

Asia and Oceania

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Central Asia

Katya Quinn-Judge

The year 2013 proved a particularly difficult one for cross-border relations in the Ferghana Valley, which is shared among Kyrgyzstan, Uzbekistan and Tajikistan. Among other events, this border region witnessed roadblocks, violent clashes, hostage crises and a shoot-out with Kyrgyzstani border guards in which at least one Uzbekistani soldier was killed. While conflicts over disputed territory are not minority issues per se, they have markedly strained inter-ethnic and cross-border relations. For example, animosity between the leadership of Uzbekistan and Tajikistan has the potential to negatively impact the status of Uzbekistani Tajiks and Tajikistani Uzbeks alike.

While the Central Asian countries vary in terms of their political openness, there is a general tendency within the region to avoid public discussion of ethnic strife or inequality. This at times translates into a reluctance to acknowledge when crimes may in fact be motivated by perceived ethnic differences. Accusations of inciting hatred levelled at those who speak out against ethnic inequality to some degree reflect general intolerance of dissent within these countries, but may also reflect a widely held view that discussions of ethnic issues, rather than the inequalities themselves, are the cause of much social strife.

Countries in Central Asia have mixed records when it comes to protecting minorities from acts that could be characterized as hate speech and hate crimes. All have acceded to the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD). All have legislation prohibiting discrimination on ethnicity or religion, as well as incitement to hatred and violence on these grounds. Yet in many cases, such legislation is used against critics of the government's stance towards ethnic and religious minorities – who often belong to minorities

themselves. Meanwhile, law enforcement often classifies probable hate crimes against minorities as acts of 'hooliganism'. High-level politicians, furthermore, have been known to employ hate speech against minorities with impunity.

Kazakhstan

Although Kazakh majority chauvinism has been a perennial concern for minorities since Kazakhstan's independence, the country has enjoyed greater freedom of religion than some of its neighbours. While its Constitution pays tribute to the importance of its 'traditional' religions, Sunni Hanafi Islam and Orthodox Christianity, until recently Kazakhstan had not systematically suppressed 'non-traditional' movements. However, after a spate of alleged terrorist attacks in 2011, an October 2011 law introduced onerous registration requirements for religious organizations similar to those present in Uzbekistan, Tajikistan and Turkmenistan. Subsequently, a large number of religious congregations and faith-based civic organizations were denied registration and thus prohibited from operating. These included groups dominated by ethnic Kazakhs as well as groups consisting almost entirely of ethnic minorities, including Azeri Shi'a congregations and a prominent Tatar-Bashkir mosque. As a result of these and other developments, in 2013 the US Commission on International Religious Freedom (USCIRF) named Kazakhstan a Tier two country of concern for the first time since it began monitoring Kazakhstan in 2008.

The year 2013 saw continued pressure on 'non-traditional' religious establishments. The Norway-based Forum 18 reported in March that a district court had ordered items of religious literature, including a Bible, to be burned after they were confiscated from a local evangelical Baptist. According to the Forum, this was the first official order to destroy religious material in independent Kazakhstan's history; though the decision was subsequently overturned in a legal ruling. In May, Bakhytzhan Kashkumbayev, head of the Astana branch of the Baptist congregation Grace, was arrested on charges of grievous bodily harm and sent for forced psychiatric evaluation. Authorities claimed he had sought to hypnotize congregants through administering psychotropic

substances. Kashkumbayev, an ethnic Kazakh convert to Baptism, faced up to 15 years in prison. In October, the accusations were extended to include an additional charge of spreading extremism. According to an October news report, church attendance had shrunk as many members had experienced police harassment, while congregants working in the public sphere had been told to choose between work and their church. Following Kashkumbayev's arrest, two ethnic Korean stateless Baptist pastors, one of whom headed a branch of the Grace Baptist congregation, were deported in the latter half of the year on dubious charges. Human rights defenders report that authorities had been preparing to accuse the deported Grace pastor, Viktor Lim, of hypnotizing congregants, as they have Kashkumbayev.

Provisions against inciting hatred on political and religious grounds are often aimed at those critical of the government. However, securing prosecution for inflammatory language directed at minority groups is more difficult. For instance, human rights defenders have expressed particular concern about discrimination towards *oralman* communities – ethnic Kazakhs who resided outside of Kazakhstan prior to the Soviet collapse, who have repatriated at the government's invitation. In 2011, oil tycoon Timur Kulibayev, the president's son-in-law, helped lend anti-*oralman* overtones to a labour conflict that later culminated in police opening fire on protesters: he stated that most of the protesters were *oralmans* who had 'played, let's just say, secondary roles in their own countries'. Members of the political opposition petitioned unsuccessfully to have him charged with inciting inter-group hatred.

Officials did, however, level several high-profile charges of 'inciting religious hatred' in 2013. In March, human rights activist Aleksandr Kharlamov was charged with 'inciting religious discord' after publishing a series of atheistic posts on a social network, and sent for forced psychiatric evaluation. The charge carries a possible sentence of up to seven years in jail. Some observers have claimed that the charges are retaliation for publications on law enforcement abuses and corruption in the court system. In a May 2013 press release on Kharlamov's case, Human Rights Watch noted that they had

'repeatedly called on Kazakh authorities to amend or repeal the charge of "inciting social, national, clan, racial, or religious discord or enmity"... as this provision is vague, broad, and criminalizes behavior and speech protected under international human rights law.' In July, Bolat Amirov, an observant Sunni Muslim and former employee of the state prosecutor's office who claimed he left disillusioned with corruption, was also charged with incitement for lending an acquaintance several DVDs on the study of Islam. This was the second attempt to charge Amirov, after a court determined in 2012 that the disks contained no incriminating material.

By contrast, authorities may fail to recognize hate incidents against minorities and classify them as a general disturbance rather than a bias-motivated crime. In November, for instance, the building that housed Aktobe's Protestant congregation New Life was vandalized on the day of a planned holiday service, its windows smashed and noxious-smelling liquid poured on its floors and walls. The pastor announced that his congregants had been receiving threatening text messages from unknown numbers prior to the attack, warning them that they would soon 'end up in the insane asylum' and other forms of abuse. Despite suggestions that the crime was a religious attack, however, the Ministry of Internal Affairs launched an investigation under the category of 'hooliganism,' claiming the attack had no discernible religious motive.

Kyrgyzstan

Roughly a quarter of Kyrgyzstan's 5.6 million inhabitants are members of ethnic minorities. Ethnic Uzbeks make up the most sizable minority, at about 14 per cent of the population, with ethnic Russians making up another 8 per cent. Dungans, Uyghurs, Turks and ethnic Tajiks each make up around 1 per cent, with Ukrainians, Tatars and Kazakhs also making up a smaller proportion. All these groups remain politically marginalized. Although Kyrgyzstan's 2013 report to the UN Committee on the Elimination of Racial Discrimination claims strong minority representation in all branches of government, less than 13 per cent of parliamentary representatives and 9 per cent of all civil servants are members of ethnic minorities. While precise statistics on the



ethnic breakdown of official bodies are difficult to obtain, ethnic Uzbeks, the largest minority group, are said to make up a negligible portion of employees of state organs and law enforcement.

The notion that the ethnic majority is dominated and threatened by members of ethnic minorities, even when numbers tell a different story, has had a lasting effect on the conditions of ethnic Uzbeks. This was evident during the outbreak of violent clashes between Kyrgyz and Uzbeks in 2010. Over 70 per cent of the nearly 500 victims of the 2010 violence in southern Kyrgyzstan were ethnic Uzbeks. Uzbek-owned property also constituted the vast majority of the roughly 2,800 units of private property damaged. International observers and national human rights groups maintain that casualties inflicted on the Uzbek community were the result of targeted attacks which security organs either failed to prevent or actively facilitated. However, this was not reflected in the subsequent patterns of prosecution, with ethnic Uzbeks making up 80 per cent of those accused of crimes relating to the 2010 violence.

Numerous chronologies of the violence of 2010 have suggested that heated rhetoric in the months

leading up to the conflict played a significant role in pitting Uzbeks and Kyrgyz against one another. Kyrgyz-language newspapers published several anti-Uzbek editorials, including one that famously recommended that Uzbeks be expelled from Kyrgyzstan to allow impoverished ethnic Kyrgyz to take over their land. At the other end of the spectrum, leaders of the country's Uzbek National Cultural Center were rumoured to have called for an autonomous Uzbek region within Kyrgyzstan, but it has been suggested that these remarks were purposefully distorted by certain leaders of the Kyrgyz community.

Kyrgyzstan's central government largely avoids overtly ethnic nationalist rhetoric itself, though with a recent loosening of press restrictions hate speech has become more common in the national media. While the regime may periodically attempt to silence extremist language when it sees it as a threat to its authority, it has demonstrated double standards in its prosecution of hate speech and incitement. A February 2013 report by a national human rights organization states that while 'ethnic stereotypes and hate speech' feature prominently in the rhetoric of ethnic Kyrgyz politicians and in Kyrgyz-language media, statutes

Left: Uzbek women in Kyrgyzstan. William Daniels/Panos.

prohibiting the incitement of inter-ethnic hatred are 'for the most part used against minorities themselves'. In early 2013, the parliament took what might appear to some to be a positive step in minority protections when it increased penalties for incitement of ethnic and religious hatred from the previous fine to prison terms of three to five years, rising to five to eight years for repeat offenders. Rights defenders, however, expressed fears that the measure could pose a threat to the falsely accused. In light of the country's inconsistent application of hate crime legislation, it could also result in more prosecution of members of minority groups and more self-censorship on their part.

Official inconsistency in enforcing laws against inciting hatred is reflected in one of the most prominent examples of hate speech since the June 2010 violence. In 2012, an Uzbek-language song containing anti-Kyrgyz lyrics attracted attention after being disseminated among young Osh-area residents through mobile phones. The song was promptly banned by the Osh district court, although it was unclear what charges would be sought against its author, an ethnic Uzbek native of Kyrgyzstan who now has Russian citizenship. While media observers acknowledged the song as hate speech, equally militant anti-Uzbek songs and poems that proliferated on the internet in the wake of the 2010 violence were not similarly banned.

The most vivid example of official double standards is the case of ethnic Uzbek activist Azimjan Askarov. Having gained a reputation for documenting abuses by law enforcement agencies, he was arrested amid the June 2010 violence and later convicted of murder, organizing mass disturbances and inciting inter-ethnic hatred. He is now serving a life sentence for these charges, which human rights groups have unanimously termed fabricated. Askarov's case continues to inspire controversy. In September a group of ethnic Kyrgyz women who may have belonged to a loose-knit movement of recruited demonstrators known colloquially as OBON ('Special-Assignment Female Units') broke into the venue of an international film festival that

featured a documentary about Askarov, shouting threats against the festival organizers, as well as nationalist slogans. The festival organizers claim police actively cooperated with the women, who allegedly had links with powerful politicians.

In April 2013, Ulugbek Azimov, another prominent ethnic Uzbek human rights activist, was appointed head of the coordinating council of the National Committee against Torture, provoking criticism from nationalist politicians. In May, he and two family members were severely beaten by several ethnic Kyrgyz, one of whom reportedly made reference to Uzbeks 'beating Kyrgyz'. The Municipal Department of Internal Affairs denied the attack was linked to Azimov's ethnicity, and opened a case against one of his attackers on the charge of 'hooliganism'.

Authorities do accuse members of the ethnic majority of inciting inter-ethnic hatred in some instances. In September 2013, authorities issued a warning to the country's most popular tabloid *Super Info*, after it published a video taken during the June 2010 violence that showed a group of ethnic Uzbek men harassing their ethnic Kyrgyz peers. In its statement, the Ministry claimed the video 'provoked vengeful feelings', suggesting that the censorship of the video was necessitated at least in part by fears of reprisals against members of ethnic minorities.

Websites in Kyrgyzstan are known to strictly monitor hate speech in their comment sections. However, the little research available on hate speech in online media articles suggests it remains frequent, although direct incitements to violence are rare. For example, the School of Peacemaking Journalism and Media Technology, a locally run outfit, analysed 141 internet and print articles in 2013 that made mention of ethnicity or citizenship. It found that over half contained some degree of hate speech, the majority of which consisted of irrelevant references to the minority status of accused criminals, and quotations of negative statements about minority groups that were cited without commentary.

Tajikistan

President Emomali Rahmon was elected to a fourth consecutive term in November in an election that was widely seen as neither free nor fair. In recent years, Rahmon has presided over

the deterioration of the status of Tajikistan's ethnic and religious minorities. Ethnic Uzbeks, who at about 15 per cent of the population make up Tajikistan's largest minority, are politically marginalized and occupy only 2 of 63 seats in parliament. While they consider themselves native to these areas, Tajikistan's Uzbeks are regularly referred to as members of the 'Uzbek diaspora'. One political commentator expressed the opinion in late 2013 that Uzbeks were 'deprived of access ... to political resources' because authorities considered them 'a potential fifth column'.

A 2013 report by the League of Women Lawyers of Tajikistan found that the 2009 law 'on the state language' – ruling that all citizens must know Tajik and that state employees who do not speak Tajik can face fines – may have reduced ethnic minority members' access to justice. The report notes that the law's wording allows room for citizens who seek public legal aid to be fined for not knowing Tajik. The report found that, in practice, many courts still accepted citizens' appeals in Russian, while Kyrgyz-language documents were accepted in Kyrgyz-majority areas such as Jirgital. However, Uzbek-language documents were accepted less frequently. While the law can be overruled by the Constitution's provisions for language equality, the report points out that the authorities have not made this clear to the country's judges – let alone to private citizens. As a result, members of ethnic minorities may have to mount time-consuming efforts to exercise their constitutional rights when seeking legal aid. This state of affairs compromises access to legal aid for Uzbek women in particular, who are less likely to speak Tajik or Russian than their male counterparts.

