. Before signing the law, the president can send the law to the Constitutional Council for review.

A solution to the problem of minority underrepresentation in the parliament was attempted by the adoption of the Law on the Assembly of the People of Kazakhstan in October 2008. The law provided for nine reserved seats for minorities. This positive initiative was however compromised by the essentially undemocratic and non-transparent way in which the MPs were elected. The arrangement has been criticized by the OSCE Office for Democratic

Right: An Uzbek boy walks along the train tracks that pass through Karasu, Kyrgyzstan, a town that was divided between Uzbekistan and Kyrgyzstan when the former Soviet Republics became independent nations. *Carolyn Drake/Panos.*

Institutions and Human Rights and the OSCE High Commissioner on National Minorities.

The government is reported to have continued to discriminate in favour of ethnic Kazakhs in senior government employment, although the number of non-Kazakhs in ministerial positions increased. According to a survey, 23.7 per cent of minorities reported that they experienced ethnic prejudice and hostility; 14.4 per cent experienced insult and humiliation, while 11.8 per cent were discriminated against in employment or dismissed from jobs.

The government's public expressions of support for religious tolerance and diversity were not matched in practice. Although Russian language enjoys equality with Kazakh in official use, the effective switch to the exclusive use of Kazakh has in effect curtailed the right to participation in the public sphere of non-Kazakh-speakers. Moreover, the number of Russian-language schools is reported to have decreased.

The Kazakh authorities have been promoting the return of ethnic Kazakhs from a number of countries, including Afghanistan, China, Iran, Mongolia, Pakistan and Turkey. The integration of the returnees is hampered by societal prejudice, the lack of jobs and housing, as well as cultural barriers. Communication is rendered difficult by the fact that Russian rather than Kazakh is in widespread use. Even the written Kazakh language is inaccessible to returnees since it uses the Cyrillic script, while some Kazakhs living in other countries still use the old Arabic alphabet. In order to provide accommodation for the returnees, the government announced a plan to create townships in the vicinity of major cities, together with some kind of industry or other economic activity to provide a ready-made source of jobs. Critics say that this will create ghettos, which will make it even harder for Kazakhs to integrate. Some returnees have gone back to their home countries after finding they were worse off than before.

Kyrgyzstan

The Kyrgyz parliament adopted a new law on religion which caused much controversy. Observers



claim that the law is excessively restrictive and is designed to target the missionary groups of Protestant Christians and adherents of the more radical forms of Islam.

Religion remains a contentious issue in this predominantly Muslim republic as secular government remains fearful of Islamic extremism. The government crackdown on Hizb-ut-Tahrir, a radical Islamic movement, escalated in the southern town of Nookat on 1 October when a demonstration against the town council's refusal to arrange a celebration of the Muslim holiday of Eid-al-Fitr turned violent. The demonstration was dispersed by riot squads, followed by a large number of detentions resulting in the convictions of 32 people for offences ranging from incitement to cause mass unrest and overthrow the authorities, to instigation of ethnic or religious strife.

Strict limitations on public display of Muslim faith have a particular gender dimension in education. Although headscarves are not explicitly banned and in the past schools tolerated them, in 2008 many schools began insisting that scarves were not

part of the prescribed uniform and warning that anyone who broke the rules would be excluded. This followed the issuing of a set of instructions by the Kyrgyz education ministry to enforce the school uniform rules. Girls and their families in southern Kyrgyzstan, where a large percentage of the population are ethnic Uzbeks, are faced with the difficult choice of removing the headscarves or giving up on school. Local authorities appear to be acting on ministry recommendations and exerting pressure on schools to change their internal rules. The Kyrgyz human rights ombudsperson and human rights activists have condemned the headscarf ban as a gross violation of human rights.

Furthermore, in the south, there is increasing conflict over the use of the Uzbek language in the media. In the region, the Uzbek language – of Turkic origin like Kyrgyz – is widely spoken by a community estimated at between 600,000 and 1.2 million. To serve its needs, several independent local TV stations broadcast part of the time in Uzbek. Kyrgyz authorities accused two of them – Osh TV and Mezon TV – of breaking the law stipulat-

ing that 50 per cent of broadcasting should be in Kyrgyz. The two companies claim the case against them is politically inspired, amounting to orchestrated pressure on the Uzbek minority at election time. One reason the two stations focused on ethnic Uzbek issues in particular, they say, was that the national broadcasters generally ignored the minority.

Tajikistan

In Tajikistan, a restrictive draft law on religion that would allow authorities to exert significant control over Islam and place Christian beliefs outside the legal framework, has been under consideration. It would require religious organizations to re-register or lose legal status. The deliberations on the new law took place in the light of the ban on Jehovah's Witnesses, who were prohibited from operating in Tajikistan. A military court in Dushanbe ruled that the group had acted illegally by importing religious literature and that this was the latest in a series of offences, warranting an official ban.

Unlike the other Central Asian states, in Tajikistan the hijab ban is official. As a result, many girls have dropped out of school in the Garm valley of eastern Tajikistan, where Islam has traditionally had a strong hold.

In the Spitamén and Ghonchi districts, where Tajik citizens constitute a minority, more than 1,000 residents have been told they must decide whether they want to be Tajik or Uzbek nationals, and that if they choose the latter, they may have to leave. Ethnic Uzbeks and Tajiks live on both sides of the border, following an exchange of territory between the two republics more than half a century ago.

Turkmenistan

Both registered and unregistered minority religious communities experienced difficulty in obtaining places of worship. Occasional threats and harassment by government agents continued.

Several minority groups tried to register as NGOs to have legal status to conduct cultural events, however no minority groups succeeded in registering.

Non-Turkmen speakers complained that some avenues for promotion and job advancement were closed to them and only a handful of non-Turkmen occupied high-level jobs in government ministries.

The Uzbeks are the country's second largest ethnic group after the Turkmen, numbering some 300,000 to 400,000 out of a total population of

5.2 million and concentrated in the Dashoguz and Lebap regions, along the eastern border with Uzbekistan. Ethnic Uzbeks refused to take part in the December parliamentary elections because all the candidates were ethnic Turkmen, disappointing hopes that at least some members of parliament would have represented Uzbek interests. Analysts say ethnicity is one of the criteria the authorities have used to vet prospective candidates. The government of Turkmenistan said 90 per cent of eligible voters had participated in the elections.

On a visit to the country, the OSCE High Commissioner on National Minorities, Ambassador Knut Vollebaek met with President Gurbanguly Berdymukhammedov to discuss national minority issues and express support for the country's efforts to modernize its education system.

Uzbekistan

While Uzbeks make up more than three-quarters of the population, there are 115 ethnic minorities, according to government data. The number of Russians, Ukrainians and Jews continues to fall as many decide to leave; no precise government statistics are available, however. The last official census was conducted by Soviet authorities in 1989.

Government and laws continued to restrict religious activity, especially for unregistered groups. The registration criteria are burdensome and strict, which allows the government to cite technical grounds for denying registration petitions. Consequently, numerous small Protestant churches remain unregistered and face the threat of prosecution since any religious service conducted by an unregistered religious organization is illegal. The number of known cases of arrest, detention, or conviction based on alleged membership in religious extremist organizations appeared to decline, however. Moreover, the government is continuing to restrict the numbers of *hajj* pilgrims to 5,000, though the number of people who could potentially go is about fivefold.

While the society remained generally tolerant of traditional religions such as Islam, Judaism, Roman Catholicism and Russian Orthodox, minority religious groups, especially churches with ethnic Uzbek converts, encountered difficulties and social prejudice. Ethnic Russians and other minorities frequently complained about limited job opportunities. There has been growing concern among the Kazakh

minority that a failure to register as an ethnic Uzbek will force them to migrate to Kazakhstan.

South Asia

Farah Mihar

Elections throughout South Asia in 2008 offered prospects for significant change and greater democratization benefiting all communities in the region. In Bangladesh and Pakistan, elections saw an end to years of military rule. In three South Asian countries elections brought about historic changes: in Nepal and Bhutan concretizing the shift to parliamentary democracy, and in Maldives an end to the 30-year rule of President M. Abdul Gayoom.

Despite these very significant shifts in South Asian countries, the situation for ethnic and religious minorities in the region remained a concern. In Pakistan and Afghanistan the security situation worsened, giving rise to increased human rights and minority rights violations. Major restrictions on freedom of religion remain in Maldives. In 2008 the country's Constitution was changed making Islam the official religion of the state and preventing non-Muslims from becoming Maldivian citizens.

In Sri Lanka the situation for ethnic Tamils in the north of the country was dire at the time of writing. Problems in Sri Lanka spilled over, affecting India's 65 million minority Tamil population. In the early part of 2009 riot police had to be called in to quell protesters who were rioting in several towns in India's southern state of Tamil Nadu over the conflict in Sri Lanka. Several of India's main cities, including Chennai and Mumbai, also saw strikes and demonstrations by Tamils over this issue.

India, together with Bangladesh, was also involved in a crisis regarding the exodus of Burmese Muslim Rohingya minority. India said it was sending some 450 Rohingyas back to Bangladesh. Bangladesh also announced that, together with UNHCR, it would repatriate more than 20,000 Rohingyas to Burma. This has been strongly criticized because of the serious human rights violations Rohingyas face in Burma, mainly due to their ethnic origin.

Afghanistan

The general security situation in Afghanistan deteriorated significantly in 2008 resulting in a larger number of civilian deaths. According to a UN report the civilian death toll rose 40 per cent compared to the previous year, from 1,523 to 2,118;

many resulted from militant attacks, but the US-led coalition was responsible for 828 of the deaths.

The increase in cross-border attacks between US forces and insurgents in Pakistan's North Western Frontier Province (NWFP) has put Afghan tribal Pashtuns in greater danger. Afghan law-makers and activists have expressed concern that while military campaigns in Pashtun areas have increased, nothing is being done by the Afghan government to counter the growth of extremism in those areas. Earlier in 2008 Afghan President Hamid Karzai, himself a Pashtun, said in a speech that the Pashtuns have suffered the most at the hands of the militants.

Ethnic tensions increased between an ethnic group, the Hazaras, and Kuchi nomads over grazing lands amidst severe droughts through most of the year. In March and July 2008 thousands of Hazaras took to the streets threatening to take up arms against Kuchis if they entered the Bamiyan and Wardak provinces. Kuchi nomads traditionally move from place to place in search of grazing for their flocks.

Afghanistan's Independent Human Rights Commission (AIHRC) and the Independent Directorate of Kuchi Affairs (IDKA) warned that the clashes between the communities – which were worse in 2008 than in previous years – could lead to conflict.

In April provincial security officials in the northern province of Balkh, about 15 km from the city of Mazar-i-Sharif, discovered a mass grave containing about 100 bodies. According to media reports residents in the areas believed the dead were from the Hazara community, who were massacred when the Taliban captured the area in the late 1990s.

In spring 2008 the Afghan government banned the film *The Kite Runner*, based on the novel by an Afghan author, which depicts the rape of an ethnic Hazara boy by an ethnic Pashtun boy. The Minister of Cultural Affairs said it showed ethnic groups in Afghanistan 'in a bad light'.

Afghanistan's stringent blasphemy laws remained a severe threat to minorities. On 11 September, a Kabul court sentenced two prominent journalists, Ahmed Ghous Zalmai and Mullah Qari Mushtaq, to 20 years in prison for publishing a Dari translation of the Qur'an that allegedly contained errors.

Significant progress has been recorded in Afghanistan since the 2002 defeat of the Taliban, in getting children enrolled into schools. Despite this,



Left: Girls study together during class at Bam Sarai school in the village of Bam Sarai in the central Bamyan Province, Afghanistan. Some 650 girls and boys, many of the ethnic Hazara minority, attend classes together in two shifts. *Shehzad Noorani/UNICEF.*

munity, while 36 per cent said they were considering leaving the country.

Through the year there have been several reports of threats, attacks and forced conversion against religious minorities, including incidents of rape. Media and human rights organizations have reported at least 10 incidents of rape against religious minority women and girls.

Incidents of forced evictions and land grabbing by the state and individuals remain a major problem in ethnic minority and indigenous areas. Ethnic minority and indigenous areas remain heavily militarized resulting in incidents of human rights violations. On 20 April 2008, 132 houses belonging to Bengali settlers and hill people were set ablaze in an arson incident; 53 of the houses belonged to hill people. According to Odhikar statistics, in 2008 there were a total of 75 incidents against ethnic minorities including 8 killings and 57 injuries.

Ain o Salish Kendro (ASK), a human rights resource centre, reported that the arson attack occurred despite nearby army camps, and that Forest Department officials were complicit in evictions resulting in displacement of ethnic minority groups in the plains as well.

In January 2008 the Bangladeshi government banned indigenous Jumma people from the Chittagong Hill Tracts (CHT) from holding a large gathering at a Buddhist religious temple. The Asian Centre for Human Rights (ACHR) called the incident a 'microcosm of an ongoing and long-established State policy to establish a homogenous Bengali Muslim society'. In April UN experts wrote to the Bangladeshi government querying the illegal seizure of the traditional lands of Jumma indigenous communities in Barbadan, Khagrachari and Merung districts, in the CHT. Since March 2007, an estimated 4,500 acres of land have been taken away from Jumma individuals and communities in at least 16 villages.

A survey released in May 2008 by the Jatiya Adibashi Parishad and Jahangirnagar University's Department of Anthropology found that in the last

few years a total of 1,983 ethnic minority families in 10 north-western districts lost control of 1,748.36 acres of land. The Forest Department grabbed the largest area of 1,185.76 acres. Meanwhile, Bangladesh's much anticipated Land Commission for ethnic minorities failed to get off the ground in 2008.

Bangladesh, together with India, is on track to reach the target of over 97 per cent enrolment rates (NRE) in primary education by 2015, according to UNESCO. However, about 50 per cent of primary and 80 per cent of secondary level students drop out of school in Bangladesh, according to a report by the Campaign for Popular Education (CAMPE), a Bangladeshi NGO. 'We are not at present on track to achieve the Millennium Development Goal for 2015', the report warned.

On 25 September 2008 Bangladesh Adivasi Odhikar Anlodon (BAOA), a support group of civic forums for indigenous peoples, called on political parties to include indigenous people's concerns in their manifestos for the 18 December parliamentary polls. One demand was to provide education for indigenous people in their respective mother tongues. Indigenous children in Bangladesh have a far higher drop-out rate at primary level, which is attributed by indigenous activists to the failure of the Bangladeshi education system to provide mother tongue education that takes greater consideration of indigenous culture.

At the UN Forum, submissions made by minority activists from Bangladesh also warned that children from religious minorities were increasingly affected by growing Islamization of the education system. There have been cases where questions on Islam have been included in key state-level exams, putting non-Muslim children at a disadvantage.

India

'We firmly believe that our country can progress when all minority groups in the country feel safe and secure and the benefits of progress and development reach them' (Prime Minister Manmohan Singh, 25 November 2008).

This comment by India's Prime Minister came after months of violent attacks against Christians in Orissa in a year when the country's Christians, Muslims and other religious minorities faced numerous instances of abuse and attacks, which have been linked to a worrying rise in Hindu nationalism. The response of state governments and

half of school-age children remain out of school according to UNESCO, including large numbers of girls and nomadic children.

The current high level of violence poses a major security risk to children and the continuation of their education, particularly in the tribal areas bordering Pakistan. Attacks against children, including acid attacks against girls who were attending school, were reported through 2008. According to the Afghan Ministry of Education, in 45 districts of 12 provinces about 610–20 schools have been closed due to violence, mostly in the four southern provinces of Helmand, Kandahar, Zabul and Urozgan.

The Afghanistan Independent Human Rights Commission continued to record complaints of religious minority students from the Sikh and Hindu faiths who were prevented from enrolling in some schools. There have also been cases where Sikh and Hindu children have been forced to drop out of school as a result of harassment.

Bangladesh

The landslide election victory of former Prime Minister Sheikh Hasina in December 2008 raised prospects of a stronger democracy and respect for the rule of law, following two years of emergency

rule by the army-backed caretaker government. Just two months after being sworn in as Bangladesh's new Prime Minister, Sheikh Hasina had to deal with a mutiny of border guards that left 74 people dead and hundreds missing.

While international attention focused on political change in the country, attacks on minority and indigenous communities, and violations of their human rights, were neglected.

Buddhist, Christian and Hindu minorities in the Muslim-majority Bangladesh faced violations. Odhikar, a Bangladeshi human rights organization, reported a total of 131 incidents against religious minorities, including one killing, 90 injuries and one assault during 2008. According to a Bangladeshi-Hindu blogging site in December 2008 and January 2009 there were three violent attacks by Muslim groups against a Hindu political activist, a union member and a journalist. In Keraniganj-Dhaka, also in December, armed gangs attacked people, and looted and demolished a 200-year-old Hindu temple. Odhikar reported 24 incidents of attacks on non-Muslim religious properties during the year. A survey in December reported that 38 per cent of some 1,500 Hindus polled said they felt insecure because of being part of the Hindu com-

Pre-primary education makes a difference in the Chittagong Hill Tracts, Bangladesh

By Early Learning project team,
UNICEF Bangladesh

The Chittagong Hill Tracts (CHT) are one of the most disadvantaged and isolated areas in Bangladesh. The CHT consists of three districts located in the south-eastern part of the country – Khagrachari, Bandarban and Rangamati. The total area of the CHT is 13,390 sq km, most of which is highland (only 3 per cent is plains). According to the 2001 official census data, the estimated population of the CHT is 1.33 million peoples of whom over 90 per cent live in small, rural villages, called *paras*. The population is 44 per cent of indigenous origin and 56 per cent of Bengali origin. The indigenous people of the CHT belong to 11 ethnic groups whose appearance, language and cultural traditions are remarkably different from those of the Bengali-speaking people living in the plains of Bangladesh.

UNICEF supports an Integrated Community Development Project (ICDP) in the CHT which has two main components: early learning opportunities for children; and health, hygiene and nutrition education and promotion for mothers and children. These activities take place in *para*-centres, each of which covers 25 to 60 families. Between 1997 and 2009, 2,520 *para*-centres were constructed in 1,854 *paras* in the three CHT districts; 70 per cent of these *para*-centres target indigenous

communities. The *para*-centres are built like locally constructed houses and located in the centre of the *para*. Each centre is run by a trained worker – usually a local woman selected by the community, to promote and deliver a wide range of services and act as a teacher at the local pre-school. *Para*-workers receive initial basic training on early learning, health and nutrition, and water sanitation before starting work. They also receive three- to seven-day refresher training as required.

Para-centres enable CHT children aged 4–6 years to receive age-appropriate and free pre-primary education. Teaching/learning materials, including games and play, are developed taking consideration of the local indigenous culture, heritage and socio-economic situation. Classes are conducted in local languages, with a gradual shift to introduce Bangla, the language used in formal government primary schools. The World Food Program distributes fortified biscuits at the *para*-centres during the classes.

Parents are included in *para*-centre education and by the time their child has completed the second and final year of pre-school it is hoped they too have developed an understanding of the importance of education. Parents and community members are also invited to be involved in *para*-centre management committees that link with primary schools in the area. *Para*-centre management committees ensure that all children graduating from *para*-centres enrol in and attend primary school. As of 2008, approximately 61,866 students in the CHT had completed pre-school at one of 2,220 *para*-centres and 94 per cent of them enrolled in primary schools.

Case study

The student: May Knew Ching is 8 years old. She lives with her parents in a small village called Talukdar, 7 km from the Bandarban district in the CHT. The family belongs to the Marma ethnic group. She is the youngest of four sisters. Thirty-four families live in the Talukdar *para*, most of them of Marma descent. There is one pre-school (*para*-centre) and one NGO primary school in Talukdar. May's family depend on *jhum* cultivation (a slash-and-burn agricultural technique, shifting cultivation on hill slopes)

as a main source of income for 6–8 months of the year. The rest of the year May's parents work as day labourers. Currently, May's parents are planning a temporary shift to a different hill for a new *jhum* cultivation job. The family will return home to Talukdar to stay with May's grandmother in September, in time for the next *jhum* cultivation (rice, cotton and other crops).

May enrolled in the *para*-centre in Talukdar in 2004, when she was 3 years old. Her parents were initially hesitant to send her to the pre-school because she was too small for the journey on the hill slopes. However, with support from the *para*-worker Minuching, they changed their minds. May has already completed three years of pre-primary education at the *para*-centre. In 2007, May completed a primary school competency assessment, administered by a primary school teacher in her *para*. May's literacy, cognitive and social developmental skills were seen to be above her age group and, at the teacher's suggestion, May was enrolled directly into grade 2. Now, May is enrolled in grade 4 and continues to enjoy school, maintaining high marks and attending school regularly.

The pre-primary teacher: Minuching was well known in the community and had experience working with young children before she became the Talukdar *para*-centre worker. After being nominated for the role by her community, Minuching received comprehensive basic training on the school readiness programme, health and nutrition, and water and sanitation. She is now equipped with the skills to teach pre-school children (two hours a day, six days a week). Minuching also disseminates early childhood development messages to parents and other caregivers through regular household visits and courtyard meetings. She sits on the *para*-centre management committee that links with the nearby primary school, ensuring that her students enrol into grade 1. Minuching said:

'Before I didn't think I could be a teacher – but the villagers and the ICDP appointed me. Now, these are my children and I feel very happy to see that my children are healthy and smart enough to make

them social with other people! That's why I'm still working as a para-worker [teacher] and I love to work like that!

'May was so active, confident and brave during her para-centre class time ... I can still remember the day when I took her with her parents to enrol in primary school. I feel so proud when I see that May is doing very well in her primary school exams.'

The community member: Mr Mong Kya Karbari, *para*-centre management committee chairperson and village elder said: 'In the past, *para* people didn't understand the advantages of pre-school, but now we have a *para*-centre they do. Parents often offer their support to the *para*-worker and take care of the centre.'

The primary school teacher: Muimra Prue Marma, the teacher of the primary school where May Knew Ching is now studying, praised May and the *para*-centre. 'May Knew Ching is very gentle, polite and has a good memory. Because of her competencies gained before coming to primary school, we enrolled May in grade 2. In 2008 May received the second highest mark on her final examination. She is always cheerful and regularly attends school.' ■



Children at play in a *para*-centre school, Rangamati, Chittagong Hill Tracts. *Din Mohammad Sibily/UNICEF.*



Left: Dalit children learn alongside other children at the community at a school in Rajasthan, India, February 2008. *Abbie Trayler-Smith/Panos.*

Through 2008 Muslims also found themselves vulnerable to being branded as terrorists. The counter-terrorism tactics of the Indian police have been seriously questionable, while security forces are rarely held accountable for human rights violations committed during counter-terrorism operations. In November 2008 charges were dropped against a group of police officers accused of torturing of 21 Muslims arrested on suspicion of being involved in bomb attacks in Hyderabad in 2007. Human rights groups expressed outrage at the decision not to prosecute as a report by the Andhra Pradesh Minorities' Commission concluded that the police officers had used several forms of torture on the suspects.

Opposition groups and sections of civil society also criticized the police for gunning down Atif Ameen, a 24-year-old Muslim college graduate accused of being behind a terror attack in Delhi in September that killed 22 people. Later Sadiq Sheikh was accused of having played the same role. In August the Supreme Court ruled that an Indian government ban on an Islamic student group accused of terrorism will remain in force, despite an earlier judgment which had said there was no evidence to show the Students' Islamic Movement of India (SIMI) was unlawful.

India's popular investigative magazine *Tehelka* found that an overwhelming majority of terrorism cases were based on 'non-existent or fraudulent evidence', and that hundreds of people, mainly Muslim and poor, were persecuted and falsely accused of terrorism. According to media reports, Bar Associations in different parts of the country, Faizabad, Lucknow and Dhar among them, have asked their members not to defend Muslim terror suspects.

Religious violence

India's Christian population, particularly in the city of Orissa, witnessed some of the worst violence in recent years in attacks sparked by the killing of a Hindu leader. Hindu mobs burnt down Christian monasteries, churches and orphanages even though police blamed Maoist rebels for the killing. By September 300 villages were burnt, 4,014 houses destroyed and 50,000 Christians forced out of their

homes, the All Ceylon Christian Council said. Christian leaders also expressed concerns over the slow investigation conducted by a one-man state-appointed commission.

A large number of the victims were Dalits targeted by Hindu mobs because they converted to Christianity, partly to avoid caste-based discrimination.

Following months of violence, in November, Prime Minister Manmohan Singh said his government would not tolerate attacks on religious and other minorities and would do everything possible to bring the perpetrators to justice.

Reporting to the UN Human Rights Council in March 2009 on her visit to India the previous year the UN Special Rapporteur on freedom of religion or belief, Asma Jahangir said: 'organized groups claiming roots in religious ideologies have unleashed an all-pervasive fear of mob violence in many parts of the country'. She said the reluctance of law enforcement machinery to take action on religious violence had created a situation of institutional impunity. While she praised India's secularism, human rights activism and strong legal protection for religious minorities at national level, she cautioned that, because of the country's federal system, the implementation of laws differed from state to state.

In April India's Jain community asked to be granted minority status on a par with the Buddhists, Christians, Muslims, Parsis and Sikhs, under the Delhi Minorities Commission Act, 1999. This would enable them to incorporate Jainism as a subject in Jain schools.

Discrimination and conflict

Incidents of discrimination and attacks against India's more than 166 million caste-based minorities continued through 2008.

Because they are marginalized and sidelined in society, Dalits are often the last to access aid during climate-related disasters. When severe flooding in India's Bihar state left hundreds of thousands of people homeless in 2008, Dalits were severely discriminated against in access to aid. According to Dalit human rights organizations, the number of Dalit deaths in relief camps was far higher than among other groups.

In Bangalore, in November, police forced about

100 *hijras*, or working-class transgender people, from their homes in what human rights groups warned appeared to be a trend of 'social cleansing' in the city. The incident followed newspaper report that Bangalore police had captured a 'gang' of *hijras* who, it was alleged, were kidnapping children and using them for sex.

Violence in tribal areas persisted through most of 2008. In May, at least 41 people died in clashes between police and nomadic people in the western Indian state of Rajasthan. The violence began when police opened fire on demonstrators from the Gujjar people, who were demanding to be included in affirmative action quotas.

In October at least 64 people were killed and 300 injured in a series of bomb explosions in India's north-eastern state of Assam. The separatist United Liberation Front of Assam denied any role in the blasts.

Indian military dominance means that people live in fear of targeted attacks against them by the military, including incidents of rape. In a 2008 report Human Rights Watch said that the Indian government should fully prosecute army, paramilitary and police personnel responsible for killings and torture in the north-eastern state of Manipur. Torture of detainees, particularly suspected militants and their supporters, remains common, the report said.

Education

Together with Bangladesh, India is the only other South Asian country on track to achieve the primary education enrolment target of 97 per cent by 2015, UNESCO said. India's net enrolment rate at primary level is now 94 per cent, while the secondary education enrolment rate has increased from 39 per cent in 1999 to 43 per cent in 2006.

After cabinet approval in October the Indian government introduced to the upper house of parliament the Right of Children to Free and Compulsory Education Bill in November. The bill is aimed at ensuring free education for all children aged between 6 and 14, and it could benefit poor minority communities as it requires all schools in the country to keep 25 per cent of entrance places for children to enter free.

Indian President Pratibha Patil, addressing the last session of the parliament in February, highlighted the achievements of her UPA government:

'We are very much Bangladeshi, but we [had] no right to vote or get passports'

Khalid Hussain tells *Preti Taneja* about education rights for a linguistic minority

Khalid, 28, was born and grew up in Geneva camp in Bangladesh – the largest settlement of its kind, established by the International Committee of the Red Cross (ICRC) in 1972. Such camps now house over 300,000 Bihari people. Their status is undefined: they are not classified as refugees by the UNHCR, but are also not accepted as being Bangladeshi. There are 25,000 people in Geneva camp and the population is growing. Many live in 10 ft by 8 ft houses.

According to Khalid, 'Bihari' is a common name for a group of people who speak Urdu:

'Our ethnicity and religion is very similar to Bangladeshi, but we have a distinct language and culture, and now we want to be known as an Urdu-speaking linguistic minority.'

Khalid is President of the Association of Young Generation of Urdu Speaking Community, campaigning for the right of his community to be recognized as a linguistic minority, and gain access to other rights they are denied.

'We also have a citizenship problem, where birth certificates, public sector jobs and education are concerned.'

Though informal schools exist in the camps, getting access to public school is difficult. Most

families are more concerned with feeding their children than sending them to school. And putting the camp address on registration forms can mean children are denied access.

'It was a struggle to send me to private school. Of the people in my year, only 15–20 from Geneva camp were able to attend. I still remember first day of school. We didn't know morning PT (physical training), we didn't know the national anthem. It's in Bangla. We were shocked and listening. Day by day (for) three to five months we heard and tried to learn. We were treated as if we were war criminals, we had problems every day. We complained to the head master, and he said the students didn't know about history and we were not different from them.'

They realized things had to change when filling in forms for exams:

'The teacher said if you write [the] camp address you will be rejected. So we put our teacher's address; a false address and information. After this we started to question: what are we? Then we started to fight for our rights.'

They appealed to the Electoral Commission in 2001 and to the High Court in 2003. Now camp residents have ID cards and voting rights, but still have problems obtaining passports. Jobs and education are still an issue.

Khalid works with NGO Al-Falah Bangladesh raising funds from the Urdu-speaking business community for basic education; 15 foundation schools have been set up in Bihari camps. Khalid calls this 'self-help education'. The teachers are from the local community and do not have formal training. The aim is to make students capable of applying for public school scholarships at the high-school level. It is a slow path to progress but one with long-term implications.

'If one family has two children who develop skills and get work they can help siblings ... With education you can rehabilitate yourself. You don't need someone to rehabilitate you.' ■

Additional reporting by Madeeha Ansari.

under the new 15-point programme for the welfare of minorities almost 800,000 minority students would be provided with scholarships in 2008, increasing to nearly 4 million over the next four years. She said that more than 10,000 new primary and upper primary schools have been constructed in areas of minority concentration during her government's rule. Also, a bill to give statutory backing to the National Monitoring Committee of Minority Education will be introduced in the coming session of parliament.

The head of India's National Commission for Minorities, Mohammad Shafi Qureshi, in a media interview said that little has changed for minorities because of gap between government pledges and implementation. 'Funds are not a problem. The programmes are in place, but their implementation is in a shambles,' he said. The Indian government earmarked over Rs.14 billion for 2007–08 for the Ministry of Minority Affairs, nearly triple the Rs.5 billion allocated in 2006–07.

Nepal

The year 2008 was a historic one for the Nepalese people, who went to the polls to elect 601 members to a Constituent Assembly tasked with writing a new constitution acceptable to all of the country's diverse communities. Decades of conflict between Maoist rebels against the Nepali monarchy and government ended in 2006 in the 'people's revolution', which saw the ousting of the country's monarch. Nepal's former Maoist rebels emerged victorious in the 25 April polls. The Constituent Assembly has a substantial representation of minority and indigenous communities, but progress in drawing up a constitution that meets the expectations of all the different groups is a huge challenge. The delays have also caused frustration among the different ethnic and religious groups. Through 2008 and in early 2009 there were several incidents of protest by ethnic and religious groups in Nepal. In most cases the government reached agreement with some sections of the communities, which were hailed by the media and government as a success and saw the end to protests and disruption. However, in many cases, sections of these communities refused to sign up to the agreement, leaving scope for continuing uprisings that could seriously jeopardize peace prospects in the country.

