

Asia and Oceania

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Central Asia

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The key event for minorities in Central Asia in 2010 was the violent unrest that occurred between ethnic Uzbeks and Kyrgyz in southern Kyrgyzstan in June. The riots focused on the southern city of Osh. At least 418 people died, with some estimating a total of more than 2,000 fatalities. In the aftermath of the conflict, ethnic Uzbeks in southern Kyrgyzstan, who were collectively accused by many Kyrgyz of instigating the violence, reported intensified discrimination and persecution. Approximately 400,000 people fled the violence in early June, of whom 100,000 crossed the border into Uzbekistan. While most returned within three weeks, Uzbeks have continued to leave Kyrgyzstan since then.

Kyrgyzstan also saw parliamentary elections in October 2010. The resulting coalition consists of parties that appealed to both ethnic nationalism and inter-ethnic unity during the campaign. It remains to be seen how the coalition will approach the urgent need for reconciliation in the south of the country.

The Osh tragedy has had a particular impact on women. There have been repeated accounts of ethnicity- and gender-based violence against women, both during and after June. In December, human rights activists accused the security forces of not doing enough to investigate and prevent a spate of kidnappings of Uzbek women, who were allegedly submitted to repeated rape and then released after several days. Security concerns among the Uzbek population have led to cases of women dropping out of education, girls being married early (in the hope that others would be able to provide better protection), and women not daring to go to health care facilities. Meanwhile, many Uzbek women have also lost their jobs with state health care and educational institutions, or been forced by Kyrgyz colleagues to abandon market stalls.

The violence in Kyrgyzstan led to some anti-Kyrgyz sentiment among the population of

Uzbekistan. Uzbekistan's security forces were deployed to prevent vigilante attacks on the country's ethnic Kyrgyz communities. Throughout the crisis, the Uzbek government emphasized that inter-ethnic unity was essential. Separately, media reports indicate an upsurge in anti-Uzbek sentiment in the Karakalpak autonomous republic where ethnic Kazakhs and Karakalpaks between them make up the majority of the population.

Kazakhstan's President Nazarbaev has also stressed inter-ethnic unity in response to the June events. However, the government policies to promote use of the Kazakh language are continuing to raise concerns among ethnic minorities, as well as ethnic Kazakhs who do not speak the language. Meanwhile, an ethnic Russian politician who plans to stand for president in 2012 was pelted with eggs by Kazakh nationalists at a press conference in October.

In Tajikistan, a media blackout obscured information about a military campaign against alleged armed Islamist groups in Rasht Valley in the autumn. However, it is likely that extensive damage has been inflicted on the local Gharmpi population, and that ethnic Kyrgyz citizens of Tajikistan from the Jergetal area to the north of the valley were also caught up in the violence. The country has seen a spate of security incidents believed to have been carried out by militants. Meanwhile, there has also been growth in forms of Sunni and Shi'a Islam that are not officially sanctioned. The Tajik government has responded with a campaign to crack down on citizens studying Islam abroad, and against Muslim missionaries coming to Tajikistan from other countries.

In Turkmenistan, a *de facto* liberalization of the policy on dual nationality in recent years was reversed in July, when the government made an official statement that dual citizenship was unconstitutional, after several holders of Russian passports were not allowed to leave the country. A *rapprochement* between the presidents of Turkmenistan and Uzbekistan has not led to an improvement in the lives of border residents; ethnic Uzbeks are still subjected to a Turkmenization policy in education and state bodies. In addition, marriages of women from across the border to citizens of Turkmenistan are not officially recognized without a substantial payment to the government, in contravention of the country's

Sexual and gender-based violence in southern Kyrgyzstan

The Uzbek and Kyrgyz communities in southern Kyrgyzstan are both predominantly Sunni Muslim and traditionally are more conservative than people living in other areas of Kyrgyzstan. As a result, both communities collectively react to sexual and gender-based violence with particular anger, while victims of such attacks often feel intense shame and may experience stigma from within their own communities. In this context, during the violence that occurred in southern Kyrgyzstan in June, corroborated cases of sexual assault, (as well as rumours that such attacks had taken place subsequently discovered to be unfounded), provoked violent responses on both sides, and were used as justification for revenge attacks. Sexual assaults continued to be reported by human rights activists into December, primarily involving Kyrgyz men assaulting Uzbek women.

Soon after the conflict erupted on the night of 11 June, rumours began to spread among ethnic Kyrgyz that an Uzbek mob in central Osh had raped and killed female Kyrgyz students in a university dormitory. These allegations were subsequently investigated by human rights activists and found to be untrue. However, the rumours spread quickly around the girls' home villages in southern Kyrgyzstan, and led to thousands of Kyrgyz men descending on the city from these villages to free the hostages and take revenge.

At the peak of the ethnic violence in Osh on 11–14 June, both sides reported sexual assault being used as an instrument of the conflict by the other ethnic group. Websites were quickly set up by supporters of both sides which documented some cases of sexual and gender-based violence in gruesome detail.

There were many reports of sexual assaults that took place during the destruction of ethnic Uzbek areas. An Uzbek human rights activist reported meeting at least 50 victims of sexual assault in a refugee camp in Uzbekistan after the June events. But overall, it is impossible – for several reasons – to quantify the scale of gender-based violence during the conflict. Cultural and social norms make it very difficult for women to report attacks as to do so entails bringing shame and dishonour on their families. In addition, there have been reports of anonymous warnings to victims to prevent them from reporting incidents. Finally, many victims were sent abroad to Russia or Uzbekistan to escape from the violence, or were killed after the assaults.

A gender-based violence assessment report produced by UNIFEM in August 2010 indicates that while both communities generally felt insecure after the violence, there were particular concerns among Uzbek women survivors. They were afraid of repeated sexual or physical violence against themselves or their children, and thus severely limited their own movements in the city. In addition, access for victims to almost all services has been very limited, including psychosocial counselling, legal advice and education. Some ethnic Uzbek service providers have been sacked from their jobs, while others have left the country. Therefore, many ethnic Uzbek victims have relied on support from international organizations and non-governmental organizations (NGOs). Even in women's crisis centres which are sympathetic to Uzbek victims, some sources have reported that hostility among ethnic Kyrgyz clients can make residential support for ethnic Uzbeks impossible.

Sexual and gender-based violence against Uzbek

Special report Continued

women has reportedly continued in southern Kyrgyzstan throughout the year. In December, local human rights groups registered with the authorities seven instances of kidnap and rape between October and December. Women were reportedly tortured, made to drink a medicine, beaten and held in captivity for several days, before being left near their houses. The cases continue to make many female Uzbek school students scared to leave their homes because of fear of assault. There has also been a rise in early marriage among Uzbek girls since June, including some girls younger than 16. Their parents are looking for others to take responsibility for their daughters' security.

The justice system has so far proved ineffective at prosecuting the perpetrators of gender-based violence against Uzbek women. However, on 8 December, six ethnic Uzbeks were jailed for the rape and murder of a Kyrgyz woman on 12 June. While both Uzbeks and Kyrgyz were implicated in the June violence, Human Rights Watch (HRW) and Amnesty International have raised concerns about the disproportionate targeting of suspected Uzbeks for arrest and prosecution. ■

commitments under international human rights law. Meanwhile, local and regional elections this year reportedly saw no minority ethnic candidates elected.

In the religious sphere, those following Islamic religious practices not sanctioned by the state have faced restrictions across the region. This has had particular repercussions for Muslim women choosing to wear the *hijab* (a headscarf that encircles the face, covering the neck and shoulders rather than tied at the back of the neck, as is common across Central Asia and the Caucasus) or the *niqab* (which covers the whole face). Cases of girls and women being turned away from educational institutions because of Islamic dress have been recorded in all countries in the region. The crackdowns are particularly severely imposed in areas that the authorities regard as of concern in terms of security, such as Turkmenistan's border regions with Iran, and Uzbekistan's portion of the Fergana Valley, an area that has traditionally been more conservative and religious than other parts of the country.

Kazakhstan

Kazakhstan's President Nursultan Nazarbaev responded to the June events in Kyrgyzstan by highlighting his commitment to inter-ethnic unity. However, there are indications that Kazakhstan is planning to strengthen the role of the Kazakh language in the country, at the expense of Russian, the other official language. The government is developing a plan to ensure that 95 per cent of the population are able to speak Kazakh by 2020. In particular, it is intended that there will be a shift to the use of Kazakh in government offices. This will build on existing education and media policies promoting use of the language.

According to the 2009 census, however, only 64 per cent believe they have command of the Kazakh language. After Kazakhs (63 per cent of the population), Russians are the largest ethnic group (24 per cent). Only 6 per cent of ethnic Russians can read and write Kazakh, and a quarter understand spoken Kazakh. Meanwhile, 94 per cent of the population understand Russian, with 85 per cent able to read and write it. There are concerns that promotion of Kazakh may lead to discrimination against non-speakers, including Kazakhs who are not fluent in the language. Official



usage of Russian in some areas is decreasing: a journalist in South Kazakhstan province states that many public employees do not speak Russian and find it difficult to communicate with ethnic Russians who do not speak Kazakh.

Because of state policy to promote the Kazakh language, several ethnic groups have reportedly been unable to officially register mosques where sermons are read in non-official languages, including Tartar, Kyrgyz and Azerbaijani. In addition, ethnic Kazakhs have been appointed imams in several Uighur mosques. The policy is particularly problematic for Azerbaijanis, many of whom are Shi'ite Muslims, unlike the majority Sunni population. Azerbaijanis are only entitled to build prayer houses, which cannot host Friday prayers or resemble mosques.

Women from minority religious groups face particular problems in Kazakhstan. Kazakh society is largely secular and most women do not wear head coverings. There is growing official resistance to the practice of wearing the *hijab*. A ban was introduced on 26 October 2009, and criticized by a group of parliamentarians in December that year. It is likely that the rule will be tested in the Constitutional

Above: A Tatar woman in front of her house near Burabay, Kazakhstan. *Eric Lafforgue.*

Court against Kazakhstan's international human rights obligations. In August, the Minister of Education reiterated that the ministry is against the wearing of the *hijab* in academic institutions because of the precedent it would set. In November this year, a group of female students were reportedly banned from attending classes at Atyrau State University for refusing to remove their headscarves. Meanwhile, in February, a Baptist woman was fined for holding morning worship in her home with local women and children. The authorities deemed it an 'illegally functioning religious community'.

On 27 October, ethnic Russian opposition politician Vladimir Kozlov announced that he would run for president in 2012. To meet requirements, he has pledged to be fluent in Kazakh by 2012. However, his announcement caused nationalists attending the press conference to throw eggs at him, characterizing the bid as an 'insult'. One protester was fined, with another receiving a seven-day prison sentence. Analysts suggest that the reaction to the bid highlighted an undertone of

chauvinistic nationalism in Kazakhstan.

The 2010 report on the United Nations (UN) Independent Expert on Minority Issues' mission to Kazakhstan stated that women are generally under-represented in Kazakh politics, and that 'minority women stressed that this is particularly the case for women from smaller ethnic groups'. Minority women are also concerned that minority girls are at a disadvantage in the education system, as parents often give priority to boys, particularly in more conservative communities.

On 1 January 2010 a new law came into force that stated that the country's migration authorities would no longer accept UN High Commissioner for Refugees (UNHCR) determination of the status of asylum-seekers and would make refugee status decisions itself. This led to several ethnic Uzbeks being returned to Uzbekistan from a group of 30, of whom 17 had previously received certificates from UNHCR that they were asylum-seekers. Since April, Kazakhstan has deported hundreds of labour migrants from Kyrgyzstan, Tajikistan and Uzbekistan. The campaign intensified in October.

The 2010 Report on the Millennium Development Goals (MDGs) in Kazakhstan highlighted the disadvantaged position of migrant women in Kazakhstan, pointing out that 'labour migrants are vulnerable to poverty, especially female labour migrants', due to 'poor awareness of the existence of organizations dealing with protection of the rights of migrant workers, non-observance of occupational safety rules and rights in employer-employee relations, irregular salaries and access to public health care services, which is not fully guaranteed'.

Kyrgyzstan

In 2009, ethnic Kyrgyz constituted 68 per cent of the population in the southern provinces of Batken, Jalalabad and Osh, with Uzbeks the largest minority, at 26 per cent. Uzbeks form a much higher percentage of the population in the densely populated fertile agricultural and urban areas of Jalalabad and Osh provinces, and are a majority in some of these areas, while mountainous areas have remained predominantly ethnic Kyrgyz.

Meanwhile, after large-scale emigration to Russia and Europe since the end of the Soviet Union, the north of the country has smaller non-Kyrgyz communities, often concentrated in cities or discrete

villages in Chuy Valley. The instability that followed the overthrow of President Kurmanbek Bakiyev in April saw a rise in inter-ethnic tension in Chuy province. On 8-9 April, anti-government protests in the city of Tokmok escalated into targeted riots against ethnic Uighur and Dungan businesses. On 17 April, six people died when ethnic Kyrgyz squatters attempted to seize land and property from Meskhetian Turkish residents of Maevka village on the outskirts of the capital Bishkek and met armed resistance from homeowners. A Dungan village was also targeted by land-grabbers on 22 April, but the police intervened to prevent escalation. Meanwhile, the Russian Federation also protested about incidents affecting ethnic Russians in April.

The interim government that took power in April committed itself to introducing parliamentary democracy. The approach was initially welcomed by ethnic Uzbek leaders in the south, who mobilized support for the interim government, and called for more Uzbek participation in the country's political life, and enhanced status for Uzbek language. However, a chain of events led to increased tensions and then inter-ethnic violence in Jalalabad in May.

The clashes intensified during the following month. At least 418 people died in southern Kyrgyzstan in June during violence largely between ethnic Kyrgyz and Uzbeks. Some reports say the true casualty figure could be more than 2,000. Most of the victims identified so far have been ethnic Uzbeks, although there were also many Kyrgyz victims. Destruction of property overwhelmingly, though not exclusively, targeted ethnic Uzbek areas and Uzbek-owned establishments. A National Commission of Enquiry published findings in January 2011 blaming Uzbek community leaders for provoking the violence, in alliance with other provocateurs; the report has been criticized for being poorly researched and overly political. Meanwhile, an International Commission of Enquiry into the events is due to release its findings in early 2011.

Security concerns among the ethnic Uzbek population, including fear of gender-based violence, have become much more prominent since the June events. In August, residents of Uzbek neighbourhoods told HRW that they were leaving their homes as little as possible, fearing attack, arrest, harassment or extortion by the security forces or other authorities. In December, a group of Uzbek community leaders met the mayor of

Osh, Melis Myrzakmatov, to discuss their security situation, including ongoing reports of kidnappings. The mayor assured the Uzbek leaders that the Osh authorities would do everything they could to provide security. This meeting was significant, as the role of Myrzakmatov in regard to the ethnic turmoil has been a prominent feature of discussions, given his previous declarations that he is a (Kyrgyz) 'nationalist', and his refusal to step down following the violence, when requested to do so by the interim government.

There are nevertheless concerns that Uzbeks are being disproportionately targeted in efforts to find the instigators of the violence. In the weeks and months following the violence, a series of sweep operations took place in predominantly Uzbek areas in and around Osh. These were accompanied by human rights violations including arbitrary arrest, illegal detention, torture and ill-treatment of detainees during arrest and in custody. There were also reports of looting and confiscation of property. With regard to judicial processes, as of early November, the overwhelming majority of those tried had been ethnic Uzbeks. According to Amnesty International, the trials have been 'seriously flawed with lawyers being harassed outside the courtrooms, and judges refusing to call defence witnesses or recognize that "confessions" may have been extracted under torture'. Relatives and lawyers of the defendants, as well as the defendants themselves, have been attacked on several occasions both inside and outside courtrooms.

There is also a culture of impunity for low-level attacks and crimes against ethnic Uzbeks in the post-conflict period. Verbal harassment, physical assault and theft are reported to be common in Osh. There are concerns that corrupt officials are taking advantage of the situation to demand more and higher bribes from ethnic Uzbeks for public services or to be released from police custody. In addition, ethnic Kyrgyz human rights activists and lawyers who have revealed abuses against ethnic Uzbeks have been harassed. In July, prominent activist Toleskan Ismailova left the country for several months alleging that death threats had been made against her.

Other ethnic groups were also affected by the June instability. A number of ethnic Tajiks from Batken province reportedly fled briefly with Uzbeks to Uzbekistan. There were also reports in June that

hundreds of ethnic Uighurs had fled to Kazakhstan from northern Kyrgyzstan after receiving threats that they would be the next target of violence. However, despite several scares, no large-scale violence broke out in the north of the country.

Despite the June violence, the interim government pushed ahead with constitutional reforms. The draft Constitution, which was put to referendum on 27 June, gave the parliament greater authority. Earlier requests by Uzbek community leaders for state recognition of their language nationally or in majority-Uzbek areas were not reflected in the new Constitution, in which Kyrgyz remains the state language and Russian the official language.

Elections were held under the new Constitution on 10 October, with 29 parties participating and five winning seats. A narrow plurality was won by the then opposition party Ata Jurt, which is strongest among southern Kyrgyz. The party made several coded anti-diversity messages during the campaign. Meanwhile, the parties that came second and third in the election (the Social Democratic Party and Ar Namys) had consciously courted Uzbek votes in the south, and both saw prominent ethnic Uzbeks being elected as parliamentarians. Ar Namys was also popular among ethnic Russians and other minorities in the north.

A coalition government was formed in mid-December. The new government's approach to inter-ethnic relations is unpredictable, as it includes both Ata Jurt and the Social Democrats, as well as fourth-placed Respublika, which had several minority ethnic candidates but then became the only party with no minority representation in parliament after two ethnic Russians withdrew from the party list after the election. In total, six Russians, three Uzbeks, one Korean and the first ever ethnic Tajik parliamentarian in Kyrgyzstan took up seats after the elections.

Tajikistan

Tajiks comprise the largest ethnic group in the country, accounting for 79.9 per cent of the population. Other groups include Uzbeks (15.3 per cent), Russians (1.1 per cent) and Kyrgyz (1.1 per cent). The Tajik population includes Pamiris in the east, who speak eastern Iranian languages, are primarily Ismaili Shi'ites, and were in early Soviet times considered a separate ethnic group.

‘I feel there is no future here for our kids’

The violence in southern Kyrgyzstan and its aftermath have seen a sharp deterioration in the situation of the ethnic Uzbek population, with many losing employment, decreased opportunities to take part in education and public life, and *de facto* restrictions on freedom of movement. In October 2010, Matthew Naumann spoke to a human rights activist in Osh about the situation there.

Even before the violence, ethnic Uzbeks were under-represented in national politics, local government, the security forces, the civil service and the judicial system. Uzbek men were more likely to work in the private sector, while women would typically work in markets, health or education. After the conflict, economic opportunities have contracted further for ethnic Uzbeks: as of late November many formerly Uzbek-owned shops, cafes and other small businesses in Osh remained burned out, while many ethnic Uzbek traders in local markets had been replaced by ethnic Kyrgyz. Many workers in the social sector in areas such as health and education have also lost their jobs.

‘Since the violence I’ve been staying with relatives in a village, for personal safety. I don’t send my daughter to kindergarten, because it is mainly Kyrgyz, and I’m afraid for her safety. So for the moment she sits at home with relatives. Many children are afraid to go to school. In mixed classes,

Uzbek boys and girls have been beaten.

‘The [Osh] Mayor’s Office has put on transport for schools, but only for city schools. There is no transport to nearby Uzbek-language schools in areas which are technically not part of the city. In four schools, the Uzbek-language classes have been closed. Because of the winter, the students from Tolstoy Uzbek-language school, which is being rebuilt, have been sent from their tent school to another Uzbek-language school in the centre of the city, and to other neighbouring schools with Kyrgyz children. But they are afraid and they don’t go. The number attending school has fallen sharply, as people leave for Russia or Kazakhstan, or to stay with their relatives in Uzbekistan.

‘The Kyrgyz-Uzbek University in the city has been transformed into Osh Social University. The ethnic Uzbek rector has been sacked. The previous Uzbek language and literature faculty, which had its own building, has been replaced by an Uzbek language and literature chair within the Kyrgyz language and literature faculty. About 40 lecturers have been sacked, reportedly because so few students are registered now.

‘Many women have stopped studying – some were forbidden by their parents. Many just sit at home, praying for peace. Students at Osh State University pay 20,000 som a year for their studies. I even know a [final]-year student who was told that she would not receive a diploma because she is Uzbek – they asked for a bribe to allow her to graduate.

‘There is open discrimination on public transport. Ethnically-based fights or arguments often break out. Kyrgyz passengers often refuse to pay Uzbek drivers for their journeys. There are few buses travelling to Uzbek neighbourhoods after 5 p.m., so people have to leave work early.