Government measures against unregistered religious groups, such as the Islamist Hizb ut-Tahrir, sometimes contain anti-Uzbek overtones. This may be a reflection of widespread prejudice at an official level.

Outspoken critics of Tajikistan's government experience regular harassment by state organs, according to numerous domestic and international human rights groups. Those who criticize the government's policies towards ethnic minorities are no exception. Salim Shamsiddinov, head of the Uzbek minority society in Khatlon, disappeared in March 2013 after he appealed to

the Uzbek minority to support an opposition candidate in the then-upcoming presidential election. In July, authorities claimed that a drowned body they had recovered was Shamsiddinov's, and that it bore no signs of violence. His family has since denied that the body is his.

Online hate speech against members of ethnic and religious minorities is widespread. Ostensibly in response to this problem, a working group headed by the presidential administration produced an online code of ethics in October 2013, aimed at cutting down on 'uncivilized' internet speech. The code obligates internet users to 'respect human rights and freedoms, national law, and international legal norms in virtual space', and warns that 'discrimination along national, linguistic, racial, cultural and gender lines is prohibited'. However, the code also notes that online speech must 'respect the norms of the state language and national values', raising questions as to the sincerity of its anti-discrimination clause. The code is not yet legally binding, meaning its provisions cannot in theory be enforced. Observers suggest the code is at best a knee-jerk response to isolated online criticism of the government, and at worst part of a longer-term plan to limit freedom of speech on the internet.

Uzbekistan

With just under 30 million inhabitants, Uzbekistan is Central Asia's most populous country. While ethnic Uzbeks make up approximately 80 per cent of the country's population, Russians and Tajiks each make up a significant proportion of the population. Other minority groups include Karakalpaks, Kyrgyz and Tatars. Since 1989, President Islam Karimov has held power in the country, consistently attracting criticism from human rights organizations for his harsh suppression of dissent. Karimov's authoritarian leadership, while purporting to protect minorities by ensuring peace and order, has produced a largely inhospitable environment for members of ethnic and religious minority groups.

While the law provides for non-discrimination on the basis of ethnicity and national origin, officials reportedly reserve key positions in

government and business for ethnic Uzbeks. Opportunities for ethnic minorities to study in their native languages have shrunk steadily since the fall of the Soviet Union. At the same time, methods for remedial Uzbek-language instruction remain underdeveloped, leading to narrowed academic opportunities for non-native speakers of Uzbek.

The status of Tajiks, Uzbekistan's largest non-Russian minority, is generally considered precarious, due in part to tensions between the leadership of Uzbekistan and Tajikistan. Some observers link this hostility to the dramatic reduction over the past decade of Tajik-language schooling in and around the cities of Samarkand and Bukhara, where Uzbekistan's Tajik population remains concentrated. Overall, the number of Tajik-language schools in Uzbekistan has fallen from about 318 in 2001 to 256 in the 2012–13 school year.

The status of religious minorities is notoriously complex. Uzbekistan is officially designated a Country of Particular Concern by the US State Department, having long employed repressive tactics that have recently become widespread in Tajikistan and Kazakhstan. Smaller religious sects are suppressed by burdensome registration requirements, while some are targeted for prosecution and harassment on the basis of a broad definition of extremism. According to a 2013 Forum 18 report, state-run media regularly incite religious intolerance and hatred. Hundreds of political prisoners remain incarcerated, including scores of people imprisoned on religious grounds.

A handful of highly publicized incidents of ethnically tinged hate speech have occurred in the past few years. One of these took place in 2012 in the town of Chirchik, roughly 30 km outside the capital Tashkent and about 20 km from the border with Kazakhstan. An ethnic Uzbek college student composed a song insulting ethnic Kazakhs, who make up about 40 per cent of the town's population, which he then disseminated among the student body with the help of mobile phones. This provoked Kazakh and Uzbek students to allegedly plan a large-scale fight, involving hundreds of people on both sides. Police were informed of the plan and patrolled student areas heavily for five days – a move

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Case study
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Using the internet to pre-empt hate speech in Kyrgyzstan

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Kyrgyzstan has one of Central Asia's most vibrant and fastest-growing internet scenes, and online platforms are playing an increasingly important role in the country. These have the potential to serve as an information bridge not only between Kyrgyzstan and other countries, but also among its different regions, which are relatively isolated due to the country's harsh topography. At the same time, online interaction has the potential to reinforce the social divisions that gained prominence after inter-ethnic violence in 2010, as internet users reproduce some of the polarizing rhetoric present in political discourse and in other forms of media.

Kyrgyzstan's government has strict laws against inciting 'hatred', but these are unevenly enforced. In order to avoid official sanction, many online forums practise careful moderation to limit content that could be seen as inflaming inter-ethnic or inter-religious tensions. A number of Kyrgyzstani bloggers and internet journalists, however, are taking a more proactive approach to ensure that the internet's power to unify outweighs its potential to divide. By publishing factual, balanced articles on socially relevant issues – and teaching other youth to do the same – these activists attempt to set an example of how the internet can be used productively.

Many analysts and citizens of Kyrgyzstan believe that ethnically inflammatory and non-factual statements in television, print and online media helped set the tone for the June 2010 violence. In the wake of the violence,

Case study continued

concerned that the internet could become a platform for hate speech, a group of young media entrepreneurs started a programme to teach other young adults techniques for producing balanced internet journalism. As one of the programme's initiators explained, Kyrgyzstan desperately needs young journalists and bloggers who can provide 'fast, reliable, balanced information' for their peers, and 'set a positive example of proactive, critical thinking'.

Numerous participants in the training programme, which ran from 2011 to 2012, have gone on to successful careers as professional journalists, while others remain active bloggers. Participants report that their training taught them to avoid non-factual statements when interacting on online forums and publishing articles and posts, and to refrain from responding to provocative speech in kind.

In light of their determination to counteract inflammatory online speech, some programme participants are attentive to the ebbs and flows of the online climate. For example, one former participant reported noticing a surge in aggressive speech on the internet around independence day celebrations, while also suggesting that the internet climate during these celebrations may vary according to the composition of the local government. According to Ainura (not her real name), now an active blogger in Osh:

'Last year there was the day of the kolpak [a traditional head covering for Kyrgyz men], where if you were Kyrgyz, you wore your kolpak. And around that time there was a lot of anger directed towards those who used Russian on the internet. This year I didn't notice it as much. Maybe it had to do with the local government we had then [the mayoral administration of Melis Myrzakmatov, a noted Kyrgyz nationalist who was controversially removed from power by Kyrgyzstan's central government in late 2013]. They actively worked up that atmosphere. Since they've been out of power, people have calmed down a bit – at least as far as arguing about the language issue is concerned.'

observers credit with staving off violence. Several people were arrested and charged with inciting inter-ethnic hatred.

Most well-publicized cases of alleged incitement are less clear-cut. As in neighbouring countries, those accused of incitement of inter-ethnic hatred are often outspoken critics of the government, while powerful officials may make inflammatory statements with impunity. In April 2012, journalist Elena Bondar was fined over US\$2,000 for allegedly inciting inter-ethnic hatred through a series of comments on internet forums of which she denied authorship. Human rights groups say the charges were fabricated in order to punish Bondar for her independent reporting on issues such as the rights of Uzbekistan's ethnic and linguistic minorities. Bondar fled the country in early 2013, claiming she had been subject to threatening phone calls and harsh treatment by law enforcement, and was granted refugee status by the office of the UN High Commissioner for Refugees (UNHCR) in Kyrgyzstan in May.

South Asia

Dawood Ahmed and Nicole Girard

Minority and indigenous communities were feeling the effects of political transition throughout South Asia in 2013. Constituent Assembly elections in Nepal signalled steps towards drafting the long-awaited Constitution in this post-conflict country, a potential opportunity to strengthen the political participation of minorities and realize indigenous rights to self-determination. Bangladesh also held national elections amidst protests and a populace highly charged by proceedings of the International Crimes Tribunal (ICT), which saw attacks on Hindu minorities in this Muslim-majority country. The run-up to the 2014 elections in Afghanistan has also taken place alongside preparation for the withdrawal of foreign troops, bringing potential uncertainty to the country's minorities. India too was preparing for 2014

elections, where inflammatory speeches have whipped up anti-minority sentiment and in some cases conflict between communities. Despite the fact that Pakistan experienced its first ever transition of power between two elected governments, religious minorities continued to be the targets of threats, intimidation and escalating violence. In many of the states of South Asia, hate crimes and hate speech are under-acknowledged and under-reported. In Pakistan and Afghanistan, both highly dangerous places for religious minorities, hate speech by religious figures or the media is commonplace. In Sri Lanka, Buddhist nationalist groups carry out campaigns against Muslim business owners, while making accusations about the supposed 'dangers' caused by the Muslim community. Throughout South Asia, Dalit communities who have faced centuries of discrimination and exclusion are publicly punished for stepping outside their perceived roles. India, with its history of politicians using anti-minority sentiments to win votes, has stepped up efforts to pass an anti-communal violence bill to attempt to limit and create a legal framework to address such practices. However, legislation can also be applied counterproductively, as in Bangladesh and Sri Lanka, where vague legal provisions against incitement have been used to silence critics of the government.

Afghanistan

Afghanistan is facing an uncertain transition as the NATO-led International Security Assistance Force (ISAF) reduces its military presence and hands over key security responsibilities to Afghans. In general, security conditions in the country deteriorated in 2013, with the United Nations Assistance Mission in Afghanistan (UNAMA) reporting a 14 per cent rise in civilian casualties during 2013 compared to the previous year. In this volatile political context, the status and future security of minorities in Afghanistan remains unclear. Although peace talks between the Afghan government and the Taliban were proposed this year, these have not progressed and so the status of a future peace settlement – including the place of minorities within it – remains undecided.

The United States Commission on International Religious Freedom noted in its

2013 annual report that although conditions for religious minorities have markedly improved over the last few years, 'religious freedom conditions continued to be exceedingly poor for dissenting Sunni Muslims, as well as Shi'i Muslims, Hindus, Sikhs, Christians and Bahai's'. Political marginalization also remains an ongoing challenge. In September, President Hamid Karzai was obliged to issue a presidential decree reserving a seat for Sikh and Hindu Afghan nationals in the lower house of parliament, following the refusal of lawmakers to pass the legislation themselves.

Ethnic identity remains a sensitive issue in Afghanistan, as evidenced by a controversy during 2013 over the format of a proposed national identity card where ethnicity would be embedded in the data electronically rather than printed on the card. Some politicians from minority groups resisted the proposal, claiming that it would undermine their identity rights and political representation. Other commentators suggested that it would be a positive move towards a more inclusive environment where ethnicity played a less prominent role in public life.

While talks between the Afghan government and the Taliban are widely seen as a necessary step for future stability, there are concerns about what the impact of any power-sharing agreement would be for minority communities. These fears are founded on the previous oppression of minorities such as Hazara while the Taliban were in power. Even today, while there are as many as 14 recognized ethnic groups in the country and the government is relatively more broad-based, power is not divided equitably. While the marginalization of the Hazara community decreased significantly with the overthrow of the Taliban, for instance, they remain one of the poorest and most marginalized groups in the country. In April 2013, the US State Department reported that discrimination against the Hazara community continued through the previous year 'along class, race and religious lines in the form of extortion of money through illegal taxation, forced recruitment and forced labour, physical abuse and detention'.

In this environment of increased insecurity and political polarization, with tensions heightened by NATO's imminent withdrawal, hate speech

and violence against minorities is commonplace. In August, a prominent warlord declared that the Hazara minority in Afghanistan had assisted foreign forces to prolong the war and that '[they] will have no safe havens in any corner of the country'. There has also been a rise in the number of Sunni extremist websites disseminating anti-Hazara content.

The atmosphere of insecurity has also affected Christians, including the small number of Christian converts who make their way to India. Approximately 40 Afghan Christians reportedly arrived in Delhi during the first half of 2013; the community was believed to number between 200 and 250. In June, an Afghan Christian pastor in Delhi was surrounded and threatened by four Afghan men. There were reports of threats against the community from inside Afghanistan as well. Reports of anti-Christian hate speech involving Afghan lawmakers and some media outlets raised concerns about the future of religious freedom in the country.

While Afghanistan's ongoing insecurity exposes civilians from all groups to the threat of indiscriminate violence, religious minorities remain vulnerable to targeted attacks. For example, in September two men dressed in police uniforms – allegedly Pakistani nationals – attacked a Shi'a mosque in Kabul. A number of worshippers were wounded. This followed an attack in 2011 that killed at least 55 persons – mainly Shi'a – at a religious shrine. The apparent failure of the state to curb incitement and violence against minorities has troubling implications for the future stability of the country as a whole, given their potential to provoke wider sectarian tensions. While conflict resolution efforts are focused on peace negotiations between the government and insurgents, there is also a need to examine the status of minorities within the country and to promote positive measures such as community reconciliation to create the foundation for a sustainable peace in Afghanistan.

Unfortunately, uncertainties concerning human rights monitoring and transitional justice do not bode well. The highly respected Afghan Independent Human Rights Commission (AIHRC) was largely suspended for 18 months due to numerous unfilled vacancies among its commissioners. After pressure from donors,

President Hamid Karzai filled the posts in June 2013, although without consulting civil society. Several of the five appointees had little human rights experience or had criticized basic human rights concepts. Moreover, the AIHRC's groundbreaking 800-page report on war crimes and crimes against humanity remained unpublished, despite having been completed several years ago.