In February 2008, for instance, Madhesi plains-people in the Terai region started to strike over the

right to self-determination, regional autonomy and proportional representation. Ethnic Madhesi make up about one-third of Nepal's population. The strikes affected health, education and transport services across the country. The strike action turned violent by the end of February, killing at least one person and injuring more than 20. Amnesty International expressed concern that the Nepali police were using excessive force against the demonstrators. The strikes ended in March after the government and the Federal Republican National Front (FRNF), an alliance of seven groups, reached a deal that promised a federal system with autonomy to Libmuwan, Khambuwan, Tamangsaling, Tharuhat and Madhesi communities. Other groups, such as Madhesi Janaadhikar Forum and Loktantrik Madhesi Morcha boycotted the agreement.

The ethnic Madhesi, indigenous Janjathis and Dalits were among the minority groups whose support helped the Maoists win 220 of the 601 seats in the Constitutional Assembly. Out of the 62 seats won by indigenous representatives, 40 belonged to the Maoist party. But ethnic and indigenous divides continued. The new Nepali Maoist government's strong allegiance to China saw violent crack-downs against Tibetan refugees living in Nepal, in April and August of 2008, in some cases leading to arbitrary arrest and detention. In April the Nepali Home Ministry threatened to use force to stop Tibetans protesting against China while the Olympic Torch passed through the country. Amnesty International said that in previous silent protests by Tibetans on the same issue some 400 people had been arbitrarily detained. By August 1,000 Tibetan protesters had been detained, and in September the pro-China government announced that they would push Tibetan exiles to leave the country and return to India. Over 100 Tibetans were detained by police checking the validity of their refugee status. Nepal has some 20,000 exiled Tibetans.

Religious minorities continued to face targeted attacks. In March 2008 bombs were thrown into a mosque where some 60 people were praying in Biratnagar in eastern Nepal. A one-day general strike was called by Muslims in the area demanding compensation.

In July 2008, just prior to becoming prime minister, the chair of the Maoist party Prachanda, promised to form a 'Muslim commission' for the welfare

of the minority community.

Also in July, Father Johnson Prakash Moyalan, a Catholic priest, was gunned down in Sirsia town, about 15 km from the India-Nepal border. A little-known group, the Nepal Defence Army, which wants to restore Hinduism as the state religion in Nepal, claimed responsibility for the killing. The previously Hindu kingdom was declared a secular state in 2007.

Education

Smaller political parties in the Constitutional Assembly in January 2009 interrupted proceedings and demanded that the government withdraw an education scholarship bill because it did not fix a quota for scholarships for Dalit children. Dalits are one of the most marginalized minority groups in Nepal. The literacy rate for Dalit men is 10 per cent and for women is 3.2 per cent. According to the Feminist Dalit Organization, only 3.8 per cent of Dalits complete the School Leaving Certificate, the basic secondary school qualification.

Religious minorities and indigenous Nepali children continue to be severely disadvantaged in education. According to a study done jointly by the World Bank and Department for International Development, participation of Muslim boys and girls in school remains low. The percentage of Muslim girls going to school between the ages of 11 and 15 has remained at 23 per cent from 1995 to 2004. The literacy rates amongst the Chepang and Bote indigenous groups are as low as 14 and 20 per cent. A major reason for this is the lack of mother tongue education.

Early in 2008 the UN and the Nepali Human Rights Commission expressed concern that children participating in protests organized by Madhesis across the country were subject to violence and their education was disrupted.

The Nepali government has offered to help fund religious schools to develop in exchange for taking on board the national curriculum. This could benefit Muslim and Buddhist minority schools. According to official data, some 82,624 Muslim students are registered in 832 madrassas, and 6,512 Buddhist children are educated in 236 monasteries.

Progress has been slow on two of Nepal's key educational policies: Education for All (EFA) and the Education Sector Development Program I. Both these progressive policies are expected to increase

primary school attendance, but other issues remain unaddressed for minority children. The lack of mother tongue language education, cultural barriers, having to travel long distances to school, and the opportunity cost of educating children all affect the education of minority and indigenous children in Nepal and require government attention.

Pakistan

Pakistan began 2008 with a new government in place. The Pakistan Peoples Party (PPP), led by Asif Ali Zardari, widower of the former Prime Minister Benazir Bhutto, and the Pakistan Muslim League formed a coalition government in February 2008 after months of turmoil in the run-up to the elections.

One of the new government's first tasks was to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR), and sign both the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

Twelve religious minority members – four Christians and eight Hindus were elected to the National Assembly. Shahbaz Bhatti, the head of the All Pakistan Minorities Alliance (APMA) and a Christian parliamentarian became Federal Minister for Minorities Affairs. He later announced that government funds for minorities had been doubled and that a quota guaranteeing government jobs for minorities was to be introduced. In May 2008 the PPP endorsed a draft constitutional package (PCP) which proposes the election of one religious minority member (Christian, Hindu or other religious minority) from each province to the Senate, giving minorities a presence there. The draft also proposed an increase in the number of reserved seats to the National Assembly. However non-Muslims would be banned from becoming prime minister.

The country was plagued by violence during 2008, with increasing militant bombings and attacks leaving scores dead and injured. Militancy in Pakistan has considerably strengthened in the last few years as a consequence of the 'war on terror', the influx of militants from across the border with Afghanistan and some policies of the previous military regime. The new civilian government has shown little sign of being able to improve the situation and minorities, particularly those living in the

tribal areas, are under increasing threat.

The situation in Pakistan's ethnic Baluchi populated province of Balochistan remains of concern. It is Pakistan's biggest province yet one of the poorest, most deprived and heavily militarized. The new government publicly apologized to the people of Balochistan for the large-scale military and air force operation launched against militants that has killed several thousand and displaced 200,000 people since 2001. According to the Asian Human Rights Commission (AHRC) some 4,000 people have disappeared during this period. Despite the government statements halting military operations, incidents and attacks by the military continue to be recorded. The increased presence of Taliban militants has resulted in violence and tension over issues of security, human rights and division of resources. Ethnic Balochis have been caught between the militants and Pakistani forces.

Sectarian attacks and violence were reported from several parts of Pakistan throughout 2008. In February 2009 a suicide bomb hit the funeral of a Shi'ite Muslim leader in a north-western town, killing at least 28 people and wounding several others. Shias make up 20 per cent of Sunni-dominated Pakistan.

In July 2008 doctors in Pakistan's north-western tribal region of Kurram appealed for urgent medical aid to avert a humanitarian crisis. Shia Muslim areas in Kurram have been cut off from the rest of the country since November 2007 following violence between Shias and Sunnis. In just two weeks in August 2008, some 200 people were killed in sectarian violence in Kurram.

Concerns have been raised regarding a recent controversial peace agreement between the government of the NWFP and the Taliban militia group Tahrir-e-Nifaz Shariat that enables the militia group to implement Sharia laws and gives them power to act as morality police, putting several ethnic and religious minorities in a vulnerable situation. These provinces have seen alarming increase in violence since they came under Taliban control, increasing the risk to ethnic and religious minorities who inhabit the areas. Several Christians have reportedly fled.

The situation for Pakistan's religious minorities, especially Christians, remained poor through 2008. Religious minorities were increasingly targeted by militants in NWFP, including the Swat valley and

the tribal areas. According to the Minority Council of Pakistan (MCP), in January 2008 five Christians were kidnapped in South Waziristan and on 21 June 16 Christians were kidnapped by Islamic militants. In April two Sikhs who were kidnapped by militants in Dowarba, Hangu district, were freed.

In another incident in July 2008, the MCP reported that a United Presbyterian Church in Karachi, Pakistan's biggest city, was attacked by a Muslim mob. Through the year there were several other reports of attacks on churches, including in GajraKh, Punjab province, in March, and Sabz-Kot, Pasrur, also in Punjab, in February.

Rape and gender-based violence against religious minorities continue to be reported in Pakistan. In April 2008 the MCP reported that police officers in town in Lahore had raped and tortured a Christian girl in a police station. Police subsequently attacked and arrested nine Christians who protested outside the police station over the incident.

Religious minorities have also been charged under Pakistan's discriminatory blasphemy laws. In October 2008, in Faisalabad, a Christian man, Gulsher Masih, and his daughter, Sandal, were charged with blasphemy under the Pakistan Penal Code for allegedly tearing some pages from the Holy Qur'an, Asia News reported. In Hyderabad in Sindh province in July 2008 a Hindu child was accused of blasphemy and stripped and beaten by a group of people. Minority groups in Pakistan report at least two incidents a month involving arrests, attacks or killings of religious minorities over accusations of blasphemy.

Pakistan's *Daily Times*, in an editorial on 10 April 2008 commenting on an incident where a Hindu factory worker was beaten to death by his Muslim co-workers, who accused him of blasphemy, said:

'The truth is that an innocent man has been killed because of the legal "facility" [i.e. the Blasphemy Law] available to the killers to hide their real motive. It breaks one's heart to admit that all non-Muslims at the lower rungs of society are vulnerable to this savagery ... And if someone comes to the defense of these wronged people, religious fanatics come out and scare the state away.'

Ahmadiyyas in Pakistan continue to be terrorized for their religious beliefs. Earlier in 2008, Basharat Mughal, president of the Ahmadiyya Muslim Community Halqa Manzoor Colony in Karachi,

was murdered. The AHRC said that he was shot on his way to the mosque, becoming the 88th person from the sect to be killed in Pakistan since 1984. In September the AHRC noted that no action had been taken against the presenter Amir Liaquat Hussain, who suggested that it was the duty of devout Muslims to murder Ahmadi sect members on a religious affairs programme on the Dubai-based Pakistani channel, Geo TV. According to the AHRC, two Ahmadi community leaders were lynched and murdered after the first broadcast. A total of four Ahmadis were killed in the first nine months of 2008, the group said. Ahmadis consider themselves Muslims but do not think that Muhammad was the last of the prophets.

Taliban in the Swat valley imposed a ban on female education and have warned teachers of 'severe consequences' if any girl is seen heading to school (see Box, p. 163). Several thousand children have been forced out of education and girls have faced targeted violence. Girls' schools and colleges on the University of Peshawar campus received several threatening letters in early January 2009.

In November 2008 Pakistan Child Rights Committee member Bakht Zeba was murdered, allegedly by the Taliban, for advocating education for children in Swat. The Society for the Protection of the Rights of the Child (SPARC) said that on Universal Children's Day Ms Bakht, speaking at a meeting, had criticized the Taliban for burning down schools and stopping children, especially girls, from going to school.

Meanwhile the *Daily Times* newspaper reported in August that minority students in Lahore, capital of Punjab, may not get admission this year because of a lack of reserved places for them. Nine Sikhs, a Hindu and a large number of Christian students are at risk of not being admitted into higher educational institutions.

Sri Lanka

The year 2008 brought devastation for Sri Lankan minorities, particularly Tamils, with fierce fighting between government forces and Tamil Tiger (LTTE) rebels. Through the year the military captured several of the Tigers' strongholds in northern Sri Lanka and at the time of writing the rebels were reportedly confined to a 25 sq km patch, having lost all their major bases.

As the fighting intensified towards the end of

2008, civilian casualties began to rise. The military was responsible for some attacks on civilian targets, including schools and camps for the displaced. Civilians trapped in the fighting were attacked and killed by the Tigers and forced to leave their homes. The Tigers also began to forcibly recruit and to use civilians as human shields.

In January 2009 aid agencies and human rights organizations began to raise the alarm over the severe threat to human life as a result of the displacement of civilians. At the time of writing, more than 200,000 people had been forced by the Tigers to stay in the tiny strip of land under their control. In some instances, the Tigers even shot at civilians attempting to escape. The military and air force pursued an aggressive offensive, at times showing little regard for civilian casualties. There were also several instances when the military shelled unilaterally created safe zones, killing scores of people.

The reports coming out of the north are sketchy because the media and NGOs have little or no access to these areas. Based on reports from local aid workers and hospital staff, an average of 15–20 people have been killed each day in January and February 2009, many of them children. The last proper food convoy reached the area on 29 January 2009 and on 7 March the UN said the first starvation casualties had been reported. Western governments, the UN, Japan, the US and India were all exerting severe pressure on the government and LTTE to take the necessary precautions to limit civilian casualties and to respect humanitarian laws. International human rights groups warned that some of the incidents could constitute war crimes. The Indian government called for a humanitarian ceasefire in February to enable civilians to leave the area, and the US government had reportedly offered to help evacuate civilians. At the time of writing neither the government nor the LTTE had agreed to the ceasefire, putting the lives of several thousand ethnic minority Tamils in severe jeopardy.

Climate of impunity

This humanitarian catastrophe came amidst a severe deterioration of human rights through 2008. During the year there were several extra-judicial killings, disappearances and abductions of ethnic minority Tamils. State forces, Tamil Tigers and paramilitaries working with the Sri Lankan government have all been accused of the violations.

Double discrimination – Pashtun girls banned from attending school

Murtaza Shaikh gives a snapshot of the effect of a long-standing conflict and militancy on girls' education in Pakistan's Swat valley

The latest military onslaught making headlines comes amidst a general rise in violence across the Afghan-Pakistan border and infiltration of Taliban into Pakistan. Consequently home-grown militancy in the Swat valley has gained new strength and impetus. One of the major goals of the militants is to strictly implement their version of Islamic law and the worst affected in recent months have been young school girls.

More than 200 schools have been torched or bombed in the Swat valley by local militants led by Maulana Fazlullah. Government figures released in January revealed that the militants had destroyed 172 schools, of which 122 were girls' schools and 50 boys'. On 15 January 2009, Maulana Fazlullah issued a deadline for all girls' education to be discontinued in Swat. In response, 400 private schools complied with the order; despite assurances from the government that security would be provided. In addition it was reported that 84,248 girl students were unlikely to return to state-run education due to fear, despite the local administration promising to reopen schools. Some schools were destroyed, while others were closed due to a shortage of

female teachers. Pakistani forces also occupied 17 schools depriving a further 7,039 students of their right to education.

In 2008, following a meeting between Pakistan's own version of the Taliban – the banned Tehreek-e-Taliban – and the Swat militants, a compromise was reached to allow girls to be educated up to the fourth grade. Maulana Fazlullah renewed the threat of bombing any schools that continued higher education for girls. Militants consider schools considered to be government institutions: attacking them constitutes an attack against the state. However, there is also a clear prejudice against girls' education. Maulana Fazlullah has reportedly termed female education 'a source of obscenity'.

The vulnerable situation for girls was exacerbated by the signing of a peace accord on 16 February 2009 between the North West Frontier Province and the militants: the latter agreeing to end attacks in exchange for the implementation of Islamic law in the Swat valley. This accord was one in several attempts to put an end to continuous violence in this restive tribal area. But, security and stability is here sought at the expense of women's rights.

Unless the government is able to swiftly establish a lasting peace where education for the children of Swat, particularly girls, can be fully realized, the damage to their futures may be permanent.

The implementation of the accord by the president strengthened the militants' resolve, resulting in their attempt to expand operations to neighbouring Buner District. The government retaliated by launching a full-scale offensive and at the time of writing the situation in the Swat valley was critical. Fighting between government forces and the militants has already resulted in massive displacement estimated at 1.4 million by UNHCR. The 200,000 or so that remain trapped in the valley are having to cope with a permanent curfew and a near total absence of utilities and food.

The recent offensive is indicative of the failed policy of negotiating with the militants. The education of children has again become severely disrupted by the violence and displacement. ■

Minorities have also been targeted by the government in its counter-terrorism operations. The Sri Lankan forces conducted several search operations in minority neighbourhoods resulting in the arrest and detention of large numbers of Tamils. Stop-and-search operations across the capital and other cities also put Tamils under threat.

There were also killings and attacks on civil society, human rights defenders and the media. J.S. Tissanayagam, one of Sri Lanka's most prominent Tamil journalists, was arrested in March 2008 and after months in custody was charged under anti-terrorism laws. Iqbal Athas, a Sri Lankan Muslim and the country's best-known defence correspondent, is under constant threat and has had to leave the country on several occasions. At least two minority journalists were killed in 2008, while several others were attacked and abducted. In January 2009 Lasantha Wickrematunge, one of the country's best-known investigative journalists, was shot dead by a gang of masked men on a main road in Colombo close to a military checkpoint. Wickrematunge was an ethnic Sinhalese but a minority Christian who was a known sympathizer of Tamils and critical of the government's military strategy.

Sri Lankan civil society leaders, particularly human rights defenders, are constantly arrested, detained, questioned and threatened. This has brought about a climate of extreme fear, while there is impunity for the perpetrators. In September 2008 Sri Lanka's respected head of the armed forces Lt-General Sarath Fonseka told a Canadian newspaper that he believed the country belonged to the majority Sinhalese people. Neither the government or the ruling party denounced the comments. There was also no public outcry by Tamil or Muslim minority leaders in Sri Lanka, an indication of the severe levels of fear and suppression minorities are subject to.

The education of several thousand children in northern Sri Lanka has been disrupted as a result of the fighting. In January 2009 UNICEF appealed to the Tamil Tigers to enable civilians, including nearly 75,000 children, to leave the war-zone for safer areas. The UN agency said that the education of at least 30,000 children had been disrupted and 154 schools forced to close or relocate.

South East Asia

Emma Eastwood

Exploitation of natural resources continued to

encroach on the lives of indigenous peoples in South East Asia in 2008, despite constitutional protections for their territories in many countries. Massive cultivation of oil palm – to meet the growing demand for biofuels from Europe and the US – is having a devastating effect on the land and cultures of indigenous communities in Indonesia and Malaysia. Land grabbing and illegal logging are vastly reducing indigenous peoples' access to ancestral lands in Cambodia, Indonesia and the Philippines, while controversial hydro projects in Burma, Cambodia, Laos and Vietnam have displaced, or threaten to uproot, thousands of highlands minorities.

Conflict also continues to wrack the region. Muslim minority militants clashed with government troops in Thailand and the Philippines; the breakdown of peace talks in the latter dashed all hopes of an end to the 30-year-long war in Mindanao. Protracted conflict between armed groups and the military junta also adversely affected the Karen and Chin people of Burma, many of whom continued to escape over the border into neighbouring countries, adding to the burgeoning number of refugees. The Burmese military government's treatment of minorities came under international scrutiny in 2008 when Rohingya Muslim boat people, escaping severe discrimination in their homeland, were arrested by the Thai military guarding the country's coastline and sent back to sea with little or no provisions.

Religious freedom is often severely curtailed in South East Asia. The year 2008 saw the virtual banning of the Ahmadiyya Muslim sect and communal tensions between Christians, Hindus and Muslim hardliners in Indonesia. H'mong Christians faced persecution in both Laos and Vietnam.

Provision of education for indigenous communities is sorely lacking in most countries in the region. Factors such as the small numbers of schools in remote regions, not using indigenous language as a medium of instruction, high drop-out rates exacerbated by poverty and a paucity of teachers with relevant language skills, mean that indigenous students are rarely able to fully exercise their right to education.

Burma (Myanmar)

Following the anti-government protests of September 2007, when tens of thousands of people took to the streets daily, and the following a brutal government crackdown, the security situation within Burma has remained tense. The US-based

Freedom House, in its 2008 global report on *Freedom in the World*, has ranked Burma among the 'worst of the worst' countries, 'where civilians enjoy negligible political and civil liberties'.

The military regime held a constitutional referendum in May 2008, just weeks after Cyclone Nargis had struck, despite pleas from UN Secretary-General Ban Ki-moon to postpone it and focus on humanitarian relief. The referendum – part of a 'roadmap' to democracy – ensures a pivotal role for the military, with enough seats in parliament to block any further reform without its agreement.

Minorities were widely excluded from this process. The draft constitution, written by a committee hand-picked by the government and boycotted by the National League for Democracy and ethnic parties, was only available in Burmese and English, and had not been translated into any of the 135 other languages spoken by an estimated 40 per cent of the Burmese population. According to government sources there was a 92.5 per cent approval rate of the constitutional referendum.

In the wake of Cyclone Nargis, the government failed to provide relief to hundreds of thousands of victims and blocked international aid efforts for weeks. One month after the cyclone struck, UN estimates placed the number of dead at 78,000, with 56,000 still missing; 2 million people were still in need of relief. There were reports that minorities were being systematically excluded from assistance in the hard-hit Irrawaddy Delta.

The Karen, who account for nearly 7 million of Burma's 57 million people, have their own distinctive culture and language and count Buddhists, Christians and animists among them. Throughout the year an increasing number of Karen refugees crossed over the border to northern Thailand from Karen State, where South East Asia's longest separatist conflict is being waged between Burmese troops and the armed wing of the Karen National Union (KNU).

The current phase of the military campaign appears to be the most intense. In 2008 Amnesty International classified attacks by Burmese troops overtly targeting civilians as crimes against humanity. According to the Thailand Burma Border Consortium, around 66,000 people have been forced to flee their homes due to the armed conflict and human rights abuses.

Education in state schools in Karen areas, even

where they are the majority of the population, is exclusively provided in the Burmese language, and government offices provide no access to services in Karen languages. Government jobs in Karen areas appear to be increasingly the reserved domain of ethnic Burman.

The assassination of the general secretary of the KNU, Padoh Mahn Sha Lah Phan, on 14 February 2008, was a major setback for their cause. Observers suspected that the assassins were either rival Karens or were dispatched by the Burmese government.

The Chin, 90 per cent of whom are Christian, account for about 1 per cent of Burma's population and live in the mountainous region near the Indian border. The Chin National Front armed group is engaged in a long-running battle with the military junta.

The UN reports that 70 per cent of the people in Chin State live below the poverty line and 40 per cent lack access to adequate food sources. Since 2006, the region has been plagued by a severe food crisis, which is compounded by the military regime's repressive economic policies. According to a Chin Human Rights Organization 2008 report, the use of unpaid civilian labour is widespread throughout Chin State and farmers are forcibly ordered by the regime to substitute their staple crops for cash crops. The organization also documents the arbitrary collection of 'donations' and taxes by the Burmese authorities from Chin households in major towns.

Human Rights Watch reports ongoing religious repression against the Chin in mainly Buddhist Burma. The Tatmadaw (Burmese military) has burnt down churches, demolished crosses and prayer rooms to make way for military buildings and infrastructure. Chin also describe torture and beatings by Burmese soldiers, arbitrary arrest and being forced to work as army porters.

Cheery Zahau, of the Women's League of Chinland, says Burma's military government continues to use rape as a weapon to subdue ethnic minorities.

There is a dire lack of school facilities in many villages in Chin State, forcing Chin children to walk to distant towns and villages or pay expensive boarding fees to attend classes. The quality of education is extremely poor and classes are taught in Burmese. The authorities continue to close down Chin private schools.

The construction of two dams along the Salween

River is threatening the existence and livelihood of the Akha, Karen, Karenni, Lahu, Lisu, Mon, Padaung, Palaung, Pa-O, Shan and Wa minorities who live along the river. In 2008 the NGO Society for Threatened Peoples reported that the Ta Sang Dam in Shan State has already caused the forced relocation of about 300,000 people (most of whom are Shan) and the military have expelled around 15,000 people during the construction of the Hut Gyi Dam in Karen State.

The Rohingya, a Muslim ethnic minority living in northern Rakhine State, western Burma, are unable to qualify for citizenship and their freedom of movement is severely restricted. The UN Special Rapporteur on human rights in Burma, in an April 2008 statement, also cited extortion and arbitrary taxation; land confiscation and forced evictions; restricted access to medical care, food and adequate housing; forced labour; and restrictions on marriages.

Cambodia

Prime Minister Hun Sen and his Cambodian People's Party further consolidated their power through national elections in July. The elections were criticized by the European Union and the UN Special Representative for human rights in Cambodia and Human Rights Watch labelled the election victory as part of a continued 'drift towards authoritarianism' in the country.

The overwhelming majority of Cambodia's 14 million people are ethnic Khmer, most of whom follow Theravada Buddhism. Minorities are made up of four distinct groups: Cham (most of whom are Muslims), indigenous 'hill tribes' (also known as Khmer Leou), ethnic Chinese and ethnic Vietnamese.

The issue of collective landownership, and loss of access to their traditional and agricultural lands, has been an ongoing and increasingly important one for the Khmer Leou, who continue to lose their land to illegal concessions awarded to foreign firms and government officials, and suffer forced relocation and economic and social losses.

Despite a 2001 Land Law and other regulatory measures to recognize the rights of these indigenous peoples, at the beginning of 2007, not a single indigenous people had received title for the collective ownership of their traditional lands. Mining and even tourism concessions by the government of Cambodia are given without regard for indigenous

rights over the lands concerned.

The urban poor have also been adversely affected by illegal land concessions. The government, in collusion with private companies and the courts, has been evicting residents and selling off land, especially in Phnom Penh. According to rights groups, in 2008 some 150,000 Cambodians were known to live at risk of being forcibly evicted.

Most state schools in the areas where Khmer Leou are concentrated continue to teach exclusively in Khmer. This results in a much higher than average drop-out rate. A few schools teaching partially in local indigenous languages have started to operate on an experimental level; mainly this is through the efforts of local and international NGOs.

The Cambodian government is committed to 'ensure easy and equitable access to education for vulnerable and disadvantaged children'. As part of its Education for All by 2015 programme, the government is making efforts to introduce bilingual education in minority villages. Critics say these initiatives are designed to erode indigenous languages. Indigenous communities remain poorly served with regard to education, and there is a lack of easily accessible state schools in many parts of the north-east.

In December 2008 the Cambodian parliament passed draft legislation to provide for financing for two Chinese hydro dams in the Cardamon mountains. Environmentalists say the reservoir created by the dam will cover 110 sq km and displace thousands of Khmer Leou in nine villages.

Cambodia continues to violate its obligations under the UN Refugee Convention by forcibly returning Vietnamese Montagnards, or Degar, before they are able to apply for asylum. Riot police broke up a demonstration in July 2008 by around 60 Montagnard asylum-seekers in the capital, protesting the forced repatriation of 28 members of their community to Vietnam. During 2008 UNHCR provided shelter in Phnom Penh to approximately 500 Montagnard asylum seekers, including about 200 new arrivals. (See also Vietnam.)

Indonesia

The year 2008 saw a number of setbacks for religious freedom. In June, Islamist mobs attacked Ahmadiyya Muslims, whom they accuse of heresy. While the government decried the violence, human rights organizations saw the roots of the violence in

a government committee's April 2008 recommendation that the sect be banned. The government later issued a decree that did not ban Ahmadiyya, but warned its adherents that they faced potential arrest under laws on the protection of religion. Muslim hardliners attacked Ahmadiyya mosques in West Java and Islamic Defenders Front members closed the local Ahmadiyya headquarters in Makassar, South Sulawesi. In September the South Sumatra provincial government issued a total ban on Ahmadiyya. Ahmadiyya Muslims number some 200,000 in Indonesia.

Communal tensions remained high elsewhere. Human Rights Watch reported that in January 2008 a mob burnt down the Sangkareang Hindu temple in west Lombok and in July Muslim hardliners attacked students at a Christian theology school in east Jakarta, injuring 18 and forcing the school to shut its campus. In June, the International Crisis Group highlighted continued Muslim migration from other parts of Indonesia and the rise of exclusivist Christian groups and hard-line Islamists on Papua's west coast as factors heightening the risk of conflict in the area.

The UN Committee against Torture urged the government in 2008 to promptly investigate violence and discrimination against religious minorities and to allow the Special Rapporteur on freedom of religion to visit the country. According to the US State Department, in 2008 members of minority religious groups continued to experience official discrimination in the form of administrative difficulties, often to do with the issuance of identity cards.

Indonesia has the second highest rate of annual forest loss after Brazil, but is the largest source of greenhouse gases from deforestation and land use change. Deforestation is driven by logging and conversion to industrial oil palm plantations – some 7.5 million hectares of land have been planted with the crop, mainly in indigenous areas. Despite state support for the UN Declaration on the Rights of Indigenous Peoples, Indonesia continues to lack any effective legal means for the protection of customary land rights.

In Riau, on the eastern coast of Sumatra, where rampant deforestation is occurring in the peatlands, Forum Asia reported an attack against the Sakal indigenous people in December 2008. The attack, allegedly by armed groups hired by PT Arara Abadi, one of the world's biggest paper producers and part

of the giant Indonesian conglomerate Sinar Mas Group, led to the death of two children, burning of homes and the arrest of about 200.

In Papua, home to some 800,000 indigenous people divided into many hundreds of groups, Greenpeace has documented large-scale conversion of tropical forests for oil palm plantation in a Sinar Mas concession near Jayapura affecting indigenous peoples' rights to own and control their own territories.

Rights groups report that although companies such as Freeport-McMoRan (who own the massive gold and copper Grasberg mine in Papua) have started in the last few years to implement programmes to hire more Papuans, ethnic Javanese and other Indonesians continue to occupy the best employment categories.

Also in Papua, the Institute for Papuan Advocacy & Human Rights (IPAHR) reported that Indonesian police shot dead one man, Opinus Tabuni, and injured others at a rally in Wamena in August 2008. The rally was held to mark the International Day of the World's Indigenous People. According to IPAHR, around 20,000 people attended the rally.

The use of Dayak languages in schools in the parts of Kalimantan where they are the majority or live in substantial numbers remains largely illusory or simply prohibited. Government policies continue to exclude the use of the Batak languages in Sumatra in many areas of public life, and schooling in their languages remains limited.

Laos

Laos, one of the world's few remaining communist states, is one of South East Asia's poorest countries. In a bid to boost development, the government is tapping the resources of Laos' vast river network and developing a billion-dollar dam scheme, intended to generate electricity for export to Thailand.

The country's largest and most controversial hydro project under construction, Nam Theun 2, will be fully operating by the end of 2009 and affects around 130,000 indigenous people dependent on fishing and farming for their livelihoods. In June 2008 NGO International Rivers reported flooding of a 450 sq km reservoir on the Nakai Plateau, affecting some 6,200 people from a variety of ethnic groups. They were moved to what will be the reservoir shores so they can remain on their

ancestral lands. However, although villagers have improved services such as electricity, water pumps and better roads, soils are poor and land and forest resources are scarce.

An August 2008 report by the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, said that those who have lost their land as a result of the dam construction have not been compensated or informed of their right to be compensated. The report particularly highlighted the plight of the Lao Tai, who have inhabited the Nakai Plateau for hundreds of years.

There are further concerns for indigenous communities living downstream on the Xe Bang Fai River, who are expected to suffer frequent floods when the Nam Theun 2 project becomes fully operational.

H'mong, the country's third largest, mainly Christian, ethnic group, continued to suffer persecution throughout the year. In March 2008, Compass Direct News, a Christian news service, reported that Laotian officials arrested some 15 H'mong Christian families in Bokeo district in February. The Lao Human Rights Council and others accused Lao security forces of targeting thousands of Laotian and H'mong Christians and animist believers for arrest, persecution, torture and execution, and 'brutal ethnic cleansing operations'. The US Congress passed a bipartisan resolution in June 2008 calling on Laos to cease its attacks on the H'mong people. (See also Thailand.)

According to Freedom House, gender-based discrimination and abuse are widespread. An estimated 15,000 to 20,000 Laotian women and girls, including many lowland Laotians and an increasing number of highland ethnic minorities, are trafficked each year for prostitution.

UNESCO's 2009 Education for All global monitoring report found that, although Laos is progressing towards Universal Primary Education for all, teacher shortages in remote areas are holding back efforts to expand access for ethnic minorities. A government policy of salary supplements proved insufficient to outweigh teacher preference for urban postings. A new programme aims at recruiting ethnic minorities into teacher training. However, UNESCO notes that serious administrative problems have been identified: some students recruited do not actually come from targeted villages but

enrol to receive the benefits offered; language problems in teacher training have resulted in high drop-out levels for indigenous minorities; and many of the students who graduate do not go back to teach in their home areas.

Malaysia

In March 2008 Prime Minister Abdullah Ahmad Badawi's National Front coalition suffered its worst election result in decades, losing its two-thirds parliamentary majority and control of five state assemblies. It is widely believed that Badawi's downfall was precipitated by huge ethnic minority protest marches and that the opposition hence won votes by promising racial equality. However, although his replacement, Razak, says he will do more to address the grievances of minorities, rights groups remain sceptical.