‘Fifty-six ethnic Uzbek workers in Osh city hospital

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were sacked after not going to work because of concerns over security. Kyrgyz who did not go to work kept their jobs. Meanwhile, a private Uzbek-owned hospital in the city was burned down. They had modern equipment, and both Kyrgyz and Uzbek patients received good medical treatment there. Now, many Uzbeks are afraid to attend local hospitals, fearing that the doctors may try to harm them. Women are afraid to go to maternity hospitals. This has led to an increase in home births.

'The most difficult issue is the possibility of people wanting to take revenge. This could happen at any time.

'There are indications that there has been an increase in support among the Uzbek community for radical Islamist groups since the events. The leaders were prominent in Nookat, Aravan and Kara Suu districts during the events. Now lots of men and boys who lost their homes and possessions have joined up....

'I feel there is no future here for our kids, especially since all the textbooks published in Uzbekistan were taken from Uzbek schools at the end of December by the national security service, and no books were given to replace them, not even in Kyrgyz. There is bias everywhere against Uzbeks, from the education system to public services.

'Everybody is leaving. After the international organizations leave in the summer there will be no more work. The mahalla [neighbourhood] is empty. My daughter used to play with lots of children in the mahalla but now she is alone. I am also thinking of leaving for Russia, to join my relatives there, because the situation here is not improving. It will take many years to restore confidence and trust between Uzbeks and Kyrgyz in the south.' ■

Meanwhile, the majority of Tajiks in Tajikistan speak a south-western Iranian language (closer to Farsi). Most Tajiks (excluding Pamiris) are Sunni Muslims, although there are reports of a large increase in adherence to twelfth Shi'a Islam under the influence of Iranian missionaries, both in the Pamir area and in Khatlon and Soghd provinces in the south and north of western Tajikistan. This is reportedly due partly to a crackdown on radical Sunni missionary activity by the authorities, and partly to attempts by the government to build links with Iran.

The Tajik community is also subdivided by place of origin. The president continues to uphold a tight power-sharing structure made up of his family and others from his home-town of Dangara and province of Khatlon. This political elite has a disproportionate influence in government affairs and better access to political power than other ethnic and regional groups. One particularly disadvantaged ethnic group are the Gharimi people, who are originally from the Rasht Valley in north-central Tajikistan, though many were forcibly relocated to the west of the country in Soviet times. Gharimi people tend to be more religiously conservative, and the province is the heartland of the (predominantly Sunni) Islamic Renaissance Party, the only legally registered religious party in Central Asia. Many Gharimis and Pamiris joined the opposition during Tajikistan's civil war in the 1990s, and in the 1997 peace agreement, several opposition field commanders were given administrative positions in the Rasht Valley.

This year saw several security incidents connected to armed Islamist groups, including the country's first recorded suicide bombing, a mass jail-break in August, and an ambush that led to the deaths of 25 soldiers in the Rasht Valley on 19 September. A two-month military operation against Islamist groups in Rasht Valley was followed by reports that the Defence Ministry plans to open permanent military training bases in the area. The effect of the military operation on the local Gharimi population is unclear, because independent journalists have not been granted access to the area, and telephone connections have been cut. Some reports suggest that ethnic Kyrgyz citizens of Tajikistan, most of whom live in the Jergetal area to the north of the Rasht Valley, may also have died in the violence.

Government concerns about the rise of non-state-

controlled forms of Sunni and Shi'a Islam have led to actions against those who practise unauthorized forms of Islam. Students from Tajikistan studying abroad at Islamic universities and *madrasas* have been pressured by officials to return home. Officially, as of November, around 1,400 Tajik students were known to be studying abroad at Islamic universities and *madrasas*. However, some estimates put the number of Tajiks studying in Pakistan alone at 4,000. In the autumn, the authorities stopped dozens of students and scholars from boarding a Tehran-bound flight at the airport of the capital, Dushanbe. The government said it was responding to a lack of information about the purpose of the trip. Meanwhile, in October, authorities shut down 20 unregistered religious schools in Khatlon province alone. Also in October, Tajikistan's only 'Women's Mosque' burned down the day after officials from the central Religious Affairs Committee came to the mosque and ordered that the mosque should stop being used for prayers. The Islamic Renaissance Party (IRP) implied in a statement that they suspected arson.

Women and men who follow what are sometimes referred to as Arab (rather than Tajik) Islamic dress codes continue to come under pressure in Tajikistan. Since 2007, there has been a ban on the *hijab* in state institutions, some public places and shops. In August, a group of women from Khatlon province were told that they would lose their stalls at a local market if they continued to wear the *hijab*. In spite of these restrictions, there has reportedly been a sharp rise in women wearing the *niqab*. In October it was also reported that men with long beards were being detained for identification on suspicion of being followers of the radical Salafi school of Sunni Islam.

Parliamentary elections held in February saw the ruling People's Democratic Party return with a majority. The party that came second in the popular vote, the Islamic Renaissance Party (IRP), only won two seats. The Organization for Security and Co-operation in Europe (OSCE) stated that the elections failed to meet democratic standards. In the elections, the OSCE reports that the number of candidates from minority groups was marginal and that minority issues were not raised during the campaign. Political parties, however, distributed campaign materials in minority languages, such as Russian and Uzbek, in the northern Sughd region and in the capital Dushanbe. In areas with

significant minority populations, ballots were printed in minority languages. No specific cases of discrimination on ethnic grounds related to the election process were observed or reported by OSCE observers.

Cross-border marriages between Tajiks and Uzbeks are common in border regions. However, strict and complex marital registration rules make it increasingly difficult for couples to register their marriages in Uzbekistan. Furthermore, immigration authorities only grant visas for up to five days, which makes movement between the two countries extremely difficult, as most citizens cannot afford the cost of applying for a longer, twelve-month visa.

Turkmenistan

It remains difficult to access information about minority issues in Turkmenistan, because of the lack of press freedom and restrictions on civil society. However, it is clear that minority groups continue to be sidelined from many educational, employment and political opportunities in Turkmenistan as a result of discriminatory government policies. Observers state that in the local and regional elections held on 5 December only ethnic Turkmen stood as candidates. Although three ethnic Russians reportedly have significant informal political roles, official government positions are dominated by ethnic Turkmen with a disproportionate number of government positions held by Turkmen belonging to President Gurbanguly Berdimuhammedov's Akhal Tekke clan. It has been reported that some Turkmen from outside Ashgabat speak Russian in the capital in order to hide their regional accents and avoid discrimination.

While the primarily Orthodox Russian-speaking community continues to enjoy more educational, cultural and religious opportunities than in the last years of former President Saparmurat Niyazov, there are indications that Turkmenistan's diversification from dependence on Russia for its gas exports means it feels less need to accommodate dual Russian-Turkmen nationals. Human rights activists estimate that about 100,000 Turkmen nationals – of Russian as well as Turkmen ethnicity – also hold Russian passports. On 7 July, the government issued a statement saying that the Constitution made no provision for dual citizenship. This followed several reports that Turkmen nationals who also held

Russian citizenship were not being allowed to leave the country, and were being told they must give up one of the two passports.

Despite a groundbreaking meeting between the presidents of Turkmenistan and Uzbekistan in October, ethnic Uzbeks in Turkmenistan are unhappy at the continuing policy of 'Turkmenization', which requires their children to learn Turkmen and wear Turkmen costumes at school. The regions of Dashoguz and Lebap in north-eastern Turkmenistan have significant ethnic Uzbek populations. Human rights organizations in Uzbekistan state that self-identification as ethnic Uzbek is decreasing in Turkmenistan, because of the difficulties this causes. There have also been violations of the right to family life: in June, a group of 30 women from Uzbekistan in Lebap province who had married Turkmen nationals and given birth to children eligible for Turkmen citizenship were summarily deported, simply because their marriages as foreigners were not recognized. Reports of fees as high of US\$ 50,000 to validate such marriages have been received by the Turkmen Initiative for Human Rights. Mosques in Dashoguz continue to be led by ethnic Turkmen imams, with some local Muslims stating that they believe this is direct discrimination.

There are also reports that restrictions on crossing the border between Turkmenistan and Uzbekistan have become tighter this year, despite the thaw in government relations. In October it was reported that Dashoguz residents who had already been forcibly resettled were removed even further away from the Turkmen-Uzbek border by the Turkmen military. The Turkmen Initiative for Human Rights says that residents were given only a few days notice to leave before their homes were bulldozed.

All religious activity remains under strict control. The Muftiate (Muslim Board) is controlled through state appointments of the chief mufti and other imams. Although the government allows Sunni Islam to operate (within tightly controlled limits), this is not the case for Shi'a Islam, which is mainly professed by the ethnic Azeri and Iranian minorities in the west of the country. In certain areas, such as near the border with Iran, it is reported that beards and the *hijab* are not allowed.

Other religious minorities in the country also suffer discrimination. While Ashgabad's Catholic community finally gained legal status in March 2010 after 13 years of negotiation, some Shi'a

Muslim communities, the Armenian Apostolic Church, a number of Protestant communities and Jehovah's Witnesses have been unable to register. Many religious communities have reportedly stopped applying for registration, and have decided to operate quietly without legal status. The lack of legal provision for conscientious objection or alternative service meant that eight Jehovah's Witnesses were in jail in November 2010 after refusing to perform military service, with a further three serving suspended sentences.

Uzbekistan

In response to the violence in Kyrgyzstan, Uzbekistan's President Karimov repeatedly stated that the conflict was not inter-ethnic, and stressed the importance of inter-ethnic unity. State television followed suit, carrying many programmes emphasizing inter-ethnic harmony in the country. However, local observers state that this campaign does not address structural discrimination, especially the issue of Uzbek nationalism and the exclusion of ethnic minorities from public life.

Uzbekistan allowed up to 100,000 refugees from Kyrgyzstan, the vast majority women and children, into the country in mid-June. Large refugee camps were established by the authorities, who requested international support. However, within two weeks, at the request of Kyrgyzstan's interim government, almost all were returned. Reports indicate that some were forced to return, in clear violation of the widely held international legal principle of *non-refoulement*, namely that no one should be returned to situations where their life or freedom is threatened. There were reports in December that several thousand ethnic Uzbeks from Kyrgyzstan remained illegally in Uzbekistan in December, but that many of them were seeking to leave for Russia or Western Europe for fear of deportation and lack of financial means.

Uzbekistan's ethnic Kyrgyz minority, which is primarily concentrated in Andijan, Fergana and Namangan provinces, remained fearful of potential reprisal attacks. There has reportedly been a sharp rise in hostility towards Kyrgyz in Uzbekistan, partially reflected by a prominent singer recording a song entitled 'To the Kyrgyz' about the inter-ethnic violence. Since the June events, there has been an increased security presence around Kyrgyz villages, ostensibly to protect villagers from potential attacks by Uzbek vigilantes.

The autonomous republic of Karakalpakstan makes up a third of the area of Uzbekistan (in the east), and has large reserves of oil, gas, titanium and gold. It surrounds the remnants of the Aral Sea, devastated by decades of overproduction of cotton in Central Asia. Sixty per cent of its population are ethnic Karakalpaks and Kazakhs, and there is apparently a separatist movement that would like the republic either to become part of Kazakhstan or secure full independence. Reportedly, tens of thousands of people have left Karakalpakstan for Kazakhstan in recent years, despite government measures to prevent this, including a ban on the sale of housing. This is partly connected to Kazakhstan's continued promotion of immigration of ethnic Kazakhs to the country. Recently, there have been reports of a rise in anger at perceived injustice against the people of Karakalpakstan. In November, the sale of equipment from an animal feed-producing plant in the town of Chimbay in Karakalpakstan to neighbouring Khorezm province by Uzbekistan's State Property Commission led to an angry anti-Uzbek demonstration in the town, which was broken up by riot police.

After a visit by the OSCE's High Commissioner for National Minorities in early April, Uzbekistan's government showed its defiance by cracking down on minority representation. In April, the Kazakh Cultural Centre in Nukus, Karakalpakstan's capital, was given one month to address alleged legal violations or face closure. Meanwhile, the head of the Jewish Cultural Centre in Tashkent was refused an extension to his accreditation in April after legal violations were also allegedly found there.

Uzbekistan has continued to tighten its borders with neighbouring countries, and this has affected local residents in border areas who are often from minority ethnic groups. In July, it was reported that 42 houses were to be demolished in a primarily ethnic Kazakh border village in Tashkent province. No government order was shared with residents, and it was unclear if compensation was to be paid. In September, the disputed village of Chek on the border with Kyrgyzstan was formally annexed by Uzbekistan. Twenty-four families who wanted to remain citizens of Kyrgyzstan (of whom 20 were ethnic Uzbeks and four Kyrgyz) had to relocate to another village inside Kyrgyzstan.

Tajiks, who are prevalent in and around the cities of Bukhara and Samarkand, have reported

discriminatory government policies. There are reports that Bukhara city authorities recently closed Tajik-language schools. And the city administration in Samarkand is reported to have sacked Tajiks from the bureaucracy in 2009. Simmering Uzbek-Tajik tensions reportedly fuelled small-scale incidents in Risthan, a small town in the Ferghana Valley, as well as in Samarkand and Bukhara, according to local observers. The authorities reportedly suppressed media coverage of these episodes. Meanwhile, Samarkand has been undergoing renovation. According to an opposition website, approximately 100 private residences and 30 businesses were demolished between October 2009 and May 2010, despite protests by their owners. Citing residents, the report claimed that officials gave residents only three days to vacate their properties. Many of those who lost their homes are now reportedly staying with relatives, or living in rental housing. Government promises of compensation have not been kept.

Discrimination against religious minorities is also common in Uzbekistan. Forum 18 reported that in 2010 short-term sentences were reinstated for members of religious minorities for organizing or taking part in unauthorized religious meetings or otherwise expressing their religious beliefs. Some Protestants and Jehovah's Witnesses were sentenced to 10- and 15-day prison terms, while a Baptist who had been sentenced to ten years' imprisonment lost his appeal. In April, three Muslim women were sentenced to between six and a half and seven years in a labour camp for leading and taking part in illegal religious meetings. Furthermore, female members of these religious groups have reportedly been threatened with sexual violence and torture by the police while in detention for practising their religion.

South Asia

Joshua Castellino

South Asia remained high on the international agenda in 2010. The ongoing operation in Afghanistan appeared no closer to

a longer-term, sustainable resolution, despite a US and UK troop surge. The accompanying declaration by President Barack Obama, which has since been cast into doubt, of beginning the withdrawal of US forces in July 2011 added to uncertainty in the state and the region.

The difficulties faced by Pakistan were exacerbated in 2009 by events in the Swat Valley and South Waziristan, bordering Afghanistan. Local imposition of Sharia law was at the expense of minorities as well as women's and girls' rights to freedom of movement and access to education (as discussed in last year's edition of *State of the World's Minorities and Indigenous Peoples*). While 2010 saw an uneasy peace return to these regions, the semblance of stability masked the ongoing failure of the Pakistani government to adequately support the reconstruction needs of the Pashtun community and other minority groups who have returned to the areas, helping to create a political base for the Taliban to regroup and plan its strategy for Afghanistan in the years to come. The general culture of violence and intimidation has had a disproportionate effect on minorities in the region.

Newspaper headlines in Pakistan were dominated during the latter months of the year by the case of Asia Bibi, a Christian woman, who was sentenced to death in November under the country's blasphemy laws. The laws, actually several sections of the Penal Code, have a disproportionate impact on religious minorities, including Christians and Ahmadiyya. There were moves in parliament to repeal or at least amend the provisions. The year ended with Pakistan in political turmoil. Punjab province's Governor Salman Taseer was assassinated by a bodyguard on 4 January 2011, after he spoke out in favour of repeal. Taseer had visited Bibi in prison.

Violence and intimidation was also prominent in parts of India, as a result of the ongoing conflict between government forces and the Naxalites, a Maoist movement that has a presence in a third of all Indian districts. This movement has appealed directly to marginalized communities, including Dalits and indigenous peoples (Adivasis), as well as landless labourers, arguing that they have been excluded from the wealth being generated in the country. Despite the country's strong economic performance in the midst of a global crisis, new indicators contained in the Oxford Poverty and

Human Development Initiative's Multidimensional Poverty Index demonstrate that inequality is growing, with minority communities like the Dalits and Adivasis falling further behind the national average in terms of socio-economic attainments. In India, discussion around minority rights issues has often been synonymous in the past with suspicions concerning the loyalty of the Muslim community. The year 2010 marks a shift in thinking as the Naxalites have been identified as the single biggest threat to Indian stability.

The failure on the part of the Sri Lankan government to accept accountability for violations of international humanitarian law has brought it under pressure, with the government responding by clamping down on the independence of the media, civil society organizations, and in some cases on public institutions. To repair its image abroad the government of Sri Lanka has hired a leading public relations firm to shore up its credentials, while at home the prospect of reconciliation between minorities and the majority Sinhalese population appears increasingly distant.

Afghanistan

Following elections in September, President Karzai consolidated his hold on the Afghan premiership, and played the role of a statesman in numerous international conferences on the future of Afghanistan. With the exception of the 20 per cent participation of women at the Peace Consultative Jirga in June 2010, very few women took part in any of these conferences. In terms of political representation, the parliamentary elections saw 406 women stand for election, running for the 64 seats reserved for women. In addition, the Hazara minority won about 25 per cent of seats in the parliamentary elections held in 2010, although, according to a report by National Public Radio, this was in part because voters in some Pashtun-dominant areas were unable to vote, due to ongoing violence.

Contrary to the successes announced by US President Obama concerning the NATO-led coalition's efforts in Afghanistan, the United Nations Assistance Mission to Afghanistan (UNAMA) security assessments showed an escalating pattern of violence throughout 2010. The ongoing lack of stability in the country provides the backdrop for significant human rights concerns,



Above: An ethnic Hazara woman washes dishes in the village of Bamyan, Afghanistan. *Fakhria Ibrabimi.*

particularly among representatives of minority communities and women's rights groups, who are anxious about the role of the opposition Taliban in any future peace settlement.

In 2010, armed opposition groups appeared to be able to strike right in the heart of Kabul. According to the UK Foreign Office, between summer 2009 and summer 2010, there were 14 suicide bombings in the city, with at least five further suicide attacks known to have been stopped. Of these 14 attacks, the majority were aimed at the International Security Assistance Force (ISAF). A large-scale attack against various ministries occurred in January. While the rate of attacks eased during the second half of the year, the ability of armed opposition groups to act against highly defended targets in the capital city was troubling.

The Afghan national security forces (the Afghan National Army, ANA, and the Afghan National Police, ANP) have been unable to curb mounting civilian casualties, attributed to armed opposition groups. Questions remain as to the ethnic and

tribal composition of this security infrastructure, its continued lack of adequate training, and the extent to which it can operate effectively in an increasingly fragmented Afghanistan.

In 2010 women and children bore an ever greater burden of the cost of war, according to figures included in a report entitled *Nowhere to Turn: The Failure to Protect Civilians in Afghanistan* (November 2010). There was an increase of 31 per cent in civilian deaths for the first half of 2010 over the figure for a similar period the previous year, including a 6 per cent increase in women casualties and a 55 per cent rise in that of children. The sharp rise in assassinations and executions by armed opposition groups points to an atmosphere of intimidation and the continued break-down in the rule of law. The report, compiled by 29 highly respected international and national non-governmental organizations (NGOs), including two prominent national women's NGOs, highlighted the worsening security situation for civilians. They predict increased violence in 2011 leading to greater civilian casualties, increased displacement, reduction in access to basic services and limitations on the ability of aid agencies to reach the vulnerable. The

Ongoing rights violations against women and girls in Afghanistan

With the prospect of NATO troop withdrawal being likely to take place sooner rather than later, focus has returned to the extent to which Afghanistan will be able to sustain itself in the future. NATO troops have had limited success in maintaining peace and security: despite the recent surge, reports indicate that a third of Afghanistan remains under the effective control of the Taliban and other armed opposition groups. A series of conferences has been held to underline the importance of including the Taliban and other hardline groups such as Hezb-i-Islami (Gulbuddin) in any negotiated post-occupation strategy, in the face of concern voiced by minority and women's rights activists with regard to the impact this could have on the limited progress made under President Hamid Karzai in regard to their rights.

According to the United Nations Development Programme (UNDP)'s Human Development Index (HDI), Afghanistan saw a marked improvement in 2010, meriting a rise from a ranking of 181 to 155 (although the rise was partly due to a change in UNDP's methodology). The HDI figures were backed

by poll results indicating that nearly half the population was content with the direction of public policy. However, outside government-controlled areas, the scenario is starkly different. In areas under the effective control of the Taliban, the intimidation of women in the public sphere, their abuse and the general violence perpetrated against them are forceful reminders of the ethos that drives the opposition.

