



# Asia

Snježana Bokulić, Emma Eastwood  
and Farah Mihlar

## Central Asia

*Snježana Bokulić*

**A**uthoritarianism continued to characterize the political domain in most Central Asian states placing serious limitations on minorities' ability to exercise their rights. In 2008 further restrictions have been placed on freedom of religion in several states. Kazakhstan and Kyrgyzstan adopted restrictive laws on religion, while a draft law has been under consideration in Tajikistan. Complaints of limited political participation of minorities and scarce representation in the public sphere have been voiced across the board, although in some countries members of minority communities serve as members of parliament. Moreover, the use of Russian language in the public sector has seen further restrictions in practice as governments strive to strengthen the use of non-Russian language, giving rise to allegations by minorities of discrimination.

### Kazakhstan

In November, the Kazakh parliament approved amendments which tightened the already restrictive law on religion. International and local human rights groups argue that the new legislation is not compatible with the international conventions Kazakhstan has signed, undermining Kazakhstan's credibility as it readies itself to take over the chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2010. The changes mean that, for the first time, faith 'associations' – defined as formal groups with over 50 members – are legally bound to register with the authorities and banned from operating if they fail to do so. Groups which have already registered will need to re-submit their documents. President Nazarbayev publicly criticized foreign missionaries and minority religious groups in a public speech, saying they pose a 'threat' to society. Before signing the law, the president can send the law to the Constitutional Council for review.

A solution to the problem of minority underrepresentation in the parliament was attempted by the adoption of the Law on the Assembly of the People of Kazakhstan in October 2008. The law provided for nine reserved seats for minorities. This positive initiative was however compromised by the essentially undemocratic and non-transparent way in which the MPs were elected. The arrangement has been criticized by the OSCE Office for Democratic

**Right:** An Uzbek boy walks along the train tracks that pass through Karasu, Kyrgyzstan, a town that was divided between Uzbekistan and Kyrgyzstan when the former Soviet Republics became independent nations. *Carolyn Drake/Panos.*

Institutions and Human Rights and the OSCE High Commissioner on National Minorities.

The government is reported to have continued to discriminate in favour of ethnic Kazakhs in senior government employment, although the number of non-Kazakhs in ministerial positions increased. According to a survey, 23.7 per cent of minorities reported that they experienced ethnic prejudice and hostility; 14.4 per cent experienced insult and humiliation, while 11.8 per cent were discriminated against in employment or dismissed from jobs.

The government's public expressions of support for religious tolerance and diversity were not matched in practice. Although Russian language enjoys equality with Kazakh in official use, the effective switch to the exclusive use of Kazakh has in effect curtailed the right to participation in the public sphere of non-Kazakh-speakers. Moreover, the number of Russian-language schools is reported to have decreased.

The Kazakh authorities have been promoting the return of ethnic Kazakhs from a number of countries, including Afghanistan, China, Iran, Mongolia, Pakistan and Turkey. The integration of the returnees is hampered by societal prejudice, the lack of jobs and housing, as well as cultural barriers. Communication is rendered difficult by the fact that Russian rather than Kazakh is in widespread use. Even the written Kazakh language is inaccessible to returnees since it uses the Cyrillic script, while some Kazakhs living in other countries still use the old Arabic alphabet. In order to provide accommodation for the returnees, the government announced a plan to create townships in the vicinity of major cities, together with some kind of industry or other economic activity to provide a ready-made source of jobs. Critics say that this will create ghettos, which will make it even harder for Kazakhs to integrate. Some returnees have gone back to their home countries after finding they were worse off than before.

### Kyrgyzstan

The Kyrgyz parliament adopted a new law on religion which caused much controversy. Observers



claim that the law is excessively restrictive and is designed to target the missionary groups of Protestant Christians and adherents of the more radical forms of Islam.

Religion remains a contentious issue in this predominantly Muslim republic as secular government remains fearful of Islamic extremism. The government crackdown on Hizb-ut-Tahrir, a radical Islamic movement, escalated in the southern town of Nookat on 1 October when a demonstration against the town council's refusal to arrange a celebration of the Muslim holiday of Eid-al-Fitr turned violent. The demonstration was dispersed by riot squads, followed by a large number of detentions resulting in the convictions of 32 people for offences ranging from incitement to cause mass unrest and overthrow the authorities, to instigation of ethnic or religious strife.

Strict limitations on public display of Muslim faith have a particular gender dimension in education. Although headscarves are not explicitly banned and in the past schools tolerated them, in 2008 many schools began insisting that scarves were not

part of the prescribed uniform and warning that anyone who broke the rules would be excluded. This followed the issuing of a set of instructions by the Kyrgyz education ministry to enforce the school uniform rules. Girls and their families in southern Kyrgyzstan, where a large percentage of the population are ethnic Uzbeks, are faced with the difficult choice of removing the headscarves or giving up on school. Local authorities appear to be acting on ministry recommendations and exerting pressure on schools to change their internal rules. The Kyrgyz human rights ombudsperson and human rights activists have condemned the headscarf ban as a gross violation of human rights.

Furthermore, in the south, there is increasing conflict over the use of the Uzbek language in the media. In the region, the Uzbek language – of Turkic origin like Kyrgyz – is widely spoken by a community estimated at between 600,000 and 1.2 million. To serve its needs, several independent local TV stations broadcast part of the time in Uzbek. Kyrgyz authorities accused two of them – Osh TV and Mezon TV – of breaking the law stipulat-

ing that 50 per cent of broadcasting should be in Kyrgyz. The two companies claim the case against them is politically inspired, amounting to orchestrated pressure on the Uzbek minority at election time. One reason the two stations focused on ethnic Uzbek issues in particular, they say, was that the national broadcasters generally ignored the minority.

### Tajikistan

In Tajikistan, a restrictive draft law on religion that would allow authorities to exert significant control over Islam and place Christian beliefs outside the legal framework, has been under consideration. It would require religious organizations to re-register or lose legal status. The deliberations on the new law took place in the light of the ban on Jehovah's Witnesses, who were prohibited from operating in Tajikistan. A military court in Dushanbe ruled that the group had acted illegally by importing religious literature and that this was the latest in a series of offences, warranting an official ban.

Unlike the other Central Asian states, in Tajikistan the hijab ban is official. As a result, many girls have dropped out of school in the Garm valley of eastern Tajikistan, where Islam has traditionally had a strong hold.

In the Spitamen and Ghonchi districts, where Tajik citizens constitute a minority, more than 1,000 residents have been told they must decide whether they want to be Tajik or Uzbek nationals, and that if they choose the latter, they may have to leave. Ethnic Uzbeks and Tajiks live on both sides of the border, following an exchange of territory between the two republics more than half a century ago.

### Turkmenistan

Both registered and unregistered minority religious communities experienced difficulty in obtaining places of worship. Occasional threats and harassment by government agents continued.

Several minority groups tried to register as NGOs to have legal status to conduct cultural events, however no minority groups succeeded in registering.

Non-Turkmen speakers complained that some avenues for promotion and job advancement were closed to them and only a handful of non-Turkmen occupied high-level jobs in government ministries.

The Uzbeks are the country's second largest ethnic group after the Turkmen, numbering some 300,000 to 400,000 out of a total population of

5.2 million and concentrated in the Dashoguz and Lebap regions, along the eastern border with Uzbekistan. Ethnic Uzbeks refused to take part in the December parliamentary elections because all the candidates were ethnic Turkmen, disappointing hopes that at least some members of parliament would have represented Uzbek interests. Analysts say ethnicity is one of the criteria the authorities have used to vet prospective candidates. The government of Turkmenistan said 90 per cent of eligible voters had participated in the elections.

On a visit to the country, the OSCE High Commissioner on National Minorities, Ambassador Knut Vollebaek met with President Gurbanguly Berdymukhammedov to discuss national minority issues and express support for the country's efforts to modernize its education system.

### Uzbekistan

While Uzbeks make up more than three-quarters of the population, there are 115 ethnic minorities, according to government data. The number of Russians, Ukrainians and Jews continues to fall as many decide to leave; no precise government statistics are available, however. The last official census was conducted by Soviet authorities in 1989.

Government and laws continued to restrict religious activity, especially for unregistered groups. The registration criteria are burdensome and strict, which allows the government to cite technical grounds for denying registration petitions. Consequently, numerous small Protestant churches remain unregistered and face the threat of prosecution since any religious service conducted by an unregistered religious organization is illegal. The number of known cases of arrest, detention, or conviction based on alleged membership in religious extremist organizations appeared to decline, however. Moreover, the government is continuing to restrict the numbers of *hajj* pilgrims to 5,000, though the number of people who could potentially go is about fivefold.

While the society remained generally tolerant of traditional religions such as Islam, Judaism, Roman Catholicism and Russian Orthodox, minority religious groups, especially churches with ethnic Uzbek converts, encountered difficulties and social prejudice. Ethnic Russians and other minorities frequently complained about limited job opportunities. There has been growing concern among the Kazakh

minority that a failure to register as an ethnic Uzbek will force them to migrate to Kazakhstan.

### South Asia

#### *Farah Mihar*

Elections throughout South Asia in 2008 offered prospects for significant change and greater democratization benefiting all communities in the region. In Bangladesh and Pakistan, elections saw an end to years of military rule. In three South Asian countries elections brought about historic changes: in Nepal and Bhutan concretizing the shift to parliamentary democracy, and in Maldives an end to the 30-year rule of President M. Abdul Gayoom.

Despite these very significant shifts in South Asian countries, the situation for ethnic and religious minorities in the region remained a concern. In Pakistan and Afghanistan the security situation worsened, giving rise to increased human rights and minority rights violations. Major restrictions on freedom of religion remain in Maldives. In 2008 the country's Constitution was changed making Islam the official religion of the state and preventing non-Muslims from becoming Maldivian citizens.

In Sri Lanka the situation for ethnic Tamils in the north of the country was dire at the time of writing. Problems in Sri Lanka spilled over, affecting India's 65 million minority Tamil population. In the early part of 2009 riot police had to be called in to quell protesters who were rioting in several towns in India's southern state of Tamil Nadu over the conflict in Sri Lanka. Several of India's main cities, including Chennai and Mumbai, also saw strikes and demonstrations by Tamils over this issue.

India, together with Bangladesh, was also involved in a crisis regarding the exodus of Burmese Muslim Rohingya minority. India said it was sending some 450 Rohingyas back to Bangladesh. Bangladesh also announced that, together with UNHCR, it would repatriate more than 20,000 Rohingyas to Burma. This has been strongly criticized because of the serious human rights violations Rohingyas face in Burma, mainly due to their ethnic origin.

### Afghanistan

The general security situation in Afghanistan deteriorated significantly in 2008 resulting in a larger number of civilian deaths. According to a UN report the civilian death toll rose 40 per cent compared to the previous year, from 1,523 to 2,118;

many resulted from militant attacks, but the US-led coalition was responsible for 828 of the deaths.

The increase in cross-border attacks between US forces and insurgents in Pakistan's North Western Frontier Province (NWFP) has put Afghan tribal Pashtuns in greater danger. Afghan law-makers and activists have expressed concern that while military campaigns in Pashtun areas have increased, nothing is being done by the Afghan government to counter the growth of extremism in those areas. Earlier in 2008 Afghan President Hamid Karzai, himself a Pashtun, said in a speech that the Pashtuns have suffered the most at the hands of the militants.

Ethnic tensions increased between an ethnic group, the Hazaras, and Kuchi nomads over grazing lands amidst severe droughts through most of the year. In March and July 2008 thousands of Hazaras took to the streets threatening to take up arms against Kuchis if they entered the Bamiyan and Wardak provinces. Kuchi nomads traditionally move from place to place in search of grazing for their flocks.

Afghanistan's Independent Human Rights Commission (AIHRC) and the Independent Directorate of Kuchi Affairs (IDKA) warned that the clashes between the communities – which were worse in 2008 than in previous years – could lead to conflict.

In April provincial security officials in the northern province of Balkh, about 15 km from the city of Mazar-i-Sharif, discovered a mass grave containing about 100 bodies. According to media reports residents in the areas believed the dead were from the Hazara community, who were massacred when the Taliban captured the area in the late 1990s.

In spring 2008 the Afghan government banned the film *The Kite Runner*, based on the novel by an Afghan author, which depicts the rape of an ethnic Hazara boy by an ethnic Pashtun boy. The Minister of Cultural Affairs said it showed ethnic groups in Afghanistan 'in a bad light'.

Afghanistan's stringent blasphemy laws remained a severe threat to minorities. On 11 September, a Kabul court sentenced two prominent journalists, Ahmed Ghous Zalmai and Mullah Qari Mushtaq, to 20 years in prison for publishing a Dari translation of the Qur'an that allegedly contained errors.

Significant progress has been recorded in Afghanistan since the 2002 defeat of the Taliban, in getting children enrolled into schools. Despite this,





**Left:** Girls study together during class at Bam Sarai school in the village of Bam Sarai in the central Bamyan Province, Afghanistan. Some 650 girls and boys, many of the ethnic Hazara minority, attend classes together in two shifts. *Shehzad Noorani/UNICEF.*

half of school-age children remain out of school according to UNESCO, including large numbers of girls and nomadic children.

The current high level of violence poses a major security risk to children and the continuation of their education, particularly in the tribal areas bordering Pakistan. Attacks against children, including acid attacks against girls who were attending school, were reported through 2008. According to the Afghan Ministry of Education, in 45 districts of 12 provinces about 610–20 schools have been closed due to violence, mostly in the four southern provinces of Helmand, Kandahar, Zabul and Urozgan.