Minority ethnic Indians, who are among the nation's poorest people, continued to speak out in 2008 against the government's decades-old affirmative action policy that favours majority ethnic Malay Muslims in education, jobs and business. Indians continue to face poverty and relatively low levels of education as compared to ethnic Chinese, without being able to benefit from any of the affirmative action programmes restricted to Bumiputeras (ethnic Malays and indigenous groups).

Indians have also expressed disquiet at the government's language policies, such as the exclusive use of Malay, which creates a tangible barrier for employment in the civil service, and the refusal to allow Tamil to be used as a language of service, as well as the continuing refusal to teach in Tamil in public schools and universities. Education in Tamil usually occurs in private schools which are still not fully funded by the Malaysian government. There are currently about 1,200 Chinese primary schools and 500 Tamil primary schools in the country.

Throughout the year five Hindu Rights Action Force (HINDRAF) leaders remained in detention under Malaysia's Internal Security Act, despite repeated applications for their release and pressure from international rights organizations. HINDRAF'S registration was refused in October and the organization was thus declared illegal.

Islam is Malaysia's official state religion, but the Constitution protects freedom of religion for all. Sharia courts have jurisdiction over religious issues involving Muslims, and secular courts rule on other

issues, often resulting in tensions over whether Malaysia is a secular or religious state. The government's Islamic Development Department website identified 56 'deviant' religious teachings it prohibited during 2008, which include Ahmadi, Ismaili, Shia and Baha'i teachings.

In May, the long-awaited judgment in the case of Lina Joy, a Muslim convert to Christianity, added to frustration among the non-Muslim population. The final ruling effectively barred Muslims from converting to other faiths.

Pre-school education in rural and semi-rural areas in Malaysia is within the jurisdiction of the Rural Development Ministry, however children from minorities whose first language is not Malay have little access to these public schools as they cater mainly for ethnic Malay children, according to COMANGO, a coalition of Malaysian NGOs, in a 2008 report to the UN Human Rights Council. The report also notes with concern that the state obliges teachers to possess a higher secondary school certification on the subject of Islam, which discriminates against some pre-school teachers.

Refugee and asylum seeking children, including those from Burma's Rohingya and Chin communities, also do not fare well under Malaysia's education system. They continue to be barred from government schools, despite previous recommendations by the UN Committee on the Rights of the Child.

Public schools in Malaysia generally offer Islamic religious instruction, which is compulsory for Muslim children, and non-Muslim students are required to take non-religious morals/ethics courses. Private schools are free to offer a non-Islamic religious curriculum as an option for non-Muslims.

The Orang Asli, or indigenous peoples, consist of more than 80 ethno-linguistic groups, each with its own culture, language and territory. Collectively, Malaysia's 4 million indigenous peoples are among the poorest and most marginalized. A 2008 report to the UN Human Rights Council called for respect for indigenous peoples' customary land rights and a review of existing legislation; and the Bar Council of Malaysia accused the government of clearing ancestral land occupied or utilized by indigenous people for activities such as logging or palm cultivation, while only offering to pay compensation for loss of agricultural products. The Asian Indigenous and Tribal Peoples Network reports that in February 2008, a memorandum containing land claims from

32,352 indigenous peoples over a collective area of 339,984 acres from 18 districts in Sabah, was submitted to the government.

The Penan, a nomadic indigenous people who rely on Sarawak's rainforests for their survival, have spent more than 20 years trying to stop logging companies destroying their land. In January 2008 the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Special Representative of the Secretary-General on the situation of human rights defenders, raised concerns with the Malaysian government on the 2007 death of a Penan leader involved in anti-logging campaigns in the Upper Baram region. Survival International reported continued harassment during 2008; in September Penan women accused loggers working for the Malaysian companies Samling and Interhill of harassing and raping them; and the government of Sarawak announced that it would no longer recognize elected leaders in some Penan communities. In an attempt to save what remains of the forest, villagers in the Middle Baram area set up a new anti-logging blockade in October.

In October 2008 indigenous forest dwellers in Sarawak rejected a proposal to turn 80,000 hectares of their land into an oil palm plantation.

In November 2008 there were reports of plans for an oceanarium resort near the Sipadan diving spot off Malaysian Borneo that could spell disaster for the region's delicate coral reefs, according to environmentalists. The plan came under attack from the minority Bajau community (also known as 'sea gypsies', numbering some 450,000), who depend on the area's fragile ecosystem for their livelihoods.

In late 2007, the government of Malaysia decided to resume the controversial Bakun hydroelectric project in Sarawak. The dam has already destroyed 23,000 hectares of virgin rainforest and displaced 9,000 indigenous people.

The Philippines

The rights of the Muslim Moro minority in the southern island of Mindanao continue to be violated in a number of key areas. State schools do not use Moro languages as medium of instruction to any significant extent (despite positive efforts such as the 2004 Basic Education Assistance for Mindanao), nor do most of the civil service and governmental positions require fluency in one of these languages,

though they do demand fluency in Filipino. This language policy continues to create a very real obstacle to the full participation of the Moro Muslims in the country's public and political life, and they remain vastly under-represented in categories of educational attainment and in civil service employment and political representation. This in turn perpetuates the perception of the Moros as a disadvantaged group.

Members of this minority have already lost land because of government legislation and policies such as the extinguishment of their traditional land rights and the government-sponsored resettlement of mainly Christian Filipinos on the land they previously owned. Land redistribution programmes, such as the Comprehensive Agrarian Reform Program, which in theory might have returned Moro land to members of the Muslim minority, appear to have mainly benefited Christian settlers.

The year 2008 saw an upsurge in fighting on Mindanao between government forces and the separatist Moro Islamic Liberation Front (MILF), following the collapse of a peace accord in August. Hostilities resumed after the Supreme Court of the Philippines placed a temporary restraining order on the Memorandum of Agreement on Ancestral Domain. In October the Court went on to declare the agreement between MILF and the Philippines government unconstitutional. With fighting spilling over to the islands of Jolo and Basilan in December, the National Disaster Coordinating Council said that more than 58,000 people remained in shelters in Mindanao and 163 people had died since August. Rights groups called for the authorities to urgently find ways of meeting the demand for autonomy of the Muslim community in order to put an end to the conflict.

Indigenous people in the Philippines, who come from over 100 different ethnic groupings, account for approximately 16 per cent of the national population, with over 34 per cent of the total in Mindanao. In 2008 many suffered displacement from their homes and forced recruitment to the ranks of the various parties to the fighting.

The education of thousands of minority children in Mindanao was seriously affected by the ongoing clashes between government forces and MILF.

Classes were repeatedly interrupted as many schools doubled as evacuation centres for families trying to escape the fighting.

Indigenous children lag behind majority children in terms of academic opportunities and performance. NGOs estimate that up to 70 per cent of indigenous youth left or never attended school because of the discrimination they experienced. The Department of Education continues to develop the Indigenous Peoples Curriculum, conceived in 2004, to embody the core values of indigenous people while adhering to basic education learning competencies.

At the time of writing a landmark bill was making its way through the House of Representatives that, if passed into law, will require the use of the mother tongue as a medium of instruction from Grades 1 to 6. The bill also provides for the teaching of Filipino and English as separate subjects before being used as primary media of instruction in high school.

In the Philippines indigenous land is recognized by the granting of Certificates of Ancestral Domain. At year's end the National Commission on Indigenous People, staffed by tribal members, had awarded certificates covering over 2.67 million acres of land claimed by indigenous people. However, such land can still be lost to development projects, provided a certificate of Free, Prior and Informed Consent (FPIC) is obtained from indigenous peoples. Many groups claim to have been deceived in this process.

Canadian mining company Olympus Pacific Minerals was found to have not secured FPIC prior to exploration and drilling in the Binongan indigenous people's ancestral domain at Capcapo mountain, Abra, and entered into consultations with the concerned community in April 2008.

The Subanen, an indigenous people who live in small agricultural communities and practise shifting cultivation in the mountains of the Zamboanga peninsula of Mindanao, have seen their ancestral lands steadily encroached upon by logging and mining companies. Frustrated by lack of government action, the community invoked their traditional justice authority, the Gukom, which in May 2008 found the Canadian mining company TVI Pacific guilty of crimes against the Subanen. The Gukom ordered that TVI should leave the area and pay financial restitution. However, this decision has been ignored by both the government and TVI. The Subanen had taken their case to CERD in February 2007, calling for a halt to all mining operations in the area.

Thailand

In January 2008 an elected parliament convened in Bangkok for the first time since the military seized power in September 2006. Yet the calm was relatively short-lived – political unrest as the year drew to a close saw a state of emergency declared in Bangkok, 16 killed and hundreds injured in Thailand's worst anti-government protests in 16 years, suspension of flights from the main airports as protesters blockaded terminal buildings and the occupation by protesters of Bangkok's main government complex. In late December opposition leader Abhisit Vejjajiva secured a coalition within parliament to become Thailand's prime minister and its fourth new leader in just three months.

The highland minorities of Thailand live in the mountainous west and north. As many as 20 different 'hill tribes', totalling 1 million people according to some estimates, live in Thailand and include, among the more numerous, the Akha, Karen, Lahu, Lisu, H'mong and Mien. The government does not recognize the existence of indigenous peoples in Thailand. It maintains that they are migrants and thousands of them continue to be denied registration for an identification card.

Non-citizen hill tribes are among the most vulnerable groups. Without proper political status, they face expulsion when their temporary stay expires. Without nationality and treated as second-class citizens, they suffer multiple discrimination, including lack of access to land and deprivation of basic human rights.

In August 2008 the UN Special Rapporteur highlighted the case of the Akha indigenous people in Chiangrai province, whose land was allegedly seized in 2003 as a result of the Highland Development Station Project. The objective of the station was purportedly to serve as a 'centre of knowledge on agriculture for the hill tribe people'. The Akha claim that the project has left them with only a few small plots around the village, and they have lost their traditional livelihoods. The land seizure was reportedly accompanied by widespread harassment of Akha villagers by members of the military and forestry personnel. Villagers say they were not consulted, nor did they consent to the project, and they have not yet been compensated for their loss. The government has so far not responded to the concerns raised by the Special Rapporteur.

The recent UNESCO Highland Peoples survey

studied a sample group of 192 border villages in Chiang Mai, Chiang Rai and Mae Hong Son provinces, to determine the impact of a person's legal status (citizenship and birth registration) on access to social services, education, health care, land tenure and agricultural credit. A study of a sample group revealed that 38 per cent of highland minorities do not have Thai citizenship. Compared to highlanders with Thai citizenship, those lacking citizenship are 73 per cent less likely to enter primary school and 98 per cent less likely to progress to higher education. Similarly, highlanders who lack birth registration are 64 per cent less likely to enter lower primary school and 85 per cent less likely to enter secondary school relative to highlanders with official Thai birth registration.

Highland peoples' lower rates of participation in schooling, are also possibly linked – in addition to poorly equipped and staffed schools – to the almost complete absence of instruction in their mother tongue in state schools.

UNESCO research has also identified 'lack of citizenship' as the greatest risk factor for highland girls and women in Thailand to be trafficked, or otherwise exploited.

There are some 340,000 refugees in Thailand: around 140,000 of them in nine camps along the Thailand-Burma border and about 200,000 more elsewhere. Most are from ethnic groups such as the Karen, Karenni and Shan, fleeing the war in Burma. Some 40,000 children have been born and raised in refugee camps. Refugees have established a parallel education system in the camps with the Karen and Karenni Education Departments acting as de facto ministries of education. Schools are not accredited, which means that students leave school with a certificate that has little value outside of the camps.

Recently, the government has considered accreditation of refugee and migrant schools. This would require an alignment of the current curriculum with the official Thai curriculum. While accreditation presents an opportunity, it is also met with some resistance by some refugees who fear losing their cultural identity.

In July 2008 the *Bangkok Post* reported that 11 members of the Padaung community were abducted from the northern province of Mae Hong Son. The Padaung are refugees in Thailand who fled heavy fighting in Burma. The women, who traditionally wear brass rings around their elongated necks,



Left: Children in Ban Pho preschool in Bac Han District in remote Lao Cai Province. The UNICEF-supported school promotes child participation and other child-friendly activities, and includes classes taught in the children's indigenous language. *Josh Estey/UNICEF.*

one of the largest minorities in Vietnam, numbering over 1 million. According to a Human Rights Watch report the Vietnamese government has been quick to suppress expressions of dissent among Khmer Krom communities and has banned their human rights publications. The government also tightly controls the Theravada Buddhism practised by the Khmer Krom, who see this form of Buddhism as the foundation of their distinct culture and ethnic identity. Five ethnic Khmer Buddhist monks remain in prison in Soc Trang province after participating in a peaceful protest in 2007 calling for greater religious freedom.

Khmer Krom farmers in the Mekong delta face increasing landlessness and poverty and in 2008 carried out land rights protests. In February police used dogs and electric batons to break up a land protest in An Giang province. Several protesters were injured and nine arrested.

Many Khmer Krom believe that the state's educational policies are specifically designed to assimilate them into the majority Kinh population, prevent them from accessing higher education, and weaken their culture and traditions centred around the Khmer language. Government policy is to encourage all ethnic groups to learn Vietnamese, and education is not provided in the medium of Khmer, though there should be a form of education that would permit the acquisition of functional bilingualism in both Khmer and Vietnamese. But public schools in the Mekong delta conduct the vast majority of classes in Vietnamese, with at most only two hours a week for Khmer literacy classes.

While the Mekong delta has a higher percentage of primary and secondary schools than Vietnam's seven other regions, it has the second lowest adult literacy rate and the lowest level of public school enrolments in Vietnam – with one-third of the nation's school drop-outs coming from the delta. A schoolmaster attributed the high drop-out rate to financial difficulties forcing students to go to work rather than school (70 per cent) and 'inability to learn' (30 per cent). A teacher said: 'Most of the

students with bad learning capacity are of Khmer minority; they cannot speak Vietnamese well and cannot follow the study curriculum.'

The Khmer language is also not used in service provision by state authorities even where the Khmer Krom are the majority.

The 2008 USCIRF report on Vietnam highlighted government-sponsored harassment, detention and imprisonment faced by individuals and leaders of diverse religious communities and called on the US State Department to re-designate Vietnam a 'country of particular concern'.

Vietnamese law requires that religious groups register with the government. The government officially recognizes six religions – Buddhism, Catholicism, Protestantism, Islam, Cao Dai and Hoa Hao Buddhism – and also 29 'religious organizations', which include Theravada Buddhism, recognized in February 2008.

The Degar, often referred to as Montagnards, are a group of more than 30 minorities who continue to be discriminated against since siding with the USA during the Vietnam War. Frustration at the loss of traditional lands, religious restrictions, threats to their languages and cultures, as well as poor access to education and health services have combined in the past to spark large-scale demonstrations. In April 2008 Montagnard villagers calling for religious freedom were forcefully dispersed by police in Gia Lai and Dak Lak provinces. In May, Human Rights Watch reported the death in custody of Y Ben Hdok in Dak Lak. Police reportedly refused to allow his family or a lawyer to visit him and labelled his death a suicide. (See also Cambodia.)

The year 2008 saw the harshest crack-down on Catholics in Vietnam in decades. In August, when Catholics held peaceful vigils in protest at government plans to transform former church sites (seized during the 1950s) into a public park and library, the government defined these as illegal religious activities and used tear gas and electric batons to disperse them, wounding at least three.

According to International Rivers, Vietnam's largest and most controversial development project, the US \$2.3 billion Son La Dam, will displace 91,000 ethnic minority people by the time it is completed in 2010. A September 2008 study found that the resettlement programme is facing significant challenges, such as a shortage of arable land and reduced availability of fresh water in the resettlement sites.

have been placed in 'villages' in tourist hotspots. In return, they receive a modest monthly income. The UN High Commissioner for Refugees is calling for a tourism boycott of the area.

Ethnic H'mong from neighbouring Laos continue to suffer an uncertain future in border area refugee camps. During the Vietnam War, the H'mong fought alongside United States forces and after the war ended many fled Laos. Most entered Thailand in 2005.

Around 78,000 Lao H'mong now live in Huai Nam Khao camp. Following protests by some 5,000 inmates in June, more than 800 were forcibly repatriated. According to Human Rights Watch the whereabouts of many of the repatriated H'mong is unknown and Lao authorities restrict international aid agency access to the resettlement areas. (See also Laos.)

In the Muslim Malay majority provinces of Kala, Narathiwat, Patanni and Sohghkla in Thailand's south, the insurgency continued unabated throughout 2008. Government statistics reveal that just over half of those killed were Muslims.

Rights groups accuse the elected government, which took office in January 2008, of leaving southern policy to the military. Reports of torture and other ill-treatment at the hands of the security forces increased significantly between mid-2007 and mid-2008. Reconciliation in the region is further complicated by a generalized inability to identify the real leaders of the insurgents. No organization is reported to have claimed responsibility for any of the attacks in the past four years.

Vietnam

Vietnam's 1992 Constitution affirms the rights of ethnic minorities and a number of positive government initiatives exist to try to respond to the needs of Vietnam's minorities and indigenous peoples. Yet despite these official programmes the perception of discrimination is widespread amongst Vietnam's minorities, who see the majority ethnic Viet or Kinh population continue to be favoured by current development, social and educational policies.

The Khmer Krom mainly inhabit the Mekong delta region in the south-west of Vietnam and are

East Asia

Emma Eastwood

The region saw some positive developments during the year – state recognition for the Ainu in Japan gave beleaguered minorities in the country some hope for an end to years of discrimination and increasingly empowered Aboriginals in Taiwan continued to vociferously clamour for the implementation of their customary rights. However, religious minorities in North and South Korea continued to suffer discrimination and imprisonment for their beliefs.

China

Contributed by Marusca Perazzi

The year 2008 was marked by a spectacular Olympic Games, intended to promote China's prestige and influence, a devastating earthquake in western Sichuan province, and a string of social instability issues, infringements of rights and denial of fundamental freedoms, highlighting the challenges the Chinese authorities face in governing a Han-dominant multi-ethnic China.

Governance and 'Regional National Autonomy'

In 2008, the government announced its ambitious goal of attaining democratic social progress by 2020, through its official articulation of the Chinese 'nation'. China has never recognized any minority as 'indigenous' or as having special rights. The 'autonomous' regions, districts, and counties where most minorities live, and that today cover 64 per cent of China's territory, offer mostly symbolic recognition of 'minority autonomy', as the Han Chinese increasingly dominate even in those areas.

During 2008 mounting turmoil in minority-populated areas revealed the contradictions of living under national policies that force minorities to forge a closer identification with the 92 per cent Han majority. While the government promoted more non-Han regional governors to work on the implementation of minority policies, it ensured that the CCP (Chinese Communist Party) remained firmly in control. It also continued to grant some minorities, including the Dai and Yao, more freedom to promote their cultural heritage. Through permitting expressions of ethnic identity, such as ethnic folklore and music, that do not challenge the state's control over minority affairs, the authorities bolstered the country's self-image as a tolerant and united multicultural society.

Minority rights and fundamental freedoms

Deep-seated issues for both the Han majority and minorities in governance and the rule of law, employment and social welfare, land seizure and expropriation came to a head in 2008. Central and local authorities heavily monitored and circumscribed minorities' activities, disregarding genuine discontent caused by discriminatory national policies that prevent them from fully enjoying their rights. The March 2008 Tibetan protests and riots in Lhasa, fuelled by deep resentment towards Han dominance, spilled over into Tibetan-inhabited areas in Qinghai, Sichuan and Gansu, leading to increased tensions, including between Tibetan Buddhists and Hui Muslims.

The authorities relied on emergency measures to ensure stability, to quell rising dissent and to keep dormant frustration from escalating in minority-inhabited areas in Inner Mongolia, Ningxia, Hubei, Guangxi, Heilongjiang and Yunnan. Instead of addressing the underlying institutional factors, the state stepped up security in the Tibet Autonomous Republic (TAR) and the strategic Xinjiang Uyghur Autonomous Republic (XUAR), home to Muslim Turkic-speaking Uyghur and Hui Sunni, and cracked down on protests in Hotan and Kashgar. Some religious minorities were concerned about measures that support atheism in schools; deny the full exercise of rights of belief, freedoms of expression and movement; and fail to tackle discriminatory practices in education and employment. The government continued to subject minority Buddhists, Muslims and Christians to a strict regulatory framework. It also silenced Tibetan and Uyghur voices, by imposing curfews, preventing mass prayers and impeding international pilgrimages. The public security bureau closely monitored minority rights activists and often equated their peaceful activism with social unrest to be repressed. In the TAR, the authorities renewed the 'patriotic education' campaign to convince the masses to 'fight splittism and protect stability'. Across the country, religious leaders were targeted for ongoing state indoctrination and the circulation of religious publications and texts was curtailed.

Harassment of minority communities along the North Korean border intensified, with local authorities preventing unregistered children of mixed ethnic origin from accessing schooling. The

administration in XUAR barred minority children from participating in religious activities, and prohibited teachers from publicly expressing their faith, and students from attending services and receiving private religious teaching. Following the September 2008 local ban on headscarves in Hotan, Muslim women were forced to unveil their faces in public, and others were discouraged from fasting during Ramadan. In Sichuan's Tibetan areas, monks were reportedly removed from monasteries, and hundreds of children shifted from the attached schools to public schools to receive compulsory education.

The authorities used 'anti-terrorism' as a justification to crack down on all forms of perceived dissent on the part of minorities in the TAR and the XUAR. This included prohibitions on language use, harassment of defence lawyers, forced disappearances, widespread arrests and sentencing of an unknown number of Tibetans and the indictment of 1,154 Uyghurs charged with 'endangering state security'. Unaffiliated and unregistered religious groups, including Christians in the eastern regions, continued to be subject to government interference and increased police surveillance, arrests, detention and torture. In November 2008, the UN Committee Against Torture (CAT) criticized the discriminatory treatment of minority groups in China and the 'alleged reluctance of police forces and the authorities to conduct prompt, impartial and effective investigations into discriminatory or violent practices'.

Language policies, identity challenges, and resistance in minority education

The state's achievements in its endeavour to provide 'free' basic education for all are creditable. However, China's minorities have been mainly treated as a single entity in education reforms, and the cultural, regional and developmental differences that distinguish them have been largely ignored. The implementation of national education policies has produced mixed results and additional challenges for minority groups during 2008. The National Commonly Used Language Law (2000) guarantees standard Chinese (*Putonghua*) as the national common language in the political, economic, social and education spheres. There are no formal restrictions in using *Putonghua* and minority languages simultaneously, but there have been increased limitations on the official use of minority languages and access

to education and employment have consequently been affected.

The government reiterated its emphasis on the application of minorities' language policies (of over 120 spoken languages, both with and without a written script), while incorporating the mastering of *Putonghua*, the official form of spoken Chinese. Such policies have worked best to reduce illiteracy in communities without a formal writing system (Dongxiang), or where language use is limited to some social domains (Zhuang). For others with well-established written scripts (Mongolian, Tibetan, Uyghur and Yi), where minority groups strongly identify with their native language, policies that limit their use in school have been met with increasing resistance. Minority learners and parents increasingly perceive formal schooling to be more about repressing minorities' culture than promoting their education and cultural integration. The 2008 UNESCO Education for All global monitoring report sees this trend as of particular relevance to predominantly pastoralist minority communities. For the Daur, Ewenki, Hezhen and Tibetans, in fact, formal education poses further problems, ranging from accessibility of schools to the availability of bilingual teachers qualified to work with pastoralist children. Nomadic Mongolian communities also continued to sacrifice their linguistic and cultural heritage in education. The government has yet to balance policy to support linguistic diversity and also take into account minorities' education needs.

The amended China Compulsory Education Law (2006), adopted to ensure attainment of compulsory education in rural areas, increases central government control over teaching materials in minority classes and advanced further the use of *Putonghua*. Mongols, Tibetans and Uyghurs in 2008 continued to suffer disproportionately from unequal or restricted access to quality education or the implementation of inappropriate education strategies. In the Tibetans' case, unwanted assimilation imposed through exclusionary education policies and practices, including bilingual teaching, neither serves the aim of communities' self-development, nor does it open the way to better prospects for employment, housing and adequate standard of living.

The government's commitment to invest more financial and human resources to redress discriminatory practices in language use and development of disadvantaged minorities, have yet to impact on

the structural and institutional limitations. The 2007–8 increased level of governmental funding has not led to the educational development of minority communities. Additional investment is required to help remove gender-based discrimination towards minority girls affected by power relations in the community and family commitments, including early marriage, and changes in institutional education policies that do not respect their traditional roles. Gender awareness advocacy pilots in Guangxi and education initiatives in the Gansu significantly increased the enrolment of minority girls in schools by providing financial support, teacher training to minority women and community participation in school planning. But commitments such as training of minority teachers and improved school management in minority areas still have some way to go.

Japan

In a major positive development in East Asia, the Japanese House of Representatives passed a resolution in June 2008, which officially classified the Ainu people as ‘indigenous peoples’. Activists claimed it as a ‘momentous victory’ for the Ainu, who number some 50,000, and can now claim more rights as a people, since the UN Declaration on the Rights of Indigenous Peoples is mentioned in the resolution as a standard that the government should ‘work toward[s]’.

An expert panel has since been set up to discuss the indigenous rights of Ainu and future policies concerning them; however Ainu will only hold observer status and are pressing for full representation. Some Ainu viewed the recognition as merely symbolic, with unclear benefits in terms of their social and economic marginalization, and highlighted the absence of any apology for past policies of land theft, cultural repression and forced assimilation. Others noted that official recognition could lead to increased pride within the Ainu community, and a greater desire to preserve Ainu culture. Despite their change in status, the Ainu language is unavailable in compulsory education and textbooks do not feature Japanese history from an Ainu perspective.

Furthermore, rights organizations continued to assert in 2008 that the constitutional and legislative framework in Japan still lacks remedies for discrimination experienced by persons belonging to minority groups, such as returnees from China, Okinawa, Koreans and Buraku, as well as Ainu.

The state does not recognize the Okinawa as indigenous peoples in domestic legislation and fails to provide special measures to protect, preserve and promote their cultural heritage and traditional way of life, and recognize their land rights.

The UN Human Rights Committee urged Japan to provide adequate opportunities for both Ainu and Okinawa children to receive instruction in or of their language and about their culture, and include education on Ainu and Okinawa culture and history in the regular curriculum.

Japan’s large populations of Brazilian, Chinese, Filipino and Korean permanent residents – many of whom were born in Japan – also face discrimination. They are viewed as ‘foreigners’ and as responsible for most of the crimes committed in the country. The media fosters this perception although Ministry of Justice statistics showed it to be false.

Ethnic Korean private schools in Japan are categorized as vocational schools and do not receive any government subsidies, depending on tuition fees and private donations. The schools are also excluded from tax exemption or deduction for donors. These discriminatory practices have led to Korean schools suffering economic difficulties in 2008.

Republic of Korea (South Korea)

The Republic of Korea is a very homogeneous country in linguistic and ethnic terms. There is only one small Chinese minority of perhaps as few as 20,000 people. Religious minorities are however significant. As of September 2008, there were 408 Jehovah’s Witnesses in prison in South Korea because of their conscientious objection to military service. Legislation does not permit any exemption or alternative service for those who have a religious objection to serving in the country’s armed forces.

South Korea accepts all North Korean asylum seekers as citizens, under its constitution that defines the entire Korean Peninsula as South Korean territory.

Democratic People’s Republic of Korea (North Korea)

The Democratic People’s Republic of Korea is one of the world’s most homogeneous countries in linguistic and ethnic terms and officially there are no minorities, though there are reportedly about 50,000 Chinese-speakers and 1,800 Japanese-speakers. Freedom of religion is severely curtailed. An estimated 6,000 Christians are incarcerated in Prison No. 15, located in

the northern part of the country. Refugees claim that religious prisoners are given the most dangerous tasks while in prison and are subject to constant abuse from prison officials in an effort to force them to renounce their faith. When they refuse, they are often beaten and sometimes tortured to death.

Mongolia

Contributed by Marusca Perazzi

As a parliamentary democracy, Mongolia has embraced political and economic reforms since the 1990s and gradually expanded its international ties to foster national development.

The country has a small population spread over vast areas, administratively divided into provinces and three autonomous municipalities (Ulaanbaatar, Darhan and Erdenet). Most Mongolians’ cultures are based on nomadic or semi-pastoral traditions. Khakha Mongols constitute the dominant group, along with other Mongol minorities (Barga, Bayad, Buryat, Chantuu, Durbet and others). Non-Mongolian communities, such as the Muslim Kazakhs inhabiting the western regions, include smaller groups such as the Dukha, Evenk, Tuvan and Urianhai, all with distinct languages and dialects, and clusters of Chinese, North Korean and Russian migrants.

In Mongolia, minority groups have coexisted quite peacefully in the context of tolerant societal attitudes. Traditionally, however, there has been a tendency to deny or ignore the existence of non-Mongol minorities, and they suffer marginalization from political life. The authorities, though generally supportive of human rights and diversity, have been criticized by international bodies for taking only limited actions to respond to ethnic minorities’ needs. As a result, the government’s legislative arm in January 2008 approved the ‘Comprehensive National Development Strategy based on the Millennium Development Goals’ to assess minorities’ needs and to better implement cultural rights’ reforms.

Reports confirmed the persistence of official harassment of some religious groups with limitations on churches’ registration (in the vicinity of Ulaanbaatar, Tov province), and in acquiring land to build mosques. Unlike in the previous year, no strict monitoring of groups allegedly involved in separatist activities (namely the Kazakh) was reported. Instead, the government took concrete

steps on issues of concern, such as trafficking of persons, prostitution, violence against women and child labour (including minorities).

The state of Mongolia is committed to provide general education free of charge to all, and the scheduled 2009 visit to Mongolia by the Special Rapporteur on the right to education is indicative of the positive stance of the authorities. But in 2008 the government still lacked the capacity to keep pace with the educational needs of all groups. The amendment of the Mongolia Education Law (2006) has contributed to improving the existing system. Steps have also been taken to ensure that local provinces and education authorities create environments that are gender-sensitive and free from discrimination against minority children, through school management, non-formal education and native-language learning arrangements. The decentralization of public administration through joint initiatives with the UN also proved beneficial for minorities, leading to better-trained local authorities with autonomy responsibilities, and greater use of minority languages.

The remarkable progress in education legislation was not fully matched by clear government language policies on mother tongue and bilingual education for all minorities. The almost exclusive use of the Mongolian language (Khalka), to the exclusion of other minority languages, demonstrates the need for more concrete efforts to address the lack of qualified bilingual teachers and provide textbooks, teaching materials and tailor-made curricula in other tongues.

While in 2005 the government adopted the Tuva Language Study Programme to support the Tsaatan minority in preserving their cultural and linguistic heritage, in 2008 policies continued to be pursued to the detriment of other reindeer-herding minority communities. For example, the Evenk still cannot learn in their mother tongue in schools, and, like other nomadic peoples, would benefit from the re-establishment of ‘seasonal’ schools.

Taiwan

Taiwan has a fairly progressive record on indigenous rights. Thirteen Aboriginal tribes have been officially recognized, each having its own language and customs. The indigenous population, numbering 484,000 people and representing about 2.1 per cent of Taiwan’s total population, lives mostly in eastern Taiwan and mountainous areas, and often faces

more economic difficulties than majority Taiwanese. Taiwan reserves six of its 113 legislative seats for Aborigines and maintains a cabinet-level Council of Indigenous Peoples, which works in conjunction with other ministries to raise living standards in Aboriginal regions through basic infrastructure projects. The council also provides emergency funds and college scholarships to the indigenous population.