During 2010, violence against women attributed to or alleged to be perpetrated directly or indirectly by the Taliban continued, affecting women at every stratum in society and from all ethnic and religious groups. Two separate phenomena that became commonplace in 2010 are worth highlighting. The first concerns a resurgence in the use of 'night letters' to intimidate women who operate in any role in the public sphere. These 'night letters' are written threats delivered at night to a home or mosque, addressed to individuals. 'Night letters' have a historical significance in the Afghan context, in part due to the fact that they were used by armed *mujahideen* groups against women who were perceived to be 'Western' in dress or attitudes, during the conflict in the 1980s and 1990s. They are followed up with real violence, and in some cases murder. As a result many women have been forced to give up jobs or risk undermining their family's safety. There have been direct attacks on women in politics, including on parliamentarian Fawzia Kufi and provincial councillor Neda Pyani, who was seriously injured in a drive-by shooting in Pul-e Khumri, the capital of Baghlan province, in the first quarter of 2010. The government's lack of action in identifying and prosecuting the killers of several prominent women in public life, including Sitara Achakzai, Malalai Kakar, Zakia Zaki and Safia Amajan, undermines any confidence in the government's commitment to ensuring accountability for crimes committed. The lack of such efforts is part of a context of regular abuse, insults and physical

Special report Continued

violence and intimidation that women in public life bear when performing their duties.

A second phenomenon that underscores the Taliban threat is episodes of suspected poisoning in girls' schools. In April 2010, more than 100 girls and women teachers fell ill in Kunduz province, in northern Afghanistan. Similar attacks were reported in other parts of the country, including on 4 May 2010, when 17 girls fell ill at Durkhani High School in Kabul and were taken to hospital. Forty-six students and nine teachers were treated in hospital after a suspected poison attack against another Kabul girls' school in August. There appears to be evidence that the illnesses are linked to poisoning, and the actions themselves are attributed to the Taliban, though whether concrete evidence for the claims exists remains unproven. Whatever the cause of these incidents, they reflect an atmosphere of intimidation with the result that families are afraid to send their daughters to school. In addition, badly needed schools and clinics built in insecure areas rapidly turn into targets for the insurgents.

While these attacks appear to target women and girls in the public sphere, irrespective of their ethnicity, they do of course affect those who belong to minorities. Unless women's rights can be included as a non-negotiable element of any future settlement, it is difficult to see how a new Afghanistan can emerge that is more promising for minority women and girls than that of the last two decades. The European Union has made a commitment to this in its involvement in the peace talks, but it is time the issue was given higher prominence. ■

report highlights that armed opposition groups currently control more territory than at any other time since 2001.

A fundamental concern from the perspective of minority and women's rights leaders remains the role that the Taliban are likely to have in the peace settlement, especially after the withdrawal of NATO troops. The indeterminate results of the 2010 elections saw the Pashtun community's share of seats drop by 20 seats, leading President Karzai to label the election results as a 'threat to national unity', on the basis that any meaningful settlement in Afghanistan has to include Pashtuns for it to be sustainable. Pashtuns represent the largest ethnic group in the country; the Taliban primarily draw their support from among this group. The inclusion of representatives of the different communities in Afghanistan while excluding the Taliban poses a challenge.

Representatives of Afghanistan's Hazara, Tajik and Uzbek communities (together roughly constituting half the population) remain gravely concerned about the involvement of the Taliban in the peace process. The Hazara minority in particular suffered considerable discrimination and violence during the Taliban period, and, following parliamentary elections, members of the Hazara minority interviewed for a report by National Public Radio expressed concern as to what would happen were the Taliban to regain control over the country. Elsewhere, Rehman Oghly, an Uzbek Member of Parliament and former member of an anti-Taliban militia warned in a *New York Times* article that these communities are likely to resist with force inclusion of the Taliban, which may signal a return to civil war and the spectre of dismemberment of the state.

A similar concern has been expressed by a number of prominent women's rights activists. Human Rights Watch's (HRW 2010) report *The 'Ten-Dollar Talib' and Women's Rights* highlights the damage to women from all ethnic groups in the conflict, and the threat lurking to women's rights in any political compromise that involves dampening down the positive developments regarding issues such as girls' access to education. Thus, while the future of Afghanistan depends on whether a peace deal can be struck with the Taliban and groups such as Hezb-i-Islami (Gulbuddin), the price of such involvement would be high. Hezb-i-Islami (Gulbuddin) has clearly stated repressive views

on women's participation in public life and any compromise with this group could undermine progress. The Taliban's attempt to eliminate women – including those from minority groups – from the public sphere has also resulted in new strategies, including the use of night letters and poisonings at girls' schools (see Special Report, p. 139).

The ongoing instability and violence disproportionately affects minorities, with the beheading of 11 Hazaras in June 2010 in Uruzgan province, attributed by police to the Taliban, standing as a stark reminder of the challenge in re-building Afghanistan. There has also been a growth in tension between communities, typified by an incident in May in Behsud, where Hazaras and Kuchis clashed over land issues. Kuchis are ethnic Pashtun nomads. The government has been unable to bring perpetrators of such violence to account. On 5 August 2010, ten members of an International Assistance Mission eye team were killed in Badakhshan. Observers feared that this incident, along with an increase in killings of civilians in the region, could signal an expansion of the conflict into northern areas of Afghanistan. The population of Badakhshan is mainly Tajik, but also includes a sizeable Ismaili religious community.

When asked for a clarification of the impact on women and minorities of the reintegration of pro-Taliban forces in national politics, Mohammad Masoom Stanekzai, who is in charge of government reintegration programmes, reiterated that any resulting policy changes will not infringe on the promises of Article 22 of the Afghan Constitution. This article, promising equality, provides shallow protection to minorities and women and could easily be subverted by a stricter reading of Article 3, which guarantees the primacy of Sharia law, raising deeper questions about the commitment of the government to values of equality.

Bangladesh

The year 2010 promised much for minorities in Bangladesh, in light of a landmark decision by a Division Bench of the High Court Division of the Supreme Court on 6 May 2010, in a case concerning the forcible eviction of a Hindu community from their land at Mothbariya Pirojpur. In directing that religious communities be rehabilitated and accommodated on the lands from which they had previously been displaced,

the judges appeared to be tackling one of the fundamental issues affecting religious minorities and indigenous communities in Bangladesh. Another positive development was the high-profile inclusion of minorities in government, including three non-Muslim men among 38 ministerial positions.

However, aside from these promising signs, minorities continued to face violations of their human rights. The most significant example was the killing of indigenous Jumma in the Chittagong Hill Tracts on 20 February. The killings took place during a strike called by the United People's Democratic Front, a political party representing indigenous Jumma. Amnesty International reported at least two people killed, although it noted that locals spoke of six further deaths. The peaceful protest was called in reaction to the burning of at least 40 houses by majority settlers in the Baghaichhari area of Rangamati district during the night of 19 February. When the protesters refused to move, army personnel opened fire with live ammunition; at least 25 people were injured, Amnesty stated. Afterwards, settlers reportedly burned down at least 160 more houses. Houses were destroyed in 11 villages in Rangamati district; a Buddhist temple was also burned down. Following the incident, security personnel prevented journalists from accessing the site, and vital medical treatment and information was restricted to residents of the villages.

In its annual report, the NGO Odhikar reported 384 incidents of injuries sustained by religious and ethnic minorities, eight deaths, 12 incidents of property seizures ('land-grabbing'), as well as 23 attacks against temples and a further 20 against property owned by minorities. The report also documents 10 cases of rape, one of which occurred on 19 March 2010, when a young Hindu girl was gang-raped in the Patuakhali district. Odhikar also reported at least two Ahmadi communities being attacked by mobs. In Chantara village, a 10-year-old Ahmadi girl was reportedly abducted and sexually assaulted. In February, Bangladesh Minority Watch reported that a Dalit Hindu woman was sexually assaulted by a police officer. The officer in question was suspended from duty, although the report also alleged that the woman was pressured against pursuing the case. This kind of attack appears to be relatively rare, as much of the violence against minorities has been perpetrated by citizens rather than state officials. But the lack of accountability for

India in a state of turmoil

In the context of the ongoing struggle between government and the Maoist movement known as the Naxalites, some Indian state governments, notably Chhattisgarh, have engaged in a concerted campaign of intimidation, drawing in significant sections of civil society. In Chhattisgarh, the government has equated humanitarian actions such as the provision of legal and medical services as signalling complicity with the Maoists. On 24 December 2010, the local police re-arrested Dr Binayak Sen, a medical doctor and prominent grassroots human rights activist, on charges of complicity. The fact that the Maoists appear to advocate a wider agenda of social inclusion (diluted by their use of violence), including (forced) land redistribution and women's equal rights, has made the conflict probably the most central question relevant to minorities in India today. This is compounded by their control of territory in remote areas that are often home to Adivasis and Dalits.

Rather than a stray moment of misjudgement, the arrest of Dr Sen is part of a concerted strategy aimed to silence governmental critics. On 6 May, the Home Ministry issued a statement referring to 'intellectual support' that had been given to Maoists. The Home Ministry warned that the Unlawful Activities (Prevention) Act, 1967, with a penalty of 10 years' imprisonment, could be used against those 'in contact' with Maoists. Since then there have been many instances of

harassment of human rights defenders through surveillance, arbitrary arrests, detentions, travel restrictions and slander. The culture of intimidation has led to self-censorship on the part of journalists, and unequal reporting of the conflict raging in several districts across the country.

Neither the security forces nor the Maoists are likely to win either the conflict or the legitimacy each craves. Support for the Naxalites wanes with every cost imposed on civilians, while the government's ill thought-out strategy for their defeat is one of the only factors that ensures continued recruitment.

The attention devoted to the Maoist uprising in 2010 drew the focus away from the conflict in Kashmir, which remained in a state of impasse. The Kashmir Valley saw significant violence in 2010, most tragically with the killing by security forces of at least 20 people during often violent protests following the announcement by a pastor in the United States that he intended to set fire to a copy of the Qur'an in September (the threat was temporarily withdrawn). The culture of violence in the Valley by state and non-state actors continues to be a source of worry for all, and in this series of protests, government buildings, police stations and a Christian school were attacked and destroyed. The tension had already been heightened in April after the extra-judicial killing of three villagers by security forces, and the killing of a teenager in June. The situation resulted in the declaration of curfews across the Valley, but was also accompanied by violence against security personnel, which in turn resulted in a response which included excessive force, and the use of live and rubber bullets and tear gas. Once again the action and response locked militants, security personnel and the local population in a cycle of violence, with significant casualties on every side.

The sense of siege felt by the government and security forces has resulted in a tightening of legislation. Three pieces of legislation merit

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closer attention. First, the impact of the amendments made to the Unlawful Activities (Prevention) Act, enacted in the aftermath of the attacks in Mumbai in 2008, was experienced in 2010. These amendments allow authorities to include a range of peaceful opposition activities within the definition of 'terrorist' activities. They provide security forces with the mandate to conduct searches and make arrests on the basis of 'personal knowledge' of the officer. The new amendments were used by security forces in many parts of the country, and resulted in abuses of terror suspects and the erosion of rights of due process. Second, the much-contested Armed Forces Special Powers Act provided security forces with *carte blanche* in what are euphemistically described 'disturbed areas', resulting in a pervasive culture of impunity. It has to be noted that previous iterations of such legislation, the Terrorist and Disruptive Activities (Prevention) Act (TADA) of 1985 and the Prevention of Terrorism Act (POTA) of 2002, had both been discontinued due to the arbitrary detention, enforced disappearance and extra-judicial killings of many members of minorities including Dalits, Muslims, Sikhs and others in the north-eastern states. A third piece of legislation, the National Investigation Agency Act (NIAA), creating a new specialized federal police agency, is also of concern. Its mandate includes the investigation of terrorism and national security crimes, providing for the creation of special courts and in-camera trials. ■

these crimes and the authorities' reluctance to bring perpetrators to justice highlights a failure on the part of the state in its duty to protect minority groups.

Several attacks on minority religious buildings or property belonging to religious minorities took place over the course of the year. On 21 March 2010, an armed gang attacked, desecrated and destroyed a Hindu temple, destroyed Hindu homes and assaulted their inhabitants in Chandpur district. Bangla-language newspaper *Amar Desh* reported the land-grabbing of Hindu cremation grounds at Zia Nagar in Perojpur District on 21 May. The paper's critique of government policies and its reporting of some of these incidents led to the revocation of its licence, seizure of its property and the arrest of its editor Mahmudur Rahman on 2 June 2010. In contrast, some reports from NGOs suggested that violence against Ahmadiyya diminished during 2010, due to improved police protection for the community.

Several issues continue to pose a challenge to the well-being of minorities in Bangladesh. The first pertains to the extent to which the authorities can guarantee minorities' physical security. A failure to react to the rise in attacks against communities and their property will engender a culture of impunity in the state. Many commentators claim that this has already become ingrained through the activities of the Rapid Action Battalion (RAB), a paramilitary unit composed of some 4,500 military and police personnel formed in 2004 to combat widespread lawlessness. The second issue is the secular nature of the state, something the Supreme Court has sought to achieve in its judgments, and that the legislature has sought to instil through increased participation of minorities and greater freedoms in education. However, the impact of these measures is limited without society-wide consensus in regard to such policies. Finally, it is 13 years since the signing of the Chittagong Hill Tracts Accord, but the failure to implement its provisions means that tensions continue in the region. The failure to pay adequate attention to the situation of the economic and social rights of indigenous women, highlighted at a high-profile conference held in Dhaka on 23 November, means that indigenous communities are victim to continued discrimination and deprivation.

India

Recently, India has assumed new prominence in the international arena, demonstrated by the country's

ambition to gain a seat on the United Nations (UN) Security Council (which received the backing of the United States in 2010). But a number of serious issues remain that must be addressed if the envisaged economic growth is to continue and if this growth is to benefit all segments of the country's vast population.

The biggest human rights issue in India during 2010 was the spread of the Maoist movement (known as the Naxalites) and the security forces' response. The Maoists claim to be giving voice to the frustrations of India's marginalized communities, among them landless labourers, tribal groups and Dalits, and appear to advocate that the only way in which the current pattern of exploitation can be terminated is through the use of armed force. While, according to statements made, this force is aimed at the state (leading to fatalities among security forces), the movement has been implicated in serious abuses of the population, including the destruction of schools and hospitals, accompanied by extortion, torture and killings of civilians.

The government has identified the Maoist threat as the number one priority for its security forces. With the conflict now rampant in 200 of India's 600 plus districts, a nation-wide strategy has been launched (Operation Green Hunt) to curb its impact. The government has admitted that support to the Maoists has grown due to the failure of development to benefit the most marginalized, and has launched a two-pronged strategy of 'security and development' in response. However, through its provision of federal paramilitary assistance to state governments, it is clear that the 'security' aspect is most prominent. One of the most noted events in 2010 was an incident involving the vigilante Salwa Judum, evicting villagers from their homes in Chhattisgarh and into government camps, accompanied by a campaign of killing, rape and arson.

The Indian government runs the risk of undermining its own legal and moral stance if it violates human rights in its attempt to defeat the Maoists. At the same time, it risks acting as a recruitment tool for them. The population in affected areas are among the most marginalized in Indian society, and are now caught in an additional layer of danger: they are intimidated by Maoists demanding food and shelter at gunpoint, and penalized by security forces for associating with the Maoists. Adivasis, Dalits and landless labourers face

regular pressure from militants, and often succumb to it: not necessarily as an expression of genuine support, but as a result of the grave physical threat against them if they do not.

Beyond the response to the Maoist uprising, there are other indications that the human rights situation in India is deteriorating, while the poor socio-economic situation of minorities – and minority women in particular – shows little signs of improvement. The year began with the launch of the 'Leadership Development of Minority Women' programme, a government scheme aimed at increasing minority women's awareness of their rights in regard to education, employment, health, hygiene, immunization and family planning, as well as improving access to microcredit. But it ended with the suppression of a protest organized by minority women calling for those very rights. The events that took place at Barwari, in Madhya Pradesh on 28 December 2010 illustrate the extent to which freedom of speech and association has been curbed in recent years. The protest, called by a grassroots organization of Dalits and tribal communities, consisted of about 1,000 tribal women. They were protesting against the poor quality of health care that had resulted in nine deaths at a maternal hospital the previous month. Overall, there were 25 maternal deaths at this hospital between April and November 2010. In breaking up the protest, police used colonial-era sedition laws to arrest the organizers and others, at the same time as the Indian government was celebrating membership of the UN Commission on Information and Accountability for Women's and Children's Health. It may be recalled that, according to a 2007 UN Children's Fund (UNICEF) report, nearly 60 per cent of maternal deaths in six northern states occurred in what could be classed Dalit or tribal communities. Elsewhere, minority women's rights activists called for a 'quota within a quota' for Dalit women and women from religious minorities to be included in the Women's Reservation Bill (still under discussion at the end of the year). Without this, they argued, the right to political representation of Dalit women and women from religious minorities would not be protected by the proposed 'women's quota'.

Elsewhere, medical practitioner and human rights activist Dr Binayak Sen was arrested under the sedition legislation, and an attempt was made

‘Etch it upon your hearts, this is what I am.’ Life at an intersection: caste, gender and sexuality

In a landmark decision of 2 July 2009, the Indian High Court in Delhi decriminalized consensual same-sex sexual relations between adults in private. The decision emphasizes inclusiveness as an underlying theme of the Indian Constitution and diversity as a matter of constitutional morality. No doubt a milestone for the rights of lesbian, gay, bisexual and transgender (LGBT) persons in India, the decision is an important step forward for LGBT persons belonging to ethnic, religious or linguistic minorities. At a wider level then, it will have an impact on members of all minority groups: religious, ethnic, national, linguistic or sexual. As it awaits appellate scrutiny in the Supreme Court of India, a gay Dalit in New Delhi tells *Sumit Baudh* about his life at an intersection – of caste, gender and sexuality.

I think in my case, no one can tell.

They say to me, ‘You don’t look gay. You can get married.’

I tell them, ‘If I find a man, I will get married.’

They say, ‘But you look okay ...’

‘Others look okay too.’

‘Nahi, vo hilt zyaada hai [No, they are effeminate].’

‘So what? If I act like that, will that be wrong?’

In my village, neighbourhoods are [divided] on caste lines. If boys of a certain caste hang out in another caste neighbourhood, there can be trouble.

I have an impressive personality. I consider myself good looking. But sometimes it happens to me too. I tell you an incident from last year. I was talking to this boy in front of his house. He thinks well of me. Behind him, a man from his lane yelled:

‘Hey you, what are you doing here?’

‘I am talking to this [boy] here, can you not see?’ I retorted.

‘I can see very well you are a Chamaar, aren’t you?’ he made a casteist slur.

I said to him, ‘Yes, I am a Chamaar, so? So what? [The person] I’m talking to, does he not know I am Chamaar?’

The man glared at me and hissed, ‘Get lost from here.’

What more could I have said to someone of that mentality?

I felt very bad.

When I was in school, the Principal was himself a Dalit. Even he once addressed me like that: ‘Get up, you Chamaar.’ I never got a bigger shock in my life.

I used to think I was the only one. I wasn’t interested in girls. All my friends were attracted to girls. They’d go on about it. I used to wonder why I don’t feel the same way. I used to worry. Some people would tell me it’s a disease. I had so many questions, I didn’t have any answers. I had no one to share my loneliness. I couldn’t have told my family, I didn’t know myself – who or what am I?

Some of my early relationships were consensual, some weren’t. There were those with whom I couldn’t even bear to sit – they were by force. It was terrible. I had to fight, I had to cajole. What else could I do?

This is common. They consider this their man-power [masculinity]. If somebody is below them they feel happy. Maybe they consider it an honour, that ‘I have fucked him, now he will be subservient to me all his life, he will not lift his eyes in front of me.’

I think when this is revealed about a boy,

.....
.....
everyone wants to use him. They think, 'He is a soft target, he will not tell anyone. And if he does, it will only bring him shame. He will be beaten up. His family will think he is to blame.'

With me this went on from the age of 13 to 25.

I used to prefer staying home, not going out. I used to feel scared making new friends. If there'd be a new friendship building, I used to wonder if I should get into it. Will I end up with the tag Gaandoo [bugger]?

My friends would say, 'People say this and that about you. If you learn self-defence, it will be good for you.' So I started learning martial arts; my body became strong.

It was an era of struggle for me. I knew I had to win against these people, and to win it is necessary to have power. Physical power is necessary in a village. The kind of mentality people have – is not for people like us. They speak another language, they have to be tackled in that language.

They would say, 'We can't get our hands on him these days, wonder what he is up to. After all that we have done to him, how dare he stand up to us! Even now he is seeing someone. The day he gets caught, we will do it to him again.' They used to make many more jibes. Slowly and gradually I overcame all that.

I was wary not to get the tag Gaandoo again. I used to [enter] relationships after a lot of thought and consideration. I'd be willing to have a relationship if I found the man worthy. If not, I'd say to him, 'Don't mess with me. If you try to grab me, your hands will be chopped off.'