The Afghanistan Independent Human Rights Commission continued to record complaints of religious minority students from the Sikh and Hindu faiths who were prevented from enrolling in some schools. There have also been cases where Sikh and Hindu children have been forced to drop out of school as a result of harassment.

### Bangladesh

The landslide election victory of former Prime Minister Sheikh Hasina in December 2008 raised prospects of a stronger democracy and respect for the rule of law, following two years of emergency

rule by the army-backed caretaker government. Just two months after being sworn in as Bangladesh's new Prime Minister, Sheikh Hasina had to deal with a mutiny of border guards that left 74 people dead and hundreds missing.

While international attention focused on political change in the country, attacks on minority and indigenous communities, and violations of their human rights, were neglected.

Buddhist, Christian and Hindu minorities in the Muslim-majority Bangladesh faced violations. Odhikar, a Bangladeshi human rights organization, reported a total of 131 incidents against religious minorities, including one killing, 90 injuries and one assault during 2008. According to a Bangladeshi-Hindu blogging site in December 2008 and January 2009 there were three violent attacks by Muslim groups against a Hindu political activist, a union member and a journalist. In Keraniganj-Dhaka, also in December, armed gangs attacked people, and looted and demolished a 200-year-old Hindu temple. Odhikar reported 24 incidents of attacks on non-Muslim religious properties during the year. A survey in December reported that 38 per cent of some 1,500 Hindus polled said they felt insecure because of being part of the Hindu com-

munity, while 36 per cent said they were considering leaving the country.

Through the year there have been several reports of threats, attacks and forced conversion against religious minorities, including incidents of rape. Media and human rights organizations have reported at least 10 incidents of rape against religious minority women and girls.

Incidents of forced evictions and land grabbing by the state and individuals remain a major problem in ethnic minority and indigenous areas. Ethnic minority and indigenous areas remain heavily militarized resulting in incidents of human rights violations. On 20 April 2008, 132 houses belonging to Bengali settlers and hill people were set ablaze in an arson incident; 53 of the houses belonged to hill people. According to Odhikar statistics, in 2008 there were a total of 75 incidents against ethnic minorities including 8 killings and 57 injuries.

Ain o Salish Kendro (ASK), a human rights resource centre, reported that the arson attack occurred despite nearby army camps, and that Forest Department officials were complicit in evictions resulting in displacement of ethnic minority groups in the plains as well.

In January 2008 the Bangladeshi government banned indigenous Jumma people from the Chittagong Hill Tracts (CHT) from holding a large gathering at a Buddhist religious temple. The Asian Centre for Human Rights (ACHR) called the incident a 'microcosm of an ongoing and long-established State policy to establish a homogenous Bengali Muslim society'. In April UN experts wrote to the Bangladeshi government querying the illegal seizure of the traditional lands of Jumma indigenous communities in Barbadan, Khagrachari and Merung districts, in the CHT. Since March 2007, an estimated 4,500 acres of land have been taken away from Jumma individuals and communities in at least 16 villages.

A survey released in May 2008 by the Jatiya Adibashi Parishad and Jahangirnagar University's Department of Anthropology found that in the last

few years a total of 1,983 ethnic minority families in 10 north-western districts lost control of 1,748.36 acres of land. The Forest Department grabbed the largest area of 1,185.76 acres. Meanwhile, Bangladesh's much anticipated Land Commission for ethnic minorities failed to get off the ground in 2008.

Bangladesh, together with India, is on track to reach the target of over 97 per cent enrolment rates (NRE) in primary education by 2015, according to UNESCO. However, about 50 per cent of primary and 80 per cent of secondary level students drop out of school in Bangladesh, according to a report by the Campaign for Popular Education (CAMPE), a Bangladeshi NGO. 'We are not at present on track to achieve the Millennium Development Goal for 2015', the report warned.

On 25 September 2008 Bangladesh Adivasi Odhikar Anlodon (BAOA), a support group of civic forums for indigenous peoples, called on political parties to include indigenous people's concerns in their manifestos for the 18 December parliamentary polls. One demand was to provide education for indigenous people in their respective mother tongues. Indigenous children in Bangladesh have a far higher drop-out rate at primary level, which is attributed by indigenous activists to the failure of the Bangladeshi education system to provide mother tongue education that takes greater consideration of indigenous culture.

At the UN Forum, submissions made by minority activists from Bangladesh also warned that children from religious minorities were increasingly affected by growing Islamization of the education system. There have been cases where questions on Islam have been included in key state-level exams, putting non-Muslim children at a disadvantage.

### India

'We firmly believe that our country can progress when all minority groups in the country feel safe and secure and the benefits of progress and development reach them' (Prime Minister Manmohan Singh, 25 November 2008).

This comment by India's Prime Minister came after months of violent attacks against Christians in Orissa in a year when the country's Christians, Muslims and other religious minorities faced numerous instances of abuse and attacks, which have been linked to a worrying rise in Hindu nationalism. The response of state governments and

# Pre-primary education makes a difference in the Chittagong Hill Tracts, Bangladesh

By Early Learning project team,  
UNICEF Bangladesh

The Chittagong Hill Tracts (CHT) are one of the most disadvantaged and isolated areas in Bangladesh. The CHT consists of three districts located in the south-eastern part of the country – Khagrachari, Bandarban and Rangamati. The total area of the CHT is 13,390 sq km, most of which is highland (only 3 per cent is plains). According to the 2001 official census data, the estimated population of the CHT is 1.33 million peoples of whom over 90 per cent live in small, rural villages, called *paras*. The population is 44 per cent of indigenous origin and 56 per cent of Bengali origin. The indigenous people of the CHT belong to 11 ethnic groups whose appearance, language and cultural traditions are remarkably different from those of the Bengali-speaking people living in the plains of Bangladesh.

UNICEF supports an Integrated Community Development Project (ICDP) in the CHT which has two main components: early learning opportunities for children; and health, hygiene and nutrition education and promotion for mothers and children. These activities take place in *para*-centres, each of which covers 25 to 60 families. Between 1997 and 2009, 2,520 *para*-centres were constructed in 1,854 *paras* in the three CHT districts; 70 per cent of these *para*-centres target indigenous

communities. The *para*-centres are built like locally constructed houses and located in the centre of the *para*. Each centre is run by a trained worker – usually a local woman selected by the community, to promote and deliver a wide range of services and act as a teacher at the local pre-school. *Para*-workers receive initial basic training on early learning, health and nutrition, and water sanitation before starting work. They also receive three- to seven-day refresher training as required.

*Para*-centres enable CHT children aged 4–6 years to receive age-appropriate and free pre-primary education. Teaching/learning materials, including games and play, are developed taking consideration of the local indigenous culture, heritage and socio-economic situation. Classes are conducted in local languages, with a gradual shift to introduce Bangla, the language used in formal government primary schools. The World Food Program distributes fortified biscuits at the *para*-centres during the classes.

Parents are included in *para*-centre education and by the time their child has completed the second and final year of pre-school it is hoped they too have developed an understanding of the importance of education. Parents and community members are also invited to be involved in *para*-centre management committees that link with primary schools in the area. *Para*-centre management committees ensure that all children graduating from *para*-centres enrol in and attend primary school. As of 2008, approximately 61,866 students in the CHT had completed pre-school at one of 2,220 *para*-centres and 94 per cent of them enrolled in primary schools.

## Case study

**The student:** May Knew Ching is 8 years old. She lives with her parents in a small village called Talukdar, 7 km from the Bandarban district in the CHT. The family belongs to the Marma ethnic group. She is the youngest of four sisters. Thirty-four families live in the Talukdar *para*, most of them of Marma descent. There is one pre-school (*para*-centre) and one NGO primary school in Talukdar. May's family depend on *jhum* cultivation (a slash-and-burn agricultural technique, shifting cultivation on hill slopes)

as a main source of income for 6–8 months of the year. The rest of the year May's parents work as day labourers. Currently, May's parents are planning a temporary shift to a different hill for a new *jhum* cultivation job. The family will return home to Talukdar to stay with May's grandmother in September, in time for the next *jhum* cultivation (rice, cotton and other crops).

May enrolled in the *para*-centre in Talukdar in 2004, when she was 3 years old. Her parents were initially hesitant to send her to the pre-school because she was too small for the journey on the hill slopes. However, with support from the *para*-worker Minuching, they changed their minds. May has already completed three years of pre-primary education at the *para*-centre. In 2007, May completed a primary school competency assessment, administered by a primary school teacher in her *para*. May's literacy, cognitive and social developmental skills were seen to be above her age group and, at the teacher's suggestion, May was enrolled directly into grade 2. Now, May is enrolled in grade 4 and continues to enjoy school, maintaining high marks and attending school regularly.

**The pre-primary teacher:** Minuching was well known in the community and had experience working with young children before she became the Talukdar *para*-centre worker. After being nominated for the role by her community, Minuching received comprehensive basic training on the school readiness programme, health and nutrition, and water and sanitation. She is now equipped with the skills to teach pre-school children (two hours a day, six days a week). Minuching also disseminates early childhood development messages to parents and other caregivers through regular household visits and courtyard meetings. She sits on the *para*-centre management committee that links with the nearby primary school, ensuring that her students enrol into grade 1. Minuching said:

*'Before I didn't think I could be a teacher – but the villagers and the ICDP appointed me. Now, these are my children and I feel very happy to see that my children are healthy and smart enough to make*

*them social with other people! That's why I'm still working as a para-worker [teacher] and I love to work like that!*

*'May was so active, confident and brave during her para-centre class time ... I can still remember the day when I took her with her parents to enrol in primary school. I feel so proud when I see that May is doing very well in her primary school exams.'*

**The community member:** Mr Mong Kya Karbari, *para*-centre management committee chairperson and village elder said: 'In the past, *para* people didn't understand the advantages of pre-school, but now we have a *para*-centre they do. Parents often offer their support to the *para*-worker and take care of the centre.'

**The primary school teacher:** Muimra Prue Marma, the teacher of the primary school where May Knew Ching is now studying, praised May and the *para*-centre. 'May Knew Ching is very gentle, polite and has a good memory. Because of her competencies gained before coming to primary school, we enrolled May in grade 2. In 2008 May received the second highest mark on her final examination. She is always cheerful and regularly attends school.' ■



Children at play in a *para*-centre school, Rangamati, Chittagong Hill Tracts. *Din Mohammad Sibily/UNICEF.*





**Left:** Dalit children learn alongside other children at the community at a school in Rajasthan, India, February 2008. *Abbie Trayler-Smith/Panos.*

Through 2008 Muslims also found themselves vulnerable to being branded as terrorists. The counter-terrorism tactics of the Indian police have been seriously questionable, while security forces are rarely held accountable for human rights violations committed during counter-terrorism operations. In November 2008 charges were dropped against a group of police officers accused of torturing of 21 Muslims arrested on suspicion of being involved in bomb attacks in Hyderabad in 2007. Human rights groups expressed outrage at the decision not to prosecute as a report by the Andhra Pradesh Minorities' Commission concluded that the police officers had used several forms of torture on the suspects.

Opposition groups and sections of civil society also criticized the police for gunning down Atif Ameen, a 24-year-old Muslim college graduate accused of being behind a terror attack in Delhi in September that killed 22 people. Later Sadiq Sheikh was accused of having played the same role. In August the Supreme Court ruled that an Indian government ban on an Islamic student group accused of terrorism will remain in force, despite an earlier judgment which had said there was no evidence to show the Students' Islamic Movement of India (SIMI) was unlawful.

India's popular investigative magazine *Tehelka* found that an overwhelming majority of terrorism cases were based on 'non-existent or fraudulent evidence', and that hundreds of people, mainly Muslim and poor, were persecuted and falsely accused of terrorism. According to media reports, Bar Associations in different parts of the country, Faizabad, Lucknow and Dhar among them, have asked their members not to defend Muslim terror suspects.

### Religious violence

India's Christian population, particularly in the city of Orissa, witnessed some of the worst violence in recent years in attacks sparked by the killing of a Hindu leader. Hindu mobs burnt down Christian monasteries, churches and orphanages even though police blamed Maoist rebels for the killing. By September 300 villages were burnt, 4,014 houses destroyed and 50,000 Christians forced out of their

homes, the All Ceylon Christian Council said. Christian leaders also expressed concerns over the slow investigation conducted by a one-man state-appointed commission.

A large number of the victims were Dalits targeted by Hindu mobs because they converted to Christianity, partly to avoid caste-based discrimination.

Following months of violence, in November, Prime Minister Manmohan Singh said his government would not tolerate attacks on religious and other minorities and would do everything possible to bring the perpetrators to justice.

Reporting to the UN Human Rights Council in March 2009 on her visit to India the previous year the UN Special Rapporteur on freedom of religion or belief, Asma Jahangir said: 'organized groups claiming roots in religious ideologies have unleashed an all-pervasive fear of mob violence in many parts of the country'. She said the reluctance of law enforcement machinery to take action on religious violence had created a situation of institutional impunity. While she praised India's secularism, human rights activism and strong legal protection for religious minorities at national level, she cautioned that, because of the country's federal system, the implementation of laws differed from state to state.

In April India's Jain community asked to be granted minority status on a par with the Buddhists, Christians, Muslims, Parsis and Sikhs, under the Delhi Minorities Commission Act, 1999. This would enable them to incorporate Jainism as a subject in Jain schools.

### Discrimination and conflict

Incidents of discrimination and attacks against India's more than 166 million caste-based minorities continued through 2008.

Because they are marginalized and sidelined in society, Dalits are often the last to access aid during climate-related disasters. When severe flooding in India's Bihar state left hundreds of thousands of people homeless in 2008, Dalits were severely discriminated against in access to aid. According to Dalit human rights organizations, the number of Dalit deaths in relief camps was far higher than among other groups.