Indigenous groups were increasingly visible in 2008, attempting to pressure central government to formally recognize their customary land rights. Groups claim that although the Indigenous Peoples Basic Law of 2005 has been approved, indigenous people's rights are still disregarded, especially when their culture is in conflict with national laws. For instance, on 31 December 2007 several Puyuma hunters participating in the Grand Hunters' Festival – an event that the county government had been informed of and had approved – were chased down and body-searched by the forest police.

On a positive note, in March 2008, the government agreed to grant the Thao, who number only 600 and are facing extinction, the title to 165 hectares beside Sun Moon Lake, with a further 1,700 hectares to be co-managed by the Thao and the government.

More than 98 per cent of the educational materials used by Aboriginal children in Taiwan are based on a non-Aboriginal viewpoint. According to a 2009 UNESCO report, the languages of all 14 of Taiwan's officially recognized indigenous groups are threatened with extinction. Aboriginal groups are demanding that the government enact an indigenous languages development law to better protect tribal languages, and ease accreditation requirements for tribal language teachers so that more people speaking indigenous languages can be allowed to teach Aboriginal children their mother tongue at elementary schools.

Oceania

Emma Eastwood

The Pacific states are some of the most ethnically diverse in the world and differing trends in minority and indigenous rights were observed in the region during 2008.

New Zealand's Maori continued to receive significant compensation payments and land title through the Waitangi Tribunal, and some advances

Right: Taris Wagilak, 8, an Aboriginal student at school in Ramingining, Northern Territory, Australia. *Polly Hemming.*

were made in terms of provision of education for Maori students in order to try to address inequalities faced by indigenous people in almost all areas of life. Australia's Aboriginal population welcomed the government's admission of guilt for the 'stolen generations', but one year after the historic apology are still waiting for compensation and real change for the country's 0.5 million indigenous peoples. Meanwhile many of the previous government's draconian measures against child abuse in the Northern Territories remain in place and there has been a controversial move to abolish the use of indigenous language as a medium of instruction in the area.

Ethnic tensions between Indo-Fijians and indigenous Fijians persisted on the Pacific island and increased migration of Chinese citizens to island states such as Papua New Guinea, the Marshall Islands and Tonga continued to create friction between communities.

Australia

On every index of human needs Australia's 0.5 million indigenous people continue to fare worse than other Australians. In 2008 the indigenous rate of imprisonment was 13 times higher than for the non-indigenous. Life expectancy for indigenous citizens was 59 for males and 65 for females, compared with 77 and 82 respectively for non-indigenous; indigenous persons were twice as likely to be hospitalized as other citizens; indigenous citizens were more than twice as likely as their non-indigenous counterparts to die from alcohol abuse; and the indigenous infant mortality rate is three times higher than the Australian national average.

Despite an Aboriginal woman becoming the highest-ranking indigenous member of government in the country's history when she was appointed Northern Territory (NT) deputy chief minister in 2007, Aboriginals remain generally under-represented among the political leadership.

In February 2008, the Rudd government carried through on its promise of a formal apology to Aboriginals for the 'stolen generation' of indigenous children snatched from their parents, passing an apology motion through parliament unanimously. Aboriginal leaders welcomed the development,



although many expressed disappointment that the apology was not accompanied by compensation.

Rudd announced a series of measures intended to close the 17-year life expectancy gap between Aborigines and other Australians. However, these included maintaining the Howard government's draconian measures (the Northern Territory Emergency Response – NTER) against child sexual abuse in the Northern Territory, introduced in June 2007. Some Aboriginal leaders decried the policies as racist and, in June 2008, threatened to block tourist access to Uluru, which is on Aboriginal lands. Later in the year the NTER Review Board called for the legislation to be made consistent with Australia's Racial Discrimination Act and for the act's protections to be re-instated immediately.

In October 2008 the federal government agreed to make resources available for job training for Aboriginals under an 'Australian employment covenant' signed by business and Aboriginal leaders, with a goal of creating 50,000 jobs for indigenous citizens. However the global economic downturn has sparked fears among Aboriginal leaders that

promises of investment in communities would not be honoured.

There were a number of significant land rights cases during 2008, with differing outcomes for Aboriginals. In April the federal court overturned a 2006 decision by a federal court judge recognizing native title of the Nyoongar Aboriginal group over a large portion of south-western Western Australia, including the state capital of Perth. The state and federal governments had appealed the original decision. The case was referred back to a federal court judge for another hearing. The High Court of Australia recognized the Yolngu people's exclusive possession rights over the intertidal zone along 80 per cent of the Northern Territory coastline. Rights groups praised the decision, which will give Aboriginals a stake in the development of a sustainable commercial fishing industry.

In May 2008 the government announced it would review the Native Title process, with a view to reducing its complexity and ensuring that royalties indigenous communities received from the mining industry were used beneficially.

Violence against Aboriginal women remains a serious problem. According to the Australia Bureau of Statistics they were 40 times more likely to be victims of family violence compared with non-indigenous women. This figure is thought to be artificially low; domestic violence in indigenous communities is widely believed to be under-reported due to mistrust of the authorities and the remoteness of Aboriginal settlements. On 13 June 2008, the Court of Appeals upheld the Queensland state attorney general's appeal against the sentences imposed by a lower court on nine defendants who pleaded guilty to the 2006 gang rape of a developmentally disabled 10-year-old indigenous girl in her community of Aurukun in the Cape York area. None of the nine defendants originally received prison sentences. As a result of the appeal of the original sentences, the Court of Appeals sentenced five of the nine defendants to prison terms.

Education

Current statistics show worrying disparities in education indicators for indigenous and non-indigenous students. High levels of disadvantage in indigenous children's early childhood years are associated with poorer outcomes in health and education. Without preschool learning opportunities, indigenous students are likely to be behind from their first year of formal schooling. While most indigenous students in metropolitan and regional areas meet the minimum reading standards, the percentage of students achieving at least the minimum standard of literacy and numeracy skills decreases as the level of remoteness increases. In 2007, only 42.9 per cent of indigenous 17-year-olds attended secondary school, compared with 65 per cent of non-indigenous 17-year-olds. Research suggests that students who do not complete this level of education will have much reduced levels of employment and economic independence. Compared with the general population, unemployment among the Aboriginal population is three times higher than for non-indigenous Australians.

Kevin Rudd's government allocated A\$98 million to add 200 teachers to the Northern Territory by 2011. However, observers noted that the initiative falls far short of the measures necessary to bring Northern Territory indigenous education to mainstream standards.

The right to education in mother tongue contin-

ues to be violated in Australia. Indigenous literacy outcomes are directly related to Aboriginals' access to their own culture, history and languages, and books in indigenous languages for students whose first language is not English, are rare. The Northern Territory government recently announced a move towards a more 'English-only' form of education, which represents a patent breach of the right of indigenous peoples to some form of education in their own languages where practicable.

Some Muslim leaders claimed that anti-Islamic sentiment in the country was increasing in the wake of public debate about the integration of Muslim immigrants into society. Groups questioned the motivations for refusing planning permission for two Islamic schools by local councils in New South Wales and Queensland.

In February 2008 the family of a Sikh youth filed a complaint with the Queensland Anti-Discrimination Commission. The student was barred from enrolment in a Brisbane private school because his turban violated the school's dress code.

Papua New Guinea

In Papua New Guinea the indigenous population is almost entirely Melanesian, though there are Polynesian outliers north of Bougainville. There are significant ethnic distinctions between population groups in different parts of the country. The country is unusually fragmented, by terrain, history, culture and language. About 840 distinct languages are spoken in Papua New Guinea, around a quarter of the world's stock, reflecting enormous regional and local cultural variety.

Although the government of Papua New Guinea is involved in the provision of services and education in a variety of languages, it also relies on international religious organizations for education in indigenous languages. For instance the Summer Institute of Linguistics (SIL) partnered with the Department of Education and local communities in linguistic research, literacy, Bible translation, Scripture use and training, and produced translations of the Bible for government-sponsored religious instruction in schools. According to reports, as of June 2008, SIL had translated the New Testament into 166 of the country's indigenous languages.

In the last few years, the number of deaths resulting from conflicts between isolated groups has continued to rise; this is thought to be due to the

availability of modern weapons. However, Radio Australia reported that in October 2008, at least 30 warring hill tribes from the Southern Highlands had signed a peace agreement.

Chinese investment in the country's mining, forestry and fishing sectors has increased dramatically recently, and a steady stream of Chinese migrants has followed. The immigrant community tends to occupy positions of relative wealth within Papua New Guinea's impoverished society and this has led to increased tensions between the indigenous population and the Chinese. Attacks on ethnic Chinese and their businesses have become more frequent, and rights groups reported a crack-down on illegal Chinese migrants during the year.

New Zealand

Considerable progress has been made in 2008 in resolving land and resource disputes for New Zealand's Maori people, who make up 15 per cent of the country's population. Additionally, Prime Minister Helen Clark publicly endorsed a national Statement on Race Relations in August. The statement reaffirmed the government's commitment to human rights and equality among the country's racial and ethnic groups, and it set out 10 fundamental rights to guide government policies toward racial and ethnic minorities.

The Waitangi Tribunal continued to hear Maori claims to land and other resources during 2008. In June the government and seven indigenous Maori tribes negotiated a settlement that included a payment of NZ \$420 million (US \$252 million) and transfer of 435,000 acres of forestland to the tribes. The agreement is the largest single deal to date between the government and these groups.

The deadline for submission of historical claims was 1 September following which new claims could still be filed and existing claims amended. In August, further claims were settled with two additional tribes for NZ \$25 million (US \$15 million) and NZ \$7 million (US \$4.2 million), respectively.

Figures for 2008 put Maori unemployment at 7.9 per cent compared with the national average of 3.8 per cent; Maori constituted approximately 50 per cent of the prison population and there is continuing disparity between Maori and non-Maori in terms of educational achievement. Maori are less likely to attend an early childhood education facility before entering primary school, are far less likely to

leave school with upper secondary school qualifications, and are also less likely to possess formal or tertiary level qualifications than other New Zealanders. In an attempt to combat these inequalities the government has adopted an educational strategy for 2008–12 emphasizing the notion of 'succeeding as Maori', including increasing Maori children's participation in early childhood education; strengthening their literacy and numeracy; ensuring young Maori are effectively engaged in secondary school and enabling Maoris to access Maori-language education options. A companion document to the school curriculum has been written in the Maori language and from an indigenous perspective.

Approximately 24 per cent of the Maori population can speak Maori, of which 10 per cent use their Maori language skills on a regular basis. In his August 2008 report the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people reported a number of positive developments in the use of Maori language.

Although Maori is an official language of New Zealand, it is not used in all state institutions. Court proceedings continue to be in English – at most an accused may get an interpreter, but not be heard by a judge who understands Maori – and most government departments have limited bilingual ability.

In the November 2008 general election the Maori Party maintained its four seats out of seven allocated to the indigenous people in the 120-seat parliament, and also won Te Tai Tonga from the Labour Party.

Pacific Islanders, who make up 7 per cent of the population, also experienced societal discrimination in 2008 according to reports. The Ministries of Justice and Pacific Island Affairs have a programme to identify gaps in delivery of government services to Pacific Islanders. ■



Europe

Snježana Bokulić

It is estimated that more than 100 million Europeans, approximately every seventh person in Europe, belongs to a minority. Yet in spite of Europe boasting the most robust instruments and mechanisms for the protection of minority rights, minority communities continued to face discrimination, hate crimes, segregation, intolerance and other violations of their minority rights throughout Europe in 2008. Minority women also continued to face multiple forms of discrimination, on the basis of their gender and their membership of an ethnic and religious group, including in access to education, employment and health services. Violence motivated by religious intolerance continued to be reported in many countries, and a rise in racist and xenophobic violence was noted. The conflict which broke out between Georgia and Russia in the summer of 2008 provided an extreme example of a situation in which the violation of minority rights plays an important, though by no means exclusive, role in sparking conflict.

As the continent plunged into economic recession, the crisis contributed to the strengthening of the far right discourse, further marginalizing minorities and increasing their vulnerability. In Russia, migrants already facing xenophobia and violence from extremist groups have also been singled out as scapegoats by the government in reference to the global economic crisis. According to some reports, in November 2008 alone, 18 persons suffered racist violence in Russia, causing three deaths. Similarly, in Ukraine, several foreigners have been murdered because of the colour of their skin, while there has been a marked increase in attacks on members of ethnic and religious minorities. The majority of victims have been of African and Asian origin. Violence against Jews also persisted and some members of Roma communities, according to reports, have been fingerprinted and photographed by the police apparently because of their ethnic identity.

Attacks against migrant workers have also been reported in the United Kingdom. In Germany, members of Turkish communities faced harassment and violence in many parts of the country and immigrant-run businesses came under attack. Members of minorities are routinely referred to as *Ausländer* ('foreigner') regardless of their actual citizenship status. In Ireland, the most significant victims of racist violence were black African males, followed by persons of Asian origin, members of the Traveller community and migrant workers from the

new European Union (EU) member states. There are reports in Latvia of neo-Nazis attacking Roma with increasing regularity. In France, 'visible minorities' are twice as likely to be stopped by police for questioning.

Disaggregated data collection, which would enable systematic monitoring, and the articulation of effective policies to tackle discrimination, social exclusion, hate crimes and other types of violations, remains lacking. Data protection legislation is often cited as the legal barrier to collection of data about an individual's ethnic origin. Bodies such as the Advisory Committee to the Framework Convention for the Protection of National Minorities of the Council of Europe (FCNM) and the EU Agency for Fundamental Rights (FRA) have continuously warned against this deficiency. Their monitoring efforts are hampered by the fact that member states often do not have official or even unofficial data and statistics in a variety of relevant fields, and where data do exist they are not comparable because a uniform data collection methodology across member states does not exist. Likewise, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) has repeatedly regretted the lack of gender disaggregated data in a range of areas, such as the prevalence of female genital mutilation on women and girls and access to health services for migrants, asylum seekers and refugee women living in Germany; access to employment, health care, education and social benefits of ethnic and religious minority women in Armenia; and the participation of migrant and minority women in political and public life, as well as in academia in Finland.

Where laws and policies are in place, often the local authorities show limited commitment to their implementation or actively obstruct it. In Austria's federal state of Carinthia, which has a right-wing government, the 2001 Constitutional Court's decision on bilingual signposting is still not implemented. Also in Carinthia a far-right party presented a draft law designed to prohibit 'unusual' buildings that fail to fit in with traditional architecture. This would make it impossible to erect mosques and minarets in Carinthia, home to some 11,000 Muslims. The law was adopted in February 2008. In Hungary, efforts of central authorities in the fields of education and housing are often hampered by the way in which local authorities put the relevant measure into practice. In Greece, gov-

ernment policies to improve the living conditions and end the segregation of Roma in certain public schools are subverted and defied by local authorities responsive to local prejudices, but their effectiveness also comes into question given the prejudicial attitudes of the officials in charge. During a meeting with the United Nations (UN) Independent Expert on Minority Issues (IEMI), one official said, 'The Greek state would like to integrate Roma fully, but they don't like that a different style of life is imposed on them.' On a positive note, however, CEDAW noted the increased supportive measures in Finland for Sami women regarding social and health services, and the implementation programme drawn up by municipalities together with the Sami council, although difficulties in accessing adequate health care persist.

The international standard of the minority right to participation benefited from its further elaboration by the Advisory Committee to the FCNM in the Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs, published in February 2008. Reliable and easily accessible data and comprehensive legislation prohibiting discrimination have been cited as essential preconditions for developing measures ensuring effective participation. As regards political participation, several developments took place. For the first time, a member of the Roma minority became a member of parliament in Croatia. Discussions were ongoing in Macedonia regarding the adoption of a new elections law which would reserve seats for smaller minorities accounting for less than 20 per cent of the population. (Ethnic Albanians do not enjoy special protection in the area of parliamentary representation because of their sheer number, which enables them to gain significant representation through regular procedures.) The proposal has met with fierce disapproval from the opposition parties as well as the ethnic Albanian political parties, who claimed that minority representatives would be subject to manipulation by majority parties. Unwilling to disrupt its long-standing effective bipartisanship, Hungary has to date failed to meet its legal obligation to secure minority political representation in parliament. In Finland, Sami politics continues to lack a gender perspective and the political representation of Sami women in their communities, as well as at the national level, remains inadequate.

In the course of the year, CEDAW examined several European states, highlighting a number of issues affecting the position of minority women. CEDAW expressed its concern about the continuing discrimination against immigrant, refugee and minority women, who suffer from multiple forms of discrimination on the basis of sex and ethnic or religious background, both in society at large and within their communities in Belgium. On the other hand, it welcomed the amendment of the Penal Code in Portugal that criminalizes female genital mutilation. Finland was encouraged to ensure that the representation of women in political and public bodies reflects the full diversity of the population and includes migrant and minority women. Stressing their particular vulnerability to poverty, CEDAW was concerned about the high rate of unemployment among immigrant women in Finland and the difficulties they face in obtaining employment commensurate with their level of education, experience and qualifications. In the UK, ethnic minority women are under-represented in all areas of the labour market, in particular in senior or decision making positions; they have higher rates of unemployment and face a greater pay gap in their hourly earnings compared to men. Women of different ethnic minority communities are also greatly under-represented in political and public life.

The European Court of Human Rights (ECtHR) appears to have started to develop a better understanding of discrimination, in particular as regards racial discrimination (see Box, p. 188). However, unlike the ECtHR, the enforcement of whose judgments remains highly problematic, the European Court of Justice (ECJ) made a significant contribution to the interpretation of what constitutes direct discrimination on racial grounds and the shifting of the burden of proof in the Belgian case *Centrum voor Gelijkheid van Kansen en voor Racismebestrijding v. Firma Feryn*. The ECJ ruled in July 2008 that the fact that an employer states publicly that it will not recruit people of a certain ethnic or racial origin constitutes direct discrimination, as this is likely to dissuade certain candidates from applying for certain jobs, and thus hinder their access to the labour market. The ECJ held, moreover, that such statements are sufficient for a presumption of the existence of a recruitment policy which is directly discriminatory, in which case the burden of proof shifts to the employer to prove that there was no breach of the

principle of equal treatment.

The ruling in *Firma Feryn* was made possible thanks to the strong articulation of the general prohibition of racial discrimination in EU law. The EU considers itself to have one of the most advanced non-discrimination legal frameworks in the world. Yet surveys show that almost two-thirds of EU citizens see discrimination on the ground of ethnic origin as being widespread. Moreover, 15 per cent said they experienced it personally in the last year and 29 per cent said they witnessed it. In the conclusions of its first Annual Report, the FRA highlighted the patchy implementation of the EU's anti-discrimination legislation and the vigour with which the legislation is applied. Recognizing the gap in the legal framework, the European Commission presented a proposal for a directive prohibiting discrimination on grounds of age, disability, sexual orientation and religion or belief outside the employment sphere. This proposal is currently pending before the Council of the EU and the European Parliament. In line with the Council Regulation establishing the FRA, which recognized the importance of engagement with civil society, the FRA facilitated the creation of the Fundamental Rights Platform, the main channel of communication between the FRA and civil society. Regrettably, minority rights organizations are virtually absent from the Platform.

With the exception of the prohibition of discrimination, EU law does not protect minority rights. As proponents of the view that minority rights fall exclusively within the domain of domestic law and policy point out, the EU lacks competence in areas important for the protection of a community's identity: mother tongue education; use of minority language in public; culture and media in minority languages; and participation in political, social, economic and cultural life. While this is indeed the legal reality, adopting such a position on minority rights has had a significant negative impact on the EU's standing as a global champion of human rights. The double standards the EU applies to minority protection, whereby it requires non-EU states to adopt and respect minority rights standards which it does not require of itself and its member states, are indicative of its approach. The effect has been that the EU is losing credibility in external relations, in particular with states that are candidates or potential candidates for EU membership, but also in international human rights fora. The

Right: A Roma child from the Peje/Pec region shows off a drawing he made to mark International Roma Day, part of an event organized by the OSCE Mission in Kosovo, April 2008. *Hasan Sopa/OSCE.*

Lisbon Treaty gives some indication that this tide is turning: Article 2 states that respect for human rights, including the rights of persons belonging to minorities, is one of the values on which the EU is founded. The EU's Charter of Fundamental Rights prohibits discrimination on the ground of membership of a national minority, among others, and obliges the EU to respect cultural, religious and linguistic diversity. Upon ratification of the Lisbon Treaty, the Charter will become legally binding. The ratification process, however, was not completed by the expected deadline of January 2009 as it was rejected in the Irish referendum; it is not clear at this time what its fate will be. Nevertheless, the impact of the references to minorities in the Treaty and Charter are not expected to bring about any significant improvements in minority protection in EU law as the EU continues to lack the required competence to develop legal instruments in areas significant for minorities.

Europe's premier minority rights treaty, the FCNM of the Council of Europe, the only legally binding instrument for the protection of minority rights, celebrated the 10th anniversary of its entry into force with a review of its impact on minority protection. Non-governmental organizations (NGOs) working on minority protection throughout the Council of Europe area articulated their views on the effectiveness of the FCNM in an NGO Declaration: the FCNM contributed to awareness-raising and internal discussions of the international standards for minority rights protection, and in some cases it was also successful in ensuring change in state minority policy and practice. Yet in eight European countries, minority populations remain excluded from the benefits of the FCNM: Andorra, Belgium, Greece, France, Iceland, Monaco, Luxembourg and Turkey have not ratified it. Nevertheless, some of the worst violations of the rights of minorities in 2008 took place in states party to the FCNM.

Roma

The Roma are generally acknowledged to be the most marginalized minority in Europe. While many countries have set objectives for the inclusion of Roma



in their national legislation and policies, in practice sufficient measures have not been taken in order to end discrimination against Roma and promote their integration. A number of countries like Denmark still refuse to recognize the Roma as a minority; in Greece they are considered a vulnerable social group. Roma communities continue to face particular difficulties and discrimination in their access to employment, education, housing, health and social services. And anti-Roma racism is pervasive: in an EU-wide survey, a quarter of respondents stated that they would feel uncomfortable if their neighbour was a Roma.

This situation came under close scrutiny of a range of international human rights instruments and mechanisms. The OSCE High Commissioner on National Minorities found that: 'The Roma in Europe have to a large extent fallen outside the new security and prosperity in Europe.' The UN Special Rapporteur on racism and the IEMI issued a joint statement urging Europe-wide action to end the violence against the Roma. The FRA commissioned a report on the violent anti-Roma incidents in Italy in May 2008 and held consultations with civil society to set out the FRA's contribution to the work on Roma. The EU organized an EU Roma

summit, a high-level meeting on Roma. In his opening speech, Commission President José Manuel Barroso acknowledged the exclusion, discrimination and racism faced by Roma communities. But when it came to taking on responsibility for bringing about change, he was very eager to qualify the role of Brussels: 'The dramatic situation of the Roma,' he said, 'cannot be solved from Brussels.' The summit concluded without any firm commitment to concrete action, but its conclusions were at least endorsed by the European Council in December, including calling on the Commission and member states to take account of the situation of the Roma when designing and implementing policy.

In the meantime, the reality described by Barroso continues unabated. Like Italy, Hungary has seen a sharp rise in racism in public discourse, and attacks on Roma, some of which have resulted in deaths. Anti-Semitic articles are regularly published in the press and anti-Roma hate speech has become widespread. Given the high level of constitutional protection afforded to freedom of expression, the government has been legally unable and politically unwilling to address this issue. The creation and increasing visibility of one extremist right-wing

group in particular has caused great concern, not only because of the group's openly anti-Roma and anti-Semitic discourse, but also because of its paramilitary organization and uniforms. At least one act of racist violence appears to have been linked to the racist discourse of this group. The public prosecutor has taken steps to ban the group. In the Czech city of Litvinov, the right-wing extremist Workers Party organized a march in the Roma neighbourhood of Janov, presenting it as an act of self-defence of 'white Czechs'. Following the Ministry of Internal Affairs' proposal to ban the party, another demonstration was held, which resulted in riots and fights between the extremists and the police force. Subsequently, Litvinov's mayor announced that the city would relocate 'problematic' Roma from Janov to accommodation outside the city, where they would live under police supervision.

In the Czech Republic cases of coerced sterilization of Roma women continued to be registered in 2008. The country's Universal Periodic Review before the UN's Human Rights Council highlighted that the government failed to take adequate action against this practice. Courts remain inaccessible to victims for a variety of reasons – language barriers, cost and discrimination, and the expiry of statutes of limitation – so they are left without effective legal remedies. NGOs have requested that a compensation scheme based on an administrative procedure be set up, which would enable victims not to have to initiate individual court proceedings, but these alternative forms of remedy have not yet been provided. Similarly, in Slovakia, an independent commission to provide compensation and apology to victims, as proposed by the Council of Europe's Human Rights Commissioner in 2003, has still not been instituted. In Hungary, the Public Health Act was amended in 2008 to require that special information be provided to patients who were to be subjected to the sterilization procedure, to ensure informed consent. The government, however, refuses to provide compensation to victims of coerced sterilization as recommended by CEDAW in 2006.

In 2008, CEDAW expressed concern that in Slovenia Roma women and girls remain in a vulnerable situation and subject to discrimination, including with regard to education, health, housing and employment. A high unemployment rate and multiple forms of discrimination continue to be faced by Roma women in Finland.

A challenge to segregated education: three landmark cases

By Jan Fiala

Segregated education has been long recognized as one of the greatest obstacles to social integration of Roma in Europe. International and domestic bodies have criticized the practice in a number of European countries, but so far to little effect. Recently, the European Court of Human Rights has decided three landmark cases, which represent important steps in achieving access to education for Roma children.

In the case of *D.H. and Others v. the Czech Republic* (application no. 57325, judgment 13 November 2007), applicants challenged the practice of placing Roma pupils in special schools for children with mental disabilities. They argued that such placements were the results of inadequate testing methods and administrative bias. They submitted detailed statistics showing that Roma children were 27 times more likely to end up in special schools than non-Roma. The Grand Chamber of the European Court found a violation of the applicants' right to be free from discrimination under Article 14 of the European Convention on Human Rights, and expressly confirmed some important principles of indirect discrimination. The Court

considered that reliable statistics can constitute sufficient prima facie evidence of discrimination, which shifts the burden of proof to the respondent, without the need to prove discriminatory intent. The Court found that although the objective of the special school system was to meet children's special educational needs, the selection process and criteria were disadvantaging Roma. The Court placed special emphasis on adequate, culturally adapted testing methods, and found that the tests the applicants had taken were racially biased and caused even Roma children with above-average intellect to be placed in special schools. Lastly, the Court rejected the argument that placement was justified by the applicants' parents' consent, holding that it is unacceptable to waive one's right to be free from racial discrimination. The Court thus concluded that the practice of placing Roma children in special schools amounts to racial discrimination.

In the case of *Sampanis and Others v. Greece* (application no. 32526/05, judgment 5 June 2008), the applicant Roma children complained about their exclusion from the Aspropyrgos primary school. After their enrolment in 2004, local non-Roma parents protested and prevented their own children from attending school. The education authorities responded by moving the Roma children to an annex school, housed in prefabricated containers, allegedly as preparation for integrated education. The European Court found that placement in the annex school was not based on adequate testing, which also undermined its declared objective. It also emphasized that, given the vulnerable position of the Roma community, it cannot be accepted that exclusion was based on their consent. The Court concluded that the applicants were discriminated against in their right to education on the grounds of race.

The case of *Oršuš and Others v. Croatia* (application no. 15766/03, judgment 17 July 2008) concerned segregation within primary schools.

The applicant Roma children were placed into separate classes, allegedly because of their inadequate command of Croatian. However, most of them had good marks in Croatian language. Surprisingly, the European Court did not find a violation of the applicants' right to education. It accepted that the selection criteria had been language skills, not ethnicity. Although the Court was concerned about the lack of adequate tests and procedures for transfer of children, it accepted the domestic authorities' judgements as to which children were in need of special attention. It also considered that education in the separate classes was not of lower standard than in the regular classes, therefore the children were not harmed by it. The applicants decided to refer the case to the Grand Chamber of the European Court. They pointed out various factual inaccuracies of the judgment, and also argued that the judgment failed to properly apply the principles established in *D.H.* and *Sampanis*.

The three decisions have a huge potential to influence educational policies. *D.H.* declared illegal a practice that has been long condoned by European societies. It firmly established the importance of statistics; lack of intent, shifting the burden of proof; and appropriate testing methods in education discrimination. These elements make it virtually impossible for authorities to maintain special schools in their current form. However, as MRG pointed out in its submission at the *D.H.* case, segregated education can take different forms. Whether the governments respond with genuine integration, or replace special schools with other, more covert forms of discrimination, will depend on how the Grand Chamber of the European Court deals with the appeal in the *Oršuš* case. It will be up to the applicants, and their sympathizers in other European countries, to make courts and governments understand the harmful impact of segregated education on Roma, so that all of its forms are outlawed and eliminated. ■

Minorities and education

The minority right to education is enshrined in the FCNM and protected to different degrees by domestic legislation. Within the EU context,

although education is included in some treaty provisions, it is not a field of EU competence and as such does not allow for harmonizing action at EU level. Nevertheless, there exists the Council Directive

(EC Directive 77/486/EEC) on the education of the children of migrant workers, which obliges EU member states to take appropriate measures to promote teaching of the mother tongue and culture

of the country of origin for the children of migrant workers. Although the directive deals only with the education of children of migrant workers who are EU citizens, a declaration attached to the Directive includes a commitment by the Council to avoid any discrimination based on a pupil's nationality. This Directive is said to be one of the least implemented pieces of EU legislation.

A number of issues in the education of minorities arose in the course of the year, the most pervasive being the discrimination against the Roma in education. In the words of the Council of Europe Human Rights Commissioner:

'A significant number of Roma children do not have access to education of a similar standard enjoyed by other children. This not only prevents the Roma from participating effectively in the social and political life of their home country but also negatively affects the future of the latter's society.'

He sees the deeply ingrained prejudices against the Roma, at all levels of societies, as one of the major causes of inequality in the sphere of education. As outlined in the box (p. 188), the practice of segregation in education is of particular concern. Segregation may take various forms, such as the establishment of segregated schools in segregated settlements, or a clear, unjustified over-representation of Roma children in classes for children with special needs. The system of financial incentives in a number of countries has been highlighted as one of the causes of the problem, since the per capita allowances for children placed in special education can be double the regular allowances. As a result, a growing number of 'special classes' in ordinary primary schools have been set up, which constitutes discrimination. Hungary has attempted to tackle this problem and remove the financial incentive for segregation by introducing financial incentives for regular primary schools which enrol children from what are described as 'disadvantaged backgrounds', which is often a reference to the Roma.

In Macedonia, disproportionate placement of Roma in special schools continues. Although Roma account for only 2.6 per cent of the population in Macedonia, in 27 special schools 30–70 per cent of students are Roma. During his visit to Macedonia the OSCE High Commissioner on National

Minorities warned of the negative consequences that increasingly segregated education will have on the society. Another problem, faced often by Egyptian (as in Roma, Ashkali and Egyptian – RAE) children is their poor school attendance due primarily to extreme levels of poverty, which forces children to seek work instead of attending school. The government's response has been to impose high penalties on parents, which is highly counterproductive and has discriminatory effects.

Unavailability of mother tongue education in Roma language poses another obstacle to the education of Roma children and runs counter to the international human rights obligations of European states. For example, in Denmark, mother tongue education, previously supported by the government has been relegated to the local authorities, which has resulted in cuts and lack of instruction in Roma language.

Minorities in other countries were also faced with a variety of problems. The quality of teaching in Turkish-language schools remains a concern for the Turks in the Western Thrace region of Greece. In Norway, in spite of some positive developments resulting in the establishment of the Kven language council, which is working on the standardization of Kvenish and making available a Kven language and culture course at the University of Tromsø, there exists no structured policy for the protection and promotion of the Kven language and teaching materials for all levels of education are lacking. In Slovakia, the issue of textbooks in the language of the Hungarian minority made headlines in 2008. Newly published geography textbooks in the Hungarian language included toponyms in Slovak language, instead of Hungarian. In spite of vocal protests, the ministry refused to change the textbooks. Resolution seemed in sight following the proposal by the Party of the Hungarian Coalition of a legislative amendment which would allow for the use of toponyms in the minority language in minority-language textbooks. Although the amended version of the proposal also gained the support of the ruling party, the president's refusal to sign the law and subsequent hurdles make it unclear how the issue will be resolved.