At this stage of my life, I don't care what my neighbours think. Some of my family members support me, some don't. I can only tell them I am gay. I can only say, 'Yes, my relationships will be with men, not women. Open your eyes and look at this, open your minds and understand this. Etch it upon your hearts, this is what I am.'

Edited extracts from an interview, translated from Hindi, with inputs from Jaya Sharma. ■

to prosecute award-winning author and public commentator Arundhati Roy. The allegations against Roy and others are based on speeches they are purported to have made on 21 October 2010 in New Delhi, supposedly in support of Kashmiri secession. The original attempt to use sedition laws was stymied by the Home Ministry, who admitted that such a course of action would be inappropriate since no violence was incited.

Nepal

With various deadlocks in the process of transition to democracy, Nepal witnessed another year of political uncertainty in 2010. While the 2006 peace agreement ending the conflict between the Maoists and the government continued to hold, Prime Minister Madav Kumar Nepal of the Unified Marxist-Leninist party resigned on 30 June. The Maoists had been pressuring him to form a government with themselves at its helm. Parliament failed to form another government during the rest of the year. Attention continued to focus on the contents of the interim Constitution as well as what the process of drafting the next Constitution can offer Nepal's multi-ethnic population. The Constituent Assembly missed its deadline of 28 May and had its mandate extended for another year. The disarming of Maoist forces was one of the key issues in the mandate of the UN Mission in Nepal, which ended in January 2011 with a last-minute agreement to continue the decommissioning of weapons, auguring well for the future of peace in the country. Meanwhile, discrimination on the basis of caste, gender and ethnicity continued, characterized by a lack of access to justice and accentuated by geography, despite some efforts on the part of the government to address this.

The political agenda during 2010 was dominated by the issue of federalism, which, despite the slipping of the deadline for constitutional progress on the issue, continues to be seen as positive by many of Nepal's numerous ethnic minorities. This was a cause espoused by the Maoists, who continue to support its inclusion in the new Constitution which will hopefully be finalized during 2011. Federalism could guarantee an agenda of inclusion, paving the way for proportional representation and the redefinition of the state structure in order to better recognize ethnic and cultural diversity. However, there is concern over the citizenship provision in the draft Constitution,

which makes the granting of Nepali citizenship to a child conditional on both parents being Nepali citizens – which as the UN High Commissioner for Refugees (UNHCR) highlights, runs the risk of engendering statelessness.

The government appears to be striving to erode age-old practices of caste-based discrimination, and there is acceptance of the need for the introduction of reservations for the Dalit community in order to realize equality. Draft legislation vetted by a high-level panel and released in December 2010 contained provisions to guarantee equality and provide measures through which to realize language rights and proportional representation. In addition, there were two progressive judgments on these issues in January and March 2010 (handed down by the District Court in Baitadi in the west of the country), both of which upheld Dalit rights. The first sentenced a man to two years' imprisonment for an attack on Dalits whom he believed were not following discriminatory temple rituals, while the second convicted a man for physical assault on the father of the groom at a Dalit wedding, where the perpetrator believed rituals practised were reserved for 'high-caste communities'.

These decisions indicate some official appetite for combating caste-based discrimination, though inevitably tackling societal perceptions is a significant challenge. Indeed, discrimination on the basis of caste identity appears to continue to be widespread in Nepal, affecting the estimated 13–20 per cent of the population who are Dalit. For instance, according to the Asian Human Rights Commission (AHRC), Dalits are often refused entry to tea shops, restaurants and hotels, and to Hindu temples, denying their right to practise their religion. Those who speak out against such discrimination face hostility. In October, the AHRC reported that a non-Dalit teacher who had spoken out against discriminatory practices against Dalit students at her school in Kailali District (including separate facilities for Dalit students and banning Dalit students from attending certain classes) remained suspended. In addition, she had been blocked by the local school board from applying for other teaching posts in the district.

In a similar vein, although the government declared 2010 to be the year to focus on gender-based violence, ingrained attitudes have meant that women, especially from marginalized communities,

continue to face violence, due to their lower status and financial dependence on their spouses. Women from marginalized communities such as Haliya, or bonded labourers in the mid- and far western regions of Nepal continue to face difficulties that are accentuated by poverty and the lack of employment opportunities, in accessing food, clothing, shelter, health care and education, despite the abolition of bonded labour nearly three years ago. For instance, the AHRC alleges that Dalit women and girls are at particular risk of sexual violence at the hands of higher-caste men, and that such cases are rarely brought to justice due to complicity between the police and the perpetrators. The year 2010 also saw the murder of two Dalit women and a girl in Bardiya National Park by army personnel. The soldiers involved alleged that they had killed the women and child – who were collecting firewood along with others from their village – instantly, and in self-defence. But other members of the party reportedly stated that they had been shot at while they were sleeping, and that the women and the girl were abducted, sexually assaulted, and later killed.

Attacks against journalists have also continued. There were three high-profile murders during the year: the first, of reporter Uma Singh in January, was followed in February by that of Jamin Shah in Kathmandu and of Arun Singhaniya in Janakpur on 1 March.

Ethnic tensions between various Nepali communities continued in 2010 in the Terai region, disproportionately affecting the Dalit population who were affected by virtue of being the biggest group among the landless labourers. These tensions subsequently extended to the Madhesi communities in the south of the region, who have been agitating for greater autonomy and inclusion in the administrative machinery of government. The UN expressed concern regarding extortion of teachers, local officials and businesspeople by armed groups. Human rights organizations report that the government's special security policy has actually led to an increase in violations. The UN Office of the High Commissioner for Human Rights (OHCHR) reported 57 deaths caused by the unlawful use of lethal force by government security forces in the Terai region between January 2008 and June 2010. HRW reported the forced recruitment by armed groups of children as messengers for extortion and ransom notes as well enforcers of strikes (*bandhs*).

Nepal's Tibetan community faced some official pressure during 2010, with reports of police intimidation and high-handed presence at religious ceremonies. In one incident on 3 October, Nepalese police seized ballot boxes at Tibetan government-in-exile polling stations in Kathmandu. The pressure on the community emanates from closer ties between Nepal and China, as evidenced in the forced deportation to China of three Tibetan new arrivals (including one Buddhist monk) by the Nepali government in June 2010. At year's end, HRW reported that two are believed to be in detention in China. The deportations represent a violation of the *non-refoulement* principle in international law, whereby no person should be returned to a country where that person's life or freedom is in serious danger.

While overall 2010 saw relatively peaceful coexistence between the majority Hindu community and Buddhist, Muslim and Christian communities, there have been incidents of intimidation reported, largely attributed to Pashupati Sena, Shiv Sena Nepal and Nepal Shivsena (affiliated to the Indian Shiv Sena – a Hindu fundamentalist party). These groups are unhappy with the former Hindu kingdom's move towards secularism and greater inclusion of other faiths, as guaranteed in the 2007 interim Constitution. Two incidents that were reported included the 23 May attack on a Christian church in Dhobighat, in which three people were killed, and the beating of two Christians for refusing to offer donations for a Hindu *puja* in Kapilvastu on 25 May.

Pakistan

In 2010, ongoing hostilities in Afghanistan had a direct impact on Pakistan, which has also borne the biggest burden from the attendant refugee flows. This, coupled with the inevitable pressures from militants, has made the maintenance of law and order a close to impossible task. In addition, the country was devastated by the worst floods in its history in June, affecting nearly 20 million people, with a death toll estimated in excess of 2,000, and nearly US \$10 billion worth of damage. These events contributed to further displacement of populations, accompanied by ethnic and religious tension.

According to a statement made by the Potohar Organization for Development Advocacy (PODA) at the 2010 UN Forum on Minority Issues, women in general were particularly affected by the floods,

Right: Protesters demand the release of Aasia Bibi, a Pakistani Christian woman sentenced to death for blasphemy, at a rally in Karachi, November 2010. *Akhtar Soomro/Reuters.*

given that they were more likely to have been at home when the flooding struck, were less likely to have been able to swim, and would have felt a responsibility to try to rescue children and animals. The statement also mentioned that women from minority groups in particular often do not have a national identity card, meaning that those who survived would not have been able to claim relief and compensation in the period following the flooding.

As is perhaps inevitable in these conditions, the situation for minorities worsened during the year, leading Ibn Abdur Rehman, Secretary-General of the Human Rights Commission of Pakistan, to declare that the organization had recorded an increase in hatred of minorities by extremists. In addition, minorities in Pakistan continue to face day-to-day societal discrimination and marginalization, impacting on development outcomes. For women from minority groups, this is compounded by the discrimination that they experience as women, and may also be compounded by caste-based discrimination. A recent survey reported by the AHRC found that primary school enrolment rates for girls belonging to scheduled Hindu castes in Pakistan were just 10.2 per cent; the national female primary enrolment rate was given as 48 per cent. Overall, 87 per cent of women from scheduled Hindu castes were illiterate, compared to 58 per cent of women nationally. This indicates a huge discrepancy in regard to access to education between this minority group and the Muslim majority. The AHRC also reports that religious minority women have limited employment options, and are most often found in low-status work, such as manual scavenging or cleaning in urban areas, or subsistence or bonded agricultural labour in rural areas. Gender discrimination and patriarchal norms within their own communities mean that few women within minority communities are able to retain control over income that they bring into the family. Violence against women also remains a considerable problem. At the end of the year, the country's Domestic Violence (Prevention and Protection) Bill remained in 'legislative limbo', having been passed by the National Assembly in August 2009, but then allowed to lapse by the Senate.



Under such circumstances it was perhaps inevitable that the tension between religious communities grew, with widespread discrimination and persistent violence perpetrated by armed groups and individuals. Tensions were heightened in multi-ethnic cities such as Karachi with regular attacks against residents. There was a sharp rise in kidnappings, with Pakistan's Hindu community particularly affected. One report suggested that in Lyari district of Karachi alone there were 10–15 such kidnappings a month, with similar estimates in Balochistan. According to the AHRC, this has included the kidnapping and forced marriage of young Hindu girls. In one case documented by the AHRC in March 2010, a 17-year-old Hindu girl was kidnapped by three Muslim brothers, raped by one of them, and pressured into marrying her rapist and converting to Islam. Allegedly, local police took no action.

The continued non-recognition of Ahmadiyya, seen as violating Pakistan's notorious blasphemy laws by declaring themselves believers in Islam, means that this community of around 600,000 continues to face serious discrimination in all areas of life. The requirement of religious affiliation on

national identity cards excludes them from being registered as Muslim, meaning that they are unable to vote in elections. In 2010, there were regular reports of violence against Ahmadiyya, including attacks on two mosques in Lahore on 28 May which resulted in 94 casualties and injured over 100 more. Three days later, gunmen attacked victims who were still recuperating in the city's Jinnah Hospital.

Sikhs too have come under pressure. According to last year's edition of *State of the World's Minorities and Indigenous Peoples*, Sikhs in the Federally Administered Tribal Areas (FATA) controlled by the Taliban were being made to pay a tax, *jizya*. Pressure on the community has since increased. A group of Sikhs were kidnapped in the Khyber and Orakzai regions in early 2010. The BBC reported that one of the men was later discovered beheaded, although other news agencies reported that two were killed. In April, 72 hectares of *gurdwara* (i.e. the Sikh place of worship) property was transferred without due process to the Defense Housing Association.

A very worrying trend has been the increased vulnerability of followers of Sufism, a moderate strain of Islam practised by many Pakistanis. The prominent Data Darbar shrine, the burial site of a

famous Sufi saint in Lahore, was attacked by three suicide bombers on 1 July, which resulted in 42 deaths and nearly 200 wounded.

An incident that reveals the seriousness of the situation facing minorities was the sentencing to death of Aasia Bibi. Bibi, a Christian, and mother of five, was attacked by others and prevented from drawing water from a communal well on the grounds that she was 'impure'. In the course of the altercation, she reportedly accused the others of following religious laws that were antiquated. Based on hearsay evidence that she had blasphemed the Prophet Muhammad, which she denies, Bibi was subsequently sentenced to death under Pakistan's controversial blasphemy laws. Although no one has actually been executed under their provisions, according to the BBC, some 30 accused have been killed by lynch mobs. There were moves in parliament to repeal or at least amend the provisions. When President Asif Zardari sought to pardon Bibi, the Sheikhpura District Court passed an order on 29 November preventing this, indicating that it would violate religious laws. On 31 December, a 24-hour strike was held in the country's major cities to protest against any changes to the legislation. The Governor of Punjab, Salman Taseer, visited Bibi in order to show his support and called for the abolition of laws that treat individuals in this manner. His statements ultimately proved fatal, as in January 2011 he was killed by his bodyguard, who was subsequently celebrated as a hero by certain segments of Pakistani society.

Developments in Balochistan demonstrate the complex nature of the kinds of pressures minorities face in Pakistan. Baloch activists have been pressing for greater regional control, not least due to the fact that the region suffers from severe under-development at the same time as the country in general gains from having access to the rich natural gas reserves that are found in the province. While the Pakistani parliament passed reforms in 2010 aimed at increasing local autonomy and addressing grievances of the Baloch minority, the civilian authorities struggled to implement these changes in a highly polarized environment. Some more extreme groups view the presence of other minorities as a threat to their aspirations. As a result, there have been numerous attacks against religious establishments and harassment of other minority communities. The attacks against educational

establishments have been particularly disruptive of the social fabric in the province, as highlighted in an HRW report entitled *Their Future is at Stake*, which reports that attacks have particularly targeted girls' schools and schools where boys and girls are taught together. It also appears that some extremist groups in Balochistan may be coercing women into following strict Islamic dress codes, infringing the rights of religious minority women, as well as those of Muslim women who choose not to cover their faces. A statement from the extremist Baloch Ghaeratmand Group included in a news report by the ACHR stated that acid would be thrown at the faces of any women or girls appearing in public with their faces uncovered. In addition, the HRW report mentioned above details examples of extreme acts of gender-based violence against women that have been sanctioned by local legislators on the basis of 'tribal custom', denying women's and girls' access to justice and protection from the state.

Meanwhile, the Pakistani security forces appeared to continue with its practice of forced disappearances, as the bodies of suspected Baloch militants who had disappeared were regularly uncovered.

The violence has taken on a sectarian tone as tensions have mounted between the Shi'a and Sunni communities in Balochistan and other parts of Pakistan. According to one estimate, nearly 400 people died in 2010 in such sectarian clashes across the country.

Some areas of Pakistan's north-west, especially those bordering Afghanistan, remain under the influence of the Taliban, and the general lawlessness in these parts has led to attacks against tribal communities. There were two such notable attacks in 2010. The first, in April, resulting in 42 deaths, took place in the Kacha Pukha camp near Kohat for internally displaced who had fled fighting in Orakzai Agency. The dead belonged to the Mani Khel and Baramad Khel tribes. The second occurred on 25 December when a suicide bomber killed over 40 and injured over 100 members of the Salarzai tribe in the Bajaur Agency. The attack occurred at a World Food Programme (WFP) distribution point. The Tehrik-e-Taliban Pakistan (TTP) claimed responsibility for the attack. These Pashtun tribes have sought to organize their own militias (*lashkars*) for their self-protection which have evoked further wrath from extremists.

In the midst of this, the government has paid

lip service to the need to protect minorities. The authorities have sought to regulate *madrasas*, especially those preaching extremism. However, the number and severity of high-profile cases of violations of minority rights have increased, with security forces and government agencies apparently unwilling and unable to act against the discrimination and exclusion facing minorities. The Ministry of Minority Affairs has been mandated to increase protection for minorities, but a severe lack of resources means that such efforts inevitably flounder. In addition, the failure to recognize civil or common law marriages disproportionately affects Sikhs and Hindus, especially Dalits, with women from these communities subsequently faced with insurmountable obstacles in accessing property rights, health or administrative services.

Sri Lanka

The government came under severe pressure throughout 2010 to begin the promised process of seeking accountability for the violations of humanitarian law that occurred on both sides, in their bid to end the 29-year conflict with the Liberation Tigers for Tamil Eelam (LTTE) in 2009. There were allegations of grave atrocities committed in the final months of fighting in 2009, including filmed evidence of the arbitrary killing of captives by the 53rd Division of the Sri Lankan army that took place in May 2009. With pressure mounting for an independent inquiry, the UN Secretary-General Ban Ki-moon announced the creation of a three-member investigative panel. In response, the Sri Lankan government, which has resisted international scrutiny, announced the establishment of the Lessons Learnt and Reconciliation Commission (LLRC) in May 2010. The international community and human rights organizations reacted sharply to the creation of this commission, since it is headed by a former Attorney-General, raising questions about its independence. In fact, international NGOs such as HRW, Amnesty International and the International Crisis Group (ICG) decided not to provide testimony to the commission in view of its composition and mandate (which goes back to 2002 but without specific coverage of the events of 2009). The issues received heightened attention with the screening of a detailed video clip of the May 2009 killings by the UK's *Channel Four News* on 30 November 2010.

Without a genuine process that examines the atrocities committed during the war, any reconciliation between the minority Tamil population and the majority Sinhalese is likely to be superficial. Throughout 2010, the issue of the large number of internally displaced people (IDPs) remained high on the agenda and led to continuing humanitarian challenges. Concern was heightened by the government's pressure on the International Committee of the Red Cross (ICRC) to shut down operations, in view of the end of the conflict. The danger of the process derailing was highlighted on 30 December in the Boosa IDP camp, where security forces are alleged to have tortured and committed extra-judicial killings of LTTE prisoners. The International Commission of Jurists stressed that the continued arbitrary detention of nearly 8,000 prisoners alleged to be linked with the LTTE violates international legal principles and is akin to collective punishment against a community. Interviews with women IDPs undertaken for a recent MRG report indicated that a large number of IDP households are headed by women, who face considerable material deprivation as a result of limited or absent income-generation opportunities. Women interviewed for MRG's report *No War, No Peace: The Denial of Minority Rights and Justice in Sri Lanka* also reported cases of sexual harassment and assault in resettled areas.

The IDP issue is not exclusively a Tamil question since there remains a sizeable Muslim population (estimated at between 65,000 and 150,000) among those displaced by the fighting. These Muslims were expelled from the north by the LTTE in 1990, and their reintegration back into the towns and villages from where they were displaced is already proving to be a sensitive process. Muslims displaced by the conflict have long felt marginalized and neglected by both the government and international relief agencies working in Sri Lanka. In addition, Tamil and Muslim communities are having to learn to live side by side once again, after 20 years of separation. Overall, tension has grown between Tamil and Muslim populations, as described in an ICG report of April 2010.

Ethnic and religious tensions have continued to mount between communities. Tensions remain between Buddhists and Christians, with sporadic attacks on churches by Buddhist extremists, sometimes led by monks who are angry at what

they see as proselytization by Christians. This has manifested itself in several acts by vigilantes and state authorities, as highlighted by two incidents, one on 6 March and another on 25 June. In the first incident, a mob led by monks linked to a political party disrupted services at a Christian church in the Kalutara District; in the second, police were dispatched to a Christian church in Rajagiriya, assaulted the pastor and attempted to demolish the place of worship on the grounds that it was an unauthorized structure. State authorities also acted directly in the arrest in April of Sarah Malanie Perera, a Sri Lankan resident in Bahrain for 19 years. Perera was apprehended under the Prevention of Terrorism Act for her book *From Darkness to Light*, which narrates the experience of her conversion from Buddhism to Islam, and which was deemed subversive by the authorities.

According to the AHRC, women and girls from minority groups are at particular risk of sexual violence, and are likely to face ostracism and even punishment from within their communities in the event that they report what has happened to them. Minority women who have experienced violence within their own communities may also have their right to justice violated. In a 2010 case, the AHRC reported that a young Muslim woman was subjected to corporal punishment by the village mosque committee after she became pregnant outside of marriage. When she and her husband went to the police station to complain, police were reluctant to pursue the case, and did not take any formal statement from the woman.

The outlook for minorities in Sri Lanka is worrying. The re-election of President Mahinda Rajapaksa was achieved on the back of the 'success' of eliminating the LTTE. He has sought to consolidate his power by eliminating the opposition, including through the detention of former army chief Sarath Fonseka on charges of engaging in politics while in active military service. In September, Rajapaksa pushed through significant constitutional amendments eliminating presidential terms, and providing himself with sweeping powers of appointment of individuals onto governmental bodies, undermining their independence. He has also appointed three of his brothers as Secretaries of Defence and Economic Development, and Speaker of Parliament, and has clamped down on any criticism of his policies.

South East Asia

Irwin Loy

Political change was the theme in parts of Asia during 2010. During the year, Burma, the Philippines and Laos all experienced varying degrees of change, while Vietnam and Thailand prepared for their own leadership decisions in 2011. The policies enacted by the countries' political leaders will continue to impact on minorities and indigenous peoples throughout the year.