In Bangalore, in November, police forced about

100 *hijras*, or working-class transgender people, from their homes in what human rights groups warned appeared to be a trend of 'social cleansing' in the city. The incident followed newspaper report that Bangalore police had captured a 'gang' of *hijras* who, it was alleged, were kidnapping children and using them for sex.

Violence in tribal areas persisted through most of 2008. In May, at least 41 people died in clashes between police and nomadic people in the western Indian state of Rajasthan. The violence began when police opened fire on demonstrators from the Gujjar people, who were demanding to be included in affirmative action quotas.

In October at least 64 people were killed and 300 injured in a series of bomb explosions in India's north-eastern state of Assam. The separatist United Liberation Front of Assam denied any role in the blasts.

Indian military dominance means that people live in fear of targeted attacks against them by the military, including incidents of rape. In a 2008 report Human Rights Watch said that the Indian government should fully prosecute army, paramilitary and police personnel responsible for killings and torture in the north-eastern state of Manipur. Torture of detainees, particularly suspected militants and their supporters, remains common, the report said.

### Education

Together with Bangladesh, India is the only other South Asian country on track to achieve the primary education enrolment target of 97 per cent by 2015, UNESCO said. India's net enrolment rate at primary level is now 94 per cent, while the secondary education enrolment rate has increased from 39 per cent in 1999 to 43 per cent in 2006.

After cabinet approval in October the Indian government introduced to the upper house of parliament the Right of Children to Free and Compulsory Education Bill in November. The bill is aimed at ensuring free education for all children aged between 6 and 14, and it could benefit poor minority communities as it requires all schools in the country to keep 25 per cent of entrance places for children to enter free.

Indian President Pratibha Patil, addressing the last session of the parliament in February, highlighted the achievements of her UPA government:

# 'We are very much Bangladeshi, but we [had] no right to vote or get passports'

**Khalid Hussain** tells *Preti Taneja* about education rights for a linguistic minority

Khalid, 28, was born and grew up in Geneva camp in Bangladesh – the largest settlement of its kind, established by the International Committee of the Red Cross (ICRC) in 1972. Such camps now house over 300,000 Bihari people. Their status is undefined: they are not classified as refugees by the UNHCR, but are also not accepted as being Bangladeshi. There are 25,000 people in Geneva camp and the population is growing. Many live in 10 ft by 8 ft houses.

According to Khalid, 'Bihari' is a common name for a group of people who speak Urdu:

*'Our ethnicity and religion is very similar to Bangladeshi, but we have a distinct language and culture, and now we want to be known as an Urdu-speaking linguistic minority.'*

Khalid is President of the Association of Young Generation of Urdu Speaking Community, campaigning for the right of his community to be recognized as a linguistic minority, and gain access to other rights they are denied.

*'We also have a citizenship problem, where birth certificates, public sector jobs and education are concerned.'*

Though informal schools exist in the camps, getting access to public school is difficult. Most

families are more concerned with feeding their children than sending them to school. And putting the camp address on registration forms can mean children are denied access.

*'It was a struggle to send me to private school. Of the people in my year, only 15–20 from Geneva camp were able to attend. I still remember first day of school. We didn't know morning PT (physical training), we didn't know the national anthem. It's in Bangla. We were shocked and listening. Day by day (for) three to five months we heard and tried to learn. We were treated as if we were war criminals, we had problems every day. We complained to the head master, and he said the students didn't know about history and we were not different from them.'*

They realized things had to change when filling in forms for exams:

*'The teacher said if you write [the] camp address you will be rejected. So we put our teacher's address; a false address and information. After this we started to question: what are we? Then we started to fight for our rights.'*

They appealed to the Electoral Commission in 2001 and to the High Court in 2003. Now camp residents have ID cards and voting rights, but still have problems obtaining passports. Jobs and education are still an issue.

Khalid works with NGO Al-Falah Bangladesh raising funds from the Urdu-speaking business community for basic education; 15 foundation schools have been set up in Bihari camps. Khalid calls this 'self-help education'. The teachers are from the local community and do not have formal training. The aim is to make students capable of applying for public school scholarships at the high-school level. It is a slow path to progress but one with long-term implications.

*'If one family has two children who develop skills and get work they can help siblings ... With education you can rehabilitate yourself. You don't need someone to rehabilitate you.'* ■

*Additional reporting by Madeeha Ansari.*

under the new 15-point programme for the welfare of minorities almost 800,000 minority students would be provided with scholarships in 2008, increasing to nearly 4 million over the next four years. She said that more than 10,000 new primary and upper primary schools have been constructed in areas of minority concentration during her government's rule. Also, a bill to give statutory backing to the National Monitoring Committee of Minority Education will be introduced in the coming session of parliament.

The head of India's National Commission for Minorities, Mohammad Shafi Qureshi, in a media interview said that little has changed for minorities because of gap between government pledges and implementation. 'Funds are not a problem. The programmes are in place, but their implementation is in a shambles,' he said. The Indian government earmarked over Rs.14 billion for 2007–08 for the Ministry of Minority Affairs, nearly triple the Rs.5 billion allocated in 2006–07.

## Nepal

The year 2008 was a historic one for the Nepalese people, who went to the polls to elect 601 members to a Constituent Assembly tasked with writing a new constitution acceptable to all of the country's diverse communities. Decades of conflict between Maoist rebels against the Nepali monarchy and government ended in 2006 in the 'people's revolution', which saw the ousting of the country's monarch. Nepal's former Maoist rebels emerged victorious in the 25 April polls. The Constituent Assembly has a substantial representation of minority and indigenous communities, but progress in drawing up a constitution that meets the expectations of all the different groups is a huge challenge. The delays have also caused frustration among the different ethnic and religious groups. Through 2008 and in early 2009 there were several incidents of protest by ethnic and religious groups in Nepal. In most cases the government reached agreement with some sections of the communities, which were hailed by the media and government as a success and saw the end to protests and disruption. However, in many cases, sections of these communities refused to sign up to the agreement, leaving scope for continuing uprisings that could seriously jeopardize peace prospects in the country.

In February 2008, for instance, Madhesi plains-people in the Terai region started to strike over the

right to self-determination, regional autonomy and proportional representation. Ethnic Madhesis make up about one-third of Nepal's population. The strikes affected health, education and transport services across the country. The strike action turned violent by the end of February, killing at least one person and injuring more than 20. Amnesty International expressed concern that the Nepali police were using excessive force against the demonstrators. The strikes ended in March after the government and the Federal Republican National Front (FRNF), an alliance of seven groups, reached a deal that promised a federal system with autonomy to Libmuwan, Khambuwan, Tamangsaling, Tharuhat and Madhesi communities. Other groups, such as Madhesi Janaadhikar Forum and Loktantrik Madhesi Morcha boycotted the agreement.

The ethnic Madhesis, indigenous Janjathis and Dalits were among the minority groups whose support helped the Maoists win 220 of the 601 seats in the Constitutional Assembly. Out of the 62 seats won by indigenous representatives, 40 belonged to the Maoist party. But ethnic and indigenous divides continued. The new Nepali Maoist government's strong allegiance to China saw violent crack-downs against Tibetan refugees living in Nepal, in April and August of 2008, in some cases leading to arbitrary arrest and detention. In April the Nepali Home Ministry threatened to use force to stop Tibetans protesting against China while the Olympic Torch passed through the country. Amnesty International said that in previous silent protests by Tibetans on the same issue some 400 people had been arbitrarily detained. By August 1,000 Tibetan protesters had been detained, and in September the pro-China government announced that they would push Tibetan exiles to leave the country and return to India. Over 100 Tibetans were detained by police checking the validity of their refugee status. Nepal has some 20,000 exiled Tibetans.

Religious minorities continued to face targeted attacks. In March 2008 bombs were thrown into a mosque where some 60 people were praying in Biratnagar in eastern Nepal. A one-day general strike was called by Muslims in the area demanding compensation.

In July 2008, just prior to becoming prime minister, the chair of the Maoist party Prachanda, promised to form a 'Muslim commission' for the welfare

of the minority community.

Also in July, Father Johnson Prakash Moyalan, a Catholic priest, was gunned down in Sirsia town, about 15 km from the India-Nepal border. A little-known group, the Nepal Defence Army, which wants to restore Hinduism as the state religion in Nepal, claimed responsibility for the killing. The previously Hindu kingdom was declared a secular state in 2007.

## Education

Smaller political parties in the Constitutional Assembly in January 2009 interrupted proceedings and demanded that the government withdraw an education scholarship bill because it did not fix a quota for scholarships for Dalit children. Dalits are one of the most marginalized minority groups in Nepal. The literacy rate for Dalit men is 10 per cent and for women is 3.2 per cent. According to the Feminist Dalit Organization, only 3.8 per cent of Dalits complete the School Leaving Certificate, the basic secondary school qualification.

Religious minorities and indigenous Nepali children continue to be severely disadvantaged in education. According to a study done jointly by the World Bank and Department for International Development, participation of Muslim boys and girls in school remains low. The percentage of Muslim girls going to school between the ages of 11 and 15 has remained at 23 per cent from 1995 to 2004. The literacy rates amongst the Chepang and Bote indigenous groups are as low as 14 and 20 per cent. A major reason for this is the lack of mother tongue education.

Early in 2008 the UN and the Nepali Human Rights Commission expressed concern that children participating in protests organized by Madhesis across the country were subject to violence and their education was disrupted.

The Nepali government has offered to help fund religious schools to develop in exchange for taking on board the national curriculum. This could benefit Muslim and Buddhist minority schools. According to official data, some 82,624 Muslim students are registered in 832 madrassas, and 6,512 Buddhist children are educated in 236 monasteries.

Progress has been slow on two of Nepal's key educational policies: Education for All (EFA) and the Education Sector Development Program I. Both these progressive policies are expected to increase

primary school attendance, but other issues remain unaddressed for minority children. The lack of mother tongue language education, cultural barriers, having to travel long distances to school, and the opportunity cost of educating children all affect the education of minority and indigenous children in Nepal and require government attention.

## Pakistan

Pakistan began 2008 with a new government in place. The Pakistan Peoples Party (PPP), led by Asif Ali Zardari, widower of the former Prime Minister Benazir Bhutto, and the Pakistan Muslim League formed a coalition government in February 2008 after months of turmoil in the run-up to the elections.

One of the new government's first tasks was to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR), and sign both the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

Twelve religious minority members – four Christians and eight Hindus were elected to the National Assembly. Shahbaz Bhatti, the head of the All Pakistan Minorities Alliance (APMA) and a Christian parliamentarian became Federal Minister for Minorities Affairs. He later announced that government funds for minorities had been doubled and that a quota guaranteeing government jobs for minorities was to be introduced. In May 2008 the PPP endorsed a draft constitutional package (PCP) which proposes the election of one religious minority member (Christian, Hindu or other religious minority) from each province to the Senate, giving minorities a presence there. The draft also proposed an increase in the number of reserved seats to the National Assembly. However non-Muslims would be banned from becoming prime minister.

The country was plagued by violence during 2008, with increasing militant bombings and attacks leaving scores dead and injured. Militancy in Pakistan has considerably strengthened in the last few years as a consequence of the 'war on terror', the influx of militants from across the border with Afghanistan and some policies of the previous military regime. The new civilian government has shown little sign of being able to improve the situation and minorities, particularly those living in the

tribal areas, are under increasing threat.

The situation in Pakistan's ethnic Baluchi populated province of Balochistan remains of concern. It is Pakistan's biggest province yet one of the poorest, most deprived and heavily militarized. The new government publicly apologized to the people of Balochistan for the large-scale military and air force operation launched against militants that has killed several thousand and displaced 200,000 people since 2001. According to the Asian Human Rights Commission (AHRC) some 4,000 people have disappeared during this period. Despite the government statements halting military operations, incidents and attacks by the military continue to be recorded. The increased presence of Taliban militants has resulted in violence and tension over issues of security, human rights and division of resources. Ethnic Balochis have been caught between the militants and Pakistani forces.

Sectarian attacks and violence were reported from several parts of Pakistan throughout 2008. In February 2009 a suicide bomb hit the funeral of a Shi'ite Muslim leader in a north-western town, killing at least 28 people and wounding several others. Shias make up 20 per cent of Sunni-dominated Pakistan.

In July 2008 doctors in Pakistan's north-western tribal region of Kurram appealed for urgent medical aid to avert a humanitarian crisis. Shia Muslim areas in Kurram have been cut off from the rest of the country since November 2007 following violence between Shias and Sunnis. In just two weeks in August 2008, some 200 people were killed in sectarian violence in Kurram.

Concerns have been raised regarding a recent controversial peace agreement between the government of the NWFP and the Taliban militia group Tahrir-e-Nifaz Shariat that enables the militia group to implement Sharia laws and gives them power to act as morality police, putting several ethnic and religious minorities in a vulnerable situation. These provinces have seen alarming increase in violence since they came under Taliban control, increasing the risk to ethnic and religious minorities who inhabit the areas. Several Christians have reportedly fled.

The situation for Pakistan's religious minorities, especially Christians, remained poor through 2008. Religious minorities were increasingly targeted by militants in NWFP, including the Swat valley and

the tribal areas. According to the Minority Council of Pakistan (MCP), in January 2008 five Christians were kidnapped in South Waziristan and on 21 June 16 Christians were kidnapped by Islamic militants. In April two Sikhs who were kidnapped by militants in Dowarba, Hangu district, were freed.

In another incident in July 2008, the MCP reported that a United Presbyterian Church in Karachi, Pakistan's biggest city, was attacked by a Muslim mob. Through the year there were several other reports of attacks on churches, including in GajraKh, Punjab province, in March, and Sabz-Kot, Pasrur, also in Punjab, in February.