Bangladesh

The year 2013 saw continuing attacks against the Hindu minority, aggravated by upcoming elections in 2014 and the proceedings of the Bangladesh International Crimes Tribunal (ICT). The ICT was formed in 2009 by the ruling Awami League to try those accused of atrocities committed during Bangladesh's war for independence from Pakistan in 1971. Many of the victims and witnesses are from the minority Hindu community. The subsequent proceedings have been highly politicized, as many of those tried are former or current members of the opposition Bangladesh Nationalist Party (BNP) or their coalition partner, Jamaat-e-Islami. Verdicts reached throughout the first half of the year resulted in widespread protests, both in support of and against the rulings. In December, a key figure in Jamaat-e-Islami, Abdul Quader Mollah, was executed as a result of an ICT ruling against him for crimes against humanity. Ex-minister of the BNP Abdul Alim received a life sentence from the ICT in October for two acts of genocide, including speeches inciting violence against Hindus.

The proceedings of the ICT, which could potentially bring justice for atrocities committed against Bangladesh's minorities, have been criticized by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial executions for its non-compliance with due process. Retributive attacks against minorities have plagued the ICT's proceedings, with Hindu community members claiming that mob attacks by Jamaat-e-Islami party supporters in early 2013 resulted in damage to more than 50 temples and the destruction of over 1,500 houses. The run-up to the country's parliamentary elections in January 2014 also placed Bangladesh's minorities under threat.

Massive street protests triggered violence from some protesters and a heavy-handed response from security forces, while opposition party members and supporters were arbitrarily arrested and detained. Minority Hindus feared attacks as they are widely thought to be traditional supporters of the ruling Awami League. Post-election violence against minorities surged, with Dalit Hindu villages burned and looted by opposition supporters. Attacks on Hindu and other marginalized communities, such as indigenous Garo, were reported to have affected around 5,000 families.

In April, Bangladesh was reviewed for the second cycle of the UN's Universal Periodic Review (UPR). The recommendations included ensuring the security of religious minorities, protecting indigenous communities and improving the conditions of Dalits. During the UPR session, the Bangladesh Minister of Foreign Affairs confirmed that an anti-discrimination law, including discrimination on the basis of caste, is currently being drafted. A UPR recommendation protecting the rights of the Rohingya was also accepted by Bangladesh. The Rohingya are a persecuted minority in Burma; many have sought refuge in Bangladesh, but are often unrecognized as refugees by the Bangladesh government. In November, however, the government announced a national Rohingya strategy to take account of all the undocumented members of the Muslim minority residing in Bangladesh. While some subsist with limited humanitarian access in refugee camps near the border with Burma, the majority are located in urban areas in informal settlements with little or no assistance. Details of the strategy were not made public, prompting concerns that Bangladesh authorities would continue to withhold legal protection.

The Special Rapporteur on violence against women made an official visit to the country in May. In her concluding press statement, Rashida Manjoo made note of the rights of women from indigenous groups in Chittagong and Rangamati, and the violence suffered by indigenous women, particularly as a result of gaps in implementation of the 1997 Peace Accord and continued militarization in the Chittagong Hill Tracts (CHT). The CHT is home to the indigenous

Jumma or Pahari peoples, and the Peace Accord legally established their customary rights, including rights to land, traditional governance structures and demilitarization. In addition, the Land Commission Act of 2001 was intended to solve disputes between Bengali settlers and indigenous peoples dispossessed from their lands through the creation of a Land Commission. To date, however, it has not resolved a single case. In 2013, a CHT Land Disputes Resolution Commission Act (Amendment) Bill was drafted in order to remedy contradictory provisions in the Land Act. The cabinet approved the amendment in June, but the end of the year did not see a parliamentary adoption of the bill. Bengali settlers continued to protest the proposed amendment. Meanwhile, attacks and land grabbing continued in the CHT: in August, arson attacks by settlers in the Taindong area of Matiranga sub-district resulted in 12 persons injured, 34 burned houses, two damaged Buddhist temples, 259 looted homes and 2,000 families fleeing across the border. Locals say the Bangladesh authorities did not do enough to prevent the attacks or stop them once they had started.

While limits are placed on hate speech in Bangladesh's penal code and other legislation, there is no clear definition of how it should be classified, providing the government with a broad scope of interpretation. Provisions in the Information Communication Technology Act, for instance, were used in 2013 to silence bloggers who were critical of the government, accusing them of posting inflammatory statements against Islam and 'hurting religious sentiments'. Four bloggers were arrested in April after the creation of an anti-blasphemy committee the previous month to monitor online activity critical of Islam. One of the bloggers, Subrata Adhikari Shuvo, is from the Hindu community and had posted blogs critical of the mainstream media's reporting on attacks on religious minorities. All four members of the group were described by police as 'known atheists'. Calls for the creation of a blasphemy law were rejected by Prime Minister Sheikh Hasina in April, as she reasoned that existing laws were adequate to punish those who insult religion.

India

As India entered the run-up to its general

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Case study by *Livia Saccardi*
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Action against untouchability in Bangladesh

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Abul Basar is a Bangladeshi activist who for years has been working on a variety of development and human rights issues in the country. In particular, his focus has been on the ongoing marginalization of Dalit communities and the best ways to address the root causes of their situation. Here he discusses with Livia Saccardi the daily discrimination Dalits face in Bangladesh – and why, despite these challenges, he believes change is on the way.

What forms of discrimination do Dalits in Bangladesh experience?

Dalit communities in Bangladesh experience various forms of discrimination in almost all spheres of life, as they have historically been identified and assigned to menial jobs by the dominant classes. Stratification of communities along caste lines is a highly complex issue – it results from a variety of often overlapping factors, including caste, religion, place of birth or heritage of descendents, occupation and psychosocial norms that place people in situations of discrimination and segregation.

It is very humiliating that even in the twenty-first century, a major portion of Dalit communities are still experiencing untouchability – even served with separate utensils at the local restaurants. In some areas of the country, eateries keep plates, glasses and cutlery with special marks so no one else would use these; Dalits may even be seated separately at weddings and other social functions. As they are treated as untouchable, they are also not allowed to rent or build houses outside their exclusively designated

areas. In rural areas, they are sometimes even prevented from sharing water from ‘non-Dalit’ water sources.

Dalit children are sometimes treated with derision in school by their teachers and other pupils. For example, in 2010, the headmaster of a government primary school in Jessore, the southern part of the country, asked 70 students from the Dalit community to get out of the Independence Day ceremony organized by the school as they were from a lower caste. The headmaster told them ‘you are from a lower caste, you are not fit to attend such a big ceremony, eminent citizens are invited here, get out.’

Are there any positive initiatives that address the root causes of discrimination against Dalits?

Yes, I raised an issue in a meeting where an official in the ministry of primary and mass education was present about how the names of some primary schools are themselves the cause of discrimination against students from the Dalit community, and I gave an example – there is a government primary school named *Methorpotti* or ‘sweepers colony’. When students from the school apply to secondary schools with this name on their certificate, it immediately indicates that they are from a Dalit community. As a result of the discussion in the meeting, the name of that particular school has been changed.

The situation facing Dalits has also become an important issue in the media. Coverage of Dalit rights events has increased. A considerable number of journalists have written stories on the situation of Dalits in their respective newspapers. Now we can say that Dalit rights are on the agenda.

You have been involved in campaigning for an anti-discrimination law that could be approved by the current parliament. Could you please explain what this involves?

Yes, since 2011 I have been working to support the development of anti-discrimination legislation in Bangladesh, with the support of MRG. As a result, the

Bangladesh Law Commission has been responsible for drafting the law.*

As you know, there is still no legislation that addresses the untouchability practice affecting Dalits and other socially excluded communities, even indigenous communities in the northern part of the country. You cannot go to court for judicial remedy as this type of offence is not defined in any legislation. As the newly drafted act defines untouchability and all types of discrimination based on work, descent or other grounds as an offence, anybody will be able to go before a court and seek remedy, if the draft is adopted by the parliament.

Could you please highlight its main strengths?

It is the first ever draft law in Bangladesh that defines the discrimination based on work and descent that Dalits and other socially excluded groups are experiencing. Also, it explains untouchability in its definition section – this is one of its strengths. The new law will give us the right to take action; you will be able to go to court for judicial remedy in cases of discrimination and untouchability, as defined in the draft law. And on the basis of the example set by the anti-discrimination law, we should get a broader change in social attitudes towards untouchability and discrimination against Dalits. It could be the foundation for a judicial shift that will give us the right to take action in cases of hate speech and untouchability. That is why it is important that the draft gets passed by the parliament.

**Abul Basar expresses his gratitude to Dr Professor M. Shah Alam, the then acting chairman of the Law Commission, for his efforts in drafting the law. ■*

elections in 2014, this year saw the continued use of inflammatory language against minorities by political candidates to stir up anger and secure votes. Attacks on Muslim minority communities in Uttar Pradesh spurred renewed calls for an anti-communal violence bill. Indigenous groups in Odisha secured an unprecedented land rights ruling, yet forced evictions continued to plague indigenous communities in other parts of the country.

A landmark ruling by the Supreme Court in April upheld the rights of the indigenous Dongria Kondh people, in the Niyamgiri Hills of Odisha state, in their struggle against the UK-based company Vedanta Resources and their plans for a bauxite mine in the area. The Court ruled that the affected villages near the site had the right to decide whether the proposed mine would violate their rights, an unprecedented landmark ruling for indigenous rights in India. Nevertheless, many communities remain excluded from the decision-making process instituted by the Odisha authorities, and there were ongoing reports of intimidation by paramilitary forces.

Forced evictions continued to affect indigenous communities (also known as *Adivasis*). According to the Asian Human Rights Commission, around 60 indigenous households in Singda New Bazar, Manipur, were facing forced evictions in June for the expansion of the Singda Dam Area. Indigenous human rights defenders struggling to protect their rights to land continued to be under threat: members of the Meyor indigenous people in Arunachal Pradesh reported being targeted by police and unknown assailants for their peaceful activities around opposing the conversion of community land into reserved forest land without their prior consent.

Calls for the repeal of the Armed Forces Special Powers Act (AFSPA) and the Jammu and Kashmir Disturbed Areas Act (DAA), martial laws that have served to militarize minority and indigenous areas, continued in 2013. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in his report to the UN Human Rights Council in March, called for a repeal of the AFSPA and also condemned the unaccountable use of lethal force by the military. In July, border security forces in Kashmir opened fire on unarmed protesters, killing four



and injuring nearly a dozen others. Locals were reportedly protesting unfair treatment by security forces of people gathered in a mosque.

In the north-east, protests around elections in Goalpara, Assam, in February resulted in 13 protesters being killed by police. Indigenous Rabha peoples had gathered to protest village *panchayat* polls, saying the elections were undermining the mandate of the Rabha Hasong Autonomous Council (RHAB) and the rights of the community. By November, elections for the RHAB were held for the first time in its 17 years of existence, amid protests by non-tribal groups.

In June, the Asian Centre for Human Rights urged the National Human Rights Commission (NHRC) to recall cases pending with the Manipur Human Rights Commission, which was described as 'defunct', as the positions of the chairperson and other members have been vacant for years. Manipur is a state in north-east India with large indigenous populations, such as Naga and Kuki, which has experienced heavy militarization for decades with little redress for extrajudicial violence. By October, the NHRC announced that it is sending a team to investigate

complaints of violations committed by armed forces and rebels against civilians. Manipur NGOs have called for a Special Investigation Team to probe the more than 1,500 cases that are currently pending in the Supreme Court.

The UN Special Rapporteur on violence against women, Rashida Manjoo, upon the conclusion of her visit to India in April 2013, made note of how conflict-related sexual violence is perpetrated with impunity through the use of special power acts in Jammu and Kashmir and in the north-eastern states. She further noted that women from minority groups across the country, including Dalits, *Adivasis*, and other Scheduled Castes and Tribes, 'experience some of the worst forms of discrimination and oppression', despite legislation that exists to protect their rights. A National Tribunal organized by civil society in September heard numerous cases of violence against Dalit women and concluded that there had been a failure of state institutions to protect them. Much of this violence was rooted in their everyday poverty and disempowerment in caste-based societies, often with the collusion of police, judiciary and medical personnel.

Left: Muslim children study the *Qur'an* in Uttar Pradesh, India. *Sanjit Das/Panos.*

In Muzaffarnagar, Uttar Pradesh, riots broke out in September after a violent altercation that killed two Hindus and a Muslim. As the riots spread throughout the area, 60 people were killed and thousands, mostly Muslims, were left homeless. There were also reports of Muslim women subjected to gang rapes and sexual assault. Four politicians were arrested for their role in inciting the violence, including two legislators from the Bharatiya Janata Party (BJP). Charges against Sangeet Singh Som and Suresh Rana included 153A of the Indian Penal Code (IPC): 'Promoting enmity between different groups on grounds of religion, race, place of birth, residence or language.' Following riots in West Bengal's Canning subdivision over the murder of a Muslim cleric in February, the Minister of State for minority affairs Giasuddin Mollah blamed the opposition Communist Party of India (Maoist) and Congress for manipulating communal tensions ahead of the *panchayat* village polls.

In this context, the use of inflammatory language can have severe consequences. Hate speech during election rallies across the country, in particular, can risk violent outbreaks between Muslim and Hindu communities. In many cases, including a number of occasions during 2013, senior politicians have themselves been responsible for hate speech. In January, cases were filed against Akbaruddin Owaisi of the Majlis-e-Ittehadul party for anti-Hindu comments he allegedly made in public speeches. The following month, Vishwa Hindu Parishad (VHP) leader Praveen Togadia had a case filed against him for anti-Muslim rebuttal speeches after the minority affairs minister of Maharashtra state demanded his arrest. According to the National Election Watch, dozens of parliament and legislature members have been charged with promoting enmity between religious groups, destruction of religious places and committing acts intended to outrage religious feelings. Despite this, election tickets continue to be provided to them. Twenty-six sitting legislators have past charges of hate speech under IPC Section 153A.