There was perhaps least change in Burma. All eyes were trained on the military-controlled state throughout 2010 as observers awaited Burma's first elections in two decades. But the regime made it clear it had no intention of staging free and fair elections, banning many of the main opposition party's key figures from participating and promoting former military officers loyal to the junta as candidates. As the year unfolded, it became clear that many of Burma's already beleaguered minority groups would face increased hardship. Some ethnic-based armed groups, even those that had previously signed ceasefires with the regime, rebelled over the insistence of Burma's rulers that they be included in a joint border force. Violence erupted in eastern Burma as the election got under way and has continued in the poll's aftermath. Though opposition figure Aung San Suu Kyi was a free woman by the end of the year, observers fear that 2011 will only hold more violence for Burma's ethnic and religious minorities. In particular, it is marginalized women who are facing increasing levels of rights abuses as they take on more prominent roles in their communities.

In the Philippines national elections saw Benigno Aquino III elected president. Reconciliation in parts of the Mindanao island region, where Islamist groups have engaged in conflict with the national government, was at the top of his agenda by the end of the year.

Single-party states Laos and Vietnam, too, experienced political developments at the top. In Laos, Prime Minister Bouasone Bouphavanh

announced his surprise resignation in late December 2010, months before his term was supposed to end. In the case of Vietnam, the ruling Communist Party's congress was not until early 2011.

Nevertheless, the Vietnamese government cracked down on dissent in the run-up to the congress, including against campaigners on minority issues and members of unauthorized religious groups.

Migration continued to be a key issue, as rights groups highlighted problems across the region in policies towards migrants, including in Thailand – a nation still reeling from the Red Shirt political protests that shook the country. Asylum-seekers also continued to face challenges throughout South East Asia, from Malaysia to Cambodia, where a group of Montagnard refugees faced a deportation deadline in early 2011.

From Laos to Cambodia and Malaysia to Indonesia, the communal land of indigenous communities is rich in natural resources. The quest for hydropower, valuable extractives and agriculture cash crops can only put a further squeeze on the region's indigenous peoples as 2011 unfolds.

Burma

The state of human rights in Burma remained dire in 2010. The major story centred on the country's first general elections in two decades and the eventual release of opposition figure Aung San Suu Kyi from long-term house arrest. Few observers expected the election would be a catalyst for immediate change and, in its aftermath, there was little difference in behaviour from Burma's military regime. Instead, renewed fighting between the Burmese Army and armed groups from the country's numerous ethnic communities put hopes of peace in doubt.

Burma is an ethnically diverse country with at least 135 ethnic groups and seven ethnic minority states. Armed factions from the various groups have waged decades-long warfare against the repressive regime, and the conflict has resulted in large-scale displacement. It is estimated that at least half a million people have been displaced within Burma as a result of the fighting in eastern states; a further 140,000 refugees live in refugee camps along the border in Thailand.

Military abuses against civilians in conflict areas are believed to be 'widespread and systematic', according to Human Rights Watch (HRW). These

abuses include extra-judicial killings, forced labour, torture and confiscation of land. In what constitutes a clear pattern of repression, women from ethnic minorities are singled out for particularly egregious treatment, including sexual violence, forced labour and being used as human shields. In testimony before the International Tribunal on Crimes against Women of Burma held in Tokyo in June, Kanae Doi, HRW's Japan director and David Mathieson, a Burma researcher, said:

'Women and girls living in Shan and Kachin states in eastern Burma, and in parts of Chin and Arakan [now Rakhine] states in western Burma, are frequent targets of rape and other ill-treatment. Impunity for such abuses is widespread and Burmese government soldiers are rarely brought to justice for sexual violence.'

K'nyaw Paw, education programme coordinator for the Karen Women Organization (KWO), said in an interview:

'The Burmese military arrest women and force them to be porters ... they worry and are frightened for themselves that they will be raped, tortured and killed.'

In western Burma's Christian-dominated Chin state, researchers acting on behalf of the group Physicians for Human Rights (PHR) documented evidence to suggest that civilians have suffered a high rate of abuse at the hands of the military. Researchers found that 92 per cent of people interviewed for the study reported at least one instance in the past year where a member of the household was forced into hard labour. Other abuses, PHR said when it released its report in January 2011, may well constitute crimes against humanity and should be investigated.

Burma continued to view minority religions with suspicion, as ethnic identity among several of the minority communities is closely intertwined with religious identity. The ruling junta claims that Buddhists represent almost 90 per cent of the population, though minority religious groups are almost certainly undercounted. Religious minorities, including Muslim Rohingya, and Chin, Kachin and Karen communities that identify as Christian, continued to face rights abuses.

Rohingya, in particular, are subject to very severe forms of discrimination. The regime continued

to deny citizenship to Rohingya or grant them Foreigner Registration Cards. This deprives them of access to secondary education in state-run schools.

Before the election, human rights advocates warned that a renewed campaign by the regime to bring ethnic-based armed groups under the umbrella of a joint border guard force could send the country spiralling into conflict. The regime had demanded that the various armed groups that had signed ceasefire agreements should disarm and join the border force. Instead, observers say the move has fuelled a new level of unrest. While Burma's rulers say 17 armed groups have signed on to 'arms for peace' deals over the last two decades, HRW and others say only five militias had agreed to join the border force by the end of the year.

The warnings of increased violence due to the regime's border guard plan seemed to be becoming reality at year's end. The Democratic Karen Buddhist Army (DKBA) had employed a ceasefire with the Burmese regime following its split from the Karen National Liberation Army (KNLA) in the mid 1990s. However, on 7 November, election day, a DKBA faction occupied the town of Myawaddy. The fighters were unhappy with the regime's demands that they be incorporated into the border guard. A counter-attack from the Burmese Army caused thousands of civilians to flee into neighbouring Thailand. The television network Al Jazeera reported in late November that the DKBA faction and the KNLA had agreed to cooperate against the Burmese Army. In the meantime, reports from media and rights groups say the fighting is ongoing in Karen state, with civilians continuing to be affected. Rights groups have criticized Thailand for repeatedly forcing fleeing refugees to return to their homes before their safety can be guaranteed.

The November election was widely viewed as illegitimate, with the regime doing everything in its power to ensure victory. As the Burma Campaign UK noted, the number of political prisoners doubled in the years leading up to the poll, all media outlets continued to be censored, international media and election observers were barred and voting was cancelled in several regions where ethnic minorities predominate. The main opposition, Aung San Suu Kyi's National League for Democracy (NLD), did not register for the election in protest at its strict rules, and was later disbanded. In the end, the Union Solidarity and Development Party (USDP), the

newly formed political entity headed by incumbent Prime Minister Thein Sein, took almost 80 per cent of the elected seats in the national parliament. Thein Sein was later named president. Political analyst Richard Horsey noted that parties from six of the states where ethnic minorities dominate fared relatively well. While the USDP and the military together occupy enough seats in the national legislature to allow them to amend the Constitution or to impeach, they do not enjoy such dominance in all ethnic minority state legislatures. In Chin, Kachin, Kayin, Mon, Rakhine and Shan states, the USDP is the leading party but lacks a majority on its own. Horsey said this development 'at least gives ethnic parties some influence over their affairs'.

A week after the election, Aung San Suu Kyi was released from house arrest. While the move was welcomed, there were no indications her release would be accompanied by additional freedoms for Burma's citizens. As one supporter told *The Irrawaddy* newspaper, 'The moment they feel Daw Suu is getting too powerful again, I am sure they will just place restrictions on her and lock up her supporters.'

Cambodia

Evictions and land-grabbing continued to dominate headlines in Cambodia during 2010. Rights workers say the loss of land is one of the most pressing issues in the country, trapping the nation's marginalized in a cycle of poverty. This has particularly affected many of the country's indigenous communities, whose communal land ownership traditions have been at odds with a government push toward land privatization. The majority of the country's population lacks basic land titles, a legacy of the Khmer Rouge regime.

The government has instituted a policy of granting 'economic land concessions', ostensibly part of a bid to stimulate development. Officially, authorities have distributed more than 950,000 hectares of land to 85 companies. However, as a World Bank report released in September 2010 noted, the government has failed to update its statistics since 2006. The *Phnom Penh Post* newspaper quoted a forestry official in September as saying that land concessions totalled more than 1.3 million hectares. Critics say such concessions continue to spark disputes between companies and affected villagers, leading to sometimes-violent evictions.

In its State of Human Rights country report for 2010, the Asian Human Rights Commission (AHRC) noted that 133,000 people in Phnom Penh alone have been evicted since 1990. The report stated that cases of land-grabbing have reached 'epidemic dimensions, with a clear pattern of rich and powerful individuals or private companies depriving the poor and marginalized of the land they inhabit or farm'. A public opinion survey conducted in July and August by the International Republican Institute (IRI), found that 7 per cent of respondents who owned farmland reported that someone had 'attempted to take some or all of their land in the previous three years; 5 per cent said they eventually lost the territory in question. (See Box: 'Land rush threatens indigenous communities in South East Asia'.)

Pung Chhiv Kek, president of local rights group Licadho, said women often find themselves heading their families in cases of urban evictions; whereas women take their children to resettlement sites on the edge of Phnom Penh, men remain in town to find work. 'Families are split; the man finds a new partner, while the situation of his wife and children becomes catastrophic,' she said in an interview. Minorities and indigenous people have often been particularly at risk. People from these communities, 'may not understand legal problems and are generally poor with no political connections, which makes them more vulnerable'.

The highest-profile case in 2010 continued to be the secretive real estate project around Phnom Penh's Boeung Kak Lake, which is being developed by a company linked to a ruling party senator and rumoured to be funded by Chinese backers. Roughly 4,000 residents, including a community of Cham Muslims, have been denied land titles and told they must move to make way for a sprawling 133-hectare complex of office towers and apartment blocks. Tensions simmered toward the end of the year after dozens of homes were buried under sludge and sand meant to fill in the lake. The resulting protests have at times turned violent.

Though land evictions affect the general population, indigenous peoples face particular challenges, as their ancestral lands are often located in areas rich in natural resources. In north-eastern Ratanakiri province, for example, the majority of the population is comprised of indigenous communities. Various groups have continued to complain they have lost land due to the

government's controversial land concession policy.

Members of one of Cambodia's minority groups, the Khmer Krom, continued to experience difficulties in 2010. They are the same ethnicity as Cambodia's Khmer majority, but hail from what is now southern Vietnam. Rights groups say they are a persecuted minority in Vietnam, yet not entirely accepted in Cambodia either. Their situation was highlighted in the past year after a group of Khmer Krom entered Cambodia in late 2009 after being deported from Thailand. Though authorities acknowledged the group had full rights to live in Cambodia, they nonetheless refused throughout 2010 to provide them with basic identification cards necessary to obtain employment, or access education or health care in the country. Thach N Thach, president of the US-based advocacy group Khmer Kampuchea-Krom Federation, said, 'Khmer Krom arriving in Cambodia from Vietnam live in legal limbo for significant stretches of time as they are neither treated as citizens nor as refugees.'

In July, the United Nations (UN) backed war crimes tribunal prosecuting the atrocities of the Khmer Rouge period handed down its first verdict against the regime's chief jailer. Kaing Guek Eav, also known as Duch, was sentenced to 35 years in prison for his role as head of the notorious torture centre S-21. However, some Cambodians reacted with disbelief after the court reduced his sentence by 16 years for time already served and illegal detention.

In September, the tribunal officially indicted four former leaders of the regime. Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan would be the first and only senior Khmer Rouge leaders to answer for the regime's rule. Their trials are expected to start some time in 2011. Controversy arose though when the co-investigating judges in the case confirmed that the four senior leaders would face genocide charges in connection with the Khmer Rouge's treatment of ethnic Vietnamese as well as Cham Muslims, but not the Khmer Krom.

UN Secretary-General Ban Ki-moon staged an official visit to Cambodia in late October. Prime Minister Hun Sen, who has frequently lashed out at international officials who criticize the government, subsequently threatened to shut down the Phnom Penh Office of the High Commissioner for Human Rights (OHCHR) and accused its country representative of siding with the main political opposition party.

In December, the government announced it would close a UN-run centre which was home to 76 Montagnard asylum-seekers, including 62 who had already been granted refugee status. Rights groups raised concerns that the group, part of a largely Christian minority from Vietnam's Central Highlands, might be deported back to their homeland, where they would face repression because of their ethnicity and the fact that many Montagnards sided with the US during the Vietnam War. Cambodian authorities later set a mid-February 2011 deadline for the UN High Commissioner for Refugees (UNHCR) to resolve their cases. Otherwise, the group would face deportation. Critics drew a parallel between the Montagnard situation and the late 2009 deportation of 20 Uighurs back to China. That controversial move came days before China and Cambodia signed aid agreements totalling US \$1.2 billion. Similarly, as noted by the Cambodian Centre for Human Rights, news that the government planned to shut the Montagnard facility came one month after a state visit from a senior Vietnamese delegation.

Indonesia

Additional material by Jacqui Zalberg

Questions around religious freedoms and persecution continued to surface throughout 2010 in Muslim-dominated Indonesia. Repeated cases of threats and violence against religious minorities – as well as the apparent inability of local authorities to respond to such issues – caused some observers to lament conditions for the country's religious minorities, including Hindus and Christians.

In its annual report for Indonesia, the AHRC said:

'The political influence of mainstream religious groups has increased, as have the fundamentalist views among them. Neither the government nor local officials and the police have taken a strong stance concerning the protection of religious minorities.'

Various reported incidents of violence or threats illustrated the situation throughout the year. In August, for example, the *Jakarta Globe* reported that 300 Islamic hardliners 'intimidated, bullied and assaulted' a priest and 20 Christians who were praying in a field in West Java. In December, 100 members of the Batak Christian Protestant Church (HKBP) fled houses in which they were

Special report

Land rush threatens indigenous communities in South East Asia

In the highlands of north-eastern Cambodia, ubiquitous cash crop plantations are pushing indigenous peoples off their ancestral lands. Up the winding Mekong River, 2,000 villagers in northern Laos have started pondering what their future holds as plans develop for a large-scale hydropower dam. And across the South China Sea, a global demand for edible oils is fuelling wide-scale destruction of indigenous lands in Malaysia and Indonesia.

Each case is linked by a common thread that bound together indigenous peoples in South East Asia in 2010: the quest for the region's rich natural resources, which is exerting greater pressures throughout the region. The global economic crisis and the impact of climate change have sparked a rush for land, with the futures of many indigenous peoples hanging in the balance, advocates say. 'The remaining natural resources are now in indigenous lands,' said Joan Carling, Secretary-General of the Asia Indigenous Peoples Pact (AIPP), which advocates on behalf of the region's indigenous communities. 'There's a rush to acquire these resources, not only by states, but by corporations.'

In Cambodia, for example, evictions across the country displaced roughly 27,000 people in 2009, according to the UN Special Rapporteur for human rights to Cambodia. Nationwide,



Left: A Cambodian Cham muslim woman takes her grandchildren home by boat. *Heng Sinith/EPA.*

one's identity. Losing land is more than just an economic burden; it is life-altering. Joan Carling says:

'All indigenous communities regard land as their life. It's their source of existence and survival collectively. So the culture and ways of life are very much tied up to their land. So any threat to their land is like a threat to their life.'

In the Mekong region, environmentalists have taken aim at wide-scale plans for massive hydropower along the mighty river and its tributaries. But it is the human cost of such projects that has rights groups alarmed. In 1996, Vietnam completed construction of the Yali Falls Dam, the country's second largest. But 80 km downstream along the Sesan River in Cambodia's north-eastern Ratanakkiri province, indigenous communities say the dam has irrevocably altered the natural flow of the water. They can no longer count on the once abundant fish and plant life along the riverbanks to fulfil their needs. Instead, they search further afield for food, or move to larger urban centres in search of menial jobs. And often it is women who are the hardest hit by such changes. 'Women face the burden of having to work harder to meet their families' needs,' said Ame Trandem, the Mekong campaigner with the advocacy group International Rivers.

Critics say the situation is replicated throughout the region, where governments across South East Asia are contemplating large-scale dam projects to meet regional energy needs. Twelve projects are planned for the main branch of the Lower Mekong, and many more have already been built along its tributaries. In Malaysia, campaigners are raising concerns over a series of a dozen dams planned in Sarawak state.

On land, a voracious appetite for agricultural

the government says it has distributed more than 950,000 hectares of land to 85 companies, though rights groups say the actual figures are even higher. Frequently, such 'economic land concessions' ignite into disputes between the companies and impoverished villagers.

It is these communities – many of which include indigenous peoples – that are often the least equipped to defend their rights. Though villagers may have lived on their land for years, they often lack basic land titles to establish claims to it. Already marginalized from the mainstream, they do not enjoy equal access to justice that is necessary to fight for their rights. And for indigenous peoples, land is inextricably tied to

Special report Continued

cash crops is threatening many indigenous communities' ways of life. Indonesia and Malaysia have come to dominate global production of palm oil. In Sarawak state, government plans have set a target of between 60,000 and 100,000 hectares a year for new oil palm plantations on indigenous land, according to a January 2011 report released by the non-governmental organization (NGO) Forest Peoples Programme (FPP) and the International Land Coalition (ILC). Similarly, in Indonesia, estimates suggest land for oil palm is being cleared at a rate of 600,000 hectares every year. The report stated that the situation has produced land conflicts and widespread human rights abuses.

Back in Cambodia's Ratanakkiri province, Dam Chanthy says she sees no signs of a slow-down in the rubber, soy bean and cassava plantations that are sprouting up in her region. An ethnic Tampuan, she started a local advocacy group a decade ago after she lost part of her land to a businessman. These days, she said, available land in the lowland areas has become scarce, putting greater pressure on forest lands local indigenous communities view as sacred. With little free space, many men have left their villages to find work as migrant labourers, leaving even greater responsibilities on the remaining women. Chanthy said:

'When the government gives away the forest land, the water dries up so they have to go far away to fetch water. Sometimes, it's even hard to grow rice.'

She also said many local villagers want development to come to their homelands – they just want to be included in the discussions. For now, that is not happening. 'The land is vital to our lives. The land is our life. Without the land, we will die', she concluded. ■

worshipping following angry protests from Muslims demonstrating outside. The Christians said they held the services in their homes because local authorities had refused to approve permits to build a church. Agence France-Presse quoted a local police official as saying law enforcement officers were powerless to stop the protests because the Christians were worshipping illegally. Similarly, some Muslims reported difficulties in opening mosques in areas where they form a religious minority, including the provinces of North Sulawesi and Papua.

Many local faith-based NGOs reported that incidents of religious intolerance appeared to rise during 2010. The Moderate Muslim Society (MMS), for example, reported 81 such cases during the year, compared with 59 the year before. The Jakarta-based Wahid Institute, meanwhile, reported 64 'violations of religious freedoms', a figure nearly double the previous year's tally. These included cases in which people or congregations were prohibited from attending houses of worship or forcing worshippers to denounce their beliefs. Police or local government officials reportedly committed almost three-quarters of the violations. Similarly, the Wahid Institute also noted 135 cases of 'intolerance' compared with 93 the year before. These included threats of violence or physical attacks, with individuals or religious societies responsible for the majority of such cases. 'The data clearly indicates deterioration in the guarantee of religious freedom and increasingly low levels of tolerance in society,' its report concluded.

A public opinion survey also suggested an increase in intolerance among the country's Muslim majority. The poll, conducted by the Centre for the Study of Islam and Society, declared 'a worrying increase' in intolerance among Muslims during the year compared with 2001, with a greater percentage of respondents indicating that they opposed the construction of churches or would be unhappy to allow non-Muslims to teach their children.

Rights groups expressed serious concerns over the treatment of the Ahmadiyya community after the Religious Affairs Minister reportedly stated that he planned to institute an official ban on the Islamic sect, which is considered to be heretical by some orthodox Muslims. HRW also reported several incidences of violence against Ahmadis, including one case in which a mob attacked an Ahmadiyya community south of Jakarta and burned down a mosque.

In April, the country's Constitutional Court upheld Indonesia's so-called 'blasphemy law' following a challenge from a group of petitioners. Rights groups called the decision a setback for religious freedoms.

Meanwhile, authorities in Aceh province continued their controversial implementation of Islamic Sharia law. Aceh is the only province in the country authorized to adopt Islamic laws. In a December report, HRW criticized two specific laws for infringing on the rights of women, children and the poor to make decisions about their lives. HRW reported that a 'seclusion' law in effect in Aceh, which is meant to punish adultery, has been used to criminalize even casual associations between unmarried individuals of the opposite sex. HRW also criticized the implementation of an Islamic dress law, calling it discriminatory because it places 'far more stringent restrictions on women than it does on men'. Women interviewed by HRW suggested law enforcement agencies use the law disproportionately to target the poor, as Sharia police were rarely seen reprimanding people with obvious signs of wealth.