Rape and gender-based violence against religious minorities continue to be reported in Pakistan. In April 2008 the MCP reported that police officers in town in Lahore had raped and tortured a Christian girl in a police station. Police subsequently attacked and arrested nine Christians who protested outside the police station over the incident.

Religious minorities have also been charged under Pakistan's discriminatory blasphemy laws. In October 2008, in Faisalabad, a Christian man, Gulsher Masih, and his daughter, Sandal, were charged with blasphemy under the Pakistan Penal Code for allegedly tearing some pages from the Holy Qur'an, Asia News reported. In Hyderabad in Sindh province in July 2008 a Hindu child was accused of blasphemy and stripped and beaten by a group of people. Minority groups in Pakistan report at least two incidents a month involving arrests, attacks or killings of religious minorities over accusations of blasphemy.

Pakistan's *Daily Times*, in an editorial on 10 April 2008 commenting on an incident where a Hindu factory worker was beaten to death by his Muslim co-workers, who accused him of blasphemy, said:

*'The truth is that an innocent man has been killed because of the legal "facility" [i.e. the Blasphemy Law] available to the killers to hide their real motive. It breaks one's heart to admit that all non-Muslims at the lower rungs of society are vulnerable to this savagery ... And if someone comes to the defense of these wronged people, religious fanatics come out and scare the state away.'*

Ahmadiyyas in Pakistan continue to be terrorized for their religious beliefs. Earlier in 2008, Basharat Mughal, president of the Ahmadiyya Muslim Community Halqa Manzoor Colony in Karachi,



was murdered. The AHRC said that he was shot on his way to the mosque, becoming the 88th person from the sect to be killed in Pakistan since 1984. In September the AHRC noted that no action had been taken against the presenter Amir Liaquat Hussain, who suggested that it was the duty of devout Muslims to murder Ahmadi sect members on a religious affairs programme on the Dubai-based Pakistani channel, Geo TV. According to the AHRC, two Ahmadi community leaders were lynched and murdered after the first broadcast. A total of four Ahmadis were killed in the first nine months of 2008, the group said. Ahmadis consider themselves Muslims but do not think that Muhammad was the last of the prophets.

Taliban in the Swat valley imposed a ban on female education and have warned teachers of 'severe consequences' if any girl is seen heading to school (see Box, p. 163). Several thousand children have been forced out of education and girls have faced targeted violence. Girls' schools and colleges on the University of Peshawar campus received several threatening letters in early January 2009.

In November 2008 Pakistan Child Rights Committee member Bakht Zeba was murdered, allegedly by the Taliban, for advocating education for children in Swat. The Society for the Protection of the Rights of the Child (SPARC) said that on Universal Children's Day Ms Bakht, speaking at a meeting, had criticized the Taliban for burning down schools and stopping children, especially girls, from going to school.

Meanwhile the *Daily Times* newspaper reported in August that minority students in Lahore, capital of Punjab, may not get admission this year because of a lack of reserved places for them. Nine Sikhs, a Hindu and a large number of Christian students are at risk of not being admitted into higher educational institutions.

### Sri Lanka

The year 2008 brought devastation for Sri Lankan minorities, particularly Tamils, with fierce fighting between government forces and Tamil Tiger (LTTE) rebels. Through the year the military captured several of the Tigers' strongholds in northern Sri Lanka and at the time of writing the rebels were reportedly confined to a 25 sq km patch, having lost all their major bases.

As the fighting intensified towards the end of

2008, civilian casualties began to rise. The military was responsible for some attacks on civilian targets, including schools and camps for the displaced. Civilians trapped in the fighting were attacked and killed by the Tigers and forced to leave their homes. The Tigers also began to forcibly recruit and to use civilians as human shields.

In January 2009 aid agencies and human rights organizations began to raise the alarm over the severe threat to human life as a result of the displacement of civilians. At the time of writing, more than 200,000 people had been forced by the Tigers to stay in the tiny strip of land under their control. In some instances, the Tigers even shot at civilians attempting to escape. The military and air force pursued an aggressive offensive, at times showing little regard for civilian casualties. There were also several instances when the military shelled unilaterally created safe zones, killing scores of people.

The reports coming out of the north are sketchy because the media and NGOs have little or no access to these areas. Based on reports from local aid workers and hospital staff, an average of 15–20 people have been killed each day in January and February 2009, many of them children. The last proper food convoy reached the area on 29 January 2009 and on 7 March the UN said the first starvation casualties had been reported. Western governments, the UN, Japan, the US and India were all exerting severe pressure on the government and LTTE to take the necessary precautions to limit civilian casualties and to respect humanitarian laws. International human rights groups warned that some of the incidents could constitute war crimes. The Indian government called for a humanitarian ceasefire in February to enable civilians to leave the area, and the US government had reportedly offered to help evacuate civilians. At the time of writing neither the government nor the LTTE had agreed to the ceasefire, putting the lives of several thousand ethnic minority Tamils in severe jeopardy.

### Climate of impunity

This humanitarian catastrophe came amidst a severe deterioration of human rights through 2008. During the year there were several extra-judicial killings, disappearances and abductions of ethnic minority Tamils. State forces, Tamil Tigers and paramilitaries working with the Sri Lankan government have all been accused of the violations.

## Double discrimination – Pashtun girls banned from attending school

*Murtaza Shaikh* gives a snapshot of the effect of a long-standing conflict and militancy on girls' education in Pakistan's Swat valley

The latest military onslaught making headlines comes amidst a general rise in violence across the Afghan-Pakistan border and infiltration of Taliban into Pakistan. Consequently home-grown militancy in the Swat valley has gained new strength and impetus. One of the major goals of the militants is to strictly implement their version of Islamic law and the worst affected in recent months have been young school girls.

More than 200 schools have been torched or bombed in the Swat valley by local militants led by Maulana Fazlullah. Government figures released in January revealed that the militants had destroyed 172 schools, of which 122 were girls' schools and 50 boys'. On 15 January 2009, Maulana Fazlullah issued a deadline for all girls' education to be discontinued in Swat. In response, 400 private schools complied with the order; despite assurances from the government that security would be provided. In addition it was reported that 84,248 girl students were unlikely to return to state-run education due to fear, despite the local administration promising to reopen schools. Some schools were destroyed, while others were closed due to a shortage of

female teachers. Pakistani forces also occupied 17 schools depriving a further 7,039 students of their right to education.

In 2008, following a meeting between Pakistan's own version of the Taliban – the banned Tehreek-e-Taliban – and the Swat militants, a compromise was reached to allow girls to be educated up to the fourth grade. Maulana Fazlullah renewed the threat of bombing any schools that continued higher education for girls. Militants consider schools considered to be government institutions: attacking them constitutes an attack against the state. However, there is also a clear prejudice against girls' education. Maulana Fazlullah has reportedly termed female education 'a source of obscenity'.

The vulnerable situation for girls was exacerbated by the signing of a peace accord on 16 February 2009 between the North West Frontier Province and the militants: the latter agreeing to end attacks in exchange for the implementation of Islamic law in the Swat valley. This accord was one in several attempts to put an end to continuous violence in this restive tribal area. But, security and stability is here sought at the expense of women's rights.

Unless the government is able to swiftly establish a lasting peace where education for the children of Swat, particularly girls, can be fully realized, the damage to their futures may be permanent.

The implementation of the accord by the president strengthened the militants' resolve, resulting in their attempt to expand operations to neighbouring Buner District. The government retaliated by launching a full-scale offensive and at the time of writing the situation in the Swat valley was critical. Fighting between government forces and the militants has already resulted in massive displacement estimated at 1.4 million by UNHCR. The 200,000 or so that remain trapped in the valley are having to cope with a permanent curfew and a near total absence of utilities and food.

The recent offensive is indicative of the failed policy of negotiating with the militants. The education of children has again become severely disrupted by the violence and displacement. ■

Minorities have also been targeted by the government in its counter-terrorism operations. The Sri Lankan forces conducted several search operations in minority neighbourhoods resulting in the arrest and detention of large numbers of Tamils. Stop-and-search operations across the capital and other cities also put Tamils under threat.

There were also killings and attacks on civil society, human rights defenders and the media. J.S. Tissanayagam, one of Sri Lanka's most prominent Tamil journalists, was arrested in March 2008 and after months in custody was charged under anti-terrorism laws. Iqbal Athas, a Sri Lankan Muslim and the country's best-known defence correspondent, is under constant threat and has had to leave the country on several occasions. At least two minority journalists were killed in 2008, while several others were attacked and abducted. In January 2009 Lasantha Wickrematunge, one of the country's best-known investigative journalists, was shot dead by a gang of masked men on a main road in Colombo close to a military checkpoint. Wickrematunge was an ethnic Sinhalese but a minority Christian who was a known sympathizer of Tamils and critical of the government's military strategy.

Sri Lankan civil society leaders, particularly human rights defenders, are constantly arrested, detained, questioned and threatened. This has brought about a climate of extreme fear, while there is impunity for the perpetrators. In September 2008 Sri Lanka's respected head of the armed forces Lt-General Sarath Fonseka told a Canadian newspaper that he believed the country belonged to the majority Sinhalese people. Neither the government or the ruling party denounced the comments. There was also no public outcry by Tamil or Muslim minority leaders in Sri Lanka, an indication of the severe levels of fear and suppression minorities are subject to.

The education of several thousand children in northern Sri Lanka has been disrupted as a result of the fighting. In January 2009 UNICEF appealed to the Tamil Tigers to enable civilians, including nearly 75,000 children, to leave the war-zone for safer areas. The UN agency said that the education of at least 30,000 children had been disrupted and 154 schools forced to close or relocate.

## South East Asia

*Emma Eastwood*

Exploitation of natural resources continued to

encroach on the lives of indigenous peoples in South East Asia in 2008, despite constitutional protections for their territories in many countries. Massive cultivation of oil palm – to meet the growing demand for biofuels from Europe and the US – is having a devastating effect on the land and cultures of indigenous communities in Indonesia and Malaysia. Land grabbing and illegal logging are vastly reducing indigenous peoples' access to ancestral lands in Cambodia, Indonesia and the Philippines, while controversial hydro projects in Burma, Cambodia, Laos and Vietnam have displaced, or threaten to uproot, thousands of highlands minorities.

Conflict also continues to wrack the region. Muslim minority militants clashed with government troops in Thailand and the Philippines; the breakdown of peace talks in the latter dashed all hopes of an end to the 30-year-long war in Mindanao. Protracted conflict between armed groups and the military junta also adversely affected the Karen and Chin people of Burma, many of whom continued to escape over the border into neighbouring countries, adding to the burgeoning number of refugees. The Burmese military government's treatment of minorities came under international scrutiny in 2008 when Rohingya Muslim boat people, escaping severe discrimination in their homeland, were arrested by the Thai military guarding the country's coastline and sent back to sea with little or no provisions.

Religious freedom is often severely curtailed in South East Asia. The year 2008 saw the virtual banning of the Ahmadiyya Muslim sect and communal tensions between Christians, Hindus and Muslim hardliners in Indonesia. H'mong Christians faced persecution in both Laos and Vietnam.

Provision of education for indigenous communities is sorely lacking in most countries in the region. Factors such as the small numbers of schools in remote regions, not using indigenous language as a medium of instruction, high drop-out rates exacerbated by poverty and a paucity of teachers with relevant language skills, mean that indigenous students are rarely able to fully exercise their right to education.

## Burma (Myanmar)

Following the anti-government protests of September 2007, when tens of thousands of people took to the streets daily, and the following a brutal government crackdown, the security situation within Burma has remained tense. The US-based

Freedom House, in its 2008 global report on *Freedom in the World*, has ranked Burma among the 'worst of the worst' countries, 'where civilians enjoy negligible political and civil liberties'.

The military regime held a constitutional referendum in May 2008, just weeks after Cyclone Nargis had struck, despite pleas from UN Secretary-General Ban Ki-moon to postpone it and focus on humanitarian relief. The referendum – part of a 'roadmap' to democracy – ensures a pivotal role for the military, with enough seats in parliament to block any further reform without its agreement.

Minorities were widely excluded from this process. The draft constitution, written by a committee hand-picked by the government and boycotted by the National League for Democracy and ethnic parties, was only available in Burmese and English, and had not been translated into any of the 135 other languages spoken by an estimated 40 per cent of the Burmese population. According to government sources there was a 92.5 per cent approval rate of the constitutional referendum.

In the wake of Cyclone Nargis, the government failed to provide relief to hundreds of thousands of victims and blocked international aid efforts for weeks. One month after the cyclone struck, UN estimates placed the number of dead at 78,000, with 56,000 still missing; 2 million people were still in need of relief. There were reports that minorities were being systematically excluded from assistance in the hard-hit Irrawaddy Delta.

The Karen, who account for nearly 7 million of Burma's 57 million people, have their own distinctive culture and language and count Buddhists, Christians and animists among them. Throughout the year an increasing number of Karen refugees crossed over the border to northern Thailand from Karen State, where South East Asia's longest separatist conflict is being waged between Burmese troops and the armed wing of the Karen National Union (KNU).

The current phase of the military campaign appears to be the most intense. In 2008 Amnesty International classified attacks by Burmese troops overtly targeting civilians as crimes against humanity. According to the Thailand Burma Border Consortium, around 66,000 people have been forced to flee their homes due to the armed conflict and human rights abuses.

Education in state schools in Karen areas, even

where they are the majority of the population, is exclusively provided in the Burmese language, and government offices provide no access to services in Karen languages. Government jobs in Karen areas appear to be increasingly the reserved domain of ethnic Burman.