There have been some efforts to strengthen the legal framework surrounding these issues. In

.....
Participatory research by *Sajjad Hassan*
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Understanding the dynamic of communal riots against Muslims in Muzaffarnagar and Shamli districts, Uttar Pradesh, India

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This research is the result of an extended participatory research study between January and March 2014, undertaken by the Centre for Equity Studies in partnership with Aman Biradari, funded by MRG with support from CAFOD.

Context – Muzaffarnagar and Shamli districts before the riots

Muzaffarnagar and Shamli districts are part of the agriculturally rich western Uttar Pradesh (UP) region, dominated by land-owning middle-caste Hindu Jats, who also control much of the bureaucracy and police in the region. Unlike other parts of Uttar Pradesh, the region has, in the past, not experienced communal violence due mainly to the influence of an elite platform, made up of a coalition of different parties that protected Jat interests while allowing some space for non-Jats, including Muslims. Instead, it was the poorer sections of the community – both Hindus and Muslims – that were the object of the elite's exploitation. The anti-Muslim violence of September 2013, escalating quickly from a minor dispute into large-scale aggression, therefore came as a surprise.

This case study looks at the drivers and

Participatory research continued

impacts of this communal violence, drawing on unstructured interviews and group discussions with residents in a number of villages and relief camps, carried out between January and March 2014, as well as public sources. While focusing mainly on poorer sections of those affected, the research also drew on testimonies from other stakeholders, including Hindu Jats, to develop a clearer picture of the outbreak.

Social tensions and the role of right-wing political groups in the violence

'A hundred years of mutual bonds were shattered in five days! In that time, friends and neighbours were turned enemies.' Muslim, 32, male, January 2014

Both Muslim and Jat respondents believed that the right-wing Hindu Bharatiya Janata Party (BJP)'s bid for power in the upcoming 2014 national elections drove this sudden explosion of anti-Muslim violence.

'BJP's bid for power rests a great deal on good performance in Uttar Pradesh ... Canvassing Jat votes, by breaking up the monopoly of Rashtriya Lok Dal [a political party with strong support in the west of the region] and consolidating Hindu votes behind it, has been for BJP the strategy of choice, regardless of its social costs.' Muslim businessman, 53, January 2014

'BJP wants to sweep up Hindu votes as does [the ruling] Samajwadi Party (SP), which wants all Muslims behind it. This is a deal between the two parties.' Jat representative, 56, male, March 2014

Research has already shown that the BJP was using its tried and tested strategy of communal polarization by mobilizing violence against Muslims. But why this particular region? Our research suggested that a primary factor was the existing local divisions, rooted in Jat resentment towards recent signs of lower-class mobility among Muslims.

'Muslims, along with Dalits, are the underclass

in these villages, mostly semi-bonded helpers and farmhands in Jat households, or brick kilns and other daily wage workers, all landless. Recently, a new breed of Muslims are emerging due to the political patronage of the ruling Samajwadi Party, that relies on Muslims, among others, for votes. Many elected offices in the two districts have recently gone to Muslims. They are not as dependent on Jats, in a patron-client relationship, as they were in the past.' Muslim, 27, male, March 2014

Muslims have also been performing well in trade and commerce as artisans, petty traders and cloth vendors. These changes threaten to weaken Jat control, eroding the latter's hold over traditional authority and creating deep resentment.

'They do not want to see us do well. They want us to remain subservient to them. They are resentful of Muslims who are doing well or of the new leaders among Muslims, who do not toe the Jat line.' Muslim, 63, male, March 2014

This was even acknowledged among the Jat community:

'Jats controlled local institutions in the past. People came to us for resolving disputes, and for other help. Now people go rather to the new leaders, for getting the benefits of public schemes and help with police and the bureaucracy. These new SP leaders do not recognize our authority. In the past during election time, we were able to control voting outcomes through "booth capturing". Now everyone is free to vote who they decide.' Jat representative, 50, male, March 2014

The trigger for the violence itself was a scuffle that resulted in the death of a Muslim boy and two Hindu Jats. BJP and other right-wing Hindu parties quickly exploited this incident and represented it as an issue of communal pride, involving the marriage of Jat girls to Muslims. There were also reports of hate speech and the misuse of print and social media such as text messages, combined with the involvement of the traditional Jat leaderships, to openly incite violence.

'They used lies and untruth, all, to whip up Hindu sentiments against Muslims.' Muslim, 67, male, January 2014

This was reinforced by the failure of the authorities to take effective action during or after the violence.

'The administration's and police's attitude towards us has not been helpful. They did not provide us with security when we needed it. And now all question our loss and suffering. No one shows us any sensitivity. We have been given little relief or support. Rather the government has tried to drive us out of relief camps on one pretext or another.' Muslim, 43, male, January 2014

The bias of local officials towards Jat interests has also hindered post-violence delivery of justice as well as access to public goods for Muslims.

'A peace committee has been set up, with Pradhan and other Jat leaders, but with no Muslim members. They held many meetings to discuss how to get us to withdraw cases against Jat youth. They say they will see to it that no untoward incident now happens. But how can we trust them?' Muslim, 65, male, March 2014

Impacts of the riots on the lives of minority members

From 7 September 2013 onwards, violent attacks in the area left at least 65 dead and many others injured. In many villages houses were burned to the ground. As a result of the riots, more than 50,000 people were displaced.

'We are but poor. What did we do that these Jats snatched our homes and our livelihood? They made us homeless, and forced terror and displacement on our children. All this is a big conspiracy. Why come after us? Why destroy our lives?' Muslim, 67, male, March 2014

As of April 2014, an overwhelming majority of poor labouring families remain displaced. A large number are living in makeshift camps in deplorable conditions: many children died during the cold months. Life in these camps is

characterized by insecurity, with little support from the state government, which is actively seeking to shut down the camps.

'We don't like to live on charity, and are happy to live by our own labour. But without a home of our own, all that is not possible. We worry every day, if we will still have our tents and camp, or we will be forced out on the streets. But we do not want to go back to our villages as we do not know what awaits us there.' Muslim, 43, male, January 2014

Education is another area where the impact has been severe.

'Initially, in camps there were no teachers, and children just spent time playing. Later an NGO started a makeshift school in the camp, hiring a local instructor. A madrasa has also been running, for some time. But how can this make up for the months of lost schooling?' Muslim, 62, male, January 2014

The challenge of return

Our research in several affected villages showed that many victims still faced significant challenges on their return. One respondent reported that only a small fraction of Muslim pupils had returned to the local school. Sexual violence, including rape and molestation, has been widely reported. Concerns about 'family honour' and fear of further violence have also resulted in large numbers of underage girls among Muslims being hurriedly married off by their families. Female respondents revealed how violence has had other marginalizing effects on women, severely restricting their movement outside their homes.

'We had to flee our homes at night to safeguard the honour of our daughters and daughters-in-law. After all, the honour of our daughters is more precious than our lives. All adult men are outside the village, only adult girls at home. Their protection is our prime concern.' Muslim, 45, female, March 2014

Victims also informed us how their livelihoods have been impacted.

Participatory research continued

'We came back to our village because life in camps was desperate. But here we face the same problem of absence of employment. We were dependent on Jat patronage for much of our livelihood, as farmhands, iron smiths, barbers and the like. We also feel insecure going into many Jat villages in the affected areas. All this affects our trade. We are now forced to sell off our belongings at throwaway prices, to make ends meet.' Muslim, group discussion, March 2014

'We cannot leave our children alone and go out in search of work further afield. This has reduced our livelihood choices.' Muslim, group discussion, March 2014

Moving towards reconciliation

Most troublingly, the violence has left a permanent divide between communities. Given the rural backdrop, relations between 'victims' and 'perpetrators' were intimate, and violence in such a situation has left a lasting imprint.

'We have been betrayed. We have lost faith in the Jats. Those that we considered our own, our neighbours, came attacking us. How can we forget that?' Muslim, male, January 2014

'The damage has been so high that I am afraid relations will not be better for a long time, maybe never. Political parties – both BJP and SP – have played politics with us.' Hindu Jat, male, April 2014

'These riots have shown me how perfectly normal people can become stubborn Hindus and Muslims. The community has been badly polarized. We were not like this. This is not good for society.' Muslim, 53, male, January 2014

One of the most important first steps for Muslim respondents to rebuild their lives was the restoration of security and an end to impunity for the perpetrators of the violence.

'Those responsible for the violence are roaming about freely. The police know who they are, but

are not arresting them. This gives the Jats the opportunity to put pressure on us to withdraw cases. We must have the assurance of security. Without that how will we survive?' Muslim, male, February 2014

Muslim villagers also highlighted the need for positive shared dialogue:

'Peace committees can be helpful, if they are used honestly, to bring the two communities together. Where village elders have been responsible and tried honestly to resolve issues, peace has been maintained, and miscreants kept at bay.' Muslim municipal councillor, male, March 2014

A more expansive approach to basic rights and security will also provide the foundation for a more cohesive society.

'Everyone has rights. If all get their share of what is due, things will be fine. If on the other hand people are denied their rights, just because they are smaller in number, that is neither just nor good for society.' Muslim, 63, male, March 2014

Finally, there is a need to develop more inclusive political formations, such as community groups with cross-cutting membership, trade unions and parties with non-sectarian agendas, to act as bulwarks against polarization and address the underlying drivers of communal violence in the area. ■



Above: Dalit farmer in Nepal. *D. Mowbray/ CIMMYT.*

April, the Supreme Court issued a notice to the central government and the Election Commission of India, advising that there should be stronger regulations on the use of hate speech and incitement to violence by elected representatives. This request is complicated, however, by immunity provisions for parliamentarians, bestowing freedom of speech for anything said in parliament or in a court of law. Continued attacks on minorities also renewed calls in support of a draft anti-communal violence bill. Continuing on provisions made from a similar draft bill in 2011 that stalled in parliament, the new draft bill seeks to protect minorities against violent attacks and imposes duties on the central and state government to prevent and control violence. NGOs in Madhya Pradesh welcomed the bill, as there is no strong central law to protect minorities against violence, ensure reparations for victims or hold perpetrators, especially politicians, accountable for their role in violence. By December, the Prevention of Communal and Targeted Violence (Access to Justice and

Reparations) Bill, 2013 was passed by the cabinet and was pending approval in the parliament.

Nepal

Constituent Assembly (CA) elections were held in November, restarting the long-delayed constitutional drafting process in post-conflict Nepal. The Nepali Congress emerged as the winner, with the Communist Party coming in close second. The Maoists – previously the leading party – secured only a small portion of seats and dropped to third place. The previous CA was elected in 2008 but was dissolved in 2012 amidst political stalemate, stalling on questions concerning federalist structures and the accommodation of Nepal's significant ethnic and linguistic diversity. Participation of minority and indigenous representatives in the constitutional drafting process will be central to ensuring the future protection of minority and indigenous rights in the country.

The results from the voting, however, revealed negligible representation for Dalits, with only two candidates elected. The winning Congress Party did not even nominate a single Dalit candidate. This represented a reduction compared to the

representation secured in the 2008 elections. For Durga Sob, President of the Nepal NGO Feminist Dalit Organization (FEDO), the results were a clear setback: 'Without the presence of Dalits in the CA, who represent 20 per cent of the population, the constitution-making process will not address the many serious human rights violations and impediments to development faced by Dalits due to caste discrimination.'

As reported by the UN Special Rapporteur on the rights of indigenous peoples, representatives from indigenous communities (known as *Adivasi/Janajati*) continued to protest their inability to directly choose their representatives in the CA. As all representatives are chosen by the respective political parties, there continues to be no mechanism to ensure adequate representation of indigenous representatives selected through their own decision-making processes. According to the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP), representation has been further hindered by the use of provisions in the Interim Constitution to bar indigenous political parties from registration on the basis that they could pose a threat to social harmony on the basis of ethnicity. The Supreme Court issued a directive order in April to the government to study civil society demands to improve indigenous representation.

The Supreme Court also issued a show-cause order for the construction of power lines in April after indigenous communities filed a writ-petition. The Nepal Power Development Project, funded by the World Bank, is constructing a high-voltage power line expected to affect more than 100,000 mostly indigenous people in the Sindhuli District, in the process clearing a large swathe of forest. According to LAHURNIP, the project was initiated without the free, prior and informed consent of affected communities, and is in contravention of World Bank project guidelines. Peaceful community demonstrations have been met with violent responses from the police, with severe injuries sustained by protesters. In October, the World Bank ordered an investigation of the project, set to take place after April 2014.

Further efforts towards reconciliation in post-conflict Nepal were seen in March, with the President's approval of the Ordinance on

Investigation of Disappeared People, Truth and Reconciliation Commission. While the creation of such a commission could potentially bring justice for grave human rights violations, amnesty provisions for perpetrators were in contrast to international standards and sparked deep concern among human rights organizations. Two weeks later, the Supreme Court suspended the ordinance pending further review. A valid commission, however, could take important steps towards justice for the victims of the conflict, many from minority and indigenous communities, and combat ongoing impunity.

The government sought to eliminate exploitation of minority women and girls in June, when it officially abolished the *kamlari* system of bonded domestic slave labourers. Most often drawn from the marginalized Tharu indigenous group, girls suffer exploitation and abuse at the hands of their owners, including sexual violence, and are vulnerable to exploitation by traffickers. Civil society groups working against bonded labour in Nepal welcomed the abolition, but further implementation of existing laws and prosecution of those responsible will be crucial to ending the practice. The government move was prompted in part by protests against the police for refusing to investigate the case of Srijana Chaudhary, a 12-year-old *kamlari*, who had died following burn injuries.