In Hungary, children of refugees and asylum seekers, while entitled in theory to benefit from the same rights to compulsory education as Hungarian children, in practice have difficulty exercising their

rights as they are met with the resistance from schools to accepting them. Even if they are accepted, frequently they do not have access to adequate assistance in learning the Hungarian language. The absence of a national integration strategy to assist them in participating fully in society further exacerbates their situation.

As the Advisory Committee to the FCNM pointed out, in Sweden the authorities have undertaken commendable reviews of textbooks and launched web-based initiatives devoted to minority languages. However, the availability of minority-language teaching remained too limited in the public education system, and there is a need for the authorities to strengthen the pertinent regulations and bolster support for bilingual education. Similarly, in Switzerland there have been commendable efforts to move towards a coordinated inter-cantonal development of language teaching in compulsory education. However the overall situation of Italian- and Romanche-speakers who live outside their traditional areas of settlement has not significantly improved with regard to access to language teaching and opportunities to enjoy cultural and linguistic support.

The ban on headscarves in schools, in the view of CEDAW, may increase the discrimination faced by girls from ethnic and religious minorities and may impede equal access to education. CEDAW recommended that Belgium promote a genuine dialogue with and within ethnic and religious communities aimed at the formulation of a common approach to the ban of headscarves in schools. The low level of Roma women's formal education and the school drop-out rates remained a concern in Slovenia, according to CEDAW. Girls of foreign origin continued to face unequal access to quality education at all levels in Luxembourg.

Islamophobia

The extent of anti-Muslim sentiments in Europe continue to be a cause of concern. In France, Poland, Spain and the UK, attitudes towards Muslims are said to be notably more negative in comparison to 2005, though in Spain and Germany, the two EU countries with the most negative perspectives, unfavourable views have declined since 2006. France and the UK, on the other hand, have seen a steady increase in unfavourable opinions of Muslims.

Discrimination against Muslims persists in the

fields of employment, education, as regards the right to profess and manifest one's religion, as well as in hate speech. In the Netherlands, a Christian comprehensive school was found guilty of religious discrimination by the Equal Treatment Commission for rejecting an applicant for the temporary position of mathematics teacher because of his Muslim background. Plans to build mosques or their opening have met with public demonstrations against what the protesters called the 'Islamization of Europe' in Austria, Belgium, Germany and Switzerland. In Italy, Muslim prayer in public during a protest march against the Israeli offensive in Gaza was openly condemned by right-wing politicians, who regarded this as 'threatening and intimidating acts towards the Italian people'.

In the Czech Republic, the TV Nova television station was fined by the Council for Radio and Television for having broadcast xenophobic and Islamophobic content in a report which stated that Sharia law allows a husband to kill an unfaithful wife.

The debate on whether Muslim women and girls should be allowed to wear a headscarf while on duty in a government job or in schools continued, and hijabs are banned in a number of countries. Various arguments are put forward in favour of the ban, however the women most likely to be affected by the decisions are rarely consulted. The German state bans religious symbols and clothing for teachers and other civil servants. In Ireland, where there is no state-wide regulation, the government leaves the decision to individual schools. In Norway, the Ministry of Justice first decided to put forward a proposal to permit Muslim women to wear the hijab as part of the Norwegian police uniform, but then withdrew it. The move, if implemented, would have allowed a broader recruitment to the police. In France, the government's anti-discrimination agency ruled that it was acceptable to ban women wearing the burqa and niqab, clothes that cover the body and face, from state-sponsored French language classes for immigrants. The Danish government introduced a proposal to ban judges from wearing headscarves and other religious apparel.

France

Throughout 2008, allegations of French police ill-treatment of minorities were made by civil society.

Improving access to education for Roma children in Romania

By Eugen Crai

Romania has the largest Roma minority in Europe, estimated at between 1.8 million and 2.5 million (with almost 50 per cent of this population being under the age of 19). The first steps towards improving access to quality education for Roma children date back to 1990 when the Romanian Ministry of Education established a position of General Inspector for Romany Language Education. Then in 1992 there were established special and additional places for Roma students in the Faculty of Sociology of Bucharest State University.

Major efforts were launched in 2001, after the adoption of the Governmental Strategy for the Improvement of the Roma Situation in Romania, but the challenges are still present. Unfortunately there is no baseline data regarding the current participation in education of Roma children at national level, partly because of reluctance of the authorities to collect data disaggregated by ethnicity.

Based on the most recent survey conducted by the Open Society Foundation in Romania, in 2007 almost 21 per cent of the Roma population below the age of 40 have not accessed any level of education (as compared to 0.8 per cent of the non-Roma population). Another 23 per

cent had access only to primary education, 38 per cent have graduated from lower secondary education (grade 8), while only 4.3 per cent have graduated from upper secondary education (grade 12), as compared to 42.4 per cent of the non-Roma population. These gaps between the Roma and non-Roma population actually widened during the last 20 years of transition.

Anti-segregation policies in the education system have been adopted starting in 2005. However, based on a survey conducted by UNICEF Romania and Romani CRISS (a Roma NGO), in 2008 in schools in nine counties and Bucharest Municipality, in 63 per cent of the investigated schools segregation was present in some form. Indicators of the quality of education indicators (including infrastructure, facilities and qualifications of teachers) are worse or much worse in the schools displaying segregation as compared to the other schools.

While the percentage of Roma without birth certificates seems to be decreasing, almost 11 per cent of the Roma population above 14 years of age did not have an ID card in 2002. In a limited 2004 survey covering vulnerable Roma families in Bucharest it was found that as many as 26 per cent did not have an ID card. The lack of a legal identity thus excludes tens of thousands of Roma from every right that citizenship entails, including social assistance, social security, formal employment and the minimum income guarantee scheme.

Among the majority Romanian population, the Roma are sometimes perceived as skilful at certain jobs, but this rouses fears based on ethnic stereotypes. In 2003 the Committee on the Rights of the Child expressed concern over the negative attitudes and prejudices among the general public, in political discourse and the media.

The education of Roma girls is also obstructed by early marriage and early pregnancy. Several surveys concur in finding more than 70 per cent of Roma women marry before the age of 18 (approximately 35 per cent being married before

the age of 16). Early marriage entails girls dropping out of school in the vast majority of cases. In 2008 Romania adopted legislation prohibiting marriage of girls before the age of 18 (such prohibition existed in past legislation for boys).

Within the education system a range of measures has now been introduced to enhance access to quality education. A system of County School Inspectors for Roma children's education was introduced. Starting in 2001 the system of Roma School Mediators was gradually introduced in Roma communities. A strategy for the training of Roma unqualified teachers has also been launched and implemented with UNICEF support. Early education programmes in Roma communities were introduced with UNICEF support such as the 'Summer Kindergarten' or 'Bilingual Kindergarten in Roma Communities'.

Different safety nets (such as the Education Priority Areas model, and Second Chance Education programmes) have been tested and introduced gradually into the system. Intercultural education programmes have been scaled up at national level. Early marriage and early pregnancy in Roma communities were tackled through community-based campaigns with formal and informal leaders and with school authorities.

As Romania has a historically established system of education in the languages of national minorities, efforts have been made since the early 1990s for the introduction of Romany language education and currently approximately 260,000 Roma students are taught Romany in schools throughout the country (although there exists only one school with Romany as the language of instruction for grades 1–4). Educational materials in Romany or bilingual materials have also been developed. ■

minorities or foreign nationals.

A major grievance during the 2005 riots in the Paris suburbs was discrimination against young people of Arab and African origin in employment.



Above: An African family on their balcony in a back street of the La Chapelle district in the 18th arrondissement, Paris. They are watching a parade of Hindu gods during the annual Ganesh festival. *Mark Henley/Panos.*

The government was keen to point out that the situation has improved and that French companies are hiring more people from deprived neighbourhoods. Others, in particular the residents of such neighbourhoods, said little had changed. In particular, Muslim women who wear headscarves are less likely to get jobs in spite of the degrees they may hold. France has the largest Muslim community in Europe. A significant segment of the population, moreover, is of African and Caribbean origin.

In December 2008, Yazid Sabeg, of Algerian origin, was nominated as the government's diversity and equal opportunities commissioner. One of his main objectives is to find the appropriate way of collecting information on diversity and disaggregated statistics. Since 1978, legal barriers have been put in place banning the collection of data referring to racial or ethnic origin. President Nicolas Sarkozy recognized publicly that the lack of data on ethnic minorities was hampering the ability to measure inequality and deal with it (see chapter by Zoë Gray).

In December 2008, the ECtHR ruled that the French school ban on headscarves was not a violation of the ECHR. In the cases of *Dogru v. France* and *Kervanci v. France*, the ECtHR unanimously held that there had been no violation of Article 9, which protects the freedom of thought, conscience and religion. The applicants were expelled from school for wearing headscarves during physical

A 2009 Amnesty International report said that unlawful killings, beatings, racial abuse and excessive use of force by law enforcement officials are rarely investigated effectively and those responsible seldom

brought to justice. Although the victims of ill-treatment and other human rights violations include men and women of all age groups, the vast majority of complaints concern French citizens from ethnic

education classes. In the ECtHR's opinion, the purpose of the restriction on the applicants' right to manifest their religious convictions was to adhere to the requirements of secularism in state schools.

Georgia

In August 2008, conflict broke out between the Georgian military and the breakaway South Ossetian forces aided by the Russian military. The origin of the conflict is attributed to one of myriad minority-majority disputes that accompanied the break-up of the Soviet Union. As nationalist leaders gained power throughout the successor state, claims for autonomy and, ultimately, independence followed. Clashes between the Georgians and Ossetians in 1989 erupted into war from 1990 to 1992, in the midst of which Georgia declared its independence from the Soviet Union. Ossetia, in turn, declared its own independence and the conflict remained frozen. August 2008 saw a series of shooting incidents in the South Ossetian conflict zone.

Georgian President Mikhail Saakashvili declared his intention to offer unlimited autonomy to the region, but ultimately he launched a massive artillery attack on Tskhinvali, the regional capital. Russian forces occupied sections of Georgia proper by 12 August and took control of access to the west of Georgia, Gori and other areas. Within a day of the conflict breaking out, separatist forces in Abkhazia launched an offensive against Georgian troops in the Kodori gorge area, the only part of their territory remaining under Georgian control, with Russian support. Human rights activists reported that Georgian villages were looted and burnt. As a result of the offensive the Georgian troops left the territory and some 3,000 ethnic Georgians were forced to leave their homes, some of them for the second time. The conflict caused much suffering for the civilian population in South Ossetia, home to both ethnic Ossetians and Georgians, numbering some 75,000 inhabitants, about one-third of the population. It caused a significant displacement of civilians, ethnic Georgians as well as minorities. A number of ethnic Armenians sought refuge in Armenia. Several thousand Georgians who fled from the Kodori gorge have not been able to return home. The inhabitants of the area are almost exclusively Svans, a Georgian ethnic sub-group with their own distinctive language.

In a move strongly condemned by EU leaders as contrary to international law, Russia recognized the

Right: A memorial to the two young Roma sisters, 11-year-old Violeta and 13-year-old Cristina, who drowned at Torregaveta beach in Naples in July 2008. Their bodies lay on the beach for three hours while holidaymakers continued to sunbathe.

Robin Hammond/Panos.

breakaway republics of South Ossetia and Abkhazia. Proponents of their independence cited the precedent of Kosovo. In the words of the Abkhaz Deputy Foreign Minister Maxim Gunjia: 'We use the same arguments as those used by the West with regard to Kosovo: All other possible means were exhausted.'

Greece

Greece has been an EU member state since 1981, but has not ratified the FCNM and does not recognize the existence of ethnic minorities on its territory. Only a 'Muslim minority' in Western Thrace, protected by the terms of the 1923 Treaty of Lausanne concluded with Turkey is officially recognized as a religious minority, but its predominantly ethnic Turkish members are denied recognition as an ethnic minority. The non-recognition of the ethnic Turkish and Macedonian minorities has profound ramifications for the ability of these minority communities to exercise their rights. The persistent refusal of Greek courts to register minority associations has constituted a violation of their right to freedom of association, as the ECtHR has found in four separate cases – to no avail, as the courts still refuse to grant registration to all of them. It has also been detrimental to the protection of minority identities, making it impossible to institute adequate arrangements in areas such as minority language use or education.

The state of minorities in Greece prompted both the High Commissioner for Human Rights of the Council of Europe and the IEMI to undertake country visits in 2008. The High Commissioner was primarily concerned with minorities and the right to freedom of association, the denial of citizenship to some members of minorities under former legislation, and issues affecting the religious freedom in particular of the Turks in Western Thrace as government-appointed Muftis have been reported to apply Sharia law in family and inheritance matters, in contravention of international human rights standards. The IEMI raised a variety of issues, including the protection of minority identity, minority religions and discrimination against the



Roma in housing and employment, education and denial of justice.

However, the Greek state reaffirmed its position that 'any recommendation by UN treaty bodies and by other monitoring mechanisms, on the protection of rights of persons claiming to belong to a minority cannot determine the existence of a minority group or impose on States an obligation to officially recognize a group as a minority', as articulated in the government's reply to the report of the High Commissioner for Human Rights. There was a similar reaction to the report of the IEMI.

The National Commission for Human Rights (NCHR) reviewed the results of the implementation of the 'Integrated Action Plan for the Social Integration of Greek Gypsies 2002–2008'. The report, co-signed by the Deputy Ombudsman for Human Rights, assessed the housing initiatives as 'rather modest'. It emphasized the negative attitude of local authorities and communities towards such programmes: 'The municipalities are very reluctant to attempt any form of registering the Roma residing in and/or passing through their areas; they invoke the fact that any record based on "racial" criteria is prohibited by law', the report stated. The NCHR and the Deputy Ombudsman urged the Greek state to change the way it responds to the rec-

ommendations of domestic and international bodies dealing with Roma. 'Execution of the judgments of the European Court for Human Rights and compliance with the observations of other jurisdictional organs,' they stressed, 'is an obligation and not an option.'

Finally, concerning minority religions, the IEMI noted the considerable influence of the Greek Orthodox Church in Greek society and political life, and that the Church receives state funding; that there is no specific domestic law to protect freedom of religion; and that members of other religions face verbal and sometimes physical aggression, as well as restrictions on places of worship and burial sites. In addition, in 2008, the ECtHR in the *Alexandridis v. Greece* judgment ruled that the fact that the applicant had had to reveal that he was not an Orthodox Christian while taking an oath of office before a Greek court in order to take a non-religious affirmation had interfered with his freedom not to have to manifest his religious beliefs and therefore constituted a violation of Article 9 of the European Convention.

Italy

Events of 2008 mean that the focus of this section must overwhelmingly consider the plight of the

Roma in Italy. Expressions of racism and xenophobia against that community increased dramatically over the year. An EU-wide survey revealed that Italy is the most intolerant towards Roma of all the 27 member states: almost half the respondents in Italy would feel uncomfortable having Roma neighbours, twice the EU average, while only 5 per cent of them had Roma friends, a third of the EU average. Mainstream politicians at local and central level became the champions of hate speech and intolerance. Crimes perpetrated against the Roma went unpunished: perpetrators have yet to be held legally accountable for at least eight incidents of anti-Roma pogroms, leading to the razing of Roma camps with Molotov cocktails. Research from a coalition of organizations – including the Open Society Institute, the Center on Housing Rights and Evictions, the European Roma Rights Centre, Romani CRISS and the Roma Civic Alliance in Romania – reported that as a result of statements from high-ranking Italian politicians fuelling anti-Roma sentiment, instances of physical and verbal abuse of Roma in Italy have increased disproportionately in frequency and seriousness since April 2008, when the new government was elected.

The election campaign was dominated by the issues of security and migration. Roma were often portrayed by politicians as irregular migrants or criminals, suggesting that their mere presence was a security threat. The Council of Europe Human Rights Commissioner criticized Italy's criminalizing of immigrants, hate speech by public figures and the media, where racist attacks against Roma have become a standing feature of the public discourse. Italy's Court of Cassation, the highest court of appeal, overturned the conviction of the mayor of Verona and four other members of his Northern League party for racially discriminatory propaganda. The mayor had stated publicly that wherever Roma arrived, there were thefts. The court held that 'discrimination based on diversity is different from discrimination based on somebody's criminality', effectively ruling that to imply all Roma were criminals is acceptable discrimination. The case was returned to the lower court, however, which in its October 2008 decision confirmed the conviction.

The new government instituted a series of measures aiming to remedy the security issues identified in the campaign, including the declaration of a state of emergency in the regions of Campania, Lazio and

Right: Crowds in Silvan, Turkey, during a Newroz celebration in March 2008. Newroz is celebrated by Kurds throughout the country and is the celebration of the coming of spring. *Aytunc Akad/Panos.*

Lombardia. The most controversial measure was a census operation conducted in a number of municipalities in June 2008, which involved various measures for the identification of Roma, including fingerprinting. Following an international outcry, the census operations were modified to include certain safeguards and were extended to the entire population in Italy in order to avoid allegations of discrimination. Moreover, on some issues the government has been forced to back down under pressure from the EU. These include a provision for the expulsion of EU citizens that was devised for Romanian Roma and judged to clash with European rules on free movement. The provision was withdrawn after the European Commission threatened to start infringement proceedings.

Kosovo

On 17 February 2008, Kosovo declared its independence from Serbia, a move immediately recognized by a number of EU member states and the United States but vehemently opposed by Russia. By the end of the year, the number of recognitions reached 53. The EU has failed to reach unanimity on the issue as Cyprus, Greece, Romania, Slovakia and Spain have not recognized its independence. Kosovo's Constitution, which according to the EU is in line with international standards guaranteeing full respect of individual and community rights, came into effect on 15 June.

The declaration of independence was legally challenged by Serbia, which requested that the matter be sent to the International Court of Justice. In March, violence erupted in Mitrovica, leaving at least 80 Serb civilians and 63 members of the international security forces injured.

In spite of Prime Minister Hashim Thaci's promises of a democracy that respected the rights of all ethnic communities, minorities in Kosovo are left very much on the margins. Human rights advocates point out that neither the Constitution nor the new laws provide adequate protection for the small minorities in Kosovo (Bosniaks, Croats, Gorani, Montenegrins, Roma, Ashkali and Egyptians, and Turks among others) and, in some cases, have



served to worsen their situation. A number of laws adopted in the course of 2008 have been problematic for minorities. The new law on local self-government lacks the provision ensuring proportional representation in the civil service that had existed previously. Likewise, the new law on local elections does not provide for guaranteed political participation of ethnic communities.

The problem of the lead-contaminated camps in which Roma internally displaced persons have been accommodated since 1999 has still not been resolved. Forced repatriations of Roma, Ashkalia and Egyptian refugees, who were granted protection in several countries of western Europe, continues in 2008. Families are returned even though no housing, welfare support or employment opportunities are provided for them. The returns have a particularly negative impact on children who have grown up in the countries of asylum, were integrated into

their schooling systems and have no knowledge of the Albanian language. The Kosovo school system offers no mechanisms to accommodate their needs, in particular as regards language instruction.

Turkey

Contributed by Nurcan Kaya

The performance of the ruling Justice and Development Party (AKP) in 2008 has failed to meet the expectations of minorities, as well as academics, human rights activists and the EU. Instead of focusing on the EU accession process and further democratization as promised, 'combating terrorism' occupied the government's agenda after the AKP came into power and during the local elections of March 2009. Moreover, civil society has not yet been able to have any input into the draft revised constitution the government has been preparing.

Turkey's policy on minority rights and the legal

No dreams for Dilan

By Nurcan Kaya

Dilan Kılıçaslan was displaced in south-east Turkey during the armed conflict between the Kurdistan Workers' Party (PKK) and the Turkish army in 1993. She wanted to become a doctor, but displacement and discrimination mean her dreams have been put on hold for more than 20 years.

Dilan's ID calls her 'Sibel'; the authorities won't let her be known by her Kurdish name. And though 'Dilan' means 'festival' in Kurdish, her life has been far from happy.

Her mother was the first wife of a violent man, and Dilan was the youngest of 14 children. She also has six step-siblings. Studying in primary school in her village, Dilan said she wanted to become a doctor, work, take her mother and start a new life, where they would be free and would not face any humiliation.

But her village was set on fire by the Turkish security forces in 1993. She says that the whole house, including their goods, animals, farm and memories, were burned down. The family spent the night in the neighbouring village. The following day they went to the town of Tatvan, and the day after to Istanbul. They stayed with a relative in Bağcılar, a quarter in Istanbul which was home to a large number of displaced Kurds.

The day after they arrived in Istanbul, Dilan started to work as an apprentice at a small textile factory. She worked from 08.30 to 19.00. She was still just nine years old. Her Turkish was not good and she was frequently harassed for that in Istanbul. She was never enrolled at a school in Istanbul, as she had to work and contribute to the family income, and she did not even have an ID card to register at a school. The whole family was too scared to have any contact with the officials. All they wanted was to survive. Like other displaced families, they never received any financial or other sort of support from the state.

Dilan dreamed of enrolling at a school in Istanbul for many years. After getting an ID some years later, when the family decided to enrol her, security forces raided their flat and detained some family members for aiding the PKK. Neither Dilan, nor any other children of the family ever went to school in Istanbul.

Dilan is 25 years old now. She still lives with some family members in Bağcılar and still works in a textile factory, now as an adept-expert. She earns very little money and works without having any insurance. Dilan says that if she had not been displaced, or if she had ever been assisted by the state to continue her education, probably she would be in her fourth year at university today.

As she tells her story, Dilan bursts into tears. She says this is not the life she wanted. She hopes that one day the state might offer her a different option, such as vocational training or a different job. If that happened, she says, she would feel better and make a new start. ■

human rights activist Hrant Dink and the Christian staff of the Zirve Publishing House in Malatya are still pending, and the lawyers representing the families of the victims and many human rights organizations, including Amnesty International, argue that investigation is not being carried out effectively. The public officers who were accused of negligence for failing to take protection measures for Dink, despite having received intelligence information on the murder plan, remained in their posts and no case was brought against them. Dink's family and the lawyers representing them are still subject to harassment and threats by the perpetrators and their lawyers.

In December 2008 some intellectuals organized a petition for an apology to the Armenians for their massacre in 1915; it was supported by thousands. However, in January 2009, the Federation of the Osmangazi Culture Associations in Eskişehir organized a press conference to condemn the campaign. Members of the Federation carried placards stating 'Dogs can enter but not Armenians and Jews'. A criminal investigation has been brought against the president of the Federation.

However some positive steps were taken by the government in 2008 and as a result, TRT 6, a new public channel broadcasting around the clock in Kurdish (Zaza and Kurmanci dialects) was launched in January 2009. Turkey's Prime Minister Recep Tayyip Erdoğan congratulated Kurds in Kurdish for the opening of this new channel. Although the channel was welcomed as a groundbreaking step by a large proportion of civil society, including Kurds, the government was criticized for not lifting the restrictions on private broadcasters. While TRT 6 has been allowed unlimited broadcasting in Kurdish, private national and regional broadcasters are still subject to restrictions which make it almost impossible to broadcast in Kurdish or other local languages. Moreover, using Kurdish is still prohibited in some areas. Article 81/c of the Law on Political Parties prohibits election campaigning in languages other than Turkish. In January 2009, six members of the pro-Kurdish Democratic Society Party (DTP) were charged under this provision for issuing posters in Kurdish in May 2008. When Ahmet Türk, the president of the DTP gave a speech in Kurdish at the DTP group meeting at the parliament in February 2009, TRT 3, the parliament broadcasting channel, cut its broadcast after a few minutes, although there

is no clear legal prohibition against giving such talks in languages other than Turkish.

The property rights of minorities are still not adequately addressed. The Law on Foundations (Law no. 5555), adopted by parliament in November 2006 and vetoed by then-President Ahmet Necdet Sezer, was adopted again by parliament on 20 February 2008. The new law allows non-Muslim Foundations to apply to recover their properties seized by the state in the 1970s, but only if they are still in the hands of the state. It does not guarantee return or compensation for the properties of non-Muslim foundations that were seized and sold to third parties. The European Court of Human Rights (ECtHR) found a violation of Article 1 of Protocol No. 1 to the European Convention on Human Rights in the case *Fener Rum Patrikliği (Ecumenical Patriarchate) v. Turkey* (July 2008) on the basis that Turkish authorities had deprived the owner of the property without providing for appropriate compensation. The Law on Compensation for Losses Arising from Terrorism and the Fight against Terrorism (Law no. 5233) ensured compensation for the properties of displaced people; however, the compensation was usually far from meeting 'just satisfaction' criteria. Return of displaced people and their integration in the places where they have settled remained crucial issues to be addressed in 2008.

The education rights of minorities is one of the areas in which the government is most reluctant to progress. Issues including lack of ethnic data for the most disadvantaged groups, including child seasonal workers (see Box, p. 198), regional disparities in literacy rates that reveal inequality along ethnic and gender lines, and problems in registration, that particularly affect the Roma, are explored in greater depth in MRG's 2009 report: *Forgotten or Assimilated? Minorities in the Education System of Turkey*. The report also looks at the importance of mother tongue education, which is guaranteed to Lausanne minorities only, and the difficulties and restrictions communities face in setting up their own schools. Discrimination exists in the system; the government has done little to reform the contents of the mandatory religion class, which focuses on Sunni Islam, despite a ruling by the ECtHR that the class is in violation of the right to education under Article 2 of the 1st Protocol to the Convention (See *Hasan and Eylem Zengin v. Turkey*.) ■

framework has not changed. The only instrument Turkey will refer to when it comes to protection of minorities is the Treaty of Lausanne, which was signed between the new Republic of Turkey and the allies of the First World War in 1923. It guarantees specific rights only to non-Muslim minorities. Turkey, moreover, has been and still is violating the Lausanne Treaty by applying it only to Armenians, Rums (Greek Orthodox) and Jews, leaving other non-Muslim groups, such as Assyrians, Baha'is, Chaldeans, Protestants and

Yezidis out of Lausanne's protection. Furthermore, Turkey has limited the property and education rights of Armenians and Rums, in violation of the Lausanne Treaty. Other ethnic minorities, including Caucasians, Kurds, Laz and Roma, are not recognized as minorities and are therefore not fully guaranteed a number of rights, *inter alia* broadcasting and education in mother tongue.

In 2008, racist propaganda and attacks were on the rise. The cases brought against the perpetrators of the racist murders of the Armenian journalist and



Middle East

Kate Washington

The Middle East is arguably one of the most ethnically, religiously and linguistically diverse areas of the world. Ancient languages, ethnic groups and religious sects have survived the creation of modern nation states, but find themselves under constant threat from generalized violence and local identity politics. Throughout the region in 2008, conflicts over both resources and identity have continued.

The US-led invasion of Iraq, in particular, has had serious effects on neighbouring governments bearing the weight of a large-scale refugee crisis that has put great strain on resources from water to health and education provision. Small minority communities have been forced to flee and are being dispersed worldwide. Minority communities inside Iraq continue to suffer targeted attacks because of their identities. The conflict has also contributed to security concerns in neighbouring countries and borders have become more solid.

In recent history, the elements of cultural difference – language, religion and ethnicity – have become dominant issues in the evolution of nationalism in the region. Being one of the most important vectors for the transmission of cultural identity, education provision, particularly for minorities, has suffered as a result.

Language has played a pivotal role in the creation of Arab, Persian and Kurdish national identities, and for much of the region has been the most important marker of ethnicity. The relationship between language, ethnicity and the concept of the 'nation' has meant that minority language issues have become increasingly politicized and sensitive.

Increasingly, throughout the region, states have put considerable energy into creating uni-lingual public spaces. The results of this for linguistic and ethno-linguistic minorities have been dramatic. As such, minority groups throughout the region have been targeted and in some cases violently repressed for campaigning for the right to mother tongue education – the lack of which is widely considered to be detrimental to students' achievement of their potential. In most cases, of course, it is rural communities and women and girls from minorities who suffer most from educational exclusion.

The continuing trends of forcibly adopting majority-language education, providing fewer resources for the education of minority groups, and actively persecuting those who try to maintain minority education-

al activities can only further threaten, challenge and marginalize minorities throughout the Middle East.

No future: the situation of minority IDPs and Iraqi refugees

Within Iraq an estimated 2–3 million Iraqis are internally displaced (IDPs). Detailed statistics suggest that between 8.6 per cent (International Organization for Migration) and 12 per cent (Internal Displacement Monitoring Centre) of IDPs are from Iraq's smaller minorities – similar proportions to the general population.

IDPs face considerable obstacles to ensuring that their children receive regular schooling. Not only do economic constraints and security concerns affect school enrolment, but families also face difficulties transferring official school documents. Schools in areas with large numbers of IDPs are becoming overcrowded.

Members of some minority groups, particularly Mandaean-Sabeans, have fled their home areas in large numbers, and find their culture and future endangered by their status as IDPs or refugees. Others, like Yezidis and Chaldean and Assyrian Christians, are divided, and face ongoing violence in their home areas as well as the challenges of displacement.

The US Commission on International Religious Freedom (USCIRF) and others have warned that the number of Iraqi religious minorities that are fleeing – including Christians, Yezidis and Mandaean-Sabeans – could threaten the existence of these faiths in Iraq. The Mandaean population has decreased from more than 60,000 in the early 1990s to an estimated 4,000–5,000 today.

It is difficult to estimate how many Iraqis have fled their country. Currently, the UNHCR has registered approximately 300,000 Iraqis, primarily in Syria, Jordan and Lebanon. Early estimates suggested there might be more than 2 million Iraqi refugees in total, but efforts to locate or provide aid to them have yielded little result. Among those known to be displaced, UN and other figures suggest that 20–25 per cent come from Iraq's smaller ethnic or religious minority groups. Christians and Mandaean-Sabeans are particularly heavily represented.

Many Iraqi refugees lack legal status in their host countries, have limited access to basic services, and face challenges in accessing education – and few opportunities for employment. Lebanon, Syria and Jordan have tended to treat Iraqis as illegal migrants,

'They put me in a class with girls five years younger than me'

Two young Iraqi refugees in Jordan tell *Kate Washington* their stories

Ruwaida, 15, says:

'When we were still in Iraq a group of men came into my school and shot our teacher. Nobody knew why. I liked that teacher very much, she was always really kind.

'After that I didn't want to go to school any more. My father said I didn't need to, he would teach me at home. I think he meant to, but he was busy and sad and my mother was crying a lot. That was about five years ago, I think. Maybe a year after that we came to Amman. My parents decided it was too scary in Baghdad and my brother couldn't leave the house at that time. One of our neighbours was kidnapped and we didn't see him any more. When we came to Jordan people told my parents that there were no schools for Iraqis unless you paid lots of money.

'We didn't have lots of money so my parents sent my two brothers to school. I didn't mind, I didn't want to go to school anyway. It made me feel sick. Two years ago the King said Iraqis could go to school and my parents were really pleased. They made me promise that I would try and go to school. I was really nervous. Actually it didn't matter, the school couldn't take me. We had the wrong papers from my old school and I was too old for my class. This year they tried again. They put me in a class with girls five

years younger than me. It was too bad and they were too bad with me. I cried for three days. My father said I didn't have to go any more. When I was a small girl I thought that I would be a doctor or maybe an engineer when I was older. My father is a doctor and my mother is an engineer. It looked kind of easy. But that was when I was very small ... I don't think I'll be a doctor any more.'