The assassination of the general secretary of the KNU, Padoh Mahn Sha Lah Phan, on 14 February 2008, was a major setback for their cause. Observers suspected that the assassins were either rival Karens or were dispatched by the Burmese government.

The Chin, 90 per cent of whom are Christian, account for about 1 per cent of Burma's population and live in the mountainous region near the Indian border. The Chin National Front armed group is engaged in a long-running battle with the military junta.

The UN reports that 70 per cent of the people in Chin State live below the poverty line and 40 per cent lack access to adequate food sources. Since 2006, the region has been plagued by a severe food crisis, which is compounded by the military regime's repressive economic policies. According to a Chin Human Rights Organization 2008 report, the use of unpaid civilian labour is widespread throughout Chin State and farmers are forcibly ordered by the regime to substitute their staple crops for cash crops. The organization also documents the arbitrary collection of 'donations' and taxes by the Burmese authorities from Chin households in major towns.

Human Rights Watch reports ongoing religious repression against the Chin in mainly Buddhist Burma. The Tatmadaw (Burmese military) has burnt down churches, demolished crosses and prayer rooms to make way for military buildings and infrastructure. Chin also describe torture and beatings by Burmese soldiers, arbitrary arrest and being forced to work as army porters.

Cheery Zahau, of the Women's League of Chinland, says Burma's military government continues to use rape as a weapon to subdue ethnic minorities.

There is a dire lack of school facilities in many villages in Chin State, forcing Chin children to walk to distant towns and villages or pay expensive boarding fees to attend classes. The quality of education is extremely poor and classes are taught in Burmese. The authorities continue to close down Chin private schools.

The construction of two dams along the Salween

River is threatening the existence and livelihood of the Akha, Karen, Karenni, Lahu, Lisu, Mon, Padaung, Palaung, Pa-O, Shan and Wa minorities who live along the river. In 2008 the NGO Society for Threatened Peoples reported that the Ta Sang Dam in Shan State has already caused the forced relocation of about 300,000 people (most of whom are Shan) and the military have expelled around 15,000 people during the construction of the Hut Gyi Dam in Karen State.

The Rohingya, a Muslim ethnic minority living in northern Rakhine State, western Burma, are unable to qualify for citizenship and their freedom of movement is severely restricted. The UN Special Rapporteur on human rights in Burma, in an April 2008 statement, also cited extortion and arbitrary taxation; land confiscation and forced evictions; restricted access to medical care, food and adequate housing; forced labour; and restrictions on marriages.

## Cambodia

Prime Minister Hun Sen and his Cambodian People's Party further consolidated their power through national elections in July. The elections were criticized by the European Union and the UN Special Representative for human rights in Cambodia and Human Rights Watch labelled the election victory as part of a continued 'drift towards authoritarianism' in the country.

The overwhelming majority of Cambodia's 14 million people are ethnic Khmer, most of whom follow Theravada Buddhism. Minorities are made up of four distinct groups: Cham (most of whom are Muslims), indigenous 'hill tribes' (also known as Khmer Leou), ethnic Chinese and ethnic Vietnamese.

The issue of collective landownership, and loss of access to their traditional and agricultural lands, has been an ongoing and increasingly important one for the Khmer Leou, who continue to lose their land to illegal concessions awarded to foreign firms and government officials, and suffer forced relocation and economic and social losses.

Despite a 2001 Land Law and other regulatory measures to recognize the rights of these indigenous peoples, at the beginning of 2007, not a single indigenous people had received title for the collective ownership of their traditional lands. Mining and even tourism concessions by the government of Cambodia are given without regard for indigenous

rights over the lands concerned.

The urban poor have also been adversely affected by illegal land concessions. The government, in collusion with private companies and the courts, has been evicting residents and selling off land, especially in Phnom Penh. According to rights groups, in 2008 some 150,000 Cambodians were known to live at risk of being forcibly evicted.

Most state schools in the areas where Khmer Leou are concentrated continue to teach exclusively in Khmer. This results in a much higher than average drop-out rate. A few schools teaching partially in local indigenous languages have started to operate on an experimental level; mainly this is through the efforts of local and international NGOs.

The Cambodian government is committed to 'ensure easy and equitable access to education for vulnerable and disadvantaged children'. As part of its Education for All by 2015 programme, the government is making efforts to introduce bilingual education in minority villages. Critics say these initiatives are designed to erode indigenous languages. Indigenous communities remain poorly served with regard to education, and there is a lack of easily accessible state schools in many parts of the north-east.

In December 2008 the Cambodian parliament passed draft legislation to provide for financing for two Chinese hydro dams in the Cardamon mountains. Environmentalists say the reservoir created by the dam will cover 110 sq km and displace thousands of Khmer Leou in nine villages.

Cambodia continues to violate its obligations under the UN Refugee Convention by forcibly returning Vietnamese Montagnards, or Degar, before they are able to apply for asylum. Riot police broke up a demonstration in July 2008 by around 60 Montagnard asylum-seekers in the capital, protesting the forced repatriation of 28 members of their community to Vietnam. During 2008 UNHCR provided shelter in Phnom Penh to approximately 500 Montagnard asylum seekers, including about 200 new arrivals. (See also Vietnam.)

## Indonesia

The year 2008 saw a number of setbacks for religious freedom. In June, Islamist mobs attacked Ahmadiyya Muslims, whom they accuse of heresy. While the government decried the violence, human rights organizations saw the roots of the violence in

a government committee's April 2008 recommendation that the sect be banned. The government later issued a decree that did not ban Ahmadiyya, but warned its adherents that they faced potential arrest under laws on the protection of religion. Muslim hardliners attacked Ahmadiyya mosques in West Java and Islamic Defenders Front members closed the local Ahmadiyya headquarters in Makassar, South Sulawesi. In September the South Sumatra provincial government issued a total ban on Ahmadiyya. Ahmadiyya Muslims number some 200,000 in Indonesia.

Communal tensions remained high elsewhere. Human Rights Watch reported that in January 2008 a mob burnt down the Sangkareang Hindu temple in west Lombok and in July Muslim hardliners attacked students at a Christian theology school in east Jakarta, injuring 18 and forcing the school to shut its campus. In June, the International Crisis Group highlighted continued Muslim migration from other parts of Indonesia and the rise of exclusivist Christian groups and hard-line Islamists on Papua's west coast as factors heightening the risk of conflict in the area.

The UN Committee against Torture urged the government in 2008 to promptly investigate violence and discrimination against religious minorities and to allow the Special Rapporteur on freedom of religion to visit the country. According to the US State Department, in 2008 members of minority religious groups continued to experience official discrimination in the form of administrative difficulties, often to do with the issuance of identity cards.

Indonesia has the second highest rate of annual forest loss after Brazil, but is the largest source of greenhouse gases from deforestation and land use change. Deforestation is driven by logging and conversion to industrial oil palm plantations – some 7.5 million hectares of land have been planted with the crop, mainly in indigenous areas. Despite state support for the UN Declaration on the Rights of Indigenous Peoples, Indonesia continues to lack any effective legal means for the protection of customary land rights.

In Riau, on the eastern coast of Sumatra, where rampant deforestation is occurring in the peatlands, Forum Asia reported an attack against the Sakal indigenous people in December 2008. The attack, allegedly by armed groups hired by PT Arara Abadi, one of the world's biggest paper producers and part

of the giant Indonesian conglomerate Sinar Mas Group, led to the death of two children, burning of homes and the arrest of about 200.

In Papua, home to some 800,000 indigenous people divided into many hundreds of groups, Greenpeace has documented large-scale conversion of tropical forests for oil palm plantation in a Sinar Mas concession near Jayapura affecting indigenous peoples' rights to own and control their own territories.

Rights groups report that although companies such as Freeport-McMoRan (who own the massive gold and copper Grasberg mine in Papua) have started in the last few years to implement programmes to hire more Papuans, ethnic Javanese and other Indonesians continue to occupy the best employment categories.

Also in Papua, the Institute for Papuan Advocacy & Human Rights (IPAHR) reported that Indonesian police shot dead one man, Opinus Tabuni, and injured others at a rally in Wamena in August 2008. The rally was held to mark the International Day of the World's Indigenous People. According to IPAHR, around 20,000 people attended the rally.

The use of Dayak languages in schools in the parts of Kalimantan where they are the majority or live in substantial numbers remains largely illusory or simply prohibited. Government policies continue to exclude the use of the Batak languages in Sumatra in many areas of public life, and schooling in their languages remains limited.

## Laos

Laos, one of the world's few remaining communist states, is one of South East Asia's poorest countries. In a bid to boost development, the government is tapping the resources of Laos' vast river network and developing a billion-dollar dam scheme, intended to generate electricity for export to Thailand.

The country's largest and most controversial hydro project under construction, Nam Theun 2, will be fully operating by the end of 2009 and affects around 130,000 indigenous people dependent on fishing and farming for their livelihoods. In June 2008 NGO International Rivers reported flooding of a 450 sq km reservoir on the Nakai Plateau, affecting some 6,200 people from a variety of ethnic groups. They were moved to what will be the reservoir shores so they can remain on their



ancestral lands. However, although villagers have improved services such as electricity, water pumps and better roads, soils are poor and land and forest resources are scarce.

An August 2008 report by the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, said that those who have lost their land as a result of the dam construction have not been compensated or informed of their right to be compensated. The report particularly highlighted the plight of the Lao Tai, who have inhabited the Nakai Plateau for hundreds of years.

There are further concerns for indigenous communities living downstream on the Xe Bang Fai River, who are expected to suffer frequent floods when the Nam Theun 2 project becomes fully operational.

H'mong, the country's third largest, mainly Christian, ethnic group, continued to suffer persecution throughout the year. In March 2008, Compass Direct News, a Christian news service, reported that Laotian officials arrested some 15 H'mong Christian families in Bokeo district in February. The Lao Human Rights Council and others accused Lao security forces of targeting thousands of Laotian and H'mong Christians and animist believers for arrest, persecution, torture and execution, and 'brutal ethnic cleansing operations'. The US Congress passed a bipartisan resolution in June 2008 calling on Laos to cease its attacks on the H'mong people. (See also Thailand.)

According to Freedom House, gender-based discrimination and abuse are widespread. An estimated 15,000 to 20,000 Laotian women and girls, including many lowland Laotians and an increasing number of highland ethnic minorities, are trafficked each year for prostitution.

UNESCO's 2009 Education for All global monitoring report found that, although Laos is progressing towards Universal Primary Education for all, teacher shortages in remote areas are holding back efforts to expand access for ethnic minorities. A government policy of salary supplements proved insufficient to outweigh teacher preference for urban postings. A new programme aims at recruiting ethnic minorities into teacher training. However, UNESCO notes that serious administrative problems have been identified: some students recruited do not actually come from targeted villages but

enrol to receive the benefits offered; language problems in teacher training have resulted in high drop-out levels for indigenous minorities; and many of the students who graduate do not go back to teach in their home areas.

## Malaysia

In March 2008 Prime Minister Abdullah Ahmad Badawi's National Front coalition suffered its worst election result in decades, losing its two-thirds parliamentary majority and control of five state assemblies. It is widely believed that Badawi's downfall was precipitated by huge ethnic minority protest marches and that the opposition hence won votes by promising racial equality. However, although his replacement, Razak, says he will do more to address the grievances of minorities, rights groups remain sceptical.

Minority ethnic Indians, who are among the nation's poorest people, continued to speak out in 2008 against the government's decades-old affirmative action policy that favours majority ethnic Malay Muslims in education, jobs and business. Indians continue to face poverty and relatively low levels of education as compared to ethnic Chinese, without being able to benefit from any of the affirmative action programmes restricted to Bumiputeras (ethnic Malays and indigenous groups).

Indians have also expressed disquiet at the government's language policies, such as the exclusive use of Malay, which creates a tangible barrier for employment in the civil service, and the refusal to allow Tamil to be used as a language of service, as well as the continuing refusal to teach in Tamil in public schools and universities. Education in Tamil usually occurs in private schools which are still not fully funded by the Malaysian government. There are currently about 1,200 Chinese primary schools and 500 Tamil primary schools in the country.

Throughout the year five Hindu Rights Action Force (HINDRAF) leaders remained in detention under Malaysia's Internal Security Act, despite repeated applications for their release and pressure from international rights organizations. HINDRAF'S registration was refused in October and the organization was thus declared illegal.

Islam is Malaysia's official state religion, but the Constitution protects freedom of religion for all. Sharia courts have jurisdiction over religious issues involving Muslims, and secular courts rule on other

issues, often resulting in tensions over whether Malaysia is a secular or religious state. The government's Islamic Development Department website identified 56 'deviant' religious teachings it prohibited during 2008, which include Ahmadi, Ismaili, Shia and Baha'i teachings.

In May, the long-awaited judgment in the case of Lina Joy, a Muslim convert to Christianity, added to frustration among the non-Muslim population. The final ruling effectively barred Muslims from converting to other faiths.

Pre-school education in rural and semi-rural areas in Malaysia is within the jurisdiction of the Rural Development Ministry, however children from minorities whose first language is not Malay have little access to these public schools as they cater mainly for ethnic Malay children, according to COMANGO, a coalition of Malaysian NGOs, in a 2008 report to the UN Human Rights Council. The report also notes with concern that the state obliges teachers to possess a higher secondary school certification on the subject of Islam, which discriminates against some pre-school teachers.

Refugee and asylum seeking children, including those from Burma's Rohingya and Chin communities, also do not fare well under Malaysia's education system. They continue to be barred from government schools, despite previous recommendations by the UN Committee on the Rights of the Child.