Nepal hosts over 20,000 Tibetan refugees and most continue to lack proper documentation, rendering them effectively stateless, denying them the right to own property, or access to education or legal employment. In September, the Tibetan community in Nepal decried authorities for cremating the body of a Tibetan monk who had self-immolated in protest against Chinese rule in Tibet. Authorities kept the body of Karma Ngedon Gyatso for a month, refusing to release it for traditional ceremonies, despite the pleas being made by community and rights groups, before the cremation was carried out in secret.

Hate crimes and hate speech against minorities, including particularly Muslims, Dalits and lower-caste groups, persist in Nepal. There is no clear legislation criminalizing hate speech, though there are provisions for such legislation in the Interim Constitution. The Caste Based Discrimination and Untouchability Act 2011 criminalizes any

discriminatory acts on the basis of caste, as well as customs, tradition, religion or culture, including through media of various forms. Implementation of the Act has lagged, however, with many Dalits still subjected to hate crimes and violent attacks. In July, after Maya Sarki, a Dalit woman, reported her attempted rape by an upper-caste man in Morang district, a mob of 60 people attacked her in retribution, smearing her with black soot and garlanding her with shoes – insults intended to affirm her outcast status. At the same time, Manoj Biswokarma, a Dalit rights activist and journalist for a local weekly paper who had supported Sarki, was also physically and verbally abused. Two journalists videotaped the attack, posted the film on YouTube and wrote articles supporting the attackers. The National Human Rights Commission condemned the assault and the district court subsequently fined the perpetrators, but Sarki and the journalist have filed an appeal for more severe sentencing.

Pakistan

For the first time in the country's history, Pakistan witnessed a democratic transition of power between two elected governments in 2013. Soon after coming to power, the ruling Pakistan Muslim League (Nawaz) party expressed a resolve to pursue peace talks with the Taliban and address the root causes of the separatist conflict in Baluchistan. Nevertheless, a general state of insecurity has prevailed in the country, with numerous attacks carried out against minorities. Violence affecting various minority groups remained at alarmingly high levels, with Human Rights Watch (HRW) reporting 'unprecedented' levels of violence against Shi'a. In its annual report, HRW recorded over 400 Shi'a being killed in targeted attacks across the country during 2013; other NGOs reported higher figures.

Many of the most violent attacks against Shi'a have been concentrated in Baluchistan, in particular around the city of Quetta where there is a large community of 500,000 Shi'a Hazara. On 10 January, an estimated 91 people, mostly Hazara, were killed and at least 150 were injured in two attacks, a suicide bombing and a car bomb in the same location. The next month, at least 84 people were killed and over 160 were injured in a bomb attack on a bazaar in Quetta's Hazara Town.

Estimates of the death toll from these incidents by some local activists are even higher. The militant Lashkar-e-Jhangvi (LeJ) claimed responsibility for both incidents. In the context of the ongoing conflict between the government of Pakistan and Baluch nationalists, security forces have done little to prevent these attacks and have been accused of carrying out torture, disappearances and other rights abuses against suspects. However, efforts have been made by the Supreme Court to hold the security forces accountable for their violations, and the newly elected government has also expressed a commitment to ensure a speedy resolution of the cases of missing Baluch persons.

Attacks against Shi'a have also taken place elsewhere, including an explosion in Karachi in the beginning of March that killed at least 47 people and injured 135 outside a Shi'a mosque. According to MRG research, targeted attacks against Shi'a professionals such as professors, lawyers and religious leaders appear to be part of a campaign to demoralize the community. These incidents, far from being carried out in a social vacuum, have capitalized on existing social anxieties and tension to provoke spiralling violence between communities. For example, in November, sectarian violence in Rawalpindi during the annual Shi'a religious procession marking the day of Ashura led to at least nine people being killed, many injured and a government-imposed curfew. The incident was reportedly sparked by hardline anti-Shi'a comments broadcast from a mosque. A judicial commission was established by the Lahore High Court to investigate the causes, although it quickly came under fire from Shi'a community leaders who called for it to be led by the Supreme Court instead.

Members of the Ahmadi community were killed by assailants in targeted attacks. Violence and oppression against religious minorities is also rooted in deep-seated structural discrimination. Ahmadis are forbidden by law to call themselves Muslims or identify their places of worship as mosques. In September, bowing to pressure from a local cleric, police undertook the demolition of minarets at an Ahmadi place of worship in Sialkot. The following month, police in Lahore stopped various members of the Ahmadi community from sacrificing animals on

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Case study by *Nicole Girard*
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Pakistan: countering hate content in textbooks

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‘The education system in Pakistan is dominated by people having a particular religious ideology and extremist mindset. These people desire this extremist ideology to be inculcated into the curriculum and thus manipulate the education system.’ Cecil Shane Chaudhry, Executive Director of Pakistan’s National Commission for Justice and Peace

Education has a central role to play in countering violence and discrimination against minorities. Promoting diversity and inclusion at schools and universities is one of the most effective ways to address prejudice and deliver lasting social change. Unfortunately, however, educational platforms can also be misused to entrench negative attitudes towards minorities. In Pakistan, where tensions between different religious and ethnic communities run high, curriculums and textbooks are actively contributing to these problems by perpetuating derogatory language and stereotypes.

There has been some official recognition of the problem, beginning in 2006 with

a review of the country’s National Education Policy. The National Commission for Justice and Peace (NCJP), a Pakistani rights group, used the opportunity to examine hate content in school textbooks and advocate for the removal of biased or hostile material. In 2009, Pakistan had adopted a new education policy that included a provision to remove ‘controversial material against any sect or religious/ethnic minorities’ from teaching materials.

However, evidence suggests that in practice the problem persists. In March 2013, the NCJP published a review of textbooks used since the new policy was implemented. Its findings were disheartening: hate content in textbooks had actually increased during this period. In Punjab province, in particular, the number of instances of hate speech in textbooks specifically had risen from 45 in 2009 to 122 for the 2012/13 school year. The content included derogatory language, such as the description of non-Muslims as *kafirs* or ‘infidels’, as well as the presentation of other religions as false and antagonistic. Furthermore, some materials also included the distortion or exclusion of historical facts relating to minorities, including the role of Hindus in the partition of Pakistan.

Cecil Shane Chaudhry, Executive Director of Pakistan’s NCJP, sees rising religious intolerance and attacks on minorities as a clear impact of hate content in Pakistan’s textbooks: ‘It has given a boost to extremism, activities of violence against minorities and other marginalized sectors of society,’ he says. ‘When young minds are instructed with hate content in school, they start to consider students from other religions and sects as their enemy and thus start hating them.’ The NCJP’s research has formed the cornerstone of their advocacy campaign to remove hate content. They have held seminars and conferences to discuss their findings, with support from human rights NGOs and some political parties. While change has been slow to come, there is hope that tackling hate speech in the classroom could be an important milestone for minorities in the country. ■



Left: Staff at the National Commission for Justice and Peace in Pakistan work on their study of hate content in textbooks. National Commission for Justice and Peace.

Eid al-Adha, forbidding them from observing this Islamic ritual.

The situation for Pakistan's non-Muslim minorities also remains tense: among other incidents, in March a mob burned down scores of homes belonging to Christians in Lahore. Reports suggested that the immediate cause was a dispute that subsequently resulted in a false blasphemy charge – thus illustrating how a relatively trivial incident between individuals can escalate into a group conflict. In another incident in September, a suicide bomber killed 81 Christians and wounded at least 130 at a Sunday morning service in a church in Peshawar. This was the most lethal attack on Christians in the community's history. However, in an attempt to delegitimize the perpetrators who carried out the attack in the name of religion, the largest Muslim clerical body in the country condemned the blast, saying that the council was 'standing with our Christian brothers in this tragedy'.

Pakistan's Hindus also continued to face hostility and discrimination. In one incident in October, a crowd of Islamic fundamentalists, chanting 'God is Great', dug up the grave of a Hindu man and dragged his body through the streets following a dispute over the siting of the grave. A Hindu legislator claimed that discrimination against Hindus, including forced conversions, was forcing community members to migrate to safety outside the country. Women – especially young girls – are reportedly especially vulnerable to forced conversions in the context of marriage.

While many targeted killings are politically motivated, violence has also taken on an inter-ethnic dimension. Bombings and assassinations have been used by different factions to control particular constituencies, in particular by displacing ethnic groups to other areas. Reports suggest well-established links between criminal groups and some members of mainstream political parties. Migration towards major cities such as Karachi further aggravates tensions as parties fear losing votes and engage in inflammatory statements against other groups (such as Pashtuns and Muhajirs – Muslims who migrated from other parts of South Asia to Pakistan, especially after Partition with India) as part of a strategy to shore up support by deploying the exclusionary rhetoric of ethnic politics and identity.

Hate speech has played an important role in the deteriorating situation for minorities in Pakistan. Although Pakistan has legislation against hate speech as part of its blasphemy law, which prescribes punishments for those who insult religion, it has mostly been abused to persecute individuals rather than transform the fundamental drivers of hate speech. While the blasphemy law nominally protects all religions from denigration, it has frequently been used against minority members such as Sawan Masih, a Pakistani Christian whose case sparked rioting in Lahore in March. Thousands attacked Lahore's Christian Joseph colony following reports that Masih had made derogatory remarks about the Prophet Muhammad. Some 150 homes were looted and burned, as well as two churches. Although Masih has maintained that he is innocent and that the charges stem from a property dispute, he was sentenced to death in March 2014. Another prominent case concerned Rimsha Masih, a Pakistani girl who was arrested in 2012 over allegations of burning the *Qur'an*. Though the case was subsequently thrown out following accusations of fabricated evidence, the girl was forced into hiding as a result and in 2013 was given asylum in Canada.

Hate speech against minorities, by contrast, has regularly occurred with impunity. In September, some hardline Sunni clerics held a conference to mark the passage of a 1974 constitutional amendment which declared the Ahmadi community – one of Pakistan's most persecuted religious minorities who identify themselves as Muslim in faith – as non-Muslims. Conference participants were told that they had a duty to wage a holy war against them, that Ahmadis had 'polluted the city' and that their mosques were 'centres of conspiracies'. Posters in public spaces inciting hatred against Ahmadis are also common.

Shi'a Muslims have also been subjected to hate speech. At a rally in January, members of the banned Sipah-e-Sahaba Pakistan (SSP) declared them infidels and demanded that they be killed. However, the problem of hate speech in Pakistan is not confined to religious extremists and public forums; inflammatory statements have even been found in children's school textbooks. There are also Facebook pages containing hate speech and calls for violence against Shi'a Muslims, Ahmadis



and other minorities.

Nevertheless, despite these challenges, there have been certain small but encouraging developments in addressing the root causes of violence and hate speech towards minorities. Towards the end of the year, in an attempt to emphasize national pluralism over sectarianism, Prime Minister Nawaz Sharif and President Mamnoon Hussain made public appeals for interfaith harmony. In addition, Pakistan's constitutionally mandated Council of Islamic Ideology for the first time requested the government to revise the country's blasphemy law so that anyone who wrongly accuses a person of blasphemy would face the death penalty. While this falls far short of being a positive move in line with recommendations by human rights groups, it suggests that a critical discourse on reform may be opening up.

Some Islamic scholars have also lobbied for restrictions on hate speech, including the use of loudspeakers, graffiti and other platforms to spread inflammatory messages, to help reduce sectarian violence. Shi'a and Sunni religious

leaders agreed towards the end of the year to frame a code of conduct prohibiting each group from engaging in hate speech against the other. Furthermore, in response to the problem of online hate speech, the government has ordered various agencies to take action against hate speech disseminated through social media and mobile phones. These messages were reinforced by the Prime Minister's call near the end of the year for police to take action against wall chalking and other forms of hate speech.

Another positive counter-measure is the creation of online tools and websites to monitor and condemn individuals who engage in hate speech. In a more long-term move to prevent radicalization, a pilot scheme has also been implemented to stop radicalization at 18 religious schools in Punjab; government-trained teachers are joining the faculties. It remains to be seen whether these measures will be sufficient to address the increasing levels of violence and discrimination confronting Pakistan's religious and ethnic minorities.

Left: Tamil protesters block a street in Jaffna, Sri Lanka, demanding to know the whereabouts of missing relatives. *Dushiyanthini Kanagasabapathipillai.*

Sri Lanka

Sri Lanka's human rights record and its treatment of minorities continued to draw international attention in 2013. The UN High Commissioner for Human Rights, Navi Pillay, continued her call for an 'independent and credible' international investigation into human rights violations that took place during and after the armed conflict with separatist minority Tamil groups in the north and east of the country that officially ended in 2009. Her comments sparked the ire of the Sri Lankan government, dominated by the Sinhalese Buddhist majority and well known for dodging international criticism of its treatment of minorities.

In a report in February, Pillay said that Sri Lanka's efforts to investigate violations have lacked 'the independence and impartiality required to inspire confidence'. Her report is an outcome of the review of a 2012 UN resolution that called on Sri Lanka to implement the findings of the Lessons Learnt and Reconciliation Commission (LLRC), a national investigation into circumstances surrounding breakdown in the ceasefire agreement of 2002, set up by President Mahinda Rajapaksa in 2010. The LLRC, despite criticisms of its shortcomings, found that 'the root cause of the ethnic conflict in Sri Lanka lies in the failure of successive Governments to address the genuine grievances of the Tamil people' and recommended steps to remedy the situation. A UN Human Rights Council resolution passed in March, however, continued its call to the Sri Lankan government to effectively implement the 'constructive recommendations' of the LLRC, as well as to conduct independent and credible investigations into allegations of human rights violations.