Imad, 14, a Mandaean, says:

'I like school and I am a good student. Everyone in my class is nice and my teacher is a good teacher. They don't mind that I am an Iraqi and everyone is quiet about me being Mandaean. Most of the students don't know what that means. One of the boys said I was a *Kafir* [Unbeliever] but the teacher told him he was a donkey and didn't know anything. That made everyone laugh and he didn't say it any more.

'I think they think we are *Kafir*. My father went and spoke to the head of the school about the religion class. He didn't tell me why.

'Some of my friends at school are Iraqi too, but you can't see it. Now they speak with Jordanian accents. It is easier to be here if you have that accent. When I first got here I didn't understand everything the teachers said because they have that accent. It is OK now I understand everything.

'The hardest thing about going to school is the boys on the way to school. The bus doesn't go all the way to the school and I have to walk for 10 minutes. A lot can happen to you in 10 minutes. One day one of my friends got beaten by a group of boys when he was walking alone. He doesn't come to school now.

'Now me and my friends wait for each other near the bus and walk together. We are four boys and that feels a bit safer. I can't tell my father what happened – I don't want him to stop me from going to school too.' ■

Names have been changed

although both Syria and Jordan now give Iraqi children access to schools and some public health facilities. In 2008, Human Rights Watch reported that

Lebanon released 200 Iraqis who had previously been detained, as part of a move for the 'regularization of foreign nationals'.

Minorities are disproportionately represented in the poorest segments of the refugee population, and some are significantly less likely to have their children enrolled in school than other Iraqis: in early 2007, only 15 per cent of Mandaean-Sabean families said their children were enrolled. This may have changed, since in 2007–8 the Jordanian government opened public education to all children, regardless of nationality or legal status.

Given access to education, many Iraqis appear to have taken advantage of it (24,650 Iraqi children were in school in Jordan in 2007–8) but most have no formal opportunities for higher education. They can receive some health care at moderately discounted rates, and aid from the UN and NGOs. Many work illegally; most are under-employed and vulnerable to exploitation.

Child labour remains an issue for families struggling to survive, and there are many anecdotal reports of survival sex among Iraqi women, particularly minorities who may have been victims of gender-based violence in Iraq. There continue to be reports of Iraqi women (from majority as well as minority communities) being forced to wear the Islamic hijab in Iraq, Syria and Jordan.

In Syria, the problems of Iraqi refugees are similar. There are about 200,000 Iraqis registered with the UNHCR, and only 46,642 Iraqi children enrolled in school.

Living off dwindling savings, it is easy for Iraqi refugees to develop a sense of hopelessness about their future. The shortfalls in education for children and employment for young people risk creating a generation of Iraqis that feels it has no future at all. Displaced minorities suffer particular problems from losing their community links. Mandaean-Sabeans in Jordan have no religious authority and are unable to practise their religious rituals, which demand the presence of bodies of water. With their community scattered, and becoming more so through resettlement, they risk the loss of their way of life altogether.

Other minority groups have been actively trying to promote and save their distinct languages and social and religious practice. In Amman, Jordan, Iraqi Assyrians have established their own informal school which teaches Assyrian language classes, religion classes and computer classes. The school is funded by charitable donations from the community.

Displaced minorities are also more likely than

Muslims to say they cannot or will not go back to Iraq, even if the security situation improves.

Migrant workers

Migrant or 'guest workers' are present in many Middle Eastern countries in their millions. They face a variety of problems because of legal and administrative rules, and lack of protection by their host governments. In many countries in the Middle East, 'sponsorship' laws typically tie workers to their employers and restrict their freedom of movement, making them vulnerable to workplace abuse. However, many foreign workers in the region face aggravated vulnerability because they are also religious and linguistic minorities.

Foreign workers are often from countries with Buddhist, Hindu or animist religions, which are not recognized by Middle Eastern governments or by many members of the population. This makes the workers more vulnerable to formal and informal abuse. Since a large number of foreign workers are women who travel to work in the domestic sector, these issues particularly affect minority women.

Throughout the region, there are numerous reports of overwork and physical, psychological and sexual abuse against foreign domestic workers. In accounts from Saudi Arabia, foreign domestic women workers report being regarded as less than human by their employers.

Foreign workers face harsh treatment from police and in detention, can be made to stand trial or sign confessions in languages they don't understand, and can even face the death penalty. Foreign workers who run into legal problems and do not have financial or legal support can languish in detention indefinitely.

Iran

Iran's minority communities – both ethnic and religious – make up nearly 50 per cent of the population. But they are subject to human rights violations by the state, such as intimidation, arbitrary detention, confiscation of property, denial of education and inequality in legal matters. Large numbers of both Iranian Kurd and Azeri activists have been detained for reasons of 'national security'. In 2008 the use of security, educational, press and anti-dissident laws increased dramatically, according to Human Rights Watch.

A dramatic rise in repression of political and minority activists throughout 2008 culminated with

the forcible closure of Nobel Peace Prize Laureate Dr Shirin Ebadi's Centre for Human Rights Defenders (CHRD) in December. According to Amnesty International, its closure 'threatens the entire country's human rights movement'.

Education

A policy of assimilation seems to be embedded in Iran's approach to education. The Unrepresented Nations and People's Organization (UNPO), an international group that advocates for stateless minorities around the world, claims that Iran has an official policy of 'Persianization' which puts at risk rights to cultural and linguistic heritage.

The Iranian Constitution states that all school textbooks must be in Persian, and while literacy rates in Iran are generally good, children from minority communities forced to learn in Persian/Farsi have high rates of illiteracy and often drop out of school early.

The government requires all heads of schools or institutes to identify students and staff affiliated and belonging to 'subversive and non-subversive sects' and to report on them.

Teachers in Iran have been particularly vulnerable to arrest, torture and even execution, because of state intolerance of minority-language education. In February 2008, Kurdish teacher Farzad Kamangar, superintendent of high schools in Kamayaran, was sentenced to death for 'endangering national security'. According to the US State Department Human Rights Report on Iran, the Supreme Court upheld the sentence in July.

This policy of discrimination in education extends into severe restrictions on freedom of speech, opinion and the press, summarized by Human Rights Watch in its 2008 *World Report*: 'Most journalists arrested in 2008 were targeted for covering ethnic minority issues and civil society activities.' According to Iranian Minorities Human Rights Organization (IMHRO), 'Any type of free media in ethnic minority languages is banned and the use of ethnic languages in any arts form is also prohibited.'

Minorities by group

Ahwazi Arabs make up about 3 per cent of Iran's population. In January 2008, the government executed four Ahwazi political activists. The charges against them included 'identity crimes', such as rais-

ing the Ahwazi flag and giving their children Sunni names. In April 2008, dozens, possibly hundreds, of Ahwazi were detained in advance of the anniversary of riots in Al Ahwaz, which had erupted after a disputed letter was leaked from the government detailing plans to reduce the province's Arab population.

Azeris make up nearly 25 per cent of the country's population. While a number of key establishment figures are Azeri and they may be more generally accepted than other minorities, Azeris are nevertheless denied rights to be educated in their own language. On 21 February 2008, hundreds were arrested in connection with a peaceful demonstration on International Mother Language Day, demanding the right to use their own language in schools.

UN Special Rapporteur on the independence of judges and lawyers Leandro Despouy issued appeals early in 2008 on behalf of an activist arrested for campaigning for greater rights to use the Azeri mother tongue, and on behalf of a journalist who wrote in and taught Azeri. Arrests of minority journalists, activists and intellectuals continued throughout the year and into early 2009.

Baha'is, Iran's largest religious minority, have about 300,000 members. Their situation may be worsening as they face state-sponsored persecution, personal threats, restrictions on employment, expulsion from university and high school, and continued defamation in the media. In 2008 the government arrested more than a dozen leading Baha'is.

Ethnic Baluchis constitute about 2 per cent of the population and practise Sunni Islam. They live in the country's poorest region. MRG has reported that since 2005 a Sunni organization based in Baluchistan, Jondallah, claimed responsibility for attacks against Iranian government targets. In August 2008, a Tehran-based Baluchi newspaper journalist, Yaghoub Mehrnehad, was arrested and executed for associating with Jondallah.

Around 7 per cent of Iran's population is Kurdish. Clashes between the Partî Bo Jîyanî Azadî la Kurdistan (PJAK), the militant Kurdish group, and the Iranian government continued in 2008. The state has also engaged in numerous arrests, detentions and executions of Kurds this year, including at least one Kurdish juvenile. Kurdish newspapers have been closed, and journalists have been detained or executed.

Minority women have also been targeted: Hana

Abdi and Ronak Safarzadeh were arrested in 2007. They were members of Azarmehr Association of the Women of Kurdistan, organizing literacy courses and other capacity-building workshops in the Iranian Kurdish areas, as well as participants in the wider Campaign for Equality for an end to legal discrimination against women in Iran. Abdi was released in February 2009 after 16 months in jail; at the time of writing Safarzadeh is awaiting trial and could face the death penalty.

Iraq

Iraq has been home to a wide cross-section of the Middle East's ethnic and religious communities, some for more than two millennia. The majority of its population, about 60 per cent, are ethnically Arab Ithna'ashari ('Twelver') Shia. This group was kept out of positions of power under Saddam Hussein, but today has the greatest share of political power. Perhaps 20 per cent of the population are Arab Sunnis (though this figure is widely disputed) and 15–20 per cent are ethnic Kurds, a majority of whom are Sunni Muslim. There are numerous smaller ethnic and religious groups, including Christians (Chaldeans, Assyrians and Armenians), Baha'is, Dom (a people related to the Roma), Jews, Faili (Shia Kurds), Mandaean-Sabeans, Palestinians, Sarliya-Kakaiya, Shabak, Turkmen and Yezidis. Under Saddam, many of these communities were ethnically cleansed under a policy of Arabization. Some were given favourable treatment, however.

In December 2008, the USCIRF called for Iraq to be designated 'a country of particular concern' under America's International Religious Freedom Act. The reason for this, according to the State Department report, was particularly because of the situation for Iraq's smallest religious minorities, including Chaldo-Assyrian Christians, other Christians, Mandaean-Sabeans, Shabaks and Yezidis. Commission chair Felice D. Gaer said: 'The lack of effective government action to protect these communities from abuses has established Iraq among one of the most dangerous places on earth for religious minorities.'

In the sectarian violence following the US-led invasion of 2003, minority groups were disproportionately the victims. Palestinian refugees, who received favoured status under Saddam, became targets of attacks. Christians, who under Saddam were permitted to trade alcohol, were in several

areas singled out by hard-line Islamist movements for murder or forced conversion. Their religious buildings, shops and homes were also targeted. Mandaean-Sabeans, members of an ancient Gnostic sect whose prophet is John the Baptist, were targeted in Baghdad. The Mandaean Human Rights Group Report of 2008 states that forcible conversions and confiscation of property and businesses are taking place, and the Mandaean Associations Union reported the killing of nine Mandaeans in Al-Kut City in Iraq on 26 March 2008.

Regarding both Iraq's many internally displaced people (IDPs) and the general population, UN agencies and NGOs continue to express concern over access to schooling and the quality of education. UN Office for the Coordination of Humanitarian Affairs (OCHA) stated in February 2008 that access to regular schooling has been hampered due to continued security fears, school closures and the exodus of teaching staff. School enrolment rates are thought to be as low as 46 per cent, with the highest drop-out rates noted in Nineveh Governorate – an area where many minorities live.

As the country has become more ethnically segregated, struggles have been exacerbated by resource conflicts. Iraq's oil resources are concentrated in north, including the Kurdish-governed areas, and in the Shia-majority south. This has led to disagreements over the level of federalism Iraq will have, and how resources will be shared, controlled and distributed by the government. Final agreement on issues such as Iraq's oil law continued to be delayed in 2008.

One result of these disputes has been ethno-political groups using identity politics and forced migration to assert their dominance over strategic resources or population areas. Kurds have fought for increased territory for their semi-autonomous region in the north, and minorities have been the targets of violence and intimidation as a result, particularly in and around the oil-rich cities of Kirkuk and Mosul, which Iraqi Turkmen, Christians and Yazidi communities consider their homeland. In those cities, some groups, including Arabs and Kurds, have tried to co-opt others, force them to leave, or consolidate power through violence; 2008 saw an increase of such inter-ethnic conflict. Kirkuk is currently under the political control of Kurdish authorities; decades of ethnic cleansing have shaped the mutual distrust among different ethnic groups and Turkmen have

been particularly opposed to the inclusion of Kirkuk under Kurdish authority.

The political participation of minorities in government has been a major issue in 2008, and is intimately connected with this kind of identity politics. Early drafts of the crucial provincial elections law included quotas for minorities, including Assyrian Christians and Shabak, but these were removed in September 2008, when a last-minute revision of the bill allowed a resolution of the status of Kirkuk to be postponed until early 2009. The decision sparked protests in some Iraqi cities, and international condemnation. In November, following an advocacy campaign by minority organizations and MRG, the parliament restored minority representation, but offered minorities far fewer quota seats than recommended by the UN: only six out of 440.

Shabak are ethnically and linguistically distinct from Kurds, but Kurdish militias in some areas of the north have harassed them, insisting that they are in fact Kurds in order to consolidate land claims. According to a July 2008 report from the Iraq Ministry of Human Rights, the Shabak minority had suffered the worst internal displacement, reporting 3,708 families (about 16,000 people) displaced.

Yezidis, members of an ancient pre-Islamic faith, are particular targets. Though they did not occur at the disastrous levels of 2007, attacks against Yezidis continued in 2008, including the killing of seven members of one family by armed militants and a car bombing in the predominantly Yazidi town of Sinjar, near Mosul, that killed several people and wounded more than 40 others.

The situation of Iraq's Christian communities continued to be a concern during 2008. In March 2008, one of Iraq's most senior Chaldean Catholic clerics was abducted in the same city. In April, an Assyrian Orthodox priest was murdered in Baghdad. In October 2008, the UNHCR reported that targeted attacks against Christians in Mosul caused 13,000 people to flee. According to the UN Assistance Mission for Iraq, many have now returned.

The situation of Palestinian refugees in Iraq remains grave. After the fall of Saddam Hussein's regime, many were threatened, kidnapped, tortured or killed. Many tried to flee to neighbouring countries, but Syria will not admit them, Iraq remains

unsafe and their future is bleak. Thousands of Palestinians now inhabit three harsh desert camps on the Iraq-Syria border. In March 2008, UNHCR appealed for the immediate relocation and resettlement of Palestinians suffering from acute medical conditions. As of September 2008, 306 had been resettled: 116 were accepted by Chile, 174 by Sweden and 16 by Switzerland.

Israel and the Occupied Palestinian Territories

Palestinian citizens of Israel, or 'Israeli Arabs', who constitute 20 per cent of the Israeli population, continue to be marginalized socially and politically, and divided into sub-groups that receive different treatment from the state. In October 2008 extremist Jewish rioters attacked Arab homes and property in Akka; in November outgoing Israeli Prime Minister, Ehud Olmert, admitted that Palestinians in Israel suffer from 'deep-seated discrimination'. Most of the Israeli Palestinians are Sunni Arabs, but they also include Christian Arabs, Circassians, Druze, Samaritans and Bedouin. Other minority communities, such as Jews from the Arab region and migrant workers from the Horn of Africa, have also faced systematic social and political discrimination.

Repressive treatment of the Israeli Arab minority is typically justified by the government referencing Israel's identity as a Jewish state or by invoking security concerns. To this day, the country continues to be torn between its Jewish identity and its claim to full democracy, and political parties that deny that Israel is a Jewish state are banned.

Arab students in Israel are taught in their own language, but it was only in 2007 that parliament approved a textbook that included Arab views on the expulsion of Palestinians at the founding of Israel as a 'Nakba', or catastrophe. In 2008 the Arab Pedagogical Council was founded to research and offer policy recommendations connected to the Arab education curriculum. However, the Ministry of Education has been reluctant to cooperate with the council.

In July 2008, Israel's Citizenship and Entry Law, which prevents Palestinian spouses of Israeli citizens from receiving status and living together in Israel, was extended for another year. Land confiscations, the withholding of building permits and the disproportionate destruction of Israeli Arab homes and villages have also long been problems for Israeli Arabs,



Left: A Bedouin child shepherds his sheep, close to the desert mosque of al Nabi Musa, West Bank. *Abikam Seril/Panos.*

tlements, roads, military zones and nature reserves as all presenting obstacles to the livelihood of Bedouins and herders.

A 2009 report from the Health Ministry in the Negev region found infant mortality rates among the Bedouin to be three times above the national average – although since 2004 there has been a 5.5 per cent decline in the infant mortality rate among Bedouin.

The military attacks on the Gaza Strip that commenced in December 2008, and Hamas rocket fire into Israel, further increased existing tensions between Arab and Jewish Members of the Knesset (MKs). During the conflict, Israel's Central Election Committee banned two Arab parties from fielding candidates in elections for the Knesset. The Supreme Court declared the ban illegal and Arab parties gained one seat in the 2009 elections, but two Arab Labor MKs lost their seats.

The 2008 report by the Association for Civil Rights in Israel report found that Ethiopian immigrants to Israel were still experiencing discrimination and marginalization. It also highlighted that only 39.1 per cent of Ethiopian students graduated from high school. In July 2008 an investigative committee was set up in the Knesset to examine the situation of Ethiopians in the areas of education, housing, employment and welfare.

Throughout 2008 Israel appeared to continue its efforts to annex parts of the West Bank and East Jerusalem. There was a significant increase in settlement construction: 1,257 new constructions in 2008 as opposed to 800 during 2007. Concerns have been raised over the implications of continued illegal settlement for the future of any peace initiative.

Settler violence against Palestinians continues to increase. In 2008 the OCHA reported an increase of settler violence against Palestinians from 243 incidences in 2007 to 290 in 2008; approximately half of those injured since 2006 were women and children.

Although house demolitions were halted after an agreement between the Israeli government and the Quartet (the USA, Russia, the EU and the UN) in May 2008, in late 2008 demolitions resumed.

Lebanon

The long-standing ethnic tensions in Lebanon that were stirred by the 2005 assassination of former Prime Minister Rafik Hariri, and the 2006 Israel–Hizbullah conflict, came to a head in 2008 with a series of violent confrontations between formal and ad hoc militias and the Lebanese military. A core issue was how different ethnic groups would be represented in Lebanon's confessional system of government, which attempts to strike a balance in a country that is essentially populated entirely by minorities. Lebanon is 60 per cent Muslim (Sunni, Shia, and Druze and Allawi, who only sometimes identify as Muslim) and 40 per cent Christian (divided again into a huge number of sects).

Approximately 400,000 Palestinians, mostly Sunni, live in Lebanon, many without identity papers. About half live in 12 UNRWA camps. They continue to face severe discrimination, are barred from 70 professional vocations and cannot own property or travel freely. UNRWA usually allows non-ID holding children to attend school, but they cannot register for examinations and so many drop out. In March 2008, UN news agency IRIN quoted UNRWA representative Hoda al-Turk as saying that new identification papers were 'imminent'. It is hoped that this will prevent arbitrary arrests and ensure access to school and medical facilities.

Latent conflict between different Lebanese factions has lasted for years. In the first half of 2008, a socio-economic alliance composed mostly of southern Shia with loyalties to Hizbullah, and Maronite Christians, shut down the government because they felt under-represented. A shaky political compromise was eventually reached but there were reports in the aftermath of seriously increased tensions along Sunni–Shia lines. The fear of large-scale conflict between Sunni and Shia (as was recently seen in Iraq) did not materialize, but the situation remains tense.

In February 2008 the Ministry of Interior announced that Lebanese citizens would be able to remove their religion from Civil Registry Records. The international community commended the move as a small step towards ameliorating Lebanon's sectarian divisions.

Violence and conflict have disproportionately affected the most marginalized groups. In 2007 conflict between Fatah al-Islam and the Lebanese army led to the destruction of Nahr al-Bared camp

particularly for the Bedouin of the Negev.

The Israeli government and media maintain an explicit concern that land must remain under Jewish ownership. In 2007 and 2008, for example, there was a continuing effort by the Jewish National Fund (JNF) and the Israeli Lands Administration to ensure that the JNF does not have to sell land to Arabs.

The land issue is of particular significance to the Bedouin, a cultural minority of nomadic herders who have traditionally inhabited Israel's southern desert, the Negev. For more than 40 years, they have faced a policy of forced urbanization, under which their settlements in the desert have been considered illegal and 'unrecognized'. The government has routinely refused to provide water, electricity

or sewerage services to these settlements, and often destroys them completely. There has been some progress on this issue: at the end of 2007, a government commission recommended that as many Bedouin villages as possible should be recognized by the state. However, the report did not call for an end to all demolitions, which continued in 2008 and early 2009.

In July 2008, the International Committee of the Red Cross (ICRC) warned that the estimated 50,000 Bedouins and herders of the West Bank were 'on the brink of an emergency' after three years of drought and cold winters. The ICRC stated that Israeli policies had aggravated the problem by preventing herds from being moved to water sources and fresh grazing land. The ICRC cited Israeli set-



Left: Tamara Chaya and her family are Iraqi Christians. Her uncle was kidnapped and murdered in 2006, and after threats against her immediate family they have fled to Lebanon. Tamara dropped out of school to work in a supermarket. *J.B. Russell/Panos.*

piloted in 40 schools.

The year 2008 also appears to have brought little progress towards the screening out of extremist teachers, which the Saudi government promised in 2007. The USCIRF report said some screenings had taken place, but also mentioned ‘multiple incidents’ in which teachers ‘promoted intolerant views in the classroom without being disciplined’. This general intolerance intersects with issues specifically facing minorities. In 2008, there were incidents of Shia students being called unbelievers, infidels or polytheists. Ismailis also continued to be defamed in textbooks as polytheists or infidels.

USCIRF highlights widespread government discrimination against Shia working in education. Shia academics comprised only 2 per cent of professors at one university in Al Ahsa, and only 1 per cent of primary and secondary school teachers in an area that is nearly 50 per cent Shia. Shia teachers were also barred from teaching certain subjects, including religious studies.

While most Shia ‘co-exist with their Sunni neighbors in relative peace’, they still face discrimination in many areas, according to USCIRF. In 2008, the government arrested at least one prominent Shia religious leader, detained others, and closed Shia mosques.

There is limited evidence of official attempts to improve relationships with the Shia communities in the Eastern Province, where the newly established Human Rights Council conducted public outreach.

Ismailis have faced similar issues. Early in 2008, there were also reports that Saudi authorities were attempting to settle Sunni Yemeni tribesmen in the Ismaili-majority Najran Province, in an attempt to dilute and further marginalize the Ismaili community. When Ismaili leader Shaikh Ahmad bin Turki Al Sa’b complained to King Abdullah in April 2008 about the official treatment of Ismailis, he was arrested. However, King Abdullah removed the governor of the province, Prince Mishaal, after local residents petitioned him to stop the resettlement.

Routine discrimination is experienced by Ismaili students, who complain of unfair rejection, particu-

and the pace of reconstruction continues to be slow. More than a year after the fighting and the displacement of 30,000 residents, only a small number of families have been able to return.

Saudi Arabia

In 2008, state and societal intolerance of minorities in general has continued to be the norm, with few signs of progress being made in the limited reforms that were instituted in previous years. Saudi Arabia has a population of about 28 million people; 5.5 million are non-nationals, while 2–2.5 million are Shia Muslims and 700,000 are Ismailis, with small numbers of resident Christians and other faith groups, according to the USCIRF.

Issues of concern in the kingdom include state and social intolerance of minorities in general, the lack of guarantees of religious freedom, and the situation of Shia (see Box: p. 211). Women in Saudi Arabia do not enjoy full human rights and are subject to strict Sunni interpretations of Sharia law, a situation that is exacerbated for minority women.

Muslims who do not share in the official, highly conservative Wahhabi interpretation of Islam still face problems with the *mutawwa’in* (religious police), and there continued to be numerous accusations of ‘harassment, abuse and killings’ levelled

against the organization, according to USCIRF. However, the report stated, ‘the government allowed unprecedented media coverage of the trials of *mutawwa’in* involved in these incidents, and public protests were not met with further harassment.’

USCIRF also maintains that non-Muslims, or Muslims who do not adhere to Sunni Wahhabism, continue to face significant legal, political, economic and social discrimination while at the same time being unable to conduct religious practice publicly – or in some cases, privately. In May 2008, 15 Indian Christians were arrested for private worship. The UN Human Rights Council advanced similar concerns in its 2008 report.

All Saudi public school students receive mandatory religious instruction, and the textbooks used promote the killing of apostates and polytheists, according to the Becket Fund for Religious Liberty, a non-profit organization. Following international protests that the textbooks were in contravention of the Universal Declaration of Human Rights, ‘the Saudi Government claimed it had revised the texts and released new versions, but the USCIRF found evidence that large sections of the sample “revised” textbooks were not edited, but simply torn out or covered by correction fluid’. According to the USCIRF report, a more moderate curriculum was

‘We have to teach them to lie’

A Shia man from Saudi Arabia speaks of the difficult impact that discrimination, especially in the school system, has on young and old in Saudi Arabia. By *Preti Taneja*

‘Religious textbooks are one main problem. From elementary schools they teach kids how to classify people: that Muslims go to heaven and *kafirs* go to hell. It’s very dangerous. Children believe they are *kafir* and will go to hell.

‘The teachers tell all children, “You are not Muslim, you are Shi’ite. You don’t believe in God.” When exams come they ask Shias what they know about Shias. [They] have to write: “They are *kafir*”, and if [they] don’t [they] will fail the exam.

‘We have to correct their thinking at home, and say if they get the question in the exam they should answer. It creates confusion and double feelings for them – we have to teach them to lie!

‘We are afraid for the future of our children. Our hopes are very low.’ ■

larly in the field of aviation. Students have instead gone to study in Jordan, but have few prospects of employment upon their return.

Saudi Arabia’s recently established Human Rights Council has made limited progress. The Council’s vice-president, Zeid Al-Hussein, attributed all acknowledged human rights violations to ‘individual practices’, rejecting any indictment of government policies or social norms. On the other hand, Saudi dissident Ibrahim al-Mugaiteeb said that the Council has begun to have some effect by making people aware of human rights as a concept. The Council has also launched a website, which will allow it to take complaints online and raise awareness.



Left: Children play a game at the Beir Dukhan Mobile School for nomadic Bedouin children, about 25 km north of the city of Raqqa in the north-eastern Raqqa Governorate, Syria. *Shehzad Noorani/UNICEF.*

Syria

Syria is home to ethnic minorities including Kurds and Palestinians. The state, while exercising some tolerance, has been repressive of groups such as Kurds forming what could be political alliances. Human Rights Watch has reported that in 2008 Syria's multiple security services 'continue to detain people without arrest warrants ... in effect forcibly disappearing them'.

Syria also has a large number of minority religious groups, including Allawi, Christians (including Assyrians and Armenians), Druze, Ismaili Shias and Yezidis. The state has a history of reasonable religious tolerance; all these groups appear able to practise their religions.

The official language in Syria is Arabic, however a number of religious minorities in Syria, such as Aramaic, Armenian and Assyrian speakers, have their own schools offering instruction in their mother tongues.

The most marginalized group appears to be Syria's Kurds. Of Syria's estimated 1.7 million Kurds the UK government's human rights report states that 300,000 continue to be denied citizenship. These Kurds have been denied Syrian passports and nationality, and their identity papers are stamped 'alien'.

Tensions between the government and Kurdish groups, heightened by the US invasion of Iraq, continued in 2008. In 2007, Syrian security services responded with force to major protests by Kurdish groups in the town of Qamlishi, near the Turkish border. In March 2008, security services again opened fire, this time apparently on civilians during a celebration of the Kurdish New Year, leaving three dead.

There have also been a number of arrests of Kurds in 2008. One well-known Kurdish leader, Osman Mihemed Sileman Heci, died on 18 February after several months in prison, according to the NGO the Institute for War and Peace Reporting (IWPR), and Kurdish rights groups.

Syria bans political parties other than the ruling Baath party, and Kurdish parties are outlawed. The Syrian government has linked a number of the arrests or detentions of Kurds to individuals participating in banned political parties, or seeking a separate state. However, there is also a clear element of identity-based discrimination against Kurds.

Kurdish is an officially prohibited language and there are no Kurdish schools in Syria. Kurdish students are forbidden to learn in their native tongue, and even studying it is illegal. In summer of 2008, Darwish Ghalib Darwish and Zaki Ismail Khalil,

two Kurds who decided to teach Kurdish to some of their friends, were arrested by Syrian security services. Their case is still pending.

Kurdish cultural activities are also firmly restricted, and there are reports of Kurds being arrested for wearing the colours of the Kurdish flag. Decree No. 49 also requires government approval for those wishing to sell, rent or lease land near the Turkish border, which Kurdish groups say is discriminatory. In October 2008, seven Kurdish parties demonstrated against the decree and 187 people were arrested.

Yemen

Religious and ethnic minorities in Yemen have generally enjoyed reasonable levels of protection by the state. The population is predominantly Arab; but Afro-Arabs, South Asians and Europeans are also present. The majority are Muslim, including Shafi (Sunni) and Zaydi (Shia), though there are small numbers of Christians, Hindus and Jews.

Yemen's most noted minority is a few tiny communities of Jews, who remained after the majority of the population emigrated to Israel. These communities, comprising little more than 300 members, have generally been well integrated with the population, have enjoyed government protection and been viewed positively by the public and in the media. However, they have also been a target for extremists. In 2008, the Jews in Amran Governorate, in the north, endured a series of threats from a group of their Muslim neighbours, culminating in the murders of two community members.

The government has offered to relocate the Jews to Sana'a, ostensibly for their protection. However, in 2007 a group of Jews from Saada was targeted by an extremist imam associated with the Al Houthi rebels. They were moved to Sana'a and as a result they lost their property in Saada. The Jews of Amran fear the same will happen to them.

The Al Houthi rebels themselves are members of the Zaidi Shia minority. They wish to return to Zaidi clerical rule, and have been involved in a four-year conflict with the government. USCIRF suggests that that conflict has died down in 2008,

after an agreement was reached in July. However, news sources reported bloody clashes in 2008, and USCIRF itself speculates that in 2008 the Yemeni government kidnapped Zaydi leader Mohammad Ahmad Miftah.

USCIRF also expressed concern over the arrest in 2008 of nine Christian converts and a number of Bahai's, who were arrested for proselytizing Muslims. Converting from Islam to another religion is a crime in Yemen, as is encouraging conversion, and both are potentially punishable by death.

Also of concern is the situation of the Mohamashin, or 'Akhdam', a quasi-racial and ethnic minority said to be a remnant of the caste system that existed under the Yemeni Imamate. The Akhdam are thought to make up around 2–5 per cent of the Yemeni population. A 2008 article in the *New York Times* describes a group facing severe social, economic and political discrimination. Access to education remains limited for the Mohamashin, but the story also highlights how, after years of economic discrimination, many among the group no longer seek education, seeing no opportunities to better themselves in Yemeni society.

A little-known linguistic minority of about 45,000 people exists on the Yemeni island of Socotra. Arabic is the official language on Socotra and is taught in schools. The indigenous population, however, speaks Socotri, an unwritten language of pre-Islamic origins. Reports suggest that many teaching staff at Socotri schools are Saudi Arabian Wahhabi teachers, who have no understanding of the local language or customs. Local families are concerned that children attending school are losing their distinct identity and language.

Similarly, children who often have to stay away from home during the school term are not involved in the local communities and are losing local environmental knowledge. One project to try to combat this loss of local knowledge and culture is funded by the Darwin Initiative, which is supported by the UK government's Department for Environment, Food and Rural Affairs. The project aims to ensure that future generations of Socotrans are able to sustainably manage the island's unique flora, fauna and heritage. However, the project has to be taught in Arabic, and has to be developed in line with the Yemeni Ministry of Education's national curriculum. ■

Peoples under Threat 2009

By Mark Lattimer

Based on current indicators from authoritative sources, Peoples under Threat seeks to identify those groups or peoples around the world most under threat in 2009. This is the fourth year that Minority Rights Group International has compiled the Peoples under Threat table, presenting an index of risk of genocide, mass killing or other systematic violent repression.