Public schools in Malaysia generally offer Islamic religious instruction, which is compulsory for Muslim children, and non-Muslim students are required to take non-religious morals/ethics courses. Private schools are free to offer a non-Islamic religious curriculum as an option for non-Muslims.

The Orang Asli, or indigenous peoples, consist of more than 80 ethno-linguistic groups, each with its own culture, language and territory. Collectively, Malaysia's 4 million indigenous peoples are among the poorest and most marginalized. A 2008 report to the UN Human Rights Council called for respect for indigenous peoples' customary land rights and a review of existing legislation; and the Bar Council of Malaysia accused the government of clearing ancestral land occupied or utilized by indigenous people for activities such as logging or palm cultivation, while only offering to pay compensation for loss of agricultural products. The Asian Indigenous and Tribal Peoples Network reports that in February 2008, a memorandum containing land claims from

32,352 indigenous peoples over a collective area of 339,984 acres from 18 districts in Sabah, was submitted to the government.

The Penan, a nomadic indigenous people who rely on Sarawak's rainforests for their survival, have spent more than 20 years trying to stop logging companies destroying their land. In January 2008 the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Special Representative of the Secretary-General on the situation of human rights defenders, raised concerns with the Malaysian government on the 2007 death of a Penan leader involved in anti-logging campaigns in the Upper Baram region. Survival International reported continued harassment during 2008; in September Penan women accused loggers working for the Malaysian companies Samling and Interhill of harassing and raping them; and the government of Sarawak announced that it would no longer recognize elected leaders in some Penan communities. In an attempt to save what remains of the forest, villagers in the Middle Baram area set up a new anti-logging blockade in October.

In October 2008 indigenous forest dwellers in Sarawak rejected a proposal to turn 80,000 hectares of their land into an oil palm plantation.

In November 2008 there were reports of plans for an oceanarium resort near the Sipadan diving spot off Malaysian Borneo that could spell disaster for the region's delicate coral reefs, according to environmentalists. The plan came under attack from the minority Bajau community (also known as 'sea gypsies', numbering some 450,000), who depend on the area's fragile ecosystem for their livelihoods.

In late 2007, the government of Malaysia decided to resume the controversial Bakun hydroelectric project in Sarawak. The dam has already destroyed 23,000 hectares of virgin rainforest and displaced 9,000 indigenous people.

## The Philippines

The rights of the Muslim Moro minority in the southern island of Mindanao continue to be violated in a number of key areas. State schools do not use Moro languages as medium of instruction to any significant extent (despite positive efforts such as the 2004 Basic Education Assistance for Mindanao), nor do most of the civil service and governmental positions require fluency in one of these languages,

though they do demand fluency in Filipino. This language policy continues to create a very real obstacle to the full participation of the Moro Muslims in the country's public and political life, and they remain vastly under-represented in categories of educational attainment and in civil service employment and political representation. This in turn perpetuates the perception of the Moros as a disadvantaged group.

Members of this minority have already lost land because of government legislation and policies such as the extinguishment of their traditional land rights and the government-sponsored resettlement of mainly Christian Filipinos on the land they previously owned. Land redistribution programmes, such as the Comprehensive Agrarian Reform Program, which in theory might have returned Moro land to members of the Muslim minority, appear to have mainly benefited Christian settlers.

The year 2008 saw an upsurge in fighting on Mindanao between government forces and the separatist Moro Islamic Liberation Front (MILF), following the collapse of a peace accord in August. Hostilities resumed after the Supreme Court of the Philippines placed a temporary restraining order on the Memorandum of Agreement on Ancestral Domain. In October the Court went on to declare the agreement between MILF and the Philippines government unconstitutional. With fighting spilling over to the islands of Jolo and Basilan in December, the National Disaster Coordinating Council said that more than 58,000 people remained in shelters in Mindanao and 163 people had died since August. Rights groups called for the authorities to urgently find ways of meeting the demand for autonomy of the Muslim community in order to put an end to the conflict.

Indigenous people in the Philippines, who come from over 100 different ethnic groupings, account for approximately 16 per cent of the national population, with over 34 per cent of the total in Mindanao. In 2008 many suffered displacement from their homes and forced recruitment to the ranks of the various parties to the fighting.

The education of thousands of minority children in Mindanao was seriously affected by the ongoing clashes between government forces and MILF. Classes were repeatedly interrupted as many schools doubled as evacuation centres for families trying to escape the fighting.

Indigenous children lag behind majority children in terms of academic opportunities and performance. NGOs estimate that up to 70 per cent of indigenous youth left or never attended school because of the discrimination they experienced. The Department of Education continues to develop the Indigenous Peoples Curriculum, conceived in 2004, to embody the core values of indigenous people while adhering to basic education learning competencies.

At the time of writing a landmark bill was making its way through the House of Representatives that, if passed into law, will require the use of the mother tongue as a medium of instruction from Grades 1 to 6. The bill also provides for the teaching of Filipino and English as separate subjects before being used as primary media of instruction in high school.

In the Philippines indigenous land is recognized by the granting of Certificates of Ancestral Domain. At year's end the National Commission on Indigenous People, staffed by tribal members, had awarded certificates covering over 2.67 million acres of land claimed by indigenous people. However, such land can still be lost to development projects, provided a certificate of Free, Prior and Informed Consent (FPIC) is obtained from indigenous peoples. Many groups claim to have been deceived in this process.

Canadian mining company Olympus Pacific Minerals was found to have not secured FPIC prior to exploration and drilling in the Binongan indigenous people's ancestral domain at Capcapo mountain, Abra, and entered into consultations with the concerned community in April 2008.

The Subanen, an indigenous people who live in small agricultural communities and practise shifting cultivation in the mountains of the Zamboanga peninsula of Mindanao, have seen their ancestral lands steadily encroached upon by logging and mining companies. Frustrated by lack of government action, the community invoked their traditional justice authority, the Gukom, which in May 2008 found the Canadian mining company TVI Pacific guilty of crimes against the Subanen. The Gukom ordered that TVI should leave the area and pay financial restitution. However, this decision has been ignored by both the government and TVI. The Subanen had taken their case to CERD in February 2007, calling for a halt to all mining operations in the area.

## Thailand

In January 2008 an elected parliament convened in Bangkok for the first time since the military seized power in September 2006. Yet the calm was relatively short-lived – political unrest as the year drew to a close saw a state of emergency declared in Bangkok, 16 killed and hundreds injured in Thailand's worst anti-government protests in 16 years, suspension of flights from the main airports as protesters blockaded terminal buildings and the occupation by protesters of Bangkok's main government complex. In late December opposition leader Abhisit Vejjajiva secured a coalition within parliament to become Thailand's prime minister and its fourth new leader in just three months.

The highland minorities of Thailand live in the mountainous west and north. As many as 20 different 'hill tribes', totalling 1 million people according to some estimates, live in Thailand and include, among the more numerous, the Akha, Karen, Lahu, Lisu, H'mong and Mien. The government does not recognize the existence of indigenous peoples in Thailand. It maintains that they are migrants and thousands of them continue to be denied registration for an identification card.

Non-citizen hill tribes are among the most vulnerable groups. Without proper political status, they face expulsion when their temporary stay expires. Without nationality and treated as second-class citizens, they suffer multiple discrimination, including lack of access to land and deprivation of basic human rights.

In August 2008 the UN Special Rapporteur highlighted the case of the Akha indigenous people in Chiangrai province, whose land was allegedly seized in 2003 as a result of the Highland Development Station Project. The objective of the station was purportedly to serve as a 'centre of knowledge on agriculture for the hill tribe people'. The Akha claim that the project has left them with only a few small plots around the village, and they have lost their traditional livelihoods. The land seizure was reportedly accompanied by widespread harassment of Akha villagers by members of the military and forestry personnel. Villagers say they were not consulted, nor did they consent to the project, and they have not yet been compensated for their loss. The government has so far not responded to the concerns raised by the Special Rapporteur.

The recent UNESCO Highland Peoples survey

studied a sample group of 192 border villages in Chiang Mai, Chiang Rai and Mae Hong Son provinces, to determine the impact of a person's legal status (citizenship and birth registration) on access to social services, education, health care, land tenure and agricultural credit. A study of a sample group revealed that 38 per cent of highland minorities do not have Thai citizenship. Compared to highlanders with Thai citizenship, those lacking citizenship are 73 per cent less likely to enter primary school and 98 per cent less likely to progress to higher education. Similarly, highlanders who lack birth registration are 64 per cent less likely to enter lower primary school and 85 per cent less likely to enter secondary school relative to highlanders with official Thai birth registration.

Highland peoples' lower rates of participation in schooling, are also possibly linked – in addition to poorly equipped and staffed schools – to the almost complete absence of instruction in their mother tongue in state schools.

UNESCO research has also identified 'lack of citizenship' as the greatest risk factor for highland girls and women in Thailand to be trafficked, or otherwise exploited.

There are some 340,000 refugees in Thailand: around 140,000 of them in nine camps along the Thailand-Burma border and about 200,000 more elsewhere. Most are from ethnic groups such as the Karen, Karenni and Shan, fleeing the war in Burma. Some 40,000 children have been born and raised in refugee camps. Refugees have established a parallel education system in the camps with the Karen and Karenni Education Departments acting as de facto ministries of education. Schools are not accredited, which means that students leave school with a certificate that has little value outside of the camps.

Recently, the government has considered accreditation of refugee and migrant schools. This would require an alignment of the current curriculum with the official Thai curriculum. While accreditation presents an opportunity, it is also met with some resistance by some refugees who fear losing their cultural identity.

In July 2008 the *Bangkok Post* reported that 11 members of the Padaung community were abducted from the northern province of Mae Hong Son. The Padaung are refugees in Thailand who fled heavy fighting in Burma. The women, who traditionally wear brass rings around their elongated necks,



**Left:** Children in Ban Pho preschool in Bac Han District in remote Lao Cai Province. The UNICEF-supported school promotes child participation and other child-friendly activities, and includes classes taught in the children's indigenous language. *Josh Estey/UNICEF.*

one of the largest minorities in Vietnam, numbering over 1 million. According to a Human Rights Watch report the Vietnamese government has been quick to suppress expressions of dissent among Khmer Krom communities and has banned their human rights publications. The government also tightly controls the Theravada Buddhism practised by the Khmer Krom, who see this form of Buddhism as the foundation of their distinct culture and ethnic identity. Five ethnic Khmer Buddhist monks remain in prison in Soc Trang province after participating in a peaceful protest in 2007 calling for greater religious freedom.

Khmer Krom farmers in the Mekong delta face increasing landlessness and poverty and in 2008 carried out land rights protests. In February police used dogs and electric batons to break up a land protest in An Giang province. Several protesters were injured and nine arrested.

Many Khmer Krom believe that the state's educational policies are specifically designed to assimilate them into the majority Kinh population, prevent them from accessing higher education, and weaken their culture and traditions centred around the Khmer language. Government policy is to encourage all ethnic groups to learn Vietnamese, and education is not provided in the medium of Khmer, though there should be a form of education that would permit the acquisition of functional bilingualism in both Khmer and Vietnamese. But public schools in the Mekong delta conduct the vast majority of classes in Vietnamese, with at most only two hours a week for Khmer literacy classes.

While the Mekong delta has a higher percentage of primary and secondary schools than Vietnam's seven other regions, it has the second lowest adult literacy rate and the lowest level of public school enrolments in Vietnam – with one-third of the nation's school drop-outs coming from the delta. A schoolmaster attributed the high drop-out rate to financial difficulties forcing students to go to work rather than school (70 per cent) and 'inability to learn' (30 per cent). A teacher said: 'Most of the

students with bad learning capacity are of Khmer minority; they cannot speak Vietnamese well and cannot follow the study curriculum.'

The Khmer language is also not used in service provision by state authorities even where the Khmer Krom are the majority.

The 2008 USCIRF report on Vietnam highlighted government-sponsored harassment, detention and imprisonment faced by individuals and leaders of diverse religious communities and called on the US State Department to re-designate Vietnam a 'country of particular concern'.

Vietnamese law requires that religious groups register with the government. The government officially recognizes six religions – Buddhism, Catholicism, Protestantism, Islam, Cao Dai and Hoa Hao Buddhism – and also 29 'religious organizations', which include Theravada Buddhism, recognized in February 2008.

The Degar, often referred to as Montagnards, are a group of more than 30 minorities who continue to be discriminated against since siding with the USA during the Vietnam War. Frustration at the loss of traditional lands, religious restrictions, threats to their languages and cultures, as well as poor access to education and health services have combined in the past to spark large-scale demonstrations. In April 2008 Montagnard villagers calling for religious freedom were forcefully dispersed by police in Gia Lai and Dak Lak provinces. In May, Human Rights Watch reported the death in custody of Y Ben Hdok in Dak Lak. Police reportedly refused to allow his family or a lawyer to visit him and labelled his death a suicide. (See also Cambodia.)

The year 2008 saw the harshest crack-down on Catholics in Vietnam in decades. In August, when Catholics held peaceful vigils in protest at government plans to transform former church sites (seized during the 1950s) into a public park and library, the government defined these as illegal religious activities and used tear gas and electric batons to disperse them, wounding at least three.

According to International Rivers, Vietnam's largest and most controversial development project, the US \$2.3 billion Son La Dam, will displace 91,000 ethnic minority people by the time it is completed in 2010. A September 2008 study found that the resettlement programme is facing significant challenges, such as a shortage of arable land and reduced availability of fresh water in the resettlement sites.

have been placed in 'villages' in tourist hotspots. In return, they receive a modest monthly income. The UN High Commissioner for Refugees is calling for a tourism boycott of the area.