Pillay made her first official visit to the country in August. Through her meetings with the President, other senior members of government and human rights defenders, the High Commissioner noted that 'despite the opportunity provided by the end of the war to construct a new vibrant, all-embracing state,

[the country] is showing signs of heading in an increasingly authoritarian direction'. In particular, she urged the government to issue an immediate halt to the threats, harassment and violence against human rights defenders and journalists, many of whom are minority Tamils and Muslims. She made explicit note of the incitement to hatred and violence against religious minority communities, aided by the government's failure to take meaningful action against the perpetrators. The government in turn accused her of 'prejudice'.

The international spotlight on Sri Lanka's human rights record and treatment of minorities continued with the biannual Commonwealth Heads of Government Meeting (CHOGM), held there in November. The meeting was boycotted by Canada, India and Mauritius, while British Prime Minister David Cameron flew to the north-east to meet with war-displaced Tamils and relatives of the disappeared. International human rights NGOs called on the heads of Commonwealth governments to boycott the meeting. Timed to coincide with CHOGM, MRG launched a report on the very serious situation facing minority women in Sri Lanka. Reports of restrictions on civil society and threats to activists both preceded and continued throughout the session.

The government made some attempts to appease criticism from the international community. In July, the President announced that police had been instructed to draw up a list of witnesses surrounding the deaths of 17 Action Contre la Faim (ACF) aid workers in Muttur in 2006, 16 of whom were Tamil and one Muslim. In August, President Rajapaksa announced the formation of another Presidential Commission of Inquiry into disappeared persons. Civil society observers have nevertheless drawn attention to its limited mandate and the need to ensure that the commission remains open and participatory throughout its proceedings. Similarly, while the Tamil National Alliance (TNA)'s landslide victory in the Northern Provincial Council elections in September appeared to signal a positive step towards greater minority participation, in practice devolution will be difficult until the underlying issues of militarization and impunity are addressed.

Both the 13th Amendment and the recommendations of the LLRC call for setting up

a National Land Commission to deal with issues related to land in the north and east. The Centre for Policy Alternatives (CPA), a Sri Lankan NGO, released a report this year detailing how, since the end of the conflict, the government has been illegally confiscating large areas of land. These arbitrary land grabs impact primarily on minority communities and are often conducted by the military for their use. Land grabbing puts into question devolution provisions over land, which continue to be further undermined by proposals in the central government and rulings by the Supreme Court. In December, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, visited Sri Lanka and noted the need for the government to address the livelihood and land issues facing the resettled and those still displaced after the conflict.

Militarization in the north and east continues, limiting freedom and exposing women to sexual violence, as highlighted by the MRG October report. Many women are the primary income earners for their families, having lost their husbands during the conflict, and local NGOs are reporting an increase in the numbers of women engaging in sex work as a result of limited income-earning opportunities. Land and livelihood issues are also particularly affecting minority women. Government policies to improve economic opportunities in the north and east have mostly favoured men, overlooking the particular vulnerabilities faced by women-headed households.

Hate speech and hate crimes against religious minorities, particularly the Muslim community, reached an unprecedented level this year. The UN High Commissioner for Human Rights noted that she had received a compilation of 227 attacks, threats and incitement to hatred against Muslims that took place between January and June 2013. The Bodu Bala Sena or 'Buddhist power force' is the main group behind the targeting of Muslims. Their national 'no *halal*' campaign against Muslim religious practices continued into 2013, calling for a boycott of Muslim products and businesses, with protests held outside Muslim-owned shops. Demonstrations and attacks on mosques have taken place as well, enabled by police inaction.

While President Rajapaksa has publicly appealed for racial harmony, he has not openly condemned the hate campaigns and these groups continue to operate freely.

Commentators have questioned why, after the conflict with the Tamils has ended, hate speech and hate crimes have become markedly refocused on Muslims. According to the CPA, the possible reasons for this include an even further marginalization of minority opposition voices in the government since the fighting ended. With the President reasserting that the goal for Sri Lanka is 'no racial or religious differences', the question of political participation for minorities is now associated with divisiveness. Consequently, the focus has shifted from Tamil modes of difference to other markers such as *halal* certification. There is further worry that, given the economic focus of the anti-*halal* campaign, any recession could seriously inflame this anti-minority discourse.

Hate speech has played an important role, with Facebook pages hosting anti-Muslim content and threatening public speeches spread through social networking sites. There is no clear anti-hate speech or prevention of religious intolerance legislation, though Section 3 of the International Covenant on Civil and Political Rights (ICCPR) Act of 2007 prohibits the advocacy of 'national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence'. Anti-hate speech legislation was also one of the recommendations of the LLRC. In 2013, the Minister of National Languages and Social Integration Vasudeva Nanayakkara submitted a proposal in the cabinet to ban hate speech and incitement to violence under the penal code, but a decision on the proposal is still pending. The government has used its controversial Prevention of Terrorist Act to detain former Deputy Mayor and General Secretary of the National Unity Alliance Azath Salley under its incitement to hatred clause. A signed petition in protest suggested that Salley's detention was politically motivated as a result of his opposition to Buddhist nationalist extremist groups. According to the petitioners, his arrest was based on a misquote in a newspaper article, and many other groups have openly promoted hate with impunity.

South East Asia

Hanna Hindstrom

The year 2013 saw ethno-religious nationalism resurface in large parts of South East Asia, leading to several attacks on minorities. In Burma, a coordinated anti-Muslim campaign escalated and resulted in bouts of violence. In neighbouring Thailand, anti-government protesters engaged in abusive slurs against Cambodians, accusing them of conspiring with political elements to destabilize the country. Cambodia in turn witnessed a rise in anti-Vietnamese rhetoric, culminating in vicious assaults against the ethnic community.

Similar hate campaigns were launched in Malaysia and Indonesia, where attacks on immigrants and religious minorities became increasingly politicized. Most of the region lacks effective hate speech laws – an area completely overlooked by the Association of Southeast Asian Nations (ASEAN) Human Rights Declaration. At the same time, it is not unusual for minorities to be targeted for criminal defamation or insulting religion, obfuscating the right to restrict hate speech with politically motivated censorship.

Across the region, minorities are also targeted by militant groups, as in Indonesia, or even find themselves targeted by state security forces. In Thailand and the Philippines, for instance, there were continuing reports during the year of abuses by the military linked to the insurgencies in these countries. However, in some countries many of the perpetrators of violence against Muslims are civilians. In Burma, the loosening of restrictions after decades of authoritarian military rule has also brought new challenges, including a rise in hate speech and incitement, which has led to the deaths or continuing displacement of thousands of Rohingya Muslims in the country.

Burma

During 2013, Burma continued with its democratic reform programme, which has seen

the country emerge from half a century of military rule. President Thein Sein pledged to free all remaining political prisoners by the end of the year, culminating in a mass amnesty on 31 December. Media restrictions were further peeled away, with the country's first-ever private dailies hitting the shelves in April, while negotiations with Burma's myriad ethnic minority militias finally appeared to gain traction.

The international community has responded positively to the changes taking place in Burma, despite persistent reports of human rights violations against minorities. The EU moved to scrap all remaining economic and diplomatic sanctions in April, subsequently welcoming the country into its preferential trade scheme and pledging €30 million to support the ethnic peace process. But campaigners slammed the move as premature, highlighting Burma's failure to meet the bloc's own benchmarks for progress, including ending violence and discrimination against ethnic Kachins and the stateless Rohingya minority.

The US has also sought to boost ties by gradually easing travel restrictions for individuals linked to the former junta, but agreed to extend targeted sanctions for another year and maintain a ban on the import of jade and rubies. This comes amid growing concerns over corruption and mismanagement of the country's natural resources, which are predominantly found in its conflict-torn ethnic minority regions. Thirty lucrative offshore oil and gas blocks were opened for bidding, prompting interest from Western companies for the first time in nearly two decades. The controversial Shwe Gas Project, a China-backed venture that connects the Bay of Bengal with western Yunnan province, began pumping gas in July in the face of protests from Arakanese and Shan communities, whose lands have been scarred and polluted by the pipeline.

Armed ethnic groups continued to clash with government forces throughout the year, despite making some progress on ceasefire negotiations. Fighting in Burma's northern Kachin state reached its peak in January 2013, when the military launched a full-scale land and aerial assault on the ethnic rebel stronghold in Laiza, killing civilians and forcing thousands from their homes. The violence drew widespread



condemnation from the international community, with accusations of war crimes and crimes against humanity levelled at the armed forces. The two sides were finally brought to the negotiating table in February, following an intervention from neighbouring China – which has vast economic interests in Kachin state – and reached a preliminary agreement to end fighting. Although two additional peace deals were brokered in 2013, they failed to produce a comprehensive ceasefire and locals report ongoing attacks on civilians.

In October, the Kachin Women's Association of Thailand accused the army of raping, torturing and killing villagers as part of an offensive designed to seize control of the northern state's timber and mineral resources. A subsequent report by the Women's League of Burma concluded that the military still uses rape as a weapon of war against ethnic minority women, documenting over 100 cases across the country since 2010. However, women have been largely excluded from the ceasefire negotiations and none of the preliminary agreements include any reference to gender issues. According to the Swedish Burma Committee, the country lacks the

political will to raise women's voices in the peace process – reflecting patriarchal power structures within both government and ethnic minority institutions.

Across the country, ethnic minority activists have been arrested and jailed for organizing peaceful protests against land grabs and large-scale development projects. In September, 10 Arakanese men opposing the Shwe Gas Project were sentenced to three months in prison under the controversial Peaceful Assembly Law – a reform-era decree that issues criminal penalties to anyone who stages a demonstration without official permission. Between May and October 63 people were prosecuted or jailed under various authoritarian laws, according to the Alternative ASEAN Network on Burma (Altsean), nullifying the progress made in a string of high-profile presidential pardons. Amid growing pressure, the President's office scrambled to put together a last-ditch end-of-year amnesty, which freed several ethnic activists. However, a significant number of political prisoners remained in detention, including displaced ethnic Kachins, Rohingya activists and NGO workers.

Left: A young girl at the Kachin Baptist Convention Refugee Camp wears a Thanaka face mask, traditionally used as a sun block and acne cure. *Christian Als/Panos.*

Security forces also target certain minority groups, particularly Muslims. Hundreds of Rohingya Muslims, who are viewed as undocumented Bengali immigrants and denied citizenship in Burma, were also arbitrarily jailed in 2012 after a wave of clashes with Buddhist Arakanese. In Rakhine, around three-quarters of those killed in intercommunal violence since late 2012 were Muslim, yet four-fifths of those arrested are Rohingya. The UN Special Rapporteur for human rights in Burma, Tomas Quintana, who toured the country in October, cited evidence of 'systematic torture' against Rohingya inmates. Other reports indicated that many Rohingya prisoners had died in detention.

The year was also clouded by several fresh bouts of ethno-religious clashes between Buddhists and the country's Muslim minority, fuelled by a vocal and growing extremist movement, known as '969'. Spearheaded by an extremist monk, Ashin Wirathu, the movement calls on Buddhists to boycott Muslim-run shops and advocates for restrictions on inter-faith marriages. The monk has been accused of spreading hate speech and fomenting violence through his vitriolic sermons, which often allege that Muslims are attempting to take over the country by marrying Buddhist women. The movement disseminates propaganda through stickers, DVDs, leaflets, social media and has been linked to several bouts of violence.

The surge in hate speech is partly a by-product of Burma's democratic transition and its move towards greater freedom of speech after many years of repression. But it also reflects deep-rooted historical grievances and decades of military propaganda about minority populations. Rohingya Muslims are described as 'Bengalis' by most Burmese media and popularly vilified as expansionist aggressors. Similarly, the head of Burma's armed forces has persistently blamed minorities for the country's civil conflicts.

Two months after Wirathu preached in Meiktila, a central town near Mandalay, a minor dispute between a Muslim shopkeeper and a

Buddhist customer boiled over into a three-day riot. The violence claimed at least 40 lives, including those of 20 Muslim schoolchildren. A report by Physicians for Human Rights (PHR) later detailed disturbing first-hand accounts of the atrocities, noting that police 'stood by and watched' as hundreds of villagers – goaded by Buddhist monks – rampaged through the neighbourhood, wielding sticks and iron pipes, while torching houses.

A subsequent investigation by PHR found that Wirathu and his supporters had delivered anti-Muslim speeches in several locations shortly before they were ravaged by violence in March and April. An eyewitness from Meiktila recalled seeing groups of people a week before the violence going door-to-door and 'giving Buddhists stickers to mark their homes so that they would not be targeted for burning'. Their Sein later blamed 'religious extremists and political opportunists' for the violence, but his government has come under fire for failing to hold agitators to account.

The eruption of anti-Muslim violence corresponded with the launch of a Human Rights Watch (HRW) report in April, which accused the state of colluding in a campaign of 'ethnic cleansing' against Rohingya Muslims. A state-backed investigation published around the same time blamed the violence on 'contentious border issues with Bangladesh' and fears that Bengalis, referring to Rohingyas, were planning to take over the state through overpopulation. Shortly afterwards, the government reaffirmed its 'two-child policy' for the Rohingya, further promoting a xenophobic narrative of Muslims in the country.

There are no hate speech laws in Burma, but it is not uncommon for individuals to be targeted for criminal defamation or inciting unrest. In April, a Muslim man was sentenced to two years in jail for 'insulting religion' after scraping a 969 sticker off a betel-nut shop in central Burma. However, the government has made little effort to curb the proliferation of anti-Muslim propaganda. By contrast, when the June edition of *TIME* magazine branded Wirathu as 'the face of Buddhist terror', the President defended Wirathu as a 'son of Buddha' and the government swiftly banned the publication 'in

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Case study
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The role of civil society in countering hate speech in Burma

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The rise of extremist rhetoric against Burma's Muslim minority has been facilitated by the government's reluctance to take meaningful steps to curb this hate speech. Even pro-democracy leader Aung San Suu Kyi has attracted criticism for her apparent silence on the targeted abuse and displacement of tens of thousands of Rohingya. The escalation of the violence since the recent thawing of the country's authoritarian rule, as well as the failure of both sides to speak out forcefully against it, has raised concerns about Burma's future.