Tensions in areas of the country where separatist movements are active continued to draw concern from rights groups. Indonesia granted the Province of Papua special autonomy status in 2001. However, many Papuans claim that the central government has failed to decentralize the full range of responsibility to the region, and there has been little improvement in the delivery of basic services and rights as promised. Moreover, the splitting of the province into two sections in 2003, has further frustrated the Melanesian indigenous population. The Indonesian government has announced that in 2011 it will conduct a comprehensive evaluation of the implementation of Papua's special autonomy. Many West Papuans continue to demand full independence from Indonesia, as well as international action on gross human rights violations reported in their community. The Vanuatu parliament passed a bill in June for the government to sponsor a move to grant Observer Status to West Papua at the regional organization, the Pacific Islands Forum.

In October, the AHRC released a graphic video from West Papua that showed members of the Indonesian military torturing indigenous people suspected of links to separatist groups. The group

said the video showed authorities were quick to fall back on 'excessive force'. In January 2011, three soldiers accused of disobedience eventually faced court martial for the incident in a trial international observers saw as a 'test case' for the government. However, critics said the sentences handed down, each amounting to fewer than 10 months, did not fit the severity of the crimes.

In September, Amnesty International called on the government to investigate the in-custody death of Yusuf Sapakoly, a political activist from the Maluku Islands who died from kidney failure after prison authorities allegedly refused him adequate medical access. The 52-year-old had been imprisoned in 2007 after unfurling a symbolic flag advocating independence in front of the president.

Meanwhile, environmental issues continued to cause concern for the future of Indonesia's indigenous peoples, who are conservatively estimated to number between 30 and 40 million. An FPP report analysing the country's rapid redevelopment of indigenous customary land into oil palm plantations noted that women were increasingly suffering problems due to unequal development. Women responsible for household duties now face greater hardships accessing clean water or cooking supplies, as well as food and income, the report stated. Changes in traditional gender roles have reportedly resulted in an increase in domestic violence against women and children.

Laos

Rights groups, UN officials and diplomats spent the beginning of 2010 dealing with the aftermath of Thailand's sudden deportation of more than 4,000 Hmong asylum-seekers back to Laos in late December 2009. Critics warned that the Hmong would face persecution once returned to Laos. Historically, the Hmong supported the United States in its operations against the Pathet Laos, which took command of the country in the mid 1970s. Since 2005, the forced return of Hmong minorities from Thailand has resulted in 'enforced disappearances, torture and arbitrary detention', according to Amnesty International.

After initially denying journalists and UN officials access to the Hmong returnees, in March the government allowed a heavily stage-managed visit of foreign dignitaries and media to a relocation camp in Phonkham village, a newly built settlement in



the Bolikhamsay province of central Laos. Some resettled Hmong interviewed by journalists during the visit expressed fear over their situations, with one woman telling a reporter with Radio Free Asia (RFA), 'I feel scared and do not want to stay in Laos'. While reports suggested there was no immediate evidence the resettled Hmong had been abused, the event was also clearly tightly controlled. Indeed, reports suggested that Lao authorities cut the meeting short when the resettled Hmong approached diplomats and journalists.

One US-based group, the Hmong International Human Rights Watch, suggested that Lao officials had warned the Hmong returnees before the meeting to say 'good things about the Lao government and how well they were being treated'.

The group also warned that the resettled Hmong faced resistance from a group of ethnic Khmu already living in the resettlement area. Group co-founder Joe Davy said in a statement, 'The Khmu feel that this is their land and are very upset with the central government's decision to resettle so many Hmong here, especially when there's not enough resources available.'

Also in March, RFA reported that Lao authorities had deported seven Muslim Uighurs, all members of the same family, back to China, from where the group had fled in 2009. Gulbahar Sadiq told RFA that she, husband Mernet Eli Rozi and the couple's five children were arrested and deported in March. She said she and her children spent 32 days in captivity following their arrival back

Left: A Mong girl in the forest region near Van Vieng, Laos. *Eric Lafforgue.*

in China, before they were freed and returned to her hometown. However, her husband remained in captivity in western Kashgar as of December. Gulbahar Sadiq told RFA that her husband had been one of 22 Uighurs who originally sought asylum in neighbouring Cambodia. But he had fled to Laos as the Cambodian government expelled 20 of the asylum-seekers to China in late 2009.

The Lao government recognizes Buddhism, Christianity, Islam and Bahá'í as official religions, though tolerance of religion appeared to vary by region, according to the US State Department's annual human rights report on Laos released in 2010. The report noted that Lao authorities have begun to step in when local governments are seen to have mistreated religious practitioners and have also become 'more proactive' in training local officials in the rights of believers.

That said, religious persecution continued to be an issue in Laos throughout 2010. The group Human Rights Watch for Lao Religious Freedom claimed that authorities in Savannakhet province refused to allow 10 children, whose parents are Christian, to attend school. The group also reported that leaders of a village in Saravan province had evicted seven Christian families at gunpoint after the families refused to renounce their faiths. They join another 11 families who had previously been ejected from the village. And in January 2011, the group reported that 11 Christians, including a church pastor, were arrested while eating a meal. They were accused of staging a meeting in secret without official approval.

In September, Laos officially announced its intention to build a 1,260-megawatt hydropower dam along the Mekong River in Xayaboury province. This would be the first project to dam the main branch of the vital Lower Mekong River. The proposal has caused much controversy among environmentalists and other observers, who are concerned by the dam's possible effects on regional fisheries and livelihoods. More than 2,000 people in 10 villages – comprising a variety of ethnicities, including communities from the indigenous Lao Teung – around the dam site would be resettled as part of the project's construction, according to the advocacy group International Rivers.

Critics say previous examples have shown that dams can threaten the livelihoods of communities living around such sites, particularly for women, who are often put in the position of having to work harder to meet their families' needs when confronted with food shortages or drops in income. The Nam Theun 2 Dam, built on a tributary of the Mekong, began operations in March. The project saw 6,200 indigenous people living in the area resettled; these communities still lack the means to earn a living, according to International Rivers. In addition, a further 110,000 people downstream have experienced the negative impacts of poor water quality and diminished fisheries, the group claims. Overall, the Lao government has at least 55 dam projects in the pipeline as part of its plan to turn the nation into 'the battery of Southeast Asia'.

Malaysia

Malaysia faced continuing challenges in uniting its multi-ethnic society. The year began with heightened tensions following a 31 December 2009 court ruling that overturned the government's ban on the use of the word 'Allah' in Malay-language Christian publications. That decision angered some in the Muslim community and led to a series of attacks on Christian churches around the country. Days later, Malaysia's High Court issued a stay on enforcement of its ruling after the government argued it could cause 'racial conflict'. The attacks were not restricted to churches. In late January, severed pigs' heads were discovered at two mosques. In response, the Council of Churches of Malaysia (CCM) issued a statement condemning 'people trying to inflame religious emotions in the country'.

Questions continued to be raised about the country's Islamic Syariah (Sharia) courts, which run parallel to Malaysia's judicial system. The courts do not have direct jurisdiction over non-Muslims, however there have been cases in which religious minorities have been affected by Syariah court rulings. In March, a civil court found in favour of a Hindu woman after a Syariah court had earlier awarded custody of her children to her husband, a Muslim convert. The case was seen as a potential landmark in defining the legal rights of religious minorities in the majority Muslim nation.

In February, three women were caned under

Islamic law after they were convicted of committing adultery. It was believed to be the first ever case in which such punishment had been handed down to women, as the country's civil law prohibits caning sentences against women. The news raised questions in the media over the balance between the secular and the religious in Malaysia's dual-track legal system.

Local NGO Sisters in Islam (SIS) has called cases of caning ordered against women an example of how female Muslims face discrimination in Malaysia. The organization has reportedly faced retaliation from conservative Islamic groups over its promotion of gender equality. For example, a member of parliament urged the National Fatwa Council to investigate the group. In March, after SIS issued a press release questioning the caning of the three women convicted of adultery, police took statements from employees of the NGO. According to the US State Department, the questioning was part of an investigation into 'alleged violation of the penal code for causing disharmony, disunity, feelings of enmity, hatred, or ill-will, or prejudicing the maintenance of harmony or unity, on grounds of religion'. Malaysia also appointed its first female judges in Islamic courts in August, a move critics said was 'long overdue'.

Amnesty International last year called for a moratorium on canings. A report released late in the year estimated that 10,000 people are caned each year, including many marginalized foreign migrants. These include asylum-seekers caned for 'immigration violations'.

In August, a report by TV network Al Jazeera claimed that indigenous peoples in Pahang state were being offered development aid only in exchange for converting to Islam. Yusri Bin Ahon, an indigenous rights campaigner, told Al Jazeera, 'Government officials visited my people and tried to convert us. They said, "If you want facilities and easy access into the village, you have to be a Muslim."' The government rejected all allegations of pressured conversion.

While the Malaysian Constitution permits freedom of religion, Shi'a Islam is among a number of religious sects considered 'deviant'. In December, Shi'a Muslims urged the government to let them worship legally. Earlier in the month, authorities had detained more than 200 Shi'ites at a prayer meeting in what media reports described as one of the largest mass arrests of its kind.

Malaysia continued to face questions over the

treatment of foreign domestic workers, most of whom are female. It is common for Malaysians to hire live-in maids from neighbouring countries like Indonesia, the Philippines and Cambodia, and it is estimated that there are at least 300,000 migrant domestic workers in the country. Critics say they lack crucial protections afforded to Malaysian citizens. Migrant live-in domestic workers, for example, are excluded from basic labour protection covering maximum work hours, days off and sick leave. Rights groups have documented numerous cases in which foreign workers claim to have been abused by their employers, leading some critics to dub the worst examples as cases of 'modern-day slavery'.

Indigenous peoples in Malaysia continued to be affected by the government's push toward large-scale hydropower projects. The controversial Bakun Dam in Sarawak state was completed during 2010 and is expected to start supplying power in mid-2011. Thousands of indigenous villagers were relocated to make way for the project. Critics have warned that a series of new hydropower projects planned for the Borneo states of Sarawak and Sabah will further threaten indigenous communities. Sixteen dams have reportedly been planned for Sabah along with another 23 for Sarawak.

The Philippines

Debate continued in 2010 over reproductive health legislation. A proposed bill, which would provide women universal access to birth control methods, has caused great political and religious controversy in the Philippines, where the Catholic Church is influential. The church has reportedly threatened to excommunicate politicians who support the bill.

The Philippines is one of the only countries in the world that explicitly criminalizes abortion with no exceptions, according to a report released last year by the US-based Center for Reproductive Rights. Faced with the ban, pregnant women often turn to unsafe illegal abortion methods. In 2008, roughly 560,000 induced abortions took place throughout the country, the report noted. Arguably, the criminalization of abortion and denial of access to methods for birth control represents a particular violation of the rights of the country's non-Catholic minority, who may not believe in the church's opposition to abortion or contraception. Indeed, as the report notes, not only was abortion legal in pre-colonial times, it was widely practised by indigenous groups.

Several religious-based attacks were reported during the year, including bombings of places of worship. In January, a grenade exploded near a cathedral in Sulu province where Christians form a minority. In May, two people died and a dozen people were injured after a hand grenade exploded inside a mosque in Cotabato. Also in Sulu, a bomb exploded on Christmas Day inside a chapel, wounding 11 people including a priest

In February, the government passed a law creating the National Commission on Muslim Filipinos, a cabinet-level body tasked with promoting the rights of Muslims. The agency was formed with the stated aim of ensuring Filipino Muslims are 'active participants in nation-building'. By law, at least one of the seven members of the commission must be a woman.

In May, Benigno Aquino III was elected president following national elections. Aquino has in part prioritized reconciliation, promising in December to work toward establishing stability in the Mindanao region, which is home to a significant population of Muslims and which has seen a long-running anti-government insurgency in some areas. Aquino has pledged to push forward with the on-going peace process with the Moro Islamic Liberation Front (MILF), a major armed Islamic group. MILF fighters have for years staged guerrilla warfare against authorities, though a ceasefire was signed in July 2009.

The number of internally displaced persons (IDPs) fleeing conflict in Mindanao peaked at around 750,000 by spring 2009. By the end of 2010, that figure had fallen to between 100,000 and 123,000 civilians, according to the Internal Displacement Monitoring Centre. At the end of 2010, the UN IRIN news agency quoted a government official as saying authorities hoped to resettle all IDPs within one year.

The quest for energy continued to cause concern for indigenous communities. In Mindanao, critics of a proposed 300-megawatt hydropower project, dubbed Pulangi 5, say the plan could flood huge swathes of land claimed by indigenous people. Proponents of the project have argued the plan is necessary to counter a 'power crisis' in Mindanao.

Thailand

In March, April and May 2010, Thailand was rocked by mass protests from the opposition-aligned

United Front for Democracy Against Dictatorship (commonly referred to as the Red Shirts). While peaceful at first, the situation became violent when Thai security forces confronted the protesters; at least 91 people were killed, most of them civilians. Many Red Shirt supporters are disaffected members of ethnic minorities who come from Thailand's rural north and north-east. The Red Shirts had demanded that Prime Minister Abhisit dissolve parliament and hold elections. The Thai leader refused, instead later pledging to hold elections sometime in 2011. Amid the protests, the government enacted emergency powers throughout parts of the country, which critics said violated basic human rights.

Meanwhile, in the country's Muslim-dominated south, tensions continued to simmer between the government and separatist groups. Frequently, it has been civilians that have suffered. In April, six Buddhist villagers in Narathiwat were shot dead by suspected Islamic insurgents. In a bid to restore order to the region in late December, the Thai cabinet lifted a state of emergency in one district in Pattani province. Officials described the move as a 'test case' in the region. But in the same week, a Buddhist man was gunned down while riding his motorcycle to work, while two Muslim men were also shot dead. The deaths added to a toll that has seen more than 4,400 people killed in the region since early 2004. In a September report, HRW warned that the separatist attacks combined with the government's use of schools as military bases are 'greatly harming the education of children'. Bede Sheppard, HRW's senior researcher for children's rights, said, 'Being a teacher in southern Thailand sadly means putting yourself on the front lines of conflict.'

The insurgency and the resulting government crackdowns have thrust added responsibilities onto Muslim women, according to researcher Angkhana Neelapajit. In environments where it can be unsafe for men to leave the home, women find themselves in the new role of breadwinners and leaders of their families, tasked with advocating for their rights when their husbands cannot or do not.

The year 2010 saw Thailand take a harsh stance against undocumented migrant workers, drawing concern and criticism from rights groups and international observers. Estimates suggest there could be between 1.8 and 3 million migrant workers and accompanying family members in Thailand, mainly from neighbouring Burma, Cambodia and Laos.



Above: A Karenni woman makes sticky rice wine in a small factory in Ban Huay Tor village, near Mae Hong Son, Thailand. *Eric Lafforgue.*

Early in the year, the government set a February deadline for some 1.3 million migrants, both legal and undocumented workers, to register under a 'nationality verification process' to remain in the country for two years. Those who did not do so could be deported. Jorge Bustamante, the UN Special Rapporteur on the human rights of migrants, warned that the system would place many migrants at risk of suffering human rights violations. Bustamante also warned that there could be some among the potential deportees who qualified for 'international protection'. The statement came less than two months after Thailand controversially deported some 4,000 Hmong refugees to Laos, including 158 who had already been granted refugee status.

Though the mass deportations did not materialize during 2010, authorities nonetheless executed a series of raids that resulted in arrests. Over a ten-day period in June, authorities detained at least 2,200 undocumented migrant workers throughout the country, according to the Human Rights and Development Foundation (HRDF). December raids

led to the arrests of more than 1,500 workers.

Amid the arrests, Thai authorities pressed on with further measures to crack down on migrants. In October, according to HRDF, the government announced a plan to set up a 'migrant worker deportation fund', into which migrant workers themselves would be required to pay a portion of their salaries. In early January 2011, the government postponed enforcement of the measure until 2012. Later in October, Prime Minister Abhisit Vejjajiva invoked legislation to set up a 'Centre to Suppress, Arrest and Prosecute Alien Workers Working Underground and Human Trafficking Processes'. The centre would be charged with 'drawing up a plan of action for resolving the problem of alien workers working underground in a systematic manner', according to a translated copy of the order.

The government's 2010 measures may be indicative of the contradictory attitude towards migrants among people with power in Thailand, including the military, the police and the media, whereby migrants are recognized as an economic necessity but also as a threat to national security and a drain on essential services. Other critics say Thai migration policy has been a 'failure'.

A scathing report released by HRW in February

‘The situation has forced women to take up leadership’

***K'nyaw Paw* is a woman from the ethnic Karen minority of eastern Burma. Now an education programme coordinator for the Karen Women Organization, based in Thailand, her parents fled to Thailand in 1978, and she grew up in refugee camps along the Thailand–Burma border. She talks to *Irwin Loy* about how Karen women in Burma are increasingly being thrust into the role of village chief, and how this dramatic change is putting women at even greater risk of abuse.**

Karen village chiefs serve important roles as leaders of their communities: they settle internal disputes; they arbitrate on key issues; and, crucially, they are the main point of contact with the outside world. Men have traditionally dominated the position. But in the 1980s, with male chiefs facing increasing violence, torture and forced labour, women began taking on the job instead.

‘The situation has forced women to take up leadership. This is a common resolution in conflict areas where it is very dangerous, where men are afraid to take up a leadership role. Women will be asked, or sometimes forced, to take up leadership.’

But female village chiefs now face horrific violence as the military regime continues its

rule over the country. In interviews, the KWO has documented cases of crucifixion, women being burned alive, gang rape, beheadings and torture.

‘This struggle shows how gender equality is only represented on the outside but in practice this is not representing gender equality. Women are called on and expected to deal with situations [that are] dangerous and complex. It is not because men are always kind, understanding, and recognize women’s abilities and agree with gender equality.’

‘The situation forces women to take up important positions because they do not want to see the abuse of their people. They want to protect them. No one is protecting and assisting the community, so women have to take dangerous risks.’

The situation has been exacerbated by the uncertainty that surrounded the November national elections, which were widely derided as a sham. Thousands fled after violence erupted between the Burmese military and a faction of the Democratic Karen Buddhist Army in the weeks following the poll.

‘They are afraid they will be killed or raped. Women worry about their children, that they will be taken by the military, that they do not have enough food to feed themselves and their children. They are also worried and frightened about when they will be attacked by the Burmese military.’

‘... There is an endless sense of worry and fear for women. A woman’s heart is like fire. They are always living in fear.’ ■

Right: A Yi minority woman in Yunnan province, southwest China. *Eric Lafforgue.*

suggested that migrants face abuse, extortion and rights violations through every aspect of the labour process. Migrants interviewed by HRW researchers claimed to have witnessed beatings of workers in detention, sexual harassment and extortion. Women can face particular hardships. One police informant told HRW he had spoken with several women who had been raped at a particular law enforcement outpost. After a Thai general publicly suggested that migrants found to be pregnant should be deported, migrant women have become less willing to seek medical assistance, HRW noted. 'Migrants suffer silently and rarely complain because they fear retribution, are not proficient enough in the Thai language to protest, or lack faith in Thai institutions that too often turn a blind eye to their plight', the report concluded. Days after the report's release, three children were killed when Thai soldiers opened fire on a pick-up truck carrying undocumented workers from Burma.

In early November, following the Burmese national elections, fighting between Burmese government forces and a faction of the Democratic Karen Buddhist Army (DKBA) in the town of Myawaddy sent an estimated 20,000 refugees flooding into Thailand. While most of the refugees returned within days, the situation highlighted the long-standing situation along the Thai–Burmese border, where an estimated 140,000 Burmese refugees and asylum-seekers still live in government-run camps with only basic services, according to the UN refugee agency UNHCR. On 25 December, Thai authorities returned 166 Burmese nationals who had been seeking protection. Shortly after, the UNHCR issued a statement criticizing the government for what it called the 'hasty manner' in which these and other returns had taken place over the preceding weeks.

In December, Thai authorities arrested a group of 85 Pakistani asylum-seekers belonging to the Ahmadiyya sect of Islam. Regional rights groups warned that the group could be in danger of deportation back to Pakistan in 2011, where they could face persecution.

Vietnam

Religious and ethnic minorities in Vietnam continued to experience restrictions on freedoms



during 2010, a year in which authorities harassed and jailed activists and critics.

The Vietnamese government holds significant control over the activities of organized religions, and instances of harassment were reported throughout the year. Half the population is estimated to be Buddhist. Catholics make up the largest religious minority at 7 per cent, according to the US Department of State, which also noted that Vietnam had made slight improvements on the issues of religious freedom and practice. For example, the government has helped to build new churches, prayer houses and pagodas and facilitated the education of clergy. The year also saw the state officially sanction a new religious group and two Protestant denominations, according to the department's annual Religious Freedom Report, released in November.