Ethnic H'mong from neighbouring Laos continue to suffer an uncertain future in border area refugee camps. During the Vietnam War, the H'mong fought alongside United States forces and after the war ended many fled Laos. Most entered Thailand in 2005.

Around 78,000 Lao H'mong now live in Huai Nam Khao camp. Following protests by some 5,000 inmates in June, more than 800 were forcibly repatriated. According to Human Rights Watch the whereabouts of many of the repatriated H'mong is unknown and Lao authorities restrict international aid agency access to the resettlement areas. (See also Laos.)

In the Muslim Malay majority provinces of Kala, Narathiwat, Patanni and Sohghkla in Thailand's south, the insurgency continued unabated throughout 2008. Government statistics reveal that just over half of those killed were Muslims.

Rights groups accuse the elected government, which took office in January 2008, of leaving southern policy to the military. Reports of torture and other ill-treatment at the hands of the security forces increased significantly between mid-2007 and mid-2008. Reconciliation in the region is further complicated by a generalized inability to identify the real leaders of the insurgents. No organization is reported to have claimed responsibility for any of the attacks in the past four years.

## Vietnam

Vietnam's 1992 Constitution affirms the rights of ethnic minorities and a number of positive government initiatives exist to try to respond to the needs of Vietnam's minorities and indigenous peoples. Yet despite these official programmes the perception of discrimination is widespread amongst Vietnam's minorities, who see the majority ethnic Viet or Kinh population continue to be favoured by current development, social and educational policies.

The Khmer Krom mainly inhabit the Mekong delta region in the south-west of Vietnam and are



## East Asia

*Emma Eastwood*

The region saw some positive developments during the year – state recognition for the Ainu in Japan gave beleaguered minorities in the country some hope for an end to years of discrimination and increasingly empowered Aboriginals in Taiwan continued to vociferously clamour for the implementation of their customary rights. However, religious minorities in North and South Korea continued to suffer discrimination and imprisonment for their beliefs.

## China

*Contributed by Marusca Perazzi*

The year 2008 was marked by a spectacular Olympic Games, intended to promote China's prestige and influence, a devastating earthquake in western Sichuan province, and a string of social instability issues, infringements of rights and denial of fundamental freedoms, highlighting the challenges the Chinese authorities face in governing a Han-dominant multi-ethnic China.

### Governance and 'Regional National Autonomy'

In 2008, the government announced its ambitious goal of attaining democratic social progress by 2020, through its official articulation of the Chinese 'nation'. China has never recognized any minority as 'indigenous' or as having special rights. The 'autonomous' regions, districts, and counties where most minorities live, and that today cover 64 per cent of China's territory, offer mostly symbolic recognition of 'minority autonomy', as the Han Chinese increasingly dominate even in those areas.

During 2008 mounting turmoil in minority-populated areas revealed the contradictions of living under national policies that force minorities to forge a closer identification with the 92 per cent Han majority. While the government promoted more non-Han regional governors to work on the implementation of minority policies, it ensured that the CCP (Chinese Communist Party) remained firmly in control. It also continued to grant some minorities, including the Dai and Yao, more freedom to promote their cultural heritage. Through permitting expressions of ethnic identity, such as ethnic folklore and music, that do not challenge the state's control over minority affairs, the authorities bolstered the country's self-image as a tolerant and united multicultural society.

### Minority rights and fundamental freedoms

Deep-seated issues for both the Han majority and minorities in governance and the rule of law, employment and social welfare, land seizure and expropriation came to a head in 2008. Central and local authorities heavily monitored and circumscribed minorities' activities, disregarding genuine discontent caused by discriminatory national policies that prevent them from fully enjoying their rights. The March 2008 Tibetan protests and riots in Lhasa, fuelled by deep resentment towards Han dominance, spilled over into Tibetan-inhabited areas in Qinghai, Sichuan and Gansu, leading to increased tensions, including between Tibetan Buddhists and Hui Muslims.

The authorities relied on emergency measures to ensure stability, to quell rising dissent and to keep dormant frustration from escalating in minority-inhabited areas in Inner Mongolia, Ningxia, Hubei, Guangxi, Heilongjiang and Yunnan. Instead of addressing the underlying institutional factors, the state stepped up security in the Tibet Autonomous Republic (TAR) and the strategic Xinjiang Uyghur Autonomous Republic (XUAR), home to Muslim Turkic-speaking Uyghur and Hui Sunni, and cracked down on protests in Hotan and Kashgar. Some religious minorities were concerned about measures that support atheism in schools; deny the full exercise of rights of belief, freedoms of expression and movement; and fail to tackle discriminatory practices in education and employment. The government continued to subject minority Buddhists, Muslims and Christians to a strict regulatory framework. It also silenced Tibetan and Uyghur voices, by imposing curfews, preventing mass prayers and impeding international pilgrimages. The public security bureau closely monitored minority rights activists and often equated their peaceful activism with social unrest to be repressed. In the TAR, the authorities renewed the 'patriotic education' campaign to convince the masses to 'fight splittism and protect stability'. Across the country, religious leaders were targeted for ongoing state indoctrination and the circulation of religious publications and texts was curtailed.

Harassment of minority communities along the North Korean border intensified, with local authorities preventing unregistered children of mixed ethnic origin from accessing schooling. The

administration in XUAR barred minority children from participating in religious activities, and prohibited teachers from publicly expressing their faith, and students from attending services and receiving private religious teaching. Following the September 2008 local ban on headscarves in Hotan, Muslim women were forced to unveil their faces in public, and others were discouraged from fasting during Ramadan. In Sichuan's Tibetan areas, monks were reportedly removed from monasteries, and hundreds of children shifted from the attached schools to public schools to receive compulsory education.

The authorities used 'anti-terrorism' as a justification to crack down on all forms of perceived dissent on the part of minorities in the TAR and the XUAR. This included prohibitions on language use, harassment of defence lawyers, forced disappearances, widespread arrests and sentencing of an unknown number of Tibetans and the indictment of 1,154 Uyghurs charged with 'endangering state security'. Unaffiliated and unregistered religious groups, including Christians in the eastern regions, continued to be subject to government interference and increased police surveillance, arrests, detention and torture. In November 2008, the UN Committee Against Torture (CAT) criticized the discriminatory treatment of minority groups in China and the 'alleged reluctance of police forces and the authorities to conduct prompt, impartial and effective investigations into discriminatory or violent practices'.

### Language policies, identity challenges, and resistance in minority education

The state's achievements in its endeavour to provide 'free' basic education for all are creditable. However, China's minorities have been mainly treated as a single entity in education reforms, and the cultural, regional and developmental differences that distinguish them have been largely ignored. The implementation of national education policies has produced mixed results and additional challenges for minority groups during 2008. The National Commonly Used Language Law (2000) guarantees standard Chinese (*Putonghua*) as the national common language in the political, economic, social and education spheres. There are no formal restrictions in using *Putonghua* and minority languages simultaneously, but there have been increased limitations on the official use of minority languages and access

to education and employment have consequently been affected.

The government reiterated its emphasis on the application of minorities' language policies (of over 120 spoken languages, both with and without a written script), while incorporating the mastering of *Putonghua*, the official form of spoken Chinese. Such policies have worked best to reduce illiteracy in communities without a formal writing system (Dongxiang), or where language use is limited to some social domains (Zhuang). For others with well-established written scripts (Mongolian, Tibetan, Uyghur and Yi), where minority groups strongly identify with their native language, policies that limit their use in school have been met with increasing resistance. Minority learners and parents increasingly perceive formal schooling to be more about repressing minorities' culture than promoting their education and cultural integration. The 2008 UNESCO Education for All global monitoring report sees this trend as of particular relevance to predominantly pastoralist minority communities. For the Daur, Ewenki, Hezhen and Tibetans, in fact, formal education poses further problems, ranging from accessibility of schools to the availability of bilingual teachers qualified to work with pastoralist children. Nomadic Mongolian communities also continued to sacrifice their linguistic and cultural heritage in education. The government has yet to balance policy to support linguistic diversity and also take into account minorities' education needs.

The amended China Compulsory Education Law (2006), adopted to ensure attainment of compulsory education in rural areas, increases central government control over teaching materials in minority classes and advanced further the use of *Putonghua*. Mongols, Tibetans and Uyghurs in 2008 continued to suffer disproportionately from unequal or restricted access to quality education or the implementation of inappropriate education strategies. In the Tibetans' case, unwanted assimilation imposed through exclusionary education policies and practices, including bilingual teaching, neither serves the aim of communities' self-development, nor does it open the way to better prospects for employment, housing and adequate standard of living.

The government's commitment to invest more financial and human resources to redress discriminatory practices in language use and development of disadvantaged minorities, have yet to impact on

the structural and institutional limitations. The 2007–8 increased level of governmental funding has not led to the educational development of minority communities. Additional investment is required to help remove gender-based discrimination towards minority girls affected by power relations in the community and family commitments, including early marriage, and changes in institutional education policies that do not respect their traditional roles. Gender awareness advocacy pilots in Guangxi and education initiatives in the Gansu significantly increased the enrolment of minority girls in schools by providing financial support, teacher training to minority women and community participation in school planning. But commitments such as training of minority teachers and improved school management in minority areas still have some way to go.

### Japan

In a major positive development in East Asia, the Japanese House of Representatives passed a resolution in June 2008, which officially classified the Ainu people as ‘indigenous peoples’. Activists claimed it as a ‘momentous victory’ for the Ainu, who number some 50,000, and can now claim more rights as a people, since the UN Declaration on the Rights of Indigenous Peoples is mentioned in the resolution as a standard that the government should ‘work toward[s]’.

An expert panel has since been set up to discuss the indigenous rights of Ainu and future policies concerning them; however Ainu will only hold observer status and are pressing for full representation. Some Ainu viewed the recognition as merely symbolic, with unclear benefits in terms of their social and economic marginalization, and highlighted the absence of any apology for past policies of land theft, cultural repression and forced assimilation. Others noted that official recognition could lead to increased pride within the Ainu community, and a greater desire to preserve Ainu culture. Despite their change in status, the Ainu language is unavailable in compulsory education and textbooks do not feature Japanese history from an Ainu perspective.

Furthermore, rights organizations continued to assert in 2008 that the constitutional and legislative framework in Japan still lacks remedies for discrimination experienced by persons belonging to minority groups, such as returnees from China, Okinawa, Koreans and Buraku, as well as Ainu.

The state does not recognize the Okinawa as indigenous peoples in domestic legislation and fails to provide special measures to protect, preserve and promote their cultural heritage and traditional way of life, and recognize their land rights.

The UN Human Rights Committee urged Japan to provide adequate opportunities for both Ainu and Okinawa children to receive instruction in or of their language and about their culture, and include education on Ainu and Okinawa culture and history in the regular curriculum.

Japan’s large populations of Brazilian, Chinese, Filipino and Korean permanent residents – many of whom were born in Japan – also face discrimination. They are viewed as ‘foreigners’ and as responsible for most of the crimes committed in the country. The media fosters this perception although Ministry of Justice statistics showed it to be false.

Ethnic Korean private schools in Japan are categorized as vocational schools and do not receive any government subsidies, depending on tuition fees and private donations. The schools are also excluded from tax exemption or deduction for donors. These discriminatory practices have led to Korean schools suffering economic difficulties in 2008.

### Republic of Korea (South Korea)

The Republic of Korea is a very homogeneous country in linguistic and ethnic terms. There is only one small Chinese minority of perhaps as few as 20,000 people. Religious minorities are however significant. As of September 2008, there were 408 Jehovah’s Witnesses in prison in South Korea because of their conscientious objection to military service. Legislation does not permit any exemption or alternative service for those who have a religious objection to serving in the country’s armed forces.

South Korea accepts all North Korean asylum seekers as citizens, under its constitution that defines the entire Korean Peninsula as South Korean territory.

### Democratic People’s Republic of Korea (North Korea)

The Democratic People’s Republic of Korea is one of the world’s most homogeneous countries in linguistic and ethnic terms and officially there are no minorities, though there are reportedly about 50,000 Chinese-speakers and 1,800 Japanese-speakers. Freedom of religion is severely curtailed. An estimated 6,000 Christians are incarcerated in Prison No. 15, located in

the northern part of the country. Refugees claim that religious prisoners are given the most dangerous tasks while in prison and are subject to constant abuse from prison officials in an effort to force them to renounce their faith. When they refuse, they are often beaten and sometimes tortured to death.

### Mongolia

*Contributed by Marusca Perazzi*

As a parliamentary democracy, Mongolia has embraced political and economic reforms since the 1990s and gradually expanded its international ties to foster national development.

The country has a small population spread over vast areas, administratively divided into provinces and three autonomous municipalities (Ulaanbaatar, Darhan and Erdenet). Most Mongolians’ cultures are based on nomadic or semi-pastoral traditions. Khakha Mongols constitute the dominant group, along with other Mongol minorities (Barga, Bayad, Buryat, Chantuu, Durbet and others). Non-Mongolian communities, such as the Muslim Kazakhs inhabiting the western regions, include smaller groups such as the Dukha, Evenk, Tuvan and Urianhai, all with distinct languages and dialects, and clusters of Chinese, North Korean and Russian migrants.

In Mongolia, minority groups have coexisted quite peacefully in the context of tolerant societal attitudes. Traditionally, however, there has been a tendency to deny or ignore the existence of non-Mongol minorities, and they suffer marginalization from political life. The authorities, though generally supportive of human rights and diversity, have been criticized by international bodies for taking only limited actions to respond to ethnic minorities’ needs. As a result, the government’s legislative arm in January 2008 approved the ‘Comprehensive National Development Strategy based on the Millennium Development Goals’ to assess minorities’ needs and to better implement cultural rights’ reforms.