How is the Peoples under Threat table constructed?

Recent advances in political science have enabled quantitative researchers to identify the main antecedents to episodes of genocide or mass political killing over the last half century. Current data from authoritative sources is then used to approximate those factors. The resulting index can aid civilian protection by anticipating potential situations where minorities or other groups will be in grave danger.

The overall measure is based on a basket of ten indicators. These include indicators of democracy or good governance from the World Bank; conflict indicators from the Center for Systemic Peace and other leading global conflict research institutes; indicators of group division or elite factionalization from the Fund for Peace and the Carnegie Endowment for International Peace; US State Failure Task Force data on prior genocides and politicides; and the country credit risk classification published by the Organization for Economic Cooperation and Development (as a proxy for trade openness). For citations and further information, see the notes at the end of the table. For a fuller discussion of the methodology, see www.minorityrights.org

In last year's listing in 2008, the most significant risers in the table were Central African Republic, Chad, Djibouti, Ethiopia, Iran, Kenya, Lebanon, Pakistan, Sri Lanka, Uzbekistan, Yemen and Zimbabwe. During the following year (2008–9) new, increased or continued violence was experienced in at least 10 of those 12 states, perhaps most devastatingly in Pakistan and Sri Lanka.

Results in 2009

The highest five states in the table in 2009 are unchanged in position from last year: Somalia, Iraq, Sudan, Afghanistan and Burma/Myanmar. In each of them violence against minorities of a widespread or systematic character is ongoing, as it is in a number of other states near the top of the list, including the Democratic Republic of Congo.

The most significant risers in the table in 2009 include (rise in rank in brackets): Pakistan (+1), Ethiopia (+1), Israel and the Occupied Palestinian Territories (+46), Zimbabwe (+9), Yemen (+3), Guinea (+8), Georgia (+19), Eritrea (+4), Niger (+12), Kenya (+6), Guinea Bissau (new) and Fiji (new). Note that where indicators are now separately available for Israel and the Occupied Palestinian Territories, it is the latter that have been used for the first time this year (causing a disproportionate rise in rank).

Pakistan and Yemen have risen significantly in the table in each of the last three years, and Ethiopia and Zimbabwe in each of the last two.

Pakistan's rise to the sixth position in the table is due to a dangerous combination of a rapidly escalating conflict against different Islamist groups in North-West Frontier Province and the Federally Administered Tribal Areas, the existing use of violent repression to suppress dissidents in other areas of the country, and growing violence in national politics. In Yemen, media attention is focused on the growing role of extremist Islamist groups, but an unresolved sense of grievance among the Zaydi Shia population and the continuing Al Houthi insurgency in the north also combine to threaten stability.

Ethnic aspects of the crisis in Zimbabwe have again not been widely reported, but given rising political violence and the country's previous history of mass ethnic killing, the threat level has increased. Both Ethiopia and Eritrea have also risen in the list this year. Border tensions between the two states remain after the expiry of the mandate of the UN mission last year, with a concomitant threat to Afar communities. Both states also continue to support different sides in the war in Somalia, another important factor in the growth of identity conflicts.

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For further information and analysis of Peoples under Threat 2009, please see www.minorityrights.org
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Country	Group	Conflict indicators			Indicators of group division			Democracy/governance indicators			Total	
		A. Self-determination conflicts	B. Major armed conflict	C. Prior genocide/politicide	D. Massive movement – refugees and IDPs	E. Legacy of vengeance – group grievance	F. Rise of factionalized elites	G. Voice and accountability	H. Political stability	I. Rule of law		J. OECD country risk classification
Somalia	Darood, Hawiye, Issaq and other clans; Ogadenis; Bantu; Gabooye (Midgan) and other 'caste' groups	4	2	1	9.8	9.5	10	-1.89	-3.01	-2.64	7	23.30
Iraq	Shia, Sunnis, Kurds, Turkomans, Christians, Mandaeans, Yezidis, Shabak, Faili Kurds, Baha'is, Palestinians	5	2	1	9	9.8	9.8	-1.29	-2.82	-1.89	7	22.14
Sudan	Fur, Zaghawa, Massalit and others in Darfur; Dinka, Nuer and others in the South; Nuba, Beja	5	2	1	9.6	10	9.9	-1.73	-2.3	-1.33	7	21.65
Afghanistan	Hazara, Pashtun, Tajiks, Uzbeks, Turkmen, Baluchis	4	2	1	8.9	9.5	8.8	-1.17	-2.37	-2.00	7	20.95
Burma/Myanmar	Kachin, Karenni, Karen, Mons, Rakhine, Rohingyas, Shan, Chin (Zomis), Wa	5	2	1	8.5	9.5	8.7	-2.16	-1.22	-1.41	7	20.62
Pakistan	Baluchis, Hindus, Mohhajirs, Pashtun, Sindhis, Ahmadiyya, Christians and other religious minorities	5	2	1	8.6	9.5	9.8	-1.05	-2.44	-0.93	6	19.82
Dem. Rep. of the Congo	Hema and Lendu, Hunde, Hutu, Luba, Lunda, Tutsi/Banyamulenge, Twa/Mbuti	2	2	1	9.2	8.8	8.6	-1.46	-2.26	-1.67	7	19.70
Ethiopia	Anuak, Afars, Oromo, Somalis, smaller minorities	5	2	1	7.5	7.8	8.9	-1.19	-1.72	-0.54	7	18.86
Nigeria	Ibo, Ijaw, Ogoni, Yoruba, Hausa (Muslims) and Christians in the North	5	2	1	5.1	9.4	9.3	-0.54	-2.07	-1.2	6	18.53
Israel/OPT	Palestinians in Gaza/West Bank, Israeli Palestinians	5	2	0	8.1	9	8	-1.28	-2.07	-0.84	8	18.37
Chad	Black African groups, Arabs, Southerners	3	2	0	9.2	9.7	9.8	-1.43	-1.96	-1.4	7	17.95
Sri Lanka	Tamils, Muslims	5	2	1	9	9.8	9.5	-0.39	-1.96	0.06	6	17.76
Zimbabwe	Ndebele, Europeans, political/social targets	2	0	1	9	9.5	9.3	-1.54	-1.3	-1.67	7	16.52
Iran	Arabs, Azeris, Baha'is, Baluchis, Kurds, Turkomans	5	0	1	8.7	7.3	9	-1.52	-1.33	-0.84	6	16.11
Central African Republic	Kaba (Sara), Mboum, Mbororo, Aka	0	2	0	8.8	8.9	9.4	-0.93	-1.78	-1.52	7	15.62
Lebanon	Druze, Maronite Christians, Palestinians, Shia, Sunnis	4	1	0	9	9.4	9.4	-0.45	-2.09	-0.66	7	15.46
Côte d'Ivoire	Northern Mande (Dioula), Senoufo, Bete, newly settled groups	0	1	0	8.3	9.5	8.9	-1.26	-2.12	-1.54	7	15.00
Burundi	Hutu, Tutsi, Twa	0	1	1	8.2	6.7	7.8	-0.8	-1.42	-1.16	7	14.79
Philippines	Indigenous peoples, Moros (Muslims), Chinese	5	2	1	5.7	7	7.8	0.18	-1.38	-0.59	4	14.71
Nepal	Madheshis (Terai), Dalits, indigenous peoples (Janajati) and linguistic minorities	2	1	0	5.5	9	8.3	-0.89	-2.13	-0.64	7	14.09
Angola	Bakongo, Cabindans, Ovimbundu, Pastoralists, San and Kwisi	4	0	1	6.9	5.9	7.5	-1.11	-0.46	-1.35	6	14.05
Uganda	Acholi, Karamojong	1	1	1	9.3	8.3	7.8	-0.47	-1.15	-0.54	6	13.89

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Russian Federation	Chechens, Ingush, Lezgins, indigenous northern peoples, Roma, Jews	5	1	1	5.4	7.5	8	-1.01	-0.75	-0.97	3	13.84
Indonesia	Acehnese, Chinese, Dayaks, Madurese, Papuans	4	1	1	7.3	5.9	7	-0.17	-1.13	-0.71	5	13.75
Yemen	Zaydi Shia	0	2	0	7.2	7.3	8.9	-1.06	-1.48	-0.94	6	13.63
Bosnia and Herzegovina	Croats, Bosniak Muslims, Serbs, Roma	4	0	1	8	8.5	8.6	0.14	-0.56	-0.52	7	13.50
Syria	Kurds	0	0	1	9	8	7.7	-1.77	-0.61	-0.55	7	13.42
Serbia	Ethnic Albanians, Bosniaks, Croats, Roma, Serbs and other minorities in Kosovo	4	0	1	7.3	7.9	8	0.2	-0.77	-0.57	7	13.38
Equatorial Guinea	Bubi, Annobon Islanders	2	0	1	2	7	8.5	-1.89	0.16	-1.16	7	13.18
Guinea	Fulani, Malinke	0	0	0	7.4	8.5	8.6	-1.23	-2.02	-1.47	7	13.18
Colombia	Political/social targets, Afro-descendants, indigenous peoples	3	2	0	9.2	7.4	8.3	-0.28	-1.65	-0.57	4	13.15
Haiti	Political/social targets	0	1	0	4.2	8	8.9	-0.77	-1.34	-1.542	7	12.79
Georgia	Adzhars, Abkhazians, South Ossetians, Georgians in autonomous regions	5	1	0	6.8	8.1	8.3	-0.19	-0.7	-0.44	6	12.70
Laos	Hmong, other highland peoples	4	0	0	5.7	6.8	8.6	-1.66	0	-0.96	7	12.51
Bangladesh	Ahmadiyya, Hindus, other religious minorities, Chittagong Hill Tribes	3	0	0	7.1	9.7	9.6	-0.563	-1.44	-0.81	6	12.46
Algeria	Berbers, Saharawi	2	1	1	6.8	7.2	6.2	-1.01	-1.18	-0.72	3	12.40
Rwanda	Hutu, Tutsi, Twa	0	0	1	7	8.5	7.8	-1.24	-0.19	-0.65	7	12.34
Uzbekistan	Tajiks, Islamic political groups, religious minorities, Karakalpaks, Russians	1	0	0	5.4	7.1	9.2	-1.91	-1.42	-1.06	6	12.26
Turkey	Kurds, Alevis, Roma, Armenians and other Christians	5	2	0	6.2	7.6	7.5	-0.19	-0.78	0	4	12.02
Eritrea	Afars, Saho, Tigre, religious minorities	0	0	0	7.1	5.6	7.2	-2.15	-1.04	-1.1	7	11.98
Azerbaijan	Armenians	4	0	0	7.8	7.3	7.5	-1.13	-0.69	-0.83	5	11.54
Cambodia	Cham, Vietnamese, indigenous hill tribes (Khmer Leou)	0	0	1	5.7	7.5	7.2	-0.87	-0.43	-1.06	6	11.51
Niger	Djerema-Songhai, Hausa, Tuaregs	3	0	0	6	9.2	6.7	-0.38	-0.55	-0.89	7	11.35
Djibouti	Afars	3	0	0	6.4	5.5	6.9	-1.06	-0.05	-0.51	8	11.25
Kenya	Borana, Kalenjin, Kikuyu, Luhya, Luo, Muslims, Turkana, Endorois, Masai, Ogiek, other indigenous groups	0	1	0	8.5	7.6	8.4	-0.06	-1.1	-0.98	6	11.22
Congo, Republic of	Lari, M'Boshi, Aka	0			7.7	6.8	7.2	-1.11	-0.83	-1.26	7	11.19
Tajikistan	Uzbeks, Russians	0	0	0	6.1	6.5	8.6	-1.26	-0.87	-1.13	7	11.17
Kyrgyzstan	Uzbeks, Russians	1	0	0	5.8	6.8	7.5	-0.64	-1.11	-1.19	7	11.17
China	Tibetans, Uyghurs, Mongols, Hui, religious minorities	4	0	1	5.1	7.8	7	-1.7	-0.33	-0.45	2	11.05
Ecuador	Afro-descendants, Indigenous peoples	2	0	0	6	6.5	7.9	-0.23	-0.91	-1.04	7	10.96

Country	Group	Conflict indicators			Indicators of group division			Democracy/governance indicators				Total
		A. Self-determination conflicts	B. Major armed conflict	C. Prior genocide/politicide	D. Massive movement – refugees and IDPs	E. Legacy of vengeance – group grievance	F. Rise of factionalized elites	G. Voice and accountability	H. Political stability	I. Rule of law	J. OECD country risk classification	
Moldova	Trans-Dniester Slavs	4	0	0	4.7	7.3	7.7	-0.38	-0.22	-0.66	7	10.92
Cameroon	Westerners	2	0	0	7.1	7.1	8.2	-0.94	-0.39	-1.09	6	10.90
Thailand	Chinese, Malay-Muslims, Northern Hill Tribes	5	2	0	6	7.7	7.7	0.61	-1.07	0.06	3	10.84
North Korea	Political/social targets, religious minorities	0	0	0	6	7.2	7.6	-2.31	0.35	-1.03	7	10.83
Liberia	Dan, Krahn, Ma, other groups	0	0	0	8.4	6	7.9	-0.35	-1.15	-1.06	7	10.65
Bolivia	Indigenous Highland, Indigenous Lowland, Afro-Bolivians	2	0	0	4.2	7.3	8.5	0.02	-0.99	-0.96	7	10.64
Guatemala	Indigenous peoples, Garifuna	0	0	1	6	6.9	6	-0.3	-0.76	-1.11	5	10.45
Turkmenistan	Uzbeks, Russians, Kazakhs, religious minorities	0	0	0	4.5	6.2	7.9	-2.07	-0.08	-1.33	6	10.33
Belarus	Poles	0	0	0	4.3	6.7	8.5	-1.8	0.2	-1.09	7	10.32
Venezuela	Indigenous peoples, Afro-descendants	0	0	0	5	6.8	7.5	-0.58	-1.23	-1.47	6	10.25
Vietnam	Montagnards (Degar), other highland peoples, religious minorities	2	0	1	5	5.3	6.9	-1.61	0.31	-0.53	4	10.20
Togo	Ewe, Kabre	0	0	0	5.6	6	7.5	-1.16	-0.52	-0.94	7	10.18
India	Assamese, Bodos, Nagas, Tripuras, other Adivasis, Kashmiris, Sikhs, Muslims, Dalits	5	2	0	3.2	7	6	0.38	-1.01	0.1	3	10.11
Nicaragua	Indigenous peoples, Creoles	3	0	0	5.7	6.5	7.1	0.1	-0.26	-0.84	7	10.09
Cuba	Political/social targets, Afro-Cubans	0	0	0	4.7	5.5	7	-1.93	0.11	-0.79	7	9.85
Guinea Bissau	Balanta, Fula (Fulani), Manjaco, Papel, Diola	0	0	0	6.5	5.4	7.1	-0.51	-0.41	-1.36	7	9.82
Sierra Leone	All groups incl. Krio, Limba, Mende, Temne	0	0	0	7.4	6.9	7.5	-0.33	-0.3	-1.13	7	9.77
Bhutan	Lhotshampa, Nepalese	2	0	0	7.5	7	7.7	-0.88	0.67	0.49	8	9.42
Papua New Guinea	Bougainvilleans	3	0	0	3.5	8	6.7	0.12	-0.76	-0.85	5	9.15
Fiji	Indo-Fijians, Indigenous Fijians	0	0	0	4	7.5	8.2	-0.51	0.09	-0.37	8	9.07

Compiled by Marusca Perazzi

Notes to Table

Sources of the indicators are as follows:

- *Conflict indicators*: The base data used was Monty G. Marshall, 'Major episodes of political violence 1946–2008' (Center for Systemic Peace, 2009) and, for self-determination conflicts, Monty G. Marshall and Ted R. Gurr, 'Peace and conflict 2005' (CIDCM, University of Maryland, 2005), updated for 2008 using figures from Center for Systemic Peace, MRG and the Heidelberg Institute for International Conflict Research.

Self-determination conflicts in 2008 were ranked on a scale of 0–5 as follows: 5 = ongoing armed conflict; 4 = contained armed conflict; 3 = settled armed conflict; 2 = militant politics; 1 = conventional politics. Major armed conflicts were classified as 2 = ongoing in late 2008; 1 = emerging from conflict since 2005 or ongoing conflict with deaths under 1,000.

- *Prior genocide or politicide*: Barbara Harff, US Political Instability Task Force (formerly State Failure Task Force). 1 = one or more episodes since 1945.

- *Indicators of group division*: Failed States Index, Fund for Peace and the Carnegie Endowment for International Peace, 2008.

- *Democracy/governance indicators*: Annual Governance Indicators, World Bank, 2008.

- *OECD country risk classification*: Organisation for Economic Co-operation and Development, 'Country risk classifications of the participants to the arrangement on officially supported export credits', April 2009. Where no classification is given, a value

of 8 was accorded.

Indicators were rebased as necessary to give an equal weighting to the five categories above, with the exception of the prior geno-/politicide indicator. As a dichotomous variable this received a lesser weighting to avoid too great a distortion to the final ranking. Resulting values were then summed.

The full formula is:

$$(A/2) + (B \times 1.25) + (C \times 2) + (D + E + F)/6 + (G + H + I)/-1 + (J \times 0.625)$$

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Africa												
Algeria	■	■▶	■●	■	■	■	■		■	□	■	■
Angola			■●	■	■	■	■			□	■	■
Benin		■	■●	■	■	■	■		□	■	■	■
Botswana		■	■		■	■	■			■	■	■
Burkina Faso	■	■	■●	■	■	■	■		■	■	■	■
Burundi	■	■	■	■	■	■	■			■	■	
Cameroon		■	■●	■	■	■	■			□	■	■
Cape Verde		■	■●	■	■	■	■		■	□	■	■
Central African Republic		■	■●	■	■	■	■			■	□	□
Chad		■	■●	■	■	■	■			■	■	■
Comoros	■	■	□	□	■	■	■		□	■	■	■
Congo		■	■●	■	■	■	■		□	■	■	■
Côte d'Ivoire	■	■	■●	■	■	■	■			□	■	■
Democratic Republic of the Congo			■	■	■	■	■			■	□	
Djibouti		□	■●	■	■	■	■			■	□	□
Egypt	■	■	■	■	■	■	■		■	□	■	■
Equatorial Guinea		■	■●	■	■	■	■				■	■
Eritrea		■	■	■	■	■	■			□	■	■
Ethiopia	■	■	■	■	■	■	■				■	■
Gabon	■	■	■	■	■	■	■		□	■	■	■
Gambia	■	■	■●	■	■	■	■			■	■	■
Ghana	■	■	■●	■	■	■	■		■	■	■	□
Guinea	■	■	■●	■	■	■	■		■	■	■	■
Guinea Bissau		□	□	■	■	■	■		□	□	■	■
Kenya		■	■	■	■	■	■			■	■	■
Lesotho	■	■	■●	■	■	■	■		■	■	■	■
Liberia	■	■	■○	■	■	■	■		□	■	■	■
Libyan Arab Jamahiriya	■	■	■●	■	■	■	■		■		■	■
Madagascar		■	■●	■	■	■	■			■	■	□
Malawi		■	■	■	■	■	■			■	■	■
Mali	■	■	■●	■	■	■	■		■	■	■	■
Mauritania		■	■	■	■	■	■				■	■
Mauritius		■	■●	■	■	■	■		■	■	■	■
Morocco	■	■▶	■	■	■	■	■		■	□		
Mozambique	■	■	■		■	■	■			□	■	■
Namibia	■	■	■●	■	■	■	■			■	■	□
Niger		■	■●	■	■	■	■			■	■	■

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Nigeria		■	■	■	■	■	■			■	■	■
Rwanda	■	■	■	■	■	■	■				■	■
Sahrawi Arab Democratic Republic											□	□
São Tomé and Príncipe		□	□○	□	■	■	■		□	□	■	■
Senegal	■	■►	■●	■	■	■	■		■	■	■	■
Seychelles	■	■	■	■	■	■	■		■	□	■	■
Sierra Leone		■	■	■	■	■	■		□	■	■	■
Somalia		■	■	■		□	■				□	□
South Africa	■	■►	■●	□	■	■	■			■	■	■
Sudan	■	■	■	■	■	■	■			□	■	■
Swaziland		■	■	■	■	■	■				□	□
Togo	■	■	■●	■	■	■	■		□		■	■
Tunisia	■	■	■	■	■	■	■				□	□
Uganda	■	■	■●	■	■	■	■		■	■	■	■
United Republic of Tanzania	■	■	■	■	■	■	■			■	■	■
Zambia		■	■●	■	■	■	■			■	□	□
Zimbabwe	■	■	■	■	■	■	■			□	■	■
Americas												
Antigua and Barbuda	■	■			■	■	■			■		
Argentina	■	■►	■●	■	■	■	■	■	■	■	■	■
Bahamas	■	■	■●							□		
Barbados	■	■	■●	■	■	■	■			■	■	
Belize	■	■	■	□	■	■	■		■	■		
Bolivia	■	■►	■●	■	■	■	■	■	■	■	■	■
Brazil	■	■►	■	■	■	■	■	■	■	■	■	■
Canada	■	■	■●	■	■	■	■			■		
Chile	■	■►	■●	■	■	■	■	■	■	□	■	□
Colombia	■	■	■●	■	■	■	■	■	■	■	■	■
Costa Rica	■	■►	■●	■	■	■	■	■	■	■	■	■
Cuba	■	■	□	□	■	■	■					
Dominica			■	■	■	■	■			■	■	
											American Convention on Human Rights 1969	Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights 1988

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Dominican Republic	□	■	■●	■	■	■	■			■	■	□
Ecuador	■	■▶	■●	■	■	■	■	■	■	■	■	■
El Salvador	■	■	■●	■	■	■	■		■		■	■
Grenada			■	■	■	■	■				■	
Guatemala	■	■	■●	■	■	■	■	■	■		■	■
Guyana		■	■●	■	■	■	■		□	■		
Haiti	■	■	■		■	■	■			□	■	□
Honduras	■	■	■●	■	■	■	■	■	■	■	■	□
Jamaica	■	■	■●	■	■	■	■		■	□	■	□
México	■	■▶	■●	■	■	■	■	■	■	■	■	■
Nicaragua	■	■	■●	■	■	■	■	■	■		■	□
Panamá	■	■	■●	■	■	■	■		■	■	■	■
Paraguay	■	■	■●	■	■	■	■	■	■	■	■	■
Perú	■	■▶	■●	■	■	■	■	■	■	■	■	■
Saint Kitts and Nevis		■			■	■	■			■		
Saint Lucia		■			■	■	■			□		
Saint Vincent and the Grenadines	□	■	■●	■	■	■	■			■		
Suriname		■	■●	■	■	■	■			■	■	■
Trinidad and Tobago	■	■	■●	■	■	■	■			■	■	
United States of America	■	■	■	□	□	□				□	□	
Uruguay	■	■▶	■●	■	■	■	■		■	■	■	■
Venezuela	■	■▶	■●	■	■	■	■	■		■	■	□
Asia												
Afghanistan	■	■	■	■	■	■	■			■		
Bangladesh	■	■	■	■	■	■	■		□	□		
Bhutan		□			■	■						
Brunei Darussalam					■	■						
Cambodia	■	■	■○	■	■	■	■		□	■		
China	■	■	□	■	■	■	■					
Democratic People's Republic of Korea	■		■	■	■	■						
India	■	■	■	■	■	■	■					
Indonesia		■	■	■	■	■	■		□			
Japan		■	■	■	■	■				■		
Kazakhstan	■	■	■○	■	■	■	■					
Kyrgyzstan	■	■	■●	■	■	■	■	■	■	□		
Lao People's Democratic Republic	■	■	□	■	■	■						

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Malaysia	■				■	■						
Maldives	■	■	■●	■	■	■						
Mongolia	■	■	■●	■	■	■	■			■		
Myanmar	■				■	■						
Nepal	■	■	■●	■	■	■	■	■				
Pakistan	■	■	□	■	■	■	■					
Philippines	■	■	■●	■	■	■	■		■	□		
Republic of Korea	■	■►	■●	■	■	■	■			■		
Singapore	■				■	■						
Sri Lanka	■	■	■●	■	■	■	■		■			
Tajikistan		■	■●	■	■	■	■		■	■		
Thailand		■	■	■	■	■				□		
Timor Leste		■	■	■	■	■			■	■		
Turkmenistan		■	■●	■	■	■	■					
Uzbekistan	■	■	■●	■	■	■	■			□		
Viet Nam	■	■	■	■	■	■	■					
Europe												
Albania	■	■	■●	■	■	■	■		■	■		■
Andorra	■	■►	■●		■	■				■		
Armenia	■	■	■●	■	■	■	■			□	■	■
Austria	■	■►	■●	■	■	■	■			■	■	■
Azerbaijan	■	■►	■●	■	■	■	■		■		□	■
Belarus	■	■	■●	■	■	■	■					
Belgium	■	■►	■●	■	■	■	■			■		□
Bosnia and Herzegovina	■	■	■●	■	■	■	■		■	■	□	■
Bulgaria	■	■►	■●	■	■	■	■			■		■
Croatia	■	■	■●	■	■	■	■			■	■	■
Cyprus	■	■►	■●	■	■	■	■			■	■	■
Czech Republic	■	■►	■●	■	■	■	■			□	■	■
Denmark	■	■►	■●	■	■	■	■	■		■	■	■
Estonia	■	■	■●	■	■	■	■			■		■
Finland	■	■►	■●	■	■	■	■			■	■	■
France	■	■►	■●	■	■	■	■				□	
Georgia	■	■►	■●	■	■	■	■			■		■

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Germany	■	■▶	■●	■	■	■	■	■		■	■	■
Greece	■	■	■●	■	■	■				■		□
Holy See		■				■						
Hungary	■	■▶	■●	■	■	■				■	■	■
Iceland	■	■▶	■●	■	■	■				■	□	□
Ireland	■	■▶	■●	■	■	■				■		■
Italy	■	■▶	■●	■	■	■				■	□	■
Latvia	■	■	■●	■	■	■				■		■
Liechtenstein	■	■▶		■	■	■				■	■	■
Lithuania	■	■	■●	■	■	■				■		■
Luxembourg	■	■▶	■●	■	■	■				■	■	□
Malta		■▶	■●	■	■	■				■	□	■
Monaco	■	■▶	■	■	■	■				□		
Montenegro	■	■▶	■●	■	■	■			□	■	■	■
Netherlands	■	■▶	■●	■	■	■		■		■	■	■
Norway	■	■▶	■●	■	■	■		■		■	■	■
Poland	■	■▶	■●	■	■	■				■	■	■
Portugal	■	■▶	■●	■	■	■				■		■
Republic of Moldova	■	■	■●	■	■	■				□	□	■
Romania	■	■▶	■●	■	■	■				■	■	■
Russian Federation	■	■▶	■●	■	■	■				□	□	■
San Marino		■	■●	■	■	■				■		■
Serbia	■	■▶	■●	■	■	■			□	■	■	■
Slovakia	■	■▶	■●	■	■	■				■	■	■
Slovenia	■	■▶	■●	■	■	■				■	■	■
Spain	■	■▶	■●	■	■	■		■		■	■	■
Sweden	■	■▶	■●	■	■	■				■	■	■
Switzerland	■	■▶	■	■	■	■				■	■	■
The former Yugoslav Republic of Macedonia	■	■▶	■●	■	■	■				■	□	■
Turkey	■	■	■○	■	■	■			■			
Ukraine	■	■▶	■●	■	■	■				□	■	■
United Kingdom of Great Britain and Northern Ireland	■	■	■	■	■	■				■	■	■
Middle East												
Bahrain	■	■	■	■	■	■				□		
Iran (Islamic Republic of)	■	■	■	■	■	■				□		

Status of ratification of major international and regional instruments relevant to minority and indigenous rights

as of February 2009

- Ratification, accession or succession.
- Signature not yet followed by ratification.

■▶ Ratification of ICERD and Declaration on Article 14.

■▶ Ratification of ICERD and Signature of Declaration on Article 14.

■● Ratification of ICCPR and Optional Protocol.

■○ Ratification of ICCPR and Signature of Optional Protocol.

□○ Signature of ICCPR and Optional Protocol.

	International Convention on the Prevention and Punishment of the Crime of Genocide 1948	International Convention on the Elimination of All Forms of Racial Discrimination 1965	International Covenant on Civil and Political Rights 1966	International Covenant on Economic, Social and Cultural Rights 1966	Convention on the Elimination of All Forms of Discrimination against Women 1979	Convention on the Rights of the Child 1989	ILO 111 Discrimination (Employment and Occupation) Convention, 1958	ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent Countries 1989	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990	ICC Rome Statute of the International Criminal Court 1998				
Iraq	■	■	■	■	■	■	■							
Israel	■	■	■	■	■	■	■			□				
Jordan	■	■	■	■	■	■	■			■				
Kuwait	■	■	■	■	■	■	■			□				
Lebanon	■	■	■	■	■	■	■							
Oman		■			■	■	■			□				
Qatar		■			■	■	■							
Saudi Arabia	■	■			■	■	■							
Syrian Arab Republic	■	■	■	■	■	■	■		■	□				
United Arab Emirates	■	■			■	■	■			□				
Yemen	■	■	■	■	■	■	■			□				
Oceania														
Australia	■	■▶	■●	■	■	■	■			■				
Cook Islands					■	■				■				
Fiji	■	■			■	■	■	■		■				
Kiribati					■	■								
Marshall Islands					■	■				■				
Micronesia (Federated States of)					■	■								
Nauru		□	□			■				■				
New Zealand	■	■	■●	■	■	■	■			■				
Niue						■								
Palau						■								
Papua New Guinea	■	■	■	■	■	■	■							
Samoa			■		■	■				■				
Solomon Islands		■		■	■	■				□				
Tonga	■	■			■	■								
Tuvalu					■	■								
Vanuatu			■		■	■	■							

Compiled by Marusca Perazzi

Sources:

- <http://www2.ohchr.org/english/bodies/docs/RatificationStatus.pdf>
- <http://www.unhcr.ch/tbs/doc.nsf/Statusrset?OpenFrameSet>
- <http://www.iccnw.org/?mod=romesignatures>
- <http://www.achpr.org/>
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Recommendations of the UN Forum on Minority Issues (15 and 16 December 2008)

I. Education

1. Education is an inalienable human right, and is more than a mere commodity or a service. Furthermore, education is a human right that is crucial to the realization of a wide array of other human rights, and an indispensable agency for the expansion of human capabilities and the enhancement of human dignity. Education plays a formative role in socialization for democratic citizenship and represents an essential support for community identity. It is also a primary means by which individuals and communities can sustainably lift themselves out of poverty and a means of helping minorities to overcome the legacies of historical injustice or discrimination committed against them.
 2. The right to education is not in practice enjoyed equally by all. Minorities¹ in various regions of the world suffer disproportionately from unequal or restricted access to quality education and inappropriate education strategies. Lack of education leads to denial of civil and political rights, including rights to freedom of movement and freedom of expression, and limits participation in the cultural, social and economic life of the State and in public affairs, such as in the exercise of voting rights. Lack of education also limits the enjoyment of economic, social and cultural rights, including rights to employment, health, housing and an adequate standard of living. Lack of education results in reticence to engage with law enforcement authorities, inhibiting access to remedies when human rights are violated.
 3. Women and girl members of minority communities suffer disproportionately from lack of access to education and from high illiteracy levels.
- Lack of education represents an absolute barrier to their progress and empowerment.
4. Bad education strategies can violate human rights as much as good strategies enhance rights and freedoms. Unwanted assimilation imposed through the medium of education, or enforced social segregation generated through educational processes, are harmful to the rights and interests of minority communities and to the wider social interest.
 5. In the context of rights and obligations recognized at the level of the United Nations and regionally, education should serve the dual function of supporting the efforts of communities to self-development in economic, social and cultural terms while opening pathways by which they can function in the wider society and promote social harmony.
 6. The present recommendations, while framed as recommendations for Government action, are intended for a wider readership of not only Governments but, in the terms of the Universal Declaration of Human Rights, 'every individual and every organ of society', including international organizations and agencies, civil society in the widest sense, all educators and those who learn from them.
 7. The range of issues included in the recommendations is not exhaustive. They represent only minimum requirements for an effective education strategy for minorities, without prejudice to further efforts made by individual States to address the needs of individuals and groups concerned. The recommendations should be interpreted in a generous spirit in cooperation with the communities concerned, in the light of the demand that human rights instruments be interpreted and standards applied to be effective in practice, so that they can make a real difference to the lives of human beings. In the event of doubt or contestation with regard to their potential application, the principles should be interpreted in favour of members of minorities as bearers of rights but also as potential victims of educational deprivation.