However, while the relaxation of civil restrictions has enabled extremist outfits such as 969 to disseminate hate speech with impunity, civil society organizations and moderate religious leaders have also expanded their voice – and these groups continued to oppose vocally the divisive narrative of Ashin Wirathu and his supporters during 2013. In April, grassroots activists took to the streets of Rangoon and Mandalay to distribute thousands of stickers and t-shirts carrying the

messages 'There will be no racial, religious conflicts because of me', and 'Burmese citizens don't discriminate by race and religion'. The initiative was specifically launched to counter the rapid spread of 969 publicity across the country. Organizers reported that it was overwhelmingly well received.

It echoes statements by some monks, such as Ashin Issariya from Rangoon – a former leader in Burma's 2007 pro-democracy uprising – that the majority of Buddhist clergy oppose the violence and were at the helm of humanitarian relief efforts in Meiktila. 'The real message of the 969 is not to attack other religions, but some monks are using it like a shield,' Issariya told *New Internationalist*, referring to the three 'jewels' of the Buddha that the numbers represent. 'Real Buddhists are not angry with Muslims.'

Some media organizations have tentatively begun to explore the issue of hate speech, with the Thailand-based pro-democracy broadcaster, DVB Multimedia Group, hosting a debate on the subject in November. Meanwhile, Archbishop Charles Bo of Rangoon has publicly thrown his weight behind calls for Rohingya citizenship, adding that interfaith dialogue and education is the only way to resolve the crisis in western Burma. Speaking in November, he urged moderate religious leaders to take the lead. 'Serious dialogue among religious leaders would have more weight than any political decision,' he said. 'Where there is dialogue, hate speech and misunderstandings give way to solidarity and empathy.' ■

order to prevent the recurrence of racial and religious riots'.

It was only after mounting pressure that the state-backed monastic body, Sangha Maha Nayaka, banned 969 sermons in September. But Wirathu has been allowed to continue preaching under the guise of a new pseudo-civilian body, the Organization to Protect Race and Religion. In October, two of its members were arrested in Arakan state, along with other local nationalists, for their alleged role in stirring fresh religious

riots in Sandoway. After hundreds of monks marched through Rangoon in November, brandishing Buddhist Sasana flags and chanting anti-Muslim slogans, an investigation was also announced by authorities – albeit on the grounds of insulting religion rather than inciting hatred. Nevertheless, Wirathu's activities in Burma remain largely unhindered, raising concerns about the government's commitment to promoting an open and rights-based democracy in the country.

Cambodia

Cambodia was engulfed by several bouts of civil unrest in the run-up to its general elections in July 2013. The ballot was fraught with voting irregularities and political intimidation, with the main opposition leader excluded from the process. Prime Minister Hun Sen, who has been in power since 1985, clamped down on dissidents, human rights activists and journalists before narrowly securing another five-year term in office. Indigenous communities – encumbered by high illiteracy rates and limited access to the political system – were also targeted for electoral manipulation. In many rural provinces, members of the ruling Cambodian People's Party (CPP) reportedly instructed minorities to vote for their representatives.

The Khmer Rouge trials drew to a close in October, with the last two surviving defendants persistently denying any involvement in the genocide, which claimed some two million lives between 1975 and 1979. Addressing the court, Nuon Chea, Pol Pot's second in command known locally as 'Brother Number Two', maintained that Vietnamese and American 'agents' were responsible for the atrocities – feeding into a wider xenophobic narrative against Cambodia's historic enemy and local minority populations.

A rash of land grabs continued to plague Cambodia's minority and indigenous communities. Rights activists report that the country faces a land grabbing crisis driven by the government's neoliberal economic land concessions (ELC) scheme, which has seen large swathes of the country carved up and sold off to multinational companies with close ties to the ruling elite. In north-eastern Rattanakiri province, indigenous groups accuse Vietnamese rubber firms of taking over their lands. In 2012, the government responded to criticisms by placing a moratorium on future ELCs and rolling out a 'land-titling' scheme, intended to grant land ownership to locals. But critics say the new programme, led by a team of Hun Sen's youth volunteers, is equally tainted by corruption and abuse. It was briefly suspended in June.

According to the Cambodian Centre for Human Rights (CCHR), indigenous groups, which make up less than 2 per cent of the

population, are especially vulnerable to land encroachments, since they are often marginalized by the state, lacking full access to social security and public education. Although they are entitled to collective land titles, indigenous communities must first obtain legal recognition, which only five out of 114 applicants had successfully done as of early 2013.

Locals say they face additional pressure to accept private rather than communal land titles, which permanently weakens their socio-economic rights under Cambodian law. For example, an indigenous community in Thporng district of Kampong Speu told HRW they were urged to participate in the scheme, only to discover that they had subsequently renounced ownership to other lands they considered community territory. 'The students said we had to accept what they were ordered to do by the provincial cadastral officials who are acting on written orders from the ministries in Phnom Penh,' a villager said. 'If not, there could be trouble, and we would get nothing.'

Meanwhile, the opposition party has been keen to exploit local discontent over land issues to their political advantage. Sam Rainsy, leader of the Cambodia National Rescue Party (CNRP), has been criticized for using anti-Vietnamese sentiments to bolster his political campaign. This follows his 2010 conviction for racial incitement and vandalism following a protest he led against alleged land encroachments by neighbouring Vietnam – although his prosecution is also widely believed to have been politically motivated. Opposition protests in December 2013 and January 2014 were marred by anti-Vietnamese slogans and reports of at least three ethnic Vietnamese-run businesses being looted. The incidents led the UN Special Rapporteur for human rights in Cambodia, Surya Subedi, to issue a rebuke against the opposition.

Rooted in historical animosity and exacerbated by an influx of migrants and businessmen, ethnic Vietnamese have become convenient political scapegoats for Cambodia's social ills. The country's Vietnamese-speaking minority, which constitutes roughly 5 per cent of the population of 15 million people, has borne the brunt of this anger. In the July poll, ethnic Vietnamese were reportedly blocked from voting

in several provinces amid rumours that they had been illegally brought in from Vietnam by the CPP. Describing it as ‘ethnically motivated disenfranchisement’, the local human rights group LICADHO noted that local authorities took no meaningful action to help the residents. The minority already faces endemic discrimination in Cambodia, with many barred from citizenship and basic rights, despite having lived in the country for generations.

Media reports suggest that some ethnic Vietnamese – especially more recent arrivals – have left Cambodia, fearing for their lives. Even those speaking out for the minority have come under attack. In December, CCHR penned an open letter to Sam Rainsy’s opposition party, imploring them to stop vilifying the Vietnamese. Days later the CCHR’s President, Ou Virak, began receiving death threats via email and social media. Virak has suggested that the lack of support, even from rights groups, is in part because these organizations are focused on challenging Hun Sen’s regime but overlook the shortcomings of the opposition.

Indonesia

Indonesia continued to undermine the rights of women and religious minorities in 2013, despite pledges by President Susilo Bambang Yudhoyono to respect the country’s diversity. A number of authoritarian laws were passed, further restricting free speech and social activism. At the same time the government failed to curb abuses perpetrated by militant groups, leading to increased violence and discrimination against vulnerable communities.

According to Indonesia’s Official Commission on Violence against Women, 60 discriminatory laws were passed in 2013, including a ban on women straddling motorcycles in ethnic minority Aceh province. In December, the governor took a radical step by signing a new decree requiring all Aceh residents to practise *Sharia* law, irrespective of their faith. This carries very serious implications for non-Muslim women, who will now be forced to respect conservative Islamic dress code and customs against their will and culture. More than 300 similar by-laws already exist in the Muslim-majority country, with 79 by-laws requiring women to wear the *hijab*. In

some areas this rule is enforced on all women, including religious minorities.

In July, Indonesia adopted a highly controversial new law regulating the work of NGOs and civil society organizations. It includes several troubling provisions that could be used to stifle democratic dissent and clamp down on minority voices – mirroring the authoritarian Suharto-era law it was drafted to replace. For example, NGOs are prohibited from promoting atheism or communism and can be banned by the government after a perfunctory ‘consultation’ with the courts. The law may be used to target activists working to promote the rights of persecuted minorities in West Papua, where animism is still commonly practised along with Christianity. In July, the UN Human Rights Committee expressed concern that the law ‘introduced undue restrictions on the freedoms of association, expression and religion of both domestic and “foreign” associations’.

The government stepped up its crackdown in conflict-torn West Papua following a deadly attack by the Free Papua Movement in February. Local reports suggest that security forces responded by carrying out mass ‘sweeps’ in the central highlands, torching homes and churches, and forcing thousands of civilians from their homes. Scores of activists have since been arrested for staging peaceful demonstrations against the treatment of indigenous communities. On 26 November, police detained 28 pro-independence protesters, including three women, some of whom were later seen with contusions on their face and body.

According to *Papuans Behind Bars*, 70 political prisoners were incarcerated as of December 2013 – many of them subjected to arbitrary arrests, unfair trials and mistreatment. Foreign journalists have been largely prohibited from entering the resource-rich region, which has been marked by unrest for decades, while local reporters are relentlessly harassed. According to the Alliance of Independent Journalists Papua, attacks on journalists almost doubled in 2013, with 20 cases of press intimidation or violence reported in Indonesia.

However, Indonesia’s myriad indigenous groups earned a victory in May, when the Constitutional Court annulled state ownership

of their customary lands. Countless indigenous peoples have been forcibly removed from their traditional areas to make way for palm oil plantations, paper production and mining sites, fuelling conflict and deforestation. According to the National Commission on Human Rights, most violence against indigenous communities in Indonesia has been linked to land rights. The ruling affects an area roughly the size of Japan and some 30 per cent of Indonesia's forest coverage. But local activists say that little has been done to implement these rulings. There are additional concerns that the government's economic master plan (MP3EI), which includes plans for massive extractive projects in Papua and Central Kalimantan, could spark fresh problems.

Militant groups have multiplied since the fall of Suharto in 1998 and attacks on religious minorities are disturbingly common. The Jakarta-based Setara Institute recorded hundreds of assaults in 2013, mostly targeting Christians and minority Muslim communities, including Ahmadis, Shi'a and Sufis. Many of the attacks can be traced back to the Islamic Defenders Front (FPI), a militant Sunni group with ties to senior members of the police, military and political establishment. In February, a Christian minister was jailed in East Java for preaching without a permit shortly after being publicly attacked by Islamist hardliners, highlighting a worrying degree of state complicity in minority oppression. Two weeks later, Islamists torched three churches with petrol bombs in southern Sulawesi Island, a region tormented by sectarian tensions. Critics of President Yudhoyono accuse him of paying lip service to religious freedom while turning a blind eye to abuses by local authorities.

Shi'a Muslims have become increasingly vulnerable to hate speech and violence in Indonesia amid the spread of jihadist propaganda associated with the conflict in Syria. Members of the Ahmadi Muslim community are also subject to persecution by majority Sunnis. This position is validated by government policy, which prohibits all non-Sunni sects from promoting their faith.

The Religious Affairs Minister Suryadharma Ali has repeatedly condemned Shi'a for practising the 'wrong' interpretation of Islam. In August,

he delivered the keynote speech at FPI's annual congress in Jakarta, shortly after calling for the 'enlightenment' of Shi'a Muslims on Madura Island, East Java, where the minority came under attack from Sunni Muslims in late 2011. The Home Affairs Minister Gamawan Fauzi subsequently attracted criticism for positive remarks about the FPI.

Indeed, extremist groups enjoy considerable legal support in Indonesia, where authoritarian blasphemy laws can easily be used to facilitate religious persecution. In September, the Constitutional Court rejected calls for a judicial review of the case of Tajul Muluk, a Shi'a leader who was sentenced to four years in prison on blasphemy charges following the 2011 sectarian clashes on Madura. But Sunni extremists appear to be able to practise hate speech in mosques across the country with impunity.

In September, hardliners used a sermon to launch a scathing attack on Hindus for hosting the Miss World Pageant in Bali. A spokesperson for the Indonesian Mujahideen Council branded the event 'lascivious' and a 'war against Islam', adding that 'those who fight on the path of Allah are promised heaven'. The remarks were viewed as hate speech by critics and stirred debate about the need for effective laws to tackle incitement to violence. Indonesia currently has no hate speech legislation, despite being a signatory to the International Covenant on Civil and Political Rights (ICCPR), which explicitly bans 'any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence'.

Indonesia's media has at times contributed to negative representations of indigenous groups and minorities. Speaking at an event in Bangkok in July, a spokesperson for Indonesia Aliansi Masyarakat Adat Nusantara (Aman) warned that Jakarta-centric media 'indirectly ignores' issues affecting indigenous populations. One month earlier, Aman was forced to write a letter of complaint to one of Indonesia's media giants for publishing an article which denigrated the Polahi tribe.

Such widespread prejudice has prompted Indonesian NGOs to establish community radio stations and train indigenous people to act as citizen journalists. Media leaders from across



the Asia-Pacific also met in Bali in November to discuss ways to counter the spread of hate speech online, concluding with a call for a new movement to promote responsible journalism. The event formed part of a regional initiative to strengthen ethical media in Asia and gathered experts to discuss the problem of hate speech.