Reports confirmed the persistence of official harassment of some religious groups with limitations on churches’ registration (in the vicinity of Ulaanbaatar, Tov province), and in acquiring land to build mosques. Unlike in the previous year, no strict monitoring of groups allegedly involved in separatist activities (namely the Kazakh) was reported. Instead, the government took concrete

steps on issues of concern, such as trafficking of persons, prostitution, violence against women and child labour (including minorities).

The state of Mongolia is committed to provide general education free of charge to all, and the scheduled 2009 visit to Mongolia by the Special Rapporteur on the right to education is indicative of the positive stance of the authorities. But in 2008 the government still lacked the capacity to keep pace with the educational needs of all groups. The amendment of the Mongolia Education Law (2006) has contributed to improving the existing system. Steps have also been taken to ensure that local provinces and education authorities create environments that are gender-sensitive and free from discrimination against minority children, through school management, non-formal education and native-language learning arrangements. The decentralization of public administration through joint initiatives with the UN also proved beneficial for minorities, leading to better-trained local authorities with autonomy responsibilities, and greater use of minority languages.

The remarkable progress in education legislation was not fully matched by clear government language policies on mother tongue and bilingual education for all minorities. The almost exclusive use of the Mongolian language (Khalka), to the exclusion of other minority languages, demonstrates the need for more concrete efforts to address the lack of qualified bilingual teachers and provide textbooks, teaching materials and tailor-made curricula in other tongues.

While in 2005 the government adopted the Tuva Language Study Programme to support the Tsaatan minority in preserving their cultural and linguistic heritage, in 2008 policies continued to be pursued to the detriment of other reindeer-herding minority communities. For example, the Evenk still cannot learn in their mother tongue in schools, and, like other nomadic peoples, would benefit from the re-establishment of ‘seasonal’ schools.

### Taiwan

Taiwan has a fairly progressive record on indigenous rights. Thirteen Aboriginal tribes have been officially recognized, each having its own language and customs. The indigenous population, numbering 484,000 people and representing about 2.1 per cent of Taiwan’s total population, lives mostly in eastern Taiwan and mountainous areas, and often faces

more economic difficulties than majority Taiwanese. Taiwan reserves six of its 113 legislative seats for Aborigines and maintains a cabinet-level Council of Indigenous Peoples, which works in conjunction with other ministries to raise living standards in Aboriginal regions through basic infrastructure projects. The council also provides emergency funds and college scholarships to the indigenous population.

Indigenous groups were increasingly visible in 2008, attempting to pressure central government to formally recognize their customary land rights. Groups claim that although the Indigenous Peoples Basic Law of 2005 has been approved, indigenous people's rights are still disregarded, especially when their culture is in conflict with national laws. For instance, on 31 December 2007 several Puyuma hunters participating in the Grand Hunters' Festival – an event that the county government had been informed of and had approved – were chased down and body-searched by the forest police.

On a positive note, in March 2008, the government agreed to grant the Thao, who number only 600 and are facing extinction, the title to 165 hectares beside Sun Moon Lake, with a further 1,700 hectares to be co-managed by the Thao and the government.

More than 98 per cent of the educational materials used by Aboriginal children in Taiwan are based on a non-Aboriginal viewpoint. According to a 2009 UNESCO report, the languages of all 14 of Taiwan's officially recognized indigenous groups are threatened with extinction. Aboriginal groups are demanding that the government enact an indigenous languages development law to better protect tribal languages, and ease accreditation requirements for tribal language teachers so that more people speaking indigenous languages can be allowed to teach Aboriginal children their mother tongue at elementary schools.

## Oceania

### *Emma Eastwood*

The Pacific states are some of the most ethnically diverse in the world and differing trends in minority and indigenous rights were observed in the region during 2008.

New Zealand's Maori continued to receive significant compensation payments and land title through the Waitangi Tribunal, and some advances

**Right:** Taris Wagilak, 8, an Aboriginal student at school in Ramingining, Northern Territory, Australia. *Polly Hemming.*

were made in terms of provision of education for Maori students in order to try to address inequalities faced by indigenous people in almost all areas of life. Australia's Aboriginal population welcomed the government's admission of guilt for the 'stolen generations', but one year after the historic apology are still waiting for compensation and real change for the country's 0.5 million indigenous peoples. Meanwhile many of the previous government's draconian measures against child abuse in the Northern Territories remain in place and there has been a controversial move to abolish the use of indigenous language as a medium of instruction in the area.

Ethnic tensions between Indo-Fijians and indigenous Fijians persisted on the Pacific island and increased migration of Chinese citizens to island states such as Papua New Guinea, the Marshall Islands and Tonga continued to create friction between communities.

## Australia

On every index of human needs Australia's 0.5 million indigenous people continue to fare worse than other Australians. In 2008 the indigenous rate of imprisonment was 13 times higher than for the non-indigenous. Life expectancy for indigenous citizens was 59 for males and 65 for females, compared with 77 and 82 respectively for non-indigenous; indigenous persons were twice as likely to be hospitalized as other citizens; indigenous citizens were more than twice as likely as their non-indigenous counterparts to die from alcohol abuse; and the indigenous infant mortality rate is three times higher than the Australian national average.

Despite an Aboriginal woman becoming the highest-ranking indigenous member of government in the country's history when she was appointed Northern Territory (NT) deputy chief minister in 2007, Aboriginals remain generally under-represented among the political leadership.

In February 2008, the Rudd government carried through on its promise of a formal apology to Aboriginals for the 'stolen generation' of indigenous children snatched from their parents, passing an apology motion through parliament unanimously. Aboriginal leaders welcomed the development,



although many expressed disappointment that the apology was not accompanied by compensation.

Rudd announced a series of measures intended to close the 17-year life expectancy gap between Aborigines and other Australians. However, these included maintaining the Howard government's draconian measures (the Northern Territory Emergency Response – NTER) against child sexual abuse in the Northern Territory, introduced in June 2007. Some Aboriginal leaders decried the policies as racist and, in June 2008, threatened to block tourist access to Uluru, which is on Aboriginal lands. Later in the year the NTER Review Board called for the legislation to be made consistent with Australia's Racial Discrimination Act and for the act's protections to be re-instated immediately.

In October 2008 the federal government agreed to make resources available for job training for Aboriginals under an 'Australian employment covenant' signed by business and Aboriginal leaders, with a goal of creating 50,000 jobs for indigenous citizens. However the global economic downturn has sparked fears among Aboriginal leaders that

promises of investment in communities would not be honoured.

There were a number of significant land rights cases during 2008, with differing outcomes for Aboriginals. In April the federal court overturned a 2006 decision by a federal court judge recognizing native title of the Nyoongar Aboriginal group over a large portion of south-western Western Australia, including the state capital of Perth. The state and federal governments had appealed the original decision. The case was referred back to a federal court judge for another hearing. The High Court of Australia recognized the Yolngu people's exclusive possession rights over the intertidal zone along 80 per cent of the Northern Territory coastline. Rights groups praised the decision, which will give Aboriginals a stake in the development of a sustainable commercial fishing industry.

In May 2008 the government announced it would review the Native Title process, with a view to reducing its complexity and ensuring that royalties indigenous communities received from the mining industry were used beneficially.



Violence against Aboriginal women remains a serious problem. According to the Australia Bureau of Statistics they were 40 times more likely to be victims of family violence compared with non-indigenous women. This figure is thought to be artificially low; domestic violence in indigenous communities is widely believed to be under-reported due to mistrust of the authorities and the remoteness of Aboriginal settlements. On 13 June 2008, the Court of Appeals upheld the Queensland state attorney general's appeal against the sentences imposed by a lower court on nine defendants who pleaded guilty to the 2006 gang rape of a developmentally disabled 10-year-old indigenous girl in her community of Aurukun in the Cape York area. None of the nine defendants originally received prison sentences. As a result of the appeal of the original sentences, the Court of Appeals sentenced five of the nine defendants to prison terms.

### Education

Current statistics show worrying disparities in education indicators for indigenous and non-indigenous students. High levels of disadvantage in indigenous children's early childhood years are associated with poorer outcomes in health and education. Without preschool learning opportunities, indigenous students are likely to be behind from their first year of formal schooling. While most indigenous students in metropolitan and regional areas meet the minimum reading standards, the percentage of students achieving at least the minimum standard of literacy and numeracy skills decreases as the level of remoteness increases. In 2007, only 42.9 per cent of indigenous 17-year-olds attended secondary school, compared with 65 per cent of non-indigenous 17-year-olds. Research suggests that students who do not complete this level of education will have much reduced levels of employment and economic independence. Compared with the general population, unemployment among the Aboriginal population is three times higher than for non-indigenous Australians.

Kevin Rudd's government allocated A\$98 million to add 200 teachers to the Northern Territory by 2011. However, observers noted that the initiative falls far short of the measures necessary to bring Northern Territory indigenous education to mainstream standards.

The right to education in mother tongue contin-

ues to be violated in Australia. Indigenous literacy outcomes are directly related to Aboriginals' access to their own culture, history and languages, and books in indigenous languages for students whose first language is not English, are rare. The Northern Territory government recently announced a move towards a more 'English-only' form of education, which represents a patent breach of the right of indigenous peoples to some form of education in their own languages where practicable.

Some Muslim leaders claimed that anti-Islamic sentiment in the country was increasing in the wake of public debate about the integration of Muslim immigrants into society. Groups questioned the motivations for refusing planning permission for two Islamic schools by local councils in New South Wales and Queensland.

In February 2008 the family of a Sikh youth filed a complaint with the Queensland Anti-Discrimination Commission. The student was barred from enrolment in a Brisbane private school because his turban violated the school's dress code.

### Papua New Guinea

In Papua New Guinea the indigenous population is almost entirely Melanesian, though there are Polynesian outliers north of Bougainville. There are significant ethnic distinctions between population groups in different parts of the country. The country is unusually fragmented, by terrain, history, culture and language. About 840 distinct languages are spoken in Papua New Guinea, around a quarter of the world's stock, reflecting enormous regional and local cultural variety.

Although the government of Papua New Guinea is involved in the provision of services and education in a variety of languages, it also relies on international religious organizations for education in indigenous languages. For instance the Summer Institute of Linguistics (SIL) partnered with the Department of Education and local communities in linguistic research, literacy, Bible translation, Scripture use and training, and produced translations of the Bible for government-sponsored religious instruction in schools. According to reports, as of June 2008, SIL had translated the New Testament into 166 of the country's indigenous languages.

In the last few years, the number of deaths resulting from conflicts between isolated groups has continued to rise; this is thought to be due to the

availability of modern weapons. However, Radio Australia reported that in October 2008, at least 30 warring hill tribes from the Southern Highlands had signed a peace agreement.

Chinese investment in the country's mining, forestry and fishing sectors has increased dramatically recently, and a steady stream of Chinese migrants has followed. The immigrant community tends to occupy positions of relative wealth within Papua New Guinea's impoverished society and this has led to increased tensions between the indigenous population and the Chinese. Attacks on ethnic Chinese and their businesses have become more frequent, and rights groups reported a crack-down on illegal Chinese migrants during the year.

### New Zealand

Considerable progress has been made in 2008 in resolving land and resource disputes for New Zealand's Maori people, who make up 15 per cent of the country's population. Additionally, Prime Minister Helen Clark publicly endorsed a national Statement on Race Relations in August. The statement reaffirmed the government's commitment to human rights and equality among the country's racial and ethnic groups, and it set out 10 fundamental rights to guide government policies toward racial and ethnic minorities.

The Waitangi Tribunal continued to hear Maori claims to land and other resources during 2008. In June the government and seven indigenous Maori tribes negotiated a settlement that included a payment of NZ \$420 million (US \$252 million) and transfer of 435,000 acres of forestland to the tribes. The agreement is the largest single deal to date between the government and these groups.

The deadline for submission of historical claims was 1 September following which new claims could still be filed and existing claims amended. In August, further claims were settled with two additional tribes for NZ \$25 million (US \$15 million) and NZ \$7 million (US \$4.2 million), respectively.

Figures for 2008 put Maori unemployment at 7.9 per cent compared with the national average of 3.8 per cent; Maori constituted approximately 50 per cent of the prison population and there is continuing disparity between Maori and non-Maori in terms of educational achievement. Maori are less likely to attend an early childhood education facility before entering primary school, are far less likely to

leave school with upper secondary school qualifications, and are also less likely to possess formal or tertiary level qualifications than other New Zealanders. In an attempt to combat these inequalities the government has adopted an educational strategy for 2008–12 emphasizing the notion of 'succeeding as Maori', including increasing Maori children's participation in early childhood education; strengthening their literacy and numeracy; ensuring young Maori are effectively engaged in secondary school and enabling Maoris to access Maori-language education options. A companion document to the school curriculum has been written in the Maori language and from an indigenous perspective.

Approximately 24 per cent of the Maori population can speak Maori, of which 10 per cent use their Maori language skills on a regular basis. In his August 2008 report the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people reported a number of positive developments in the use of Maori language.

Although Maori is an official language of New Zealand, it is not used in all state institutions. Court proceedings continue to be in English – at most an accused may get an interpreter, but not be heard by a judge who understands Maori – and most government departments have limited bilingual ability.

In the November 2008 general election the Maori Party maintained its four seats out of seven allocated to the indigenous people in the 120-seat parliament, and also won Te Tai Tonga from the Labour Party.

Pacific Islanders, who make up 7 per cent of the population, also experienced societal discrimination in 2008 according to reports. The Ministries of Justice and Pacific Island Affairs have a programme to identify gaps in delivery of government services to Pacific Islanders. ■