8. The recommendations are phrased in broad terms and can be implemented in countries with diverse historical, cultural and religious backgrounds, with full respect for universal human rights.

II. Core Principles

9. Every person is entitled to accessible, free and high-quality primary level education. States should take reasonable legislative and other measures to achieve the progressive realization of this right with respect to secondary education and for higher education on the basis of capacity. The right to education for all is grounded in universal and regional human rights instruments, including instruments on minority rights. The core principles of international human rights are fully applicable to the right to education and should be faithfully implemented by States. These include the principles of equality and non-discrimination, as well as the principle of equality of women and men in the enjoyment of all human rights and fundamental freedoms. The principle of non-discrimination includes all persons of school age residing in the territory of a State, including non-nationals, and irrespective of their legal status.
 10. School policies or practices that, de jure or de facto, segregate students into different groups based on minority status violate the rights of minorities and also rob the entire society of its best opportunity to foster social cohesion and respect for a diversity of views and experiences. Students and societies gain the greatest educational advantage when classrooms have a diversity of students, ethnically, culturally and economically.
 11. The principle of equality does not imply uniform treatment in the field of education regardless of circumstances, but rather that differential treatment of individuals and groups is justified when specified circumstances warrant it, so that the right to equal treatment is also violated when States, without permissible justification, fail to treat differently persons whose situations are significantly different. The principle of non-discrimination implies that persons belonging
- to minorities should not be treated differently in the field of education solely on the basis of their particular ethnic, religious or cultural characteristics, unless there are permissible criteria to justify such distinctions, including criteria set out in specific instruments on minority rights. National and local contexts are important in the detailed application of educational responsibilities and Governments enjoy a margin of appreciation in applying the principles to particular contexts.
12. Principles of equality and non-discrimination permit the taking of special temporary measures. Such measures are mandatory when the conditions for their application are satisfied. Special measures or affirmative action should be used, for instance, as a means for Governments to recognize the existence of structural discrimination and to combat it. The case of special measures or affirmative action should not be confused with minority or indigenous rights to existence and identity that subsist as long as the individuals and communities concerned desire the continued application of these rights. Measures taken in the field of education for minorities should not constitute a programme of coerced or artificial assimilation.
 13. Education for all students should have an intercultural approach that recognizes and values cultural diversity. There must be a development of intercultural and anti-racist capacity within educational institutions at every level and informing all policies.
 14. Minorities have a right to participate in the life of the State and in decisions affecting them and their children's future. In the field of education, this right implies input by minorities into the design, implementation, monitoring and evaluation of education programmes and the administration of educational institutions. It also means that an alternative to mainstream curricula may be considered in order to meet the needs, aspirations and priorities of minorities.
 15. The responsibilities of the State to fulfil the rights to education and to non-discrimination

are not diluted on account of the complexities of political structures: the responsibilities extend in principle to the whole of the State territory. Governments must make strenuous efforts to ensure that national policies are not subverted or defied by local authorities in States with domestic constitutional arrangements, such as decentralized authority or devolution of powers.

16. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue. These measures are most critical in preschool and primary schools, but may extend to subsequent stages of education. School curricula must encourage knowledge among all students of the history, traditions, language and culture of the minorities existing within their territory and also ensure minorities adequate opportunities to gain knowledge of the society as a whole.
17. In the field of education and minorities, there is a compelling need for accurate data that are qualitative and quantitative, disaggregated by sex, race, ethnicity and disability status in order to assess the necessary requirements in the development, institutionalization, implementation and monitoring of targeted education policies. Data should also be gathered on poverty status and on the access to education and progress of children who do not speak the dominant language. Indicators and benchmarks are necessary for the accurate appraisal of education policies, including assessments of the extent of discrimination against minorities and the success or failure of policies to eliminate discrimination. Such data should include research into causes of poor school enrolment and drop-out rates where applicable. Disaggregation of the data according to sex will expose the barriers that prevent girls and women from accessing education and learning. All data should be made accessible to the public on a regular basis.
18. Data-gathering exercises concerning minorities should take place in a culturally sensitive manner, on a voluntary basis, with full respect for the privacy and anonymity of the individuals

concerned, and on the basis of their self-identification as members of groups concerned.

III. Essential Requirements for an Effective Education Strategy

19. States should approach the education of minorities in a positive spirit. Measures should be taken by States to implement education rights actively to the maximum of their available resources, individually and through international assistance and cooperation.
20. States should review, enact and amend their legislation where necessary to affirm the right to education for all, eliminate discrimination and guarantee quality education for all members of minorities.
21. States should create conditions enabling institutions that are representative of minorities to participate in a meaningful way in the development and implementation of policies and programmes relating to education for minorities.
22. Budgetary policies are crucial to a State's implementation of its obligations to respect, protect and fulfil the educational rights of minorities. In the drafting of budgets for education in the case of minorities, clear criteria that are tailored to the special needs of the minority group are required. The costing and financing of education policies should be based on a holistic appraisal of minority needs and on the basis of the State's immediate and non-derogable obligation to guarantee that the right to education will be exercised without discrimination and on the basis of the principle of equal treatment. The principle of equal treatment entails the allocation of extra resources and efforts to advance the right to education among minority groups that have been victims of historical injustices or discrimination in realizing their right to education.
23. Budgetary allocations for education should be transparent and amenable to external scrutiny. Budgets should be presented in a form that allows assessment of the allocations disaggregated according to minority status and sex, rendering

transparent the targeting of special measures for minority girls and minority boys.

24. Programmes for the education of minorities, as well as teachers and appropriate teaching and reading materials, including books, must be made available in the mother tongues of the minorities.
25. Educational services should be arranged in order that they reach minority communities throughout the national territory, and should be adequate to address the needs of such communities. States must ensure that educational services for minorities are delivered at a quality that is comparable with national standards.
26. States should recognize that the adequate recruitment, training and incentivization of teachers to work in areas inhabited predominantly by members of minorities are factors of utmost importance in the delivery of adequate educational services, and should arrange teacher training programmes accordingly.
27. State or local policies or practices that, de jure or de facto, result in separate classes or schools for minority pupils, or schools or classes with grossly disproportionately high numbers of minority pupils, on a discriminatory basis, are prohibited, except in limited and exceptional circumstances. In particular, the misuse of psychological or learning ability tests for enrolment of children in primary schools must be subjected to close scrutiny with respect to their potential to engender discriminatory outcomes. The creation and development of classes and schools providing education in minority languages should not be considered impermissible segregation, if the assignment to such classes and schools is of a voluntary nature. However, where separate educational institutions are established for minorities for linguistic, religious or cultural reasons, no barriers should be erected to prevent members of minority groups from studying at general educational institutions, should they or their families so wish.
28. Education should be available at all levels for minorities, from preschool to tertiary education,

as should technical and vocational education, on a basis of equality with other learners.

IV. Equal Access to Quality Education for Minorities

29. The principle of non-discrimination is a key to securing equal access to education, and ensuring ongoing participation and completion of quality education for members of disadvantaged and minority groups.
30. Members of minorities must have realistic and effective access to quality educational services, without discrimination, within the jurisdiction of the State. Accessibility has three overlapping dimensions: non-discrimination on prohibited grounds; physical accessibility; and economic accessibility.
31. Barriers to accessibility may be the result of single or multiple factors, whether physical or social, financial or pedagogical. States should address all such factors in order to promote effective access, especially in cases where barriers to access are compounded, as in the case of girl pupils, resulting in a vicious circle leading to severe educational exclusion. The existence of local customs that restrict the free movement of girls and women does not relieve the State of its responsibility to guarantee access to education for minority girls.
32. Special attention to education is called for in the context of emergencies, armed conflicts and natural disasters when children of minorities or vulnerable populations do not have access to social protection and essential services, including education. Measures should be taken to avoid discrimination and favouritism during these periods and during periods of recovery and rehabilitation.
33. Authorities should remove direct and indirect institutional barriers to education for minorities, and address cultural, gender and linguistic barriers that may have equivalent access-denying effects.
34. In order to ensure effective access to education for members of minority communities, authori-

ties should take immediate and positive steps to remove impediments resulting from poverty and child labour, homelessness, low nutrition levels, poor health and sanitation among the communities, as well as impediments that result from a policy of historical discrimination or injustice in realizing the right to education.

35. Difficulties in school enrolment and retention for displaced persons, members of nomadic or semi-nomadic groups, migrant workers and their children, both girls and boys, should be addressed in a proactive and constructive manner. Lack of documentation should not prevent pupils from enrolling in schools.
36. Enrolment and registration formalities and cost burdens should be eased to facilitate the admission of minority pupils into schools; such inhibiting factors may be a matter of deepened concern in relation to the admission of girl pupils.
37. Resources should be sufficient to guarantee that the education of their children is a financially viable proposition for minority families.
38. The impact of residential patterns on school enrolments should be carefully assessed and addressed to avoid disparate social and educational outcomes. Authorities should pay attention to the location of schools so that minority pupils are not disadvantaged with respect to physical access to school buildings or the quality of educational outcomes.
39. States should carefully monitor and take positive and effective steps to reduce high rates of exclusion and drop-outs among minority students and to, de minimis, align them with rates of the majority population, in cooperation with parents, associations and communities. States should take effective steps to bring down any barriers to education, be they cultural, social, economic or of any other nature, that lead to high drop-out rates.
40. States should ensure equal access to education for women and girls from minority groups, upon whom poverty and family responsibilities

may have a disproportionate impact, and who may be subject also to aggravated discrimination, including in extreme cases violence, on the basis of culture, gender or caste.

41. Affirmative action in education for members of minorities that have been subject to a policy of historical discrimination or injustices in realizing the right to education should extend to higher education, where the cumulative impact of discrimination at the lower levels of education often results in low levels of representation of members of minority groups in the later stages of education, whether as pupils or education professionals.
42. Programmes of adult education or 'second chance' schools should be encouraged and increased for members of minorities who have not completed primary education levels.

V. Learning Environment

43. Education should work actively towards the elimination of prejudices among population groups and the promotion of mutual respect, understanding and tolerance among all persons residing in the State, whatever their ethnic, religious or cultural background or sex.
44. Human rights education for all should be made an integral part of the national educational experience.
45. Teaching staff should be provided with initial and ongoing training preparing them to respond to the needs of pupils from a variety of backgrounds.
46. Teacher training, including training of teachers from minority communities, should include anti-discrimination, gender sensitive and intercultural training.
47. States should strive to ensure that the school learning environment for members of minorities is welcoming and receptive to their needs and concerns.
48. Systems of recording racist or similar incidents

targeting minorities and policies to eliminate such incidents should be developed in school systems.

49. Disciplinary actions taken against students should be proportionate, fair and immune from any perception of bias against minority students. Positive disciplinary practices that do not conflict with the primary goals of student retention and educational outcomes should be employed. Disciplinary actions must respect the rights of parents to be fully informed, to participate in the decision making process and to seek outside mediation.
50. States should act to remedy situations where there is a lack of trained teachers who speak minority languages.
51. States should actively strive to recruit and train teachers from minority communities, both men and women, at all levels of education as a key aspect of a strategy to develop a multicultural ethos in schools.
52. School management and administration should actively involve representatives from minority communities.
53. States should promote and systematize active consultation and cooperation between parents of children of minorities and the school authorities, including, where appropriate, through the employment of mediators to improve parent-school communication, and interpreters where parents do not speak the language of the school administration.

VI. Content and Delivery of the Curriculum

54. The form and substance of education, including curricula and teaching methods, must be acceptable to parents and children as relevant, culturally appropriate and of a quality equal to national standards.
55. The liberty of parents or legal guardians to choose educational institutions for their children other than those established by the author-

ities of the State and to ensure the religious and moral education of their children in conformity with their own convictions must be recognized. Such alternative institutions must comply, however, with the 'minimum education standards as may be laid down or approved by the State'.² Any State financing of non-State schools must be provided to all such schools on an equal basis. States should ensure that all parents are informed about the right to choose alternative educational institutions.

56. With regard to the right to manifest religion in schools or educational institutions, forums for continuous dialogue should be developed where necessary between members of religious minorities and educational institutions that serve them with the view to better understanding and accommodating their religious needs within schools.
57. In cases where members of minorities establish their own educational institutions, their right to do so should not be exercised in a manner that prevents them from understanding the culture and language of the national community as a whole and from participating in its activities.
58. States should provide adequate opportunities to persons belonging to minorities to learn their mother tongue or to learn through the medium of the mother tongue, alternatives which should not be understood as mutually exclusive. Specific forms of such opportunities should be chosen in consultation with persons belonging to minorities and taking into account their freely expressed wishes.
59. School language regimes for the initial stages of education in State schools should ideally employ the language of the child as the predominant medium of instruction, with a gradual introduction of the State language or dominant local language, if different from that of the child, at a later stage, where possible by bilingual teachers sensitive to the cultural backgrounds of minority children.
60. Education should be able to adapt to the situation of changing societies and communities

and be responsive to the needs of students in diverse social and cultural settings. A diversity of learning systems should be considered so that quality formal and non-formal education that is contextualized, culture specific and relevant within an integrated system of education may be delivered.

61. Curricula should adequately reflect the diversity and plurality of society and the contribution of minorities to society.
62. Curricula should promote the preservation and defence of minority languages, and identify and equip members of minorities with the educational tools necessary for their full participation in the society concerned.
63. Curricula relating to minorities should be developed in cooperation with bodies representative of minorities, and members of minority groups should, ideally, be in positions of influence in education ministries or other authorities deciding upon curricula.
64. State education authorities should ensure that the general compulsory curriculum for all in the State includes teaching of the history, culture and traditions of the minorities from the perspective of the minorities themselves. States should take measures to teach the community narratives of minorities to other groups.
65. The promotion of the cultural rights of minorities is necessary to further the fulfilment of their educational rights. These rights include access to written, audio and visual media materials in their own language in order to enrich the cultural lives of minorities. There must also be the free exchange of books and other educational materials and access to universities run by members of their national group in other States.³
66. Educational curricula should not include materials that stereotype or demean minorities, including compounded stereotyping of minority girls and women on the basis of both their national or ethnic belonging and their sex. Teachers and other education personnel should avoid the use of offensive names for an individual or

a community or names not freely chosen by the individual or community concerned. Educational curricula taught to non-minority groups within the State should include materials designed to reduce stereotypes and racist attitudes towards minorities.

67. Members of the general population should have the opportunity to learn minority languages and thereby contribute to the strengthening of tolerance and cultural interchange within the State.

Notes

1. The term 'minorities' as used in the present recommendation should be understood as it is used in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly resolution 47/135), the commentary of the Working Group on Minorities to the Declaration (E/CN.4/Sub.2/AC.5/2005/2) and the first annual report of the Independent Expert on Minority Issues (E/CN.4/2006/74). It encompasses the persons and groups protected under the International Convention on the Elimination of All Forms of Racial Discrimination from discrimination based on race, colour, descent (caste), national or ethnic origin, citizen or non-citizen (General Assembly resolution 2106 (XX)).
2. International Covenant on Economic, Social and Cultural Rights, art. 13, para 3.
3. This provision is in accordance with Article 2, paragraph 5, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Who are minorities?

Minorities of concern to MRG are disadvantaged ethnic, national, religious, linguistic or cultural groups who are smaller in number than the rest of the population and who may wish to maintain and develop their identity. MRG also works with indigenous peoples.

Other groups who may suffer discrimination are of concern to MRG, which condemns discrimination on any ground. However, the specific mission of MRG is to secure the rights of minorities and indigenous peoples around the world and to improve cooperation between communities.

Selected abbreviations

ADP – African descendant populations
ADRIP – American Declaration on the Rights of Indigenous Peoples
CEDAW – UN Committee on the Elimination of Discrimination Against Women
CERD – UN Committee on the Elimination of Racial Discrimination
CESCR – UN Committee on Economic, Social and Cultural Rights
CRC – UN Convention on the Rights of the Child
DfID – Department for International Development (UK)
ECtHR – European Court of Human Rights
EFA – Education for All
EU – European Union
FCNM – Council of Europe Framework Convention for the Protection of National Minorities
FGM – female genital mutilation
FRA – EU Fundamental Rights Agency
HRC – Human Rights Committee
IACHR – Inter-American Court of Human Rights
IBE – intercultural and bilingual education
ICCPR – International Covenant on Civil and Political Rights
ICESCR – International Covenant on Economic, Social and Cultural Rights
IDP – internally displaced people
IEMI – UN Independent Expert on Minority Issues
ILO – International Labour Organization
IMF – International Monetary Fund
IP – indigenous peoples
IRIN – Integrated Regional Information Networks
MDG – Millennium Development Goals
MLE – multilingual education
MONUC – UN Mission in Democratic Republic of Congo
NGO – non-governmental organization
OCHA – UN Office for the Coordination of Humanitarian Affairs
ODA – Official Development Assistance
OECD – Organisation for Economic Co-operation and Development

OHCHR – Office of the High Commissioner on Human Rights
OSCE – Organization for Security and Co-Operation in Europe
PRSPs – poverty reduction strategy papers
SADC – Southern African Development Community
UDHR – Universal Declaration on Human Rights
UN – United Nations
UNDM – UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
UNDP – UN Development Programme
UNDRIP – UN Declaration on the Rights of Indigenous Peoples
UNESCO – UN Educational, Scientific and Cultural Organization
UN Forum – UN Forum on Minority Issues
UNRWA – UN Relief and Works Agency
UNHCR – UN High Commissioner for Refugees
USCIRF – US Commission on International Religious Freedom

Contributors

Madeeha Ansari (*Contributor, Asia*) is currently pursuing a BSc in Economics at the London School of Economics and Political Science, where she is involved in student journalism. She has worked as Publications Intern at MRG and has had experience working for Dawn News channel in Pakistan, as well as volunteering for local development projects.

Snježana Bokulić (*Central Asia, Europe*) is Director of Programmes at MRG. She has worked on supporting minority organizations to advocate for their minority and human rights and engaged in international advocacy at the UN and the European regional fora for more than a decade.

Maurice Bryan (*Americas*) is a Caribbean-born writer and communications consultant who has worked in a variety of countries in Latin America, the Caribbean, Asia and Africa.

Eugen Crai (*Contributor, Europe*) is the Social Policy and Advocacy Specialist for UNICEF Romania. She has worked for the Romanian Government Department for Local Public Administration and the EU PHARE Programme for the Improvement of Roma Situation in Romania. She is a human rights lawyer with an MA in Law from McGill University, Canada.

Mark Curtis (*A world of discrimination*) is an independent author and consultant. He is currently a Research Fellow at the University of Strathclyde and is a former Research Fellow at the Royal Institute of International Affairs. He has worked in the field of international development for 16 years, as Director of the World Development Movement and Head of Policy/Advocacy at Christian Aid and ActionAid. He has written several books on development issues and British and US foreign policy.

Anna Lucia D’Emilio (*Contributor, A positively plurilingual world; Americas; online*) is currently the Senior Advisor on Education and Excluded Population at the UNICEF Regional Office for Latin America and the Caribbean. She conducted ethnographic research with Candoshi people, in the Peruvian Amazon basin. For more than twenty years

she has been involved in education programmes with indigenous peoples, particularly Quechua, Aymara and Guaraní. Since 1988 she has been working with UNICEF in several countries, including Bolivia, Cambodia, Kosovo and Venezuela.

Emma Eastwood (*South East Asia, Oceania*) spent over a decade working in the field of human rights protection in Latin America, as an international observer in Guatemala and Communications Officer with Peace Brigades International Colombia Project. She is the Media and Events officer at MRG and a contributor to *State of the World’s Minorities* for the past three years.

Sophie Elmhirst (*Africa*) is a freelance writer and researcher. She has worked at *Prospect* and *the Guardian* and has written for the *Daily Telegraph* and the *New Statesman*. She has also worked at Save the Children UK as a policy researcher where she researched and co-authored a number of reports including the *Child Development Index* and *Saving Children’s Lives: Why Equity Matters*.

Karen Emmons (*Contributor, Gender*) is a Bangkok-based freelance journalist who writes for UNICEF, the International Labour Organization and *People* magazine.

Jan Fiala (*Contributor, Europe*) has served as MRG’s Europe and Central Asia Officer since January 2009. He is an ethnic Hungarian from Slovakia, native in both languages. Jan holds degrees from law and international relations from Slovakia, and an LLM in International Human Rights Law from the Central European University, Budapest.

Zoë Gray (*The importance of ethnic data for promoting the right to education*) worked on advocacy projects at MRG for five years, on a range of regions and themes, specializing in promoting minority rights within development. Recently based in Phnom Penh she worked for the Centre on Housing Rights and Evictions as project officer for Indonesia, Burma and Cambodia. She has an academic background in social science and development studies.

John B. Henriksen (*Foreword*) Is Chairperson-Rapporteur UN Expert Mechanism on the rights of indigenous peoples.

Friedrich Huebler* (*Contributor, online*) is a Statistics and Monitoring Specialist at UNICEF, New York. He concentrates on the analysis of household survey data, with an emphasis on education, child labour and the Millennium Development Goals. He holds an MA in Business Studies and Economics from the University of Bremen and a PhD in Economics from the New School for Social Research.

Nurcan Kaya (*Turkey*) is a lawyer specializing in human rights – in particular minority rights, equality, anti-discrimination remedies under international human rights and European Union law – and violence against women. She has been working as the Turkey Programme Coordinator at MRG since January 2006. She holds an LLM in international human rights law from the University of Essex.

Mark Lattimer (*Peoples under threat*) is Executive Director of Minority Rights Group International. Formerly he worked with Amnesty International. Recent publications include (as editor) *Genocide and Human Rights* (Ashgate 2007).

Daniel J. Losen J.D., M.Ed. (*Case Study: Using racial data to improve education for minority children in the USA*) is a Senior Education Law and Policy Associate at the Civil Rights Project (CRP) at UCLA (formerly at Harvard Law School). His work concerns the impact of US law and policy on minority students including revealing and redressing the ‘School to Prison Pipeline’, and protecting the rights of minorities to equal educational opportunity.

Victor Mboundou (*Contributor, Africa*) is a Research Professor, Child Development Psychologist and Head of the Department of Psychology, University of Congo. He studies the development, cognitive and behavioural functioning of children and adolescents, including children with disabilities and indigenous children, within the family and educational institutions.

Gay J. McDougall (*Foreword*) is UN Independent Expert on Minority Issues. She served as the Executive Director of Global Rights, leading the development and implementation of programmes in Africa, Asia, Eastern Europe and the Americas.

She was previously a member of the UN Sub-Commission on the Promotion and Protection of Human Rights and UN Special Rapporteur on the issue of systematic rape, sexual slavery, and slavery-like practices in armed conflict. She holds honorary Doctor of Laws Degrees from Georgetown University Law Center and the City University of New York Law School.

Marta Medusa (*Researcher, A positively plurilingual world; Disaggregated data; South East Asia*), was Publications Intern at MRG. She has lived and worked in East and West Africa, and South America coordinating community development projects. She holds an MA in Gender Analysis of International Development from the University of East Anglia.

Farah Mihlar (*Asia*) has worked as a journalist covering South Asia for over ten years. Since 2004 she has worked on human rights including at the UN Office for the High Commissioner of Human Rights. She currently works as media officer/Sri Lanka Programmes Coordinator at MRG. She holds an MSc in Social Policy from the London School of Economics and is researching a PhD in religious studies at the School of Oriental and African Studies.

Maite Onochie* (*Contributor, online*) is a Social Development Programme Manager at UNICEF. She previously served as an Assistant Programme Officer and as a Technical Assistant at UNICEF in Venezuela. She is a graduate of the School of Oriental and African Studies, University of London and the University of Sussex.

Amina Osman (*Education challenges in policy and practice: pastoralists and nomadic peoples*) is Education Specialist at UNICEF HQ, New York. She worked with UNESCO and the Commonwealth Secretariat in London and has conducted research and led education programmes for educators and stakeholders on various issues including policy planning, managing diversity within an integrated system of educational provision, pedagogy and multilingualism. She holds a doctorate in Humanities and Social Science from the University of Paris, France.

Leena Patel (*Researcher, Middle East; Contributor, Gender*), was Publications Intern at MRG. She

previously worked at the Human Rights and Social Justice Research Institute. She has field experience in Orissa, India where she worked with a grass-roots NGO in assessing human rights violations within fisher communities. She holds an LLM in International Law.

Pascale Paulin (*Contributor, Africa*) is Coordinator of the UNICEF project ‘The sub-regional analysis on the issue of “Indigenous people” in Central Africa’. She is finishing a PhD in Ethnolinguistics at the University of Lyon, on the Baka hunter-gatherers of Gabon. She has taught courses on (Anthropological) Linguistics, Methodology and French as a Foreign Language at the University of Lyon (France) and at the Omar Bongo University (Gabon) and is the author of various publications.

Marusca Perazzi (*China and Mongolia*) is Programmes Officer at MRG, specialized in Chinese language and Oriental cultures, international relations and global governance. She lived and worked with ethnic minority communities in north-west China.

Kathryn Ramsay (*The gender dimension of minority and indigenous education*) is Gender Coordinator at MRG. She has an MA in the Theory and Practice of Human Rights from the University of Essex.

Adán Pari Rodríguez (*Contributor, Americas*) is an Education Officer for UNICEF Bolivia. He holds a degree in Andean Linguistics and Bilingual Education from the Universidad de Cuenca, Ecuador and a Masters in Intercultural Bilingual Education from the Universidad Mayor de San Simón, Cochabamba, Bolivia.

Yusuf Sayed (*Overcoming exclusion in education*) is an education policy specialist with a career in international education and development research. Previously he was Senior Policy Analyst at the EFA Global Monitoring Report, UNESCO, Team Leader for Education and Skills and the Department for International Development UK and Head of Department of Comparative Education at the University of the Western Cape, South Africa. He is based at the University of Sussex and is a Senior Research Fellow at the Human Sciences Research Council, South Africa.

Vanessa Sedletzki (*Fulfilling the right to education for minority and indigenous children: where are we in international legal standards?*) is a child rights specialist, presently coordinating research on ombudspersons for children at the UNICEF Innocenti Research Centre. She previously worked at UNICEF headquarters on policy advocacy for children’s rights, with specific attention to legislative reform and multicultural issues. In that capacity, she acted from 2001 to 2007 as UNICEF’s focal point on indigenous issues.

Murtaza Shaikh (*Researcher and contributor, Asia*) has an LLM from Essex University and is a PhD candidate at SOAS. He sits on the International Human Rights Committee of the Law Society and until recently was interning at MRG.

Inge Sichra* (*Contributor, A positively plurilingual world; online*) is a national adviser of PROEIB Andes (Program in Intercultural Bilingual Education for the Andean Region) and academic coordinator. She is a professor in the PROEIB Andes Master’s Program at the Universidad Mayor de San Simón in Cochabamba, Bolivia. She teaches Linguistics and Sociolinguistics and is responsible for the research area Indigenous Languages and Cultures in Urban Areas in the Andes.

Juan de Dios Simón (*Contributor, A positively plurilingual world*) is an education specialist working for UNICEF. He is coordinating a regional programme for bilingual and intercultural education in Bolivia, Ecuador and Peru. Has also worked in the Guatemala’s Ministry of Education and at the Organization of American States in Washington DC, USA. He holds an MA from Harvard University in the field of International Education Policy.

Preti Taneja (*Commissioning Editor*) is commissioning editor at MRG. She is the author of the report *Assimilation, Exodus, Eradication: Iraq’s Minority Communities Since 2003* (MRG 2007) and of a follow-up report on Iraqi refugees from minority communities (2009). She is a regular contributor to Open Democracy, Reuters Alertnet and Guardian Unlimited. She holds an MA in Theology from the University of Cambridge and PGDip in Journalism from City University, London.

Claire Thomas (*A positively plurilingual world*) has been Deputy Director of MRG since 1996. She is the mother of two bilingual children and a founding member and Secretary of a local organization that supports parents in London raising their children bilingually. She is the editor of a forthcoming book in which adults raised bilingually remember and reflect on incidents and feelings about speaking several languages as children.

Fay Warrilow* (*Contributor, Africa; online*) is a journalist and researcher specializing in development issues in the Great Lakes Region of Africa, and is author of MRG's 2008 report on access to education in Batwa communities. She holds a first class Bachelor's degree from the University of Cambridge, and a Master's with merit from the School of Oriental and African Studies, London.

Kate Washington (*Middle East*) is an independent researcher, affiliated with the French Institute for the Near East and based in Amman, Jordan. Her recent research interests have focused on female experience of education in the region and on the experiences of Iraqi refugees in Jordan and Syria. She holds an MSc in Development Studies from the School of Oriental and African Studies, London.

*** Exclusive and further contributions by these authors can be found online at:**
www.minorityrights.org

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Right: A group of Chakma children in Chittagong Hill Tracts, Bangladesh. Din Mohammed Sibly/UNICEF.



State of the World's Minorities and Indigenous Peoples 2009

Events of 2008

minority
rights
group
international



‘Education is the most powerful weapon which you can use to change the world.’ **Nelson Mandela**

Education for all is a goal that has been reaffirmed by states the world over many times in the last decade. It is meant to be achieved by 2015. But as this book clearly shows, a quality education is not reaching the world's most vulnerable communities: minorities and indigenous peoples.

In Central Africa, the great majority of indigenous Batwa and Baka have not had access even to primary education. In South Asia, Dalit girls are prevented from pursuing their education not just because of poverty, but through discrimination and sexual violence. In many countries in Europe, Roma children continue to be placed in segregated classes or in special schools for those with learning disabilities, just because of their ethnicity. In Latin America, millions of indigenous and African descendant children, instead of being in school, work in fields and plantations, in the mines, or at home.

In a unique collaboration with UNICEF, Minority Rights Group International reports on what minority and indigenous children around the world face in their struggle to learn. *State of the World's Minorities and Indigenous Peoples 2009* profiles the programmes that are being developed to help them – from better bilingual education to meeting the needs of nomadic populations – giving

examples of what works and why. It describes efforts to overcome exclusion so that education is available, accessible, acceptable and adaptable for minorities and indigenous peoples, and shows how far there is still to go. It includes:

- An analysis of available statistics that show that minorities and indigenous peoples are the most likely to suffer discrimination and exclusion in education worldwide
- First-hand accounts of the difficulties and challenges facing minority and indigenous children in every major world region
- Coverage of the key issues for promoting the right to education, including overcoming the double discrimination faced by minority and indigenous girls, the need to collect data by ethnicity, and the importance of bilingual or plurilingual education
- A unique statistical analysis and ranking of Peoples under Threat 2009.

State of the World's Minorities and Indigenous Peoples is an invaluable reference for policy makers, academics, journalists and everyone who is interested in the conditions facing minorities and indigenous peoples around the world.