Despite this progress, various religious groups reported facing harassment at the hands of local authorities. In the first half of the year, two Protestant churches in Hue reported incidents in which local police shut down services. There were various other

reports throughout the country of local police interrupting religious services, with parishioners being accused of 'gathering illegally'. In May, police clashed with Catholic parishioners who were trying to bury the body of an elderly woman, according to RFA. Witnesses reported that 66 people were beaten. Tensions also flared in January, when police demolished a cross near a Catholic cemetery south of Hanoi. The Catholic website, AsiaNews.it, reported that police then shot tear gas at parishioners.

Ethnic minorities and indigenous people, who together comprise an estimated 14 per cent of Vietnam's population, continued to face difficulty throughout the year and activists from minority communities continued to be jailed. HRW estimated those currently in prison for their religious or political beliefs include 300 Montagnard Christians, Hoa Hao Buddhists and members of the Cao Dai religion. In January, two Montagnards – members of Vietnam's persecuted highland minority – were imprisoned on charges of 'violating the country's unity policy', according to HRW. In March, an activist from the Khmer Krom minority was sentenced on charges of 'abusing democratic rights'. Thach N Thach, president of the US-based advocacy group Khmer Kampuchea-Krom Federation, claimed Khmer Krom Buddhist monks are forced to learn communist ideology in state-sanctioned temples. The government must also approve all religious teachings beforehand, he said.

Statistics continued to show that ethnic minorities are disproportionately represented among Vietnam's poor. The government has pegged the poverty rate in ethnic minority communities at around 50 per cent – a drop of 36 percentage points since 1993, but still more than triple the national rate. Women from ethnic minority groups also have some of the country's highest maternal mortality rates.

After a visit to Vietnam, the UN's Independent Expert on Minority Issues, Gay McDougall, offered praise to the government for what she said was an 'evident political will to address the sizeable socio-economic gap' between ethnic minorities and the majority Kinh. But she also said there were too few opportunities for ethnic minority students to be taught in their own language, and she highlighted instances that may constitute denial of religious freedoms and 'serious violations of civil rights'.

As elsewhere in South East Asia, hydropower dams continued to have significant negative effects

on minorities. The first turbine for the massive Son La hydropower plant in north-western Vietnam was turned on in December. The project is expected to be South East Asia's largest power station when it becomes fully operational in 2012. But it has also been the cause of Vietnam's largest resettlement in history. An estimated 91,000 people, mostly from ethnic minorities in the region, were moved to make way for the project, according to the advocacy group International Rivers. Relocated villagers have already reported difficulty growing enough food to feed their families.

East Asia

Irwin Loy

China

Marusca Perazzi

According to figures from the Chinese Ministry of Foreign Affairs released in 2006, China's ethnic minority population is almost 124 million. This makes it the largest ethnic minority population in the world, and is evidence of the country's great diversity and cultural wealth. Minorities are found in every province, region and county, in border areas (Bai, Yi and Zhuang in the south, Mongolians and Uighars in the north) or spread throughout the country (Hui and Manchus). Even the majority Han population is culturally and ethnically diverse, and its members have begun to reassert their different identities, histories and cultures. However, shortcomings in the implementation of fundamental rights in autonomous and other areas inhabited by ethnic groups continued to deprive minorities of the full enjoyment of their cultural, religious and linguistic rights. In November 2010, China initiated its sixth population census which will record the demographic changes that have occurred over the last decade.

Civil and political rights

China's human rights record worsened during 2010, and the government responded more aggressively than in the past to international scrutiny and criticism. This was most evident in the Chinese government's reaction to the nomination and

subsequent selection of democracy activist Liu Xiaobo for the Nobel Peace Prize, which included a campaign to dissuade foreign dignitaries from attending the award ceremony in Oslo, Norway. Liu is currently serving an 11-year sentence for allegedly ‘subverting the country and authority’. On 10 December, the UN High Commissioner for Human Rights, Navi Pillay, called for Liu to be released from prison, stating that ‘Liu Xiaobo illustrates the dangers and abuse to which human rights defenders around the world are subjected.’ In addition, three UN Experts voiced concerns over China’s crackdown on rights defenders after receiving numerous reports of arbitrary arrests and detentions, travel restrictions, forced relocations, intimidation, harassment and punishment of activists.

In his report to the 13th Session of the UN Human Rights Council (following a fact-finding mission to China), UN Special Rapporteur on Torture Manfred Nowak wrote:

‘China maintains the most institutionalized method of opposing political dissidents that I have encountered. Political dissidents and human rights defenders, ethnic groups that are often suspected of separation (particularly Tibetans and Uyghurs), as well as spiritual groups such as Falun Gong are often accused of political crimes such as endangering national security through undermining the unity of the country, subversion or unlawfully supplying State secrets to individuals outside the country. Such individuals are not only at a high risk of torture when arrested, but the Re-education Through Labor (RTL) Regime that is often used as a sentence for political crimes employs measures of coercion, humiliation and punishment aimed at altering the personality of detainees up to the point of breaking their will.’

Education and linguistic rights

As reported by the Xinhua news agency in September, a White Paper published by the government entitled Progress in China’s Human Rights in 2009 referred to 38 publishers producing material in 26 different minority languages, and stated that ‘over 60 per cent of the population of China’s 55 minority groups, or approximately 60 million people regularly speak their own language, [and] about 30 million of them regularly use their own script’. According to the document, government support to socio-economic development

in areas primarily inhabited by ethnic minorities has increased, bringing about a gradual improvement in living conditions among minorities, as demonstrated by the increased levels of education and use of public health care systems among these groups. The paper also stated that:

‘The ethnic minorities’ rights to study, use and develop their own languages are protected [and] at present, over 10,000 schools with a total of 6 million students use 29 languages of 21 ethnic groups in classroom teaching.’

Previous to this, in June an official notice from China’s State Ethnic Affairs Commission (SEAC) urged the teaching and official use of minority languages in ethnic minority areas. The notice advised local ethnic affairs authorities to pursue ‘bilingual’ education, train more teachers, and increase the publishing of textbooks for minorities in compliance with national legislation. The notice also called for identity cards in autonomous minority areas to be written in each respective minority language, as well as Mandarin Chinese. Finally, the notice called for the use of minority languages in publishing, broadcasting and online in an attempt to preserve ethnic minority languages on the verge of extinction.

However, China’s rhetoric on compliance with international human rights standards clashed with well-documented cases of violations of national and international norms. In October, the Associated Press reported that Tibetan students marched in Tongren (Qinghai province) and Beijing protesting against a plan to establish Mandarin Chinese as the main language of instruction in Tibetan schools in the region. Such a plan would contravene the Chinese Constitution, the 2002 ‘Regulations on the Study, Use and Development of the Tibetan Language’ (in accordance with the Regional National autonomy law), and international standards. In response, the European Parliament passed a resolution on Tibet – Plans to Institute Chinese as Main Language of Instruction in November. It noted that in all areas of the Tibetan Autonomous Region (TAR):

‘Tibetan language is gradually being replaced by Chinese in schools at different levels [...] with official documents usually unavailable in Tibetan and textbooks and subjects made available only in

Chinese [...]. Despite the claim by Chinese officials that a bilingual teaching system has been adopted in the education sector of Tibet, with priority given to teaching in Tibetan, the Tibetan language is given either 50 per cent weight or no weight at all in university exams.'

In November, RFA reported the dismissal of 518 Uighur teachers in Toksun County (out of a total of 2,000) over the sensitive issue of 'bilingual education' in the Xinjiang Uighur Autonomous Region (XUAR). Bilingual education policies have in fact meant that the use of Mandarin Chinese has been prioritized over the minority language as the main language of instruction in schools and universities across the region, according to a XUAR October directive. Reports and testimonies to MRG also indicated that the situation with regard to linguistic rights has deteriorated in the XUAR, with instances of the forced closure of local publishing houses specialized in the printing of textbooks in Uighur during the reporting period.

Meanwhile, in other regions, UN agencies are supporting the Chinese government in designing and implementing policies aimed at promoting and protecting the rights of smaller ethnic minorities in regions such as Yunnan, Guizhou and Qinghai. Some cultural preservation programmes aimed at smaller communities have apparently been carried out successfully, while others, for instance the UN–China joint programmes aimed at preserving ethnic cultural resources in south-west China, have met with mixed results, according to an evaluation by UN Development Programme (UNDP). The China Culture and Development Partnership Framework (CDPF), a three-year programme begun in 2009 and funded by the Millennium Development Goals (MDG) Achievement Fund, as reported by the Director and Representative of UNESCO Beijing Office and Co-Chair of the CDPF, has so far reached:

'More than 5,000 members of ethnic minorities in remote and inaccessible counties in South-West China who directly benefited from the programme [...] that promoted inclusive governance and culturally sensitive basic education; improved the quality and uptake of maternal and child health services; introduced community-based cultural tourism initiatives; strengthened local crafts sectors; and contributed to

the understanding and protection of tangible and intangible cultural heritage'.

Religious freedom

In 2010, the government strengthened state control over religious practices, continuing to exclude minority religious communities from the minimal room to manoeuvre that is afforded to state-sanctioned religious groups. Relations between the Vatican and China were seriously damaged in the past year, with a series of accusations and heavy criticism from both sides that affected religious freedom for Christians across the country. The Chinese authorities continued to maintain oppressive control over some ethnic groups' religious activities. For example, according to RFA, 'the campaigns include restrictions on the wearing of traditional headscarves and beards' in the XUAR.

In March, the UN Special Rapporteurs on freedom of religion and belief, on torture, and on the status of human rights defenders presented their reports and concluding observations, based on their fact-finding investigations in China at the 13th Session of the UN Human Rights Council. The reports detailed on-going human rights violations against Falun Gong practitioners, including cases of beatings, harassment, torture and deaths while in police custody. Instances of lawyers defending Falun Gong practitioners being jailed were also documented. The Chinese government ignored the reports or denied the validity of their findings.

Minorities in Inner Mongolia, Tibet and Xinjiang

In the White Paper, Progress in China's Human Rights in 2009, the Chinese government publicized what it considered to be the successful achievements of the First National Human Rights Plan, and reaffirmed that 'citizens of all ethnic groups in China enjoy equal rights and special rights' and that 'the state guarantees by law ethnic minorities' equal rights in participation in the administration of state and regional affairs'. However, during the year the government continued to implement restrictive measures to limit civil society engagement and action on minority rights issues, particularly in the three autonomous regions of Inner Mongolia (IMAR), the TAR and the XUAR. In these regions, Chinese majority and minority journalists, editors and activists advocating or reporting on minority rights faced intimidation, harassment and

punishment by the authorities, and continued to be denied their fundamental rights of freedom of speech and expression over the course of the year. In part, this was through the use of vaguely worded criminal laws furthering the mechanism of ‘prior restraints’ to curb or deny groups or individuals the right to freedom of assembly and expression. Punishments included, for example, confiscation of books, educational or religious materials, as well as imprisonment of minority individuals including webmasters, editors and activists for alleged crimes against the state.

Local authorities’ arbitrary interpretation and application of laws in minorities’ autonomous areas heavily circumscribed the rights of minorities in many other spheres of life. In fostering economic development policies in autonomous areas such as the IMAR, the TAR and the XUAR, persecution, harassment, punishment and forced assimilation is steadily wiping out minorities’ hopes for meaningful expression of their identity and genuine public participation. In a poignant testimony to MRG, an ethnic minority source from the XUAR stated:

‘the Chinese authorities harden state policies and adopted measures that control, interfere and deliberately manipulate minority communities’ life. Local authorities abuse their power to police and dictate the day-to-day existence of our communities. It is an impossible way of living that is gradually erasing our culture and tradition. China is staging a silent cultural genocide in the XUAR that no one seems willing to halt.’

Other reports from human rights activists and civil society groups pointed to the on-going forced removal of girls and younger women from the XUAR by the authorities, as reported in previous editions of the *State of the World’s Minorities*. This process of forced assimilation is destroying the fragile social fabric of Uighur families that during the year endured abuse, mistreatment, punishment and violations of their individual and collective rights. Elsewhere, local governments continue to be unofficially instructed to target migrant workers and ethno-linguistic and religious minorities through population planning policies that interfere and control the reproductive lives of women using forced sterilization and abortion, arbitrary detention and forced disappearances, including of Mongol activists and their families.

In April, the National People’s Congress (NPC) Standing Committee adopted a revision to the Law on Guarding State Secrets by narrowing the definition of ‘state secrets’, boosting transparency and ensuring the people’s right to know. However, in August, Human Rights House reported that, in a series of closed trials, Urumqi Intermediate People’s Court sentenced three ethnic Uighur webmasters to life in jail for alleged separatist offences and for ‘endangering state security’.

There were indications that some of the economic and social issues underlying the 2009 violent unrest in the XUAR and discontent among minority groups more generally were being addressed, although many others remained ignored. In the XUAR, communication channels that had remained shut down for months after the riots were re-established, and in March, unpopular Party Secretary Wang Lequan was suddenly removed. Secretary Wang had been in place since 1995, and had overseen harsh policies in the region, resented by both Han and ethnic minorities alike. Some commentators take the view, looking back over 2010, that the very promising genuine concern and dialogue being built between Uighurs and a growing number of Han Chinese holds the potential for a meaningful solution to Uighur issues. However, news in December of the deportation of seven Uighur asylum-seekers from Laos, who fled there after the July 2009 incidents, raised serious concerns over the situation of Uighur people who have been forcibly returned to China, where they face possible persecution.

Gender equality and minority women’s rights

The promotion of equality between men and women is a basic objective in China’s social development. According to official Chinese statistics, women’s economic, social and cultural rights are being more effectively guaranteed with women accounting for 38 per cent of the workforce. However, no updated government statistics regarding ethno-linguistic minority women in employment are available. Historically, unemployment rates among ethnic minority women and girls have been higher than among Han women; outdated estimates indicate figures of less than 10 million ethnic minority women in employment at that time.

In May 2001, the Chinese government promulgated the Program for the Development of

Chinese Women (2001–10) (PDCW), with the goal of fostering women's development, including by promoting women's employment and enhancing their participation in administration, management and decision-making regarding social affairs. After the Law on the Protection of Women's Rights and Interests was revised and enacted in December 2005, legislative bodies at the provincial, autonomous region and municipal levels, including the XUAR, Hunan and Jiangxi provinces, revised implementation measures significantly, taking into account local conditions and characteristics. According to the Legal Department of the All China Women's Federation (ACWF), the measures have helped to secure some breakthroughs, in terms of stipulating the percentage of women candidates for local people's congresses, reinforcing the functions of local working committees on women and children, fighting domestic violence, defining and outlining punishment for sexual harassment, signing collective contracts with women workers, and ensuring specific funding for efforts aimed at protecting women's rights.

Despite China's commitment to women's equality and empowerment, women's political representation remains state-supported; that is, there is token representation where state policies are used to increase the numbers of women in leadership positions rather than promoting them into roles with real influence. In part to address this, in 2010 the ACWF received US \$2.4 million from the UN Fund for Gender Equality towards implementing a programme to increase women's political profiles and their participation in institutions of governance at national and local levels by 2013. It is unclear whether the programme will also include and benefit minority women representatives.

Democratic People's Republic of Korea

The Democratic People's Republic of Korea, or North Korea, continued to be a state shrouded in secrecy throughout 2010. Nevertheless, reports from NGOs and international observers suggest that North Korea has done little to improve its deplorable human rights record.

The country is considered racially and ethnically homogeneous and there are no official minorities. However, there is reportedly a small Chinese community numbering around 50,000, as well as

fewer than 2,000 ethnic Japanese women married to Korean men who returned to the North from Japan between 1959 and 1962.

North Korea's Constitution allows for freedom of religious belief, but this is limited to state-controlled places of worship. Government estimates in 2002, supplied to the UN High Commissioner for Human Rights, reported that there were roughly 12,000 Protestants, 10,000 Buddhists and 800 Catholics, though outside groups suggest the numbers are much higher.

Some foreigners living in the capital, Pyongyang, who attended sanctioned Christian churches reported that the services 'appeared staged and contained political content supportive of the government, in addition to religious themes'. It is believed that the government persecutes those who participate in 'unauthorized' religious gatherings. In August, Asianews.it, a Catholic news site, reported that authorities arrested 23 'underground Christians' who had congregated at a house in Pyongan province. Three people were tried and executed, the website reported, citing unnamed sources. 'Such sentences are meant to scare people', the source was quoted as saying.

In its annual report released in May, the United States Commission on International Religious Freedom stated that imprisoning religious believers is a common practice in North Korea. Estimates suggest there are 40,000 religious prisoners currently being held throughout the country.

In March, the UN Human Rights Council adopted a strongly worded resolution that expressed 'serious concern at on-going grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea'. Five members voted against the resolution, including China and Russia. North Korea's delegate, in turn, reportedly criticized the resolution, saying that it was 'full of distortions and fabrications based on political bias'.

Japan

Japan continues to have no civil or criminal law against racial discrimination, a key issue for minorities. Such an absence has the effect of enabling discriminatory practices, according to a February report prepared by the Solidarity Network with Migrants Japan (SNMJ) and submitted to the UN Committee on the Elimination of Racial

Discrimination (CERD). The report even noted instances in which stores and restaurants were seen to have signs explicitly stating 'Japanese Only'.

The Japanese government's position on the matter is that such a law is unnecessary because the country's Constitution already forbids 'discrimination on the basis of race, creed, sex, social status and family origin', according to a February statement released by CERD following discussions with a senior delegation from the government. However, observers say minorities in Japan still face barriers. In March, following a nine-day visit, Jorge Bustamante, the UN's expert on migrants' rights, urged Japan to step up its protection of migrants, and noted that, 'Racism and discrimination based on nationality are still too common in Japan, including in the workplace, in schools, in health care establishments and housing.'

Migrant women in Japan were seen as particularly vulnerable to discrimination and violence. The SNMJ report highlighted the issue of discrimination and domestic violence against women, including many from Asia and Latin America. Non-Japanese nationals were reported to be six times more likely to be abused than Japanese women in domestic situations, according to the report. Japan has a law against domestic violence, yet undocumented migrant women enjoy only minimal protection, the report notes. For example, undocumented women are permitted to stay in government-run shelters for only two weeks and cannot access crucial support services. Faced with a lack of support and the threat of being deported, 'a significant number of undocumented migrant women and children choose to bear abuses, or if they are already in a shelter, to return to their violent partners or become homeless,' the report notes.

Japan also excludes undocumented migrant workers from its public health system – a position the group Human Rights Watch (HRW) says may be a violation of basic rights to access health services, including anti-retroviral therapy.

Children of minorities also face difficulties in the education system, particularly those of Nikkei-Brazilian, Nikkei-Peruvian (who have Japanese ancestry but whose families emigrated to South America during the last century) and Filipino ancestry. Roughly 20 per cent of children from these groups are believed not to attend school at all, according to local government surveys. And since

the high school entrance exam system makes little allowance for students who do not speak Japanese as a native language, the number of children from minority groups who move on to high school drops precipitously. Less than 30 per cent of the children of migrants and migrant workers go on to high school, according to estimates. For Japanese nationals, that figure is 97 per cent, according to the SNMJ report. The national government has yet to compile a wide-reaching nationwide survey on the children of non-Japanese nationals or ethnic minorities.

Schools catering to the children of Brazilian- and Peruvian-Japanese are also underfunded, with most of the costs coming from tuition fees paid by parents. Following the global economic crisis in 2008, when 60 per cent of Brazilian migrant workers lost their jobs, 16 schools catering to their children shut down. The SNMJ report notes that half of the affected students returned to Brazil; however, 22 per cent 'still remain completely out of school in Japan'.

The SNMJ report also notes that naturalized citizens faced pressure to alter their names to Japanese names. In one January case, a Thai woman who went to a legal office to apply for Japanese nationality claimed she was told to 'come back with a Japanese name in mind for when you acquire Japanese nationality'.

Minority groups in Japan also continued to experience discrimination, according to reports. For example, the 3 million Burakumin, who are ethnically Japanese but the descendants of feudal-era outcasts, 'frequently were victims of entrenched societal discrimination, including restricted access to housing, education and employment opportunities', according to the US State Department's Human Rights country report for Japan, released in March.

While the government has been lauded for its 2008 decision to officially recognize Ainu as an indigenous people, it has been slow to acknowledge other groups. The Japanese government has not yet acknowledged Ryukyuan people as indigenous even though, as noted by CERD, the group appeared 'to have a distinct language, culture and history' that would lead other countries to recognize them as such.

The year 2010 also marked the 65th anniversary of the end of the Second World War. But Japan has yet to accept legal responsibility for the

so-called 'comfort women' system implemented by the Japanese Imperial Army starting in 1932, whereby women from Asian countries colonized by Japan were forced into sexual slavery. The remaining survivors are elderly and many have died without seeing redress. In August, the rights group Amnesty International reiterated calls for the Japanese government to 'accept full responsibility, including legal responsibility, in a way that publicly acknowledges the harm these women have suffered'.

Mongolia

Marusca Perazzi

In August 2010, the government of Mongolia strongly reaffirmed its commitment to obligations under the Universal Declaration of Human Rights (UDHR), further stating that 'protecting the rights of national minorities stand[s] as a priority'. Yet, in the past year, the Legatum Prosperity Index ranked Mongolia in the lower half of the list on the variable of welcoming ethnic minorities. For despite Mongolia's commitment to democratic principles and constitutional guarantees of equality and non-discrimination on the basis of ethnicity, in the absence of a designated institution to enforce anti-discrimination legal provisions, ethnic and linguistic minorities continue to be penalized by discriminatory policies. This means that in 2010, minorities were unable to realize their rights in accessing information, education and effective participation in public life.

Minorities make up 18.2 per cent of the population and include Barga, Bayad, Buryat, Chantuu, Durbet, Kazakhs and Tsaatan mainly concentrated in the *aimags* of Bayan-Ölgii, Dornod, Hentiy, Khovd and Uvsnd. In 2010, Mongolia's ethnic minority groups faced a number of challenges, as did the majority ethnic group, Khalks. Structural inequalities, environmental crisis, poverty and development divides between urban and rural areas tested the capacity and willingness of a government already struggling to address the needs of the third of the population that lives in poverty. Mongolian herders, mostly minorities and indigenous peoples, were confronted with severe drought and a harsh winter, forcing thousands of them to abandon their nomadic life. Meanwhile, an Asian Development Bank (ADB) programme implemented policy measures in the social welfare, health and education sectors to ensure the

provision of essential basic services to the poorest and most vulnerable. This included provision of early childhood education to nomadic and ethnic minority children.

Civil society groups continued to play an important role in tackling social issues and helping to strengthen political institutions. In April, protests in the capital Ulaan Baator called for the dissolution of the parliament and a fairer distribution of the country's natural wealth. In December the Mongolian parliament reportedly agreed to discuss the new Constitution Amendment Procedures of the 1992 Constitution of Mongolia. It is unclear whether any public consultative process will take place in regard to the constitutional amendments, and if so, to what extent minorities will be encouraged to participate.

Mongolia's women's rights activists played a key role in advocating for human rights, public participation, fostering social change and a more gender-balanced society through increased efforts in tackling domestic violence and child trafficking, and promoting minority rights protection. Mongolia's Women Fund (MONES), for example, concentrated its policy work on national mechanisms to strengthen the voices of ethnic minorities and herder women, and on raising public awareness of the need for a more comprehensive legal framework and a stronger protection regime for minorities and other vulnerable groups in society.

In the effort to strengthen women's rights and reduce violence against women, the Law on Fighting against Domestic Violence (2004) and the National Programme on Fighting against Domestic Violence (effective as of 2008) represent a considerable achievement. Yet domestic violence remains a critical but taboo issue in Mongolia, in the absence of laws prohibiting marital rape. Facilities are limited for victims of sexual and gender-based violence in remote areas, where most minority groups reside. In spite of the government's efforts, poor implementation of existing legislation still reflects the lack of political will to tackle these issues, while women continue to face social, economic and procedural barriers in accessing state protection, according to the Common Country Assessment conducted by the UN in Mongolia in 2010. This is even more the case for minority women. Young women from rural areas (where most minority communities live) remained

most vulnerable to trafficking and abduction for commercial sexual exploitation.

Concerns over shortcomings in the implementation of existing human rights legislation and failure to incorporate Mongolia's international human rights obligations into national legislation have surfaced during the year. In an official submission to the ninth round of the Universal Periodic Review (UPR), a national working group argued that ethnic Kazakhs and Dukha (or Tsaatan) face 'widespread societal and institutional discrimination within Mongolian society'. The document reported lack of basic freedoms, on-going systematic discriminatory practices and attitudes, and human rights violations. It exposed a lack of institutional and legislative measures coupled with the absence or inaccessibility of redress mechanisms. The working group recommended that, 'Mongolia enact an anti-hate crime law to protect minorities from hate crimes, ensure privacy and confidentiality of information, emphasize education and conciliation, and provide for speedy and effective criminal, administrative and civil remedies'.

The draft report of the 9th Session of the UPR Working Group of the UN Human Rights Council on Mongolia reported concerns about discrimination against women and girls, and stressed the need for women's greater participation at the highest levels of decision-making. In the reporting year, women and ethnic minorities remained under-represented in political decision-making at all levels, or 'in the case of the Dukha, were entirely absent from the policy-making sphere' (according to local NGOs). In 2010, out of 76 seats in parliament there were only three women MPs (3.9 per cent), as well as two female vice-ministers in a cabinet of 15. Of these, none are believed to be from ethnic minorities, although there are three male ethnic Kazakh MPs.

In a positive sign, a female MP interviewed by the website News English Mongolia stated that, by year's end, the government had submitted a draft law on gender, which includes a 30 per cent quota for women in parliament. In 2010, the National Human Rights Commission of Mongolia (NHRCM) encouraged the government of Mongolia to promote greater representation of women and national minorities in decision-making by setting quotas for minority groups as well as women, including in local legislatures. This proposal

was also made in the draft UPR report. However, women and members of minority groups find entering the political realm particularly difficult, since party politics is deeply influenced by money and corruption, making it difficult for those without connections to gain a foothold.

The draft UPR report also raised concerns regarding the continued difficulties faced by minority religious groups in officially registering and building places of worship. The report stated that these problems could be eradicated by establishing clear national guidelines to allow all faith groups equal access to registration.

Finally, the UPR process also recorded that ethnic minority children do not fully enjoy their right to education, noting that '[the] Kazakh minority province of Bayan-Ölgii registered the highest rate of education dropouts and the lowest pre-school participation rate in the country with illiteracy rates of 6.8 per cent (compared to the national average of 4.6 per cent)'. In northern Mongolia, Tuva minority children's access to any level of education also remained limited. During the year, the Committee on the Rights of the Child (CRC) expressed concern about lack of awareness among herder families in the western regions of the importance of birth registration. Almost 10 per cent of births in remote areas remained unregistered.

Oceania

Jacqui Zalcborg

The Oceania region is ethnically diverse. It is characterized by a high proportion of indigenous peoples, who form majority populations in many of the Pacific Island region, as well as numerous minority groups, resettled peoples and internal migrants from different islands in the region.

In 2010, indigenous peoples in Oceania began to assert their voice on the international stage. The United Nations (UN) Special Rapporteur on the rights of indigenous peoples, Professor James Anaya, visited New Caledonia in February 2011, and New Zealand in July 2010. During these visits, he assessed the human rights situation of the indigenous Kanak and the Māori peoples

respectively. These were the first visits of the mandate to the Pacific region.

In 2010, three Oceanic countries were also considered by the UN Committee on the Elimination of Discrimination Against Women (CEDAW committee): Australia, Fiji and Papua New Guinea. In its observations on Fiji, the CEDAW committee noted high levels of violence against women in all its forms, in both the private and public spheres. It also noted the impact of cultural stereotypes which perpetuate discrimination against women and girls, and the impact of the practice of reconciliation and forgiveness ceremonies such as *bulubulu*. Victims of gender-based violence may be forced to participate in such ceremonies, after which they have little choice but to remain in abusive and violent relationships.

According to Amnesty International, overall levels of violence against women in the Pacific are amongst the highest in the world, with the United Nations Development Fund for Women (UNIFEM) estimating prevalence as high as 85 per cent in some countries. This has a devastating impact not only on individual women but also on communities and the Pacific region as a whole. Sexual violence is common and severe and is most often committed by men against their intimate partners.

The situation in Fiji continues to be a major issue for the region. The current regime, which overthrew the Laisenia Qarase-led government in a coup in December 2006, claims to protect the rights of the Indo-Fijian minority against the indigenous majority. The regime continues to be charged with human rights violations, and in particular has been criticized for its restrictions on freedom of expression, and for silencing dissidents and critics of the government.

The environmental impacts of climate change continue to pose a major threat to the Pacific island-states, many of which are low-lying and are at particular risk of disappearing due to rising tides. According to a 2010 policy paper by the International Organization for Migration (IOM), there could be 200 million climate-displaced persons and refugees by 2050, a large number of whom will be coming from the Pacific Island region. Papua New Guineans from the Carteret Islands have already become the world's first climate displaced persons, with Tuvalu expected to become uninhabitable over the coming decades due to rising

sea levels. The Papua New Guinea government pledged financial assistance to the residents of the Carteret atolls to help the population shift to the main island of Bougainville, but affected persons have yet to receive this support.

The Australian Labor Party's recent report on the issue, *Our Drowning Neighbours*, identifies the potential security impacts of changing climate patterns, and recommends that Australia play a key role in helping establish an international coalition to address the issue. The New Zealand government has recently established a 'Pacific Access Category' to enable Pacific Islanders from Kiribati, Tuvalu and Tonga to migrate to New Zealand. However, numbers are extremely limited, and eligibility is based on age and language criteria, which limits the effectiveness of the programme to address the needs of those experiencing the impacts of climate change in the region.

The issue of new migrant populations is also of growing importance in the region. While a large proportion consists of migrants from Asia to Australia and New Zealand, there is also significant movement and settlement of Pacific Islander populations to those countries. Both New Zealand and Australia have introduced pilot programmes inviting seasonal workers from Pacific Island countries, with the aim of providing temporary employment for Pacific Islanders and providing Australian and New Zealand agricultural farmers with labour. The Australian programme, which promised 2,500 visas to workers from Kiribati, Papua New Guinea, Tonga and Vanuatu over three years, has been criticized for its ineffectiveness. Halfway through the scheme, only 137 islanders had been brought to Australia, amounting to around 10 per cent of what might have been expected. The New Zealand scheme has had far greater success, with approximately 5,000 Pacific Islanders benefiting from the scheme every year since its launch.

Australia

The 2010 federal elections in Australia resulted in a hung parliament, with the incumbent Labor Party forming a minority government with the support of an Australian Greens' MP and three independent MPs. The treatment of asylum seekers was once again a major issue in the national election.

Aboriginal Australians

Following former Prime Minister Kevin Rudd's

apology in 2008 to indigenous Australians for the Stolen Generation (children of Aboriginal or Torres Strait Islander descent who were systematically removed from their families by federal or state officials, in a policy that was in place until the 1960s), in 2010 current Prime Minister Julia Gillard announced the government's intention to hold a referendum to recognize Aboriginal and Torres Strait Islander People in the Australian Constitution. The government has established an expert panel to lead a national discussion and broad consultation which will take place in 2011. A key issue will be whether this recognition will be in the form of a new provision inserted into the text of the Constitution, or a reference in the preamble.

In all social indicators, Aboriginal and Torres Strait Islander peoples continue to rank as the most disadvantaged peoples in Australia, for example in indices of education, employment, health, standard of living, life expectancy and incidence of domestic violence. They are also grossly over-represented in the child protection and criminal justice systems.

In June 2010, Australia was considered by the CEDAW committee. While congratulating Australia on a range of indicators regarding the status of women, the CEDAW committee noted that indigenous women and girls face the highest levels of violence of any ethnic group in the country, especially at home, where indigenous women are 35 times as likely to be hospitalized as a result of family violence-related assaults as non-indigenous females. The CEDAW committee also observed that indigenous women have fewer opportunities, are less likely to participate in public life, and have more restricted access to justice, and to quality education, health care and legal aid services.

The Australian government's response to the levels of disadvantage faced by Aboriginal and Torres Strait Islander peoples has been the 'Closing the Gap' campaign. This campaign has been criticized by the UN Special Rapporteur on the rights of indigenous peoples for insufficiently consulting and collaborating with indigenous communities regarding its design and implementation, and accordingly failing to achieve meaningful change in indigenous peoples' lives.

Asylum seekers

The issue of refugees and asylum seekers continues to capture the nation's attention, and national

Right: Australians walk on a street in Auburn, west of Sydney. *Will Burgess/Reuters.*

debate continues around asylum seekers arriving or attempting to arrive on Australian shores by boat. A policy of mandatory indefinite detention remains in place for all asylum seekers. This policy has been applied indiscriminately, including to children, and as of mid-January 2011 there were 1,065 children living in immigration detention facilities around Australia. In October 2010, the government announced plans to release the majority of unaccompanied children and families into the community by June 2011.

On 15 December 2010, a wooden boat carrying up to 100 Iranian, Iraqi and Kurdish asylum seekers smashed onto the cliffs of Christmas Island. There were 42 survivors but at least 30 people lost their lives. Three children were orphaned by the tragedy. Those who survived were immediately detained on Christmas Island, where they await processing.

The Australian government recently announced that it is considering further offshore processing of asylum seekers in Timor Leste. Responsibility for legal processing, resettlement and processes for failed asylum seekers would fall to the Timorese government, which is a signatory to the 1951 Convention relating to the Status of Refugees.

Migrant communities

Since 1945, 7 million immigrants have come to Australia; 44 per cent of Australians were either born outside the country or have at least one parent who was.

Despite the large numbers of migrants in Australia, targeted discrimination against minority communities continues to be a serious issue in Australian society. African communities experience particularly high levels of discrimination. This is especially the case for the Sudanese community, which is one of the fastest growing ethnic minority communities in Australia. Sudanese Australians often suffer discrimination, racial vilification and negative stereotyping, which has been perpetuated by the media and the government by focusing the discourse on the community's alleged levels of criminality. This discrimination often extends to a range of economic and social rights, including finding or maintaining employment, accessing housing and public spaces, and discriminatory policing.



Muslim women in Australia are also particularly vulnerable, and report experiencing discrimination, and feeling unsafe and unwelcome. This affects their freedom of movement, and their sense of safety and control and agency over their own lives. The feeling of vulnerability is heightened for those women wearing the *hijab*, who are easily identifiable targets for discrimination. Migrant women overall also experience low levels of participation in the labour market, and are often engaged in low-paying jobs. There is a lack of linguistic and culturally appropriate services, limiting migrant women's access to public services, including health care.

In recognition of the discrimination and racism experienced by migrants, the Labor government announced a new policy on multiculturalism in February 2011. A new entity, the Australian Multicultural Council (AMC), will be established, which will operate as an independent and permanent body and advise the government on policies that pertain to multiculturalism. Its mandate will be broader than that held by the

current advisory council, and the AMC will have a formal role in devising multicultural policy, as well as an advisory role.

New Zealand

Māori are the original inhabitants of New Zealand (Aotearoa), who today comprise approximately 15 per cent (575,000) of New Zealand's population of 4.25 million.

The government of New Zealand has made significant strides in advancing the rights of Māori people in comparison to the experiences of other indigenous peoples around the world, according to the UN Special Rapporteur on the rights of indigenous peoples (who visited the country in 2010). However, the Special Rapporteur also noted that Māori peoples continue to experience extreme disadvantage in a range of social and economic areas in comparison to the rest of New Zealand society.

Across a range of indicators, Māori women experience poorer economic, health and social outcomes than other New Zealand women. Almost

20 per cent of Māori women reported being assaulted or threatened by an intimate partner, three times the national average. Māori women also make up nearly 60 per cent of the female prison population.

The New Zealand government announced in December 2010 that it will conduct a wide-ranging review of New Zealand's constitutional arrangements. The review, expected to last three years, will cover a range of issues. Importantly, among these it will consider the role of the Treaty of Waitangi, the country's core founding instrument that established the partnership between Māori and the New Zealand government, in New Zealand's constitutional framework.

The Marine and Coastal Area (Takutai Moana) Bill was introduced into the House of Representatives in late 2010, to replace the Foreshore and Seabed Act (2004), which controversially extinguished any Māori customary title over coastal and marine areas. The new bill is expected to be passed into law in early 2011, and will restore the customary interests extinguished by the Foreshore and Seabed Act, subject to proof of Māori use and occupation of the area according to custom (*tikanga*), without substantial interruption from 1840 to the present day.

In April 2010, at the Permanent Forum on Indigenous Issues, New Zealand declared its endorsement of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Other minority groups

Over the last 10 years, net migration has accounted for around a third of New Zealand's population growth. By 2021, it is projected that minority groups, including those who identify as Māori, Asian or Pacific Islander, will make up a large proportion of the New Zealand population. Across these ethnic groups is a consistent pattern of a slightly higher percentage of females than males.

In recent decades in particular, there has been significant migration from the Pacific Islands (primarily from Polynesia) to New Zealand. The seven largest Pacific ethnic groups in New Zealand are Samoan, Cook Islands Māori, Tongan, Niuean, Fijian, Tokelauan and Tuvaluan. According to the Ministry of Pacific Island Affairs, by 2026, it is projected that Pacific people will be 10 per cent of the population, compared to 6.5 per cent in 2001. The largest urban concentration of Pacific Islanders

Right: An indigenous girl from the Tobriand Islands of Papua New Guinea stands on the remains of a Yam house. *Eric Lafforgue.*

living outside their own countries is in Auckland, sometimes referred to as the 'Polynesian capital of the world'.

Pacific Islanders, who today constitute up to 7 per cent of the population, experienced societal discrimination in 2010. Recognizing this, the Ministries of Justice and Pacific Island Affairs have developed a programme to identify gaps in delivery of government services to Pacific Islanders.

Asians, who make up 10 per cent of the population, also reported discrimination. The government has appointed a Race Relations Commissioner and has developed a Diversity Action Programme aimed at the Asian, Māori and Pacific Island communities. The programme includes an annual Diversity Forum to challenge race-based discrimination.

Papua New Guinea

With around 840 distinct living languages, Papua New Guinea is the most ethnically diverse state in the world. There is no precise data regarding the total number of ethnic groups in Papua New Guinea, but estimates are in the region of 5,000–7,000 separate groups, in a total population of just over 5 million.

Papua New Guinea was considered for the first time by the CEDAW committee in July 2010. The CEDAW committee noted the severe disadvantages faced by women in a range of areas, including in education, participation in public life and decision-making, and in the persistence of violence against women. The CEDAW committee further expressed its serious concern regarding the persistence of harmful practices relating to the roles, responsibilities and identities of women and men in all spheres of life. These include polygamy, bride price (*baim meri*), and the custom of including women as part of compensation payment.

HIV and AIDS

Papua New Guinea accounted for more than 99 per cent of reported HIV cases in the Oceania region as of 2007, according to the World Health Organization (WHO) Aids Factsheet. Out of Papua New Guinea's population of 6.5 million people, 1.5 per cent have



been infected with the virus, leading to warnings of an epidemic. The CEDAW committee noted that women and girls are disproportionately affected by HIV, accounting for 60 per cent of the people living with HIV. Girls and women are infected at a younger age than boys and men, with twice as many women as men infected between the ages of 15 and 29 years. Girls between 15 and 19 years of age have the highest rate of HIV infection in the country, four times that of boys in the same age bracket. Gender-based violence is also one of the leading factors in the increased rates of HIV infection among women, the CEDAW committee noted. Violence against women and girls increases their vulnerability to HIV, and women who disclose are often then subject to further violence due to their status.

Barrick Gold

Private security personnel employed at a gold mine in Papua New Guinea have been implicated in alleged gang rapes and other violent assaults against Papua New Guinean women. The Porgera mine is operated and 95 per cent owned by Barrick Gold, a Canadian company that is the world's

largest gold producer. The mine accounts for 12 per cent of Papua New Guinea's export earnings. Human Rights Watch (HRW) documented five alleged incidents of gang rape by mine security personnel in 2009 and 2010, and a sixth in 2008, in an extensive report on the matter published in early 2011. While Barrick was traditionally very hostile to any criticism by human rights groups about their operations in Papua New Guinea, more recently the company has shown signs of a tangible shift toward more serious engagement with human rights concerns. In particular, the company has attempted to incorporate the Voluntary Principles on Security and Human Rights (a set of non-binding principles for companies, developed in 2000 with the input of national governments, non-governmental organizations (NGOs) and multinational companies) into the operations of the mine. However, HRW stated that Barrick's efforts have fallen short of what is required by the Voluntary Principles.

Environment

Environmental concerns also continue to plague the peoples of Papua New Guinea. A satellite analysis conducted by scientists at the University of Papua New Guinea and Australian National University shows that the country has been losing about 1,400 square miles of rain forest, or about 1.4 per cent of its total forest cover, each year, with estimates indicating that 83 per cent of the country's accessible forest – and 53 per cent of its total forested area – will be gone or severely damaged by 2021. Deforestation affects local communities in myriad ways, among them their abilities to maintain their traditional ways of life, including hunter-gathering practices and cultural activities.

Further concern has been voiced regarding the world's first deep-sea mineral mine in Papua New Guinea waters. Indigenous peoples and scientists fear it will damage local marine life. The project, entitled Solwara 1, is located at 1,600 metres depth in the Bismarck Sea, Papua New Guinea, and will be run by Canadian company Nautilus Minerals, which was granted its environmental permit in January 2011. An independent scientific review of the environmental impact assessment of the proposed project concluded, however, that the assessment was inadequate, and that the mining will result in severe and prolonged environmental damage. ■