Malaysia

Malaysia's national elections in May marked the ruling Barisan Nasional (BN) coalition's worst performance in more than 40 years, with Prime Minister Najib Razak remaining in power with a mere 47 per cent of votes. He subsequently blamed a 'Chinese tsunami' for the losses, drawing out deep racial and ethnic fissures in the diverse South East Asian country. Following accusations of electoral fraud and vote buying, Razak arrested activists and opposition leaders using a colonial-era sedition law he had previously pledged to

repeal. A law on peaceful assembly, introduced in 2012, was swiftly invoked to silence the tens of thousands of people who poured onto the streets to protest the disputed poll.

Indigenous communities were targeted throughout the year, often for staging protests against land grabs and large-scale development projects. In Sarawak province on the island of Borneo, indigenous communities have organized against a string of hydroelectric projects planned by the government in their native lands. In September, hundreds of Penan locals launched a blockade against the vast Murum dam, which once completed will flood approximately 1,500 indigenous homes. The authorities responded by clamping down on protesters and issuing threats to communities. In November, the Child Rights Coalition Malaysia condemned the arrest of two Penan children accused of taking photographs near the dam site. Media reports suggest that

Left: Penan girls in Sarawak province, Malaysia.
Karim Amar.

an influx of loggers and company workers to Sarawak has also sparked an epidemic of sexual violence against Penan women. But five years after setting up a national task force to investigate the allegations, activists say the government has taken no action.

The Murum dam is located 70 miles upstream of the 220 metre Bakum dam, the largest in South East Asia, which was completed in 2011. The projects are part of 12 mega-dams planned by the government, which will inundate over 2,300 square km of pristine rainforest. Described by Transparency International Malaysia as ‘a monument to corruption’, the Bakum project displaced over 10,000 indigenous people, most of whom were subsequently forced into abject poverty. Penan locals living near the Murum dam insisted that they did not wish to suffer the same fate. But in December, amid growing pressure and with water quickly filling their homes, they were forced to abandon their protest. Similar blockades were formed near other development projects in Borneo, including the Baram dam.

In March, an undercover investigation by Global Witness exposed rampant nepotism and corruption in Malaysia’s largest state, implicating then Chief Minister Abdul Taib Mahmud in the exploitation of Sarawak’s rainforests and its inhabitants for personal profit. The film documents how the chief minister accepts multimillion-dollar ‘kickbacks’ for the distribution of plantation licences, while allocating cheap land concessions to a nexus of family members; these are subsequently sold off at enormous profits through murky transactions in Singapore, forcing indigenous populations from their traditional lands. Taib, who has ruled the state since 1981, has publicly lashed out at protesting indigenous communities, calling their demands for better compensation ‘outrageous’.

The Orang Asli, a collective of 18 indigenous groups inhabiting peninsular Malaysia, also came under assault this year when the government moved to weaken the 1954 Aboriginal Peoples Act. The law, which forms the backbone of protection mechanisms for indigenous communities, has already been criticized for

its diluted land rights provisions. According to the Peninsular Malaysia Orang Asli Villages Network, the changes will result in the loss of over 645,000 hectares of ancestral lands and are being pushed through without adequate consultation. Indigenous women are particularly vulnerable to land encroachments due to traditional patriarchal structures, which may exclude them from individual land rights.

Racial tensions have been high since the disputed May election. Razak’s party, the United Malays National Organisation (UMNO), has been accused of fomenting racism by blaming the Chinese minority for its electoral losses. *Utusan Malaysia*, a newspaper controlled by UMNO, announced the results with the headline ‘What more do the Chinese want?’, while former Prime Minister Mahathir Mohamad berated the group as ‘ungrateful’. Conversely, opposition leader Anwar Ibrahim alleged that foreigners had been flown in to vote illegally. In March, two US-based rights groups accused both leading coalitions of failing to protect minorities, notably the Indian population.

Religious tensions also erupted into vocal disputes between the Muslim majority and other faiths. In October, a Malaysian court ruled that only Muslims are allowed to use the term ‘Allah’, following a long-running controversy that has polarized the country. Critics say the decision, purportedly based on a desire to prevent conversions, is intended to delegitimize religious minorities. Subsequently, Ibrahim Ali – the president of a right-wing group affiliated with the ruling party – called on Muslims to seize and burn all copies of the Bible using the Arabic word for God. His actions have been termed ‘hate speech’ by civil rights lawyers, but the police have taken no action.

Malaysia does not have specific hate speech laws, but curtails the right to free speech through various provisions in its Constitution, Penal Code and Sedition Act. Many of these have been criticized by human rights lawyers for conflating censorship with justified restrictions on hate speech and incitement to violence. For example, the Constitution and Sedition Act prohibit criticisms of the ‘special privileges’ of the Bumiputra (ethnic Malay and certain indigenous peoples) and the role of Islam as the national religion.

These laws can be, and often are, used to reinforce the notion of Malaysia as an ethnic Malay and Sunni Muslim state. In the so-called ‘Alvivi’ case, a Christian couple were charged with sedition for posting a photograph in July on Facebook showing them eating pork during the Muslim holiday Ramadan under a provocative slogan. A state-backed religious body later called for social media channels to be censored in order to prevent ‘attacks’ on Islam. Similarly, the government has aggressively pursued Shi’a Muslims accused of violating an edict that says only Sunni Islam can be promoted in Malaysia. Shi’a found in possession of banned religious texts are regularly arrested and prosecuted, risking up to two years in prison.

The Philippines

The Philippines made mixed progress on minority rights in 2013. President Benigno Aquino has committed to resolving the bitter ethnic conflict in its deep south, making tentative progress on a peace deal with the Moro Islamic Liberation Front (MILF) this year. However, violence continued to flare in its restive southern provinces, where both rebel and government forces have been implicated in serious abuses against minority populations.

In July, the two parties reached a preliminary agreement to end the decades-long conflict, fleshing out natural resource and revenue sharing mechanisms for an autonomous region known as Bangsamoro. Analysts welcomed the deal as a promising step towards durable peace in southern Philippines. But in September the insurgency saw a bloody resurgence when armed rebels belonging to a faction of the Moro National Liberal Front (MNLF) – another separatist organization – seized the Christian-majority city of Zamboanga on Mindanao Island. The three-week siege claimed dozens of lives and forced over 100,000 people from their homes. The rebels professed to be fighting for a fully independent state, visibly disgruntled by the MILF’s proposals for autonomy. The attack took place shortly after the MNLF’s founder, Nur Misuari, proclaimed an independent state of Bangsamoro. However, the group – which signed a peace deal with the government in 1996 – later denied authorizing the operation, which others have blamed on

‘rogue’ elements loyal to Misuari.

During the siege, rebels were seen abducting Christian residents for use as human shields against the Philippine army. The army responded by capturing dozens of suspected rebels, including a mentally disabled man and several other civilians who were later released without charge. Activists accused the government of using torture and vicious beatings to elicit confessions from their detainees, calling for an independent investigation into the violence.

Many obstacles remain to ending the 46-year-old conflict, which has already claimed 120,000 lives. Other rebel factions remain opposed to the proposed power-sharing deal, including the Bangsamoro Islamic Freedom Fighters (BIFF) – a MILF breakaway group that has been implicated in a series of kidnappings and killings over the past year. Although the peace talks have been praised for their gender inclusiveness, indigenous peoples in the resource-rich Mindanao region, known collectively as the Lumad, say they have been systematically excluded.

Thousands of indigenous Lumads have also been caught in the crossfire of the festering communist insurgency – which, unlike the Muslim conflict, has received little media attention. An August report by the Internal Displacement Monitoring Centre documented its devastating social and economic impact on indigenous communities, including gruelling poverty and isolation. It notes that Lumads ‘who refuse to join defence militias and paramilitary groups are often suspected of being [communist] sympathizers’, leading to arrests and persecution. The report further criticized Aquino for vetoing a landmark bill on internally displaced persons, which would have offered essential assistance to indigenous communities uprooted by a combination of conflict, land grabs and natural disasters.

Extra-judicial killings are carried out with impunity, especially in ethnic minority and indigenous areas. On 13 September, paramilitary forces linked to the government executed Benjie Planos, a Lumad tribal leader in Agusan del Sur province in Mindanao. In December, another human rights activist was murdered in Opol. The Asian Human Rights Commission has

described 'a widespread pattern of abuse targeting indigenous people' for their ancestral lands. The Philippines remains one of the deadliest places in the world to be a journalist.

The most prominent example is the Tampakan mine, a US\$5.9 billion project, which, if completed, will be the largest mining operation in the country's history. But the site is also home to five ancestral domains of the Blaan indigenous people, who have expressed vocal opposition to the project. They have accused Philippine security forces of participating in targeted violence against the community and called for an independent investigation into a series of killings. In October, campaigners were outraged to hear that prosecutors had dropped charges against two military officers and 14 soldiers for the alleged murder of a tribal Blaan woman, known for her staunch criticisms of the Tampakan mine, and her two young sons. Earlier in the year, hundreds of families were forced to flee their homes in fear of a growing military presence in the area. Local activists say that indigenous women bear the brunt of violence caused by militarization.

There appeared to be growing awareness of the media's role in portraying minorities. In September, a Filipino lawmaker proposed a law that would prohibit the mention of ethnicity or religion in media reports about criminal activities to protect Muslims from unfairly being labelled 'terrorists' or 'bandits'. It follows a 2007 study by the Asian Institute of Journalism and Communication, which identified clear anti-Muslim biases in the Filipino media, especially in the context of the Moro conflict. However, the proposed law includes criminal penalties for anyone found culpable, raising concerns about free speech and freedom of the press. The Philippines already has criminal defamation laws, which can be used to target journalists.

Filipino indigenous groups are also fighting back against media discrimination and stereotypes. In October, KAMP held training to help empower indigenous people to use the media, including photography and social media, aimed at giving people their own voice. KODAO Productions, a Filipino multimedia company, is working to establish community radio stations for indigenous peoples, while supporting the production of documentaries on

important social issues, such as environmental destruction and human rights. Campaigners say these perspectives are muzzled by Filipino media giants, owned and censored by corporations with lucrative financial interests in the extractive industries. It is not uncommon for indigenous activists to be publicly smeared as communist sympathizers in the local media, while stories of land grabs, targeted killings and military incursions go unreported. Indigenous women say they are stereotypically portrayed as 'good dancers, singers or entertainers', even though many play an active role in grassroots movements against militarization and large-scale development projects.

Thailand

A relatively calm year in Thailand culminated in a series of violent protests aimed at ousting the incumbent government, led by Prime Minister Yingluck Shinawatra. Tensions boiled over in November when the ruling Pheu Thai Party attempted to pass a controversial amnesty bill that would have allowed her brother, 'red shirt' leader and former Prime Minister Thaksin Shinawatra, to return to Thailand, where he currently faces jail for corruption charges. The move provoked a furious backlash from opposition 'yellow shirt' supporters, consisting mainly of the affluent Bangkok elite and voters from the southern provinces who view Yingluck as a mouthpiece for her brother, and unleashed the country's worst political upheaval in three years.

This political division has largely overshadowed the bitter conflict in Thailand's deep south, where ethnic Malay Muslim separatists have led a bloody insurgency against the Buddhist-dominated state for over a decade. Nearly 300 people, including 132 civilians, were killed in 2013, bringing the total death toll to over 5,000 since 2004. Among the fatalities were several schoolteachers, children and activists, such as the prominent Malay Muslim leader, Abdulrofa Putaen, who was gunned down by unidentified assailants in August. He had previously been accused by the authorities of having ties with the rebel movement.

In February, the Thai government reached a deal with the Barisan Revolusi Nasional (BRN)

group, paving the way for peace talks brokered by neighbouring Malaysia, which has historical and cultural ties to the region. However, the process ended in failure amid a surge in violence and lingering doubts about the BRN's ability to rein in other militant groups. Some analysts say the conflict has entered a new phase marked by a sharp rise in casualties on both sides. Meanwhile, Thailand's political crisis has thrown future peace talks into disarray, delaying tentative plans to reach a partial ceasefire by 2015.

The Thai government, keen to portray the conflict as a domestic problem, often fails to investigate atrocities against Malay Muslims, a 5 per cent minority in the overwhelmingly Buddhist country. In December, the investigation into the 2004 disappearance and suspected murder of Somchai Neelaphajit, a Malay human rights lawyer, was closed shortly after the authorities claimed to have lost his case file during a siege by anti-government protesters, although after criticism from rights groups it was subsequently found. Somchai's widow and fellow human rights advocate, Angkhana Neelaphajit, has accused the government of covering up endemic sexual violence carried out by security forces – either by bribing the victims or forcing them to marry their assailants. Muslim girls as young as 10 are believed to have been raped.

Activists say that ethnic Malays face systematic economic and social exclusion, aggravating local grievances. This has fuelled suspicions of state complicity and provoked vicious reprisal attacks against Buddhist civilians, who are a minority in Thailand's three southernmost provinces. In May, HRW accused insurgents of committing war crimes by opening fire on a group of Buddhist villagers before shooting six people, including a two-year-old boy, in the head at point-blank range. In response to this violence, in some areas the army has encouraged Buddhist villagers – including monks – to form village 'defence forces', which analysts say have served to exacerbate sectarian tensions. Insurgent atrocities have helped perpetuate negative stereotypes about Muslims and contributed to the rise of Buddhist chauvinism in Thailand – a factor that has further entrenched the conflict in the south of the country.

The year 2013 saw an influx of Muslim

Rohingya arriving by boat, fleeing persecution in neighbouring Burma. Thailand, which is not a signatory to the 1951 UN Convention relating to the Status of Refugees, refuses to process asylum applications, opting to confine Rohingya in overcrowded detention centres before deporting them back to Burma. In January, the Prime Minister defended the policy by alleging that the arrivals might join the southern insurgency, feeding a toxic narrative that associates Islam with terrorism. The navy has since been accused of forcing boats back to sea, as well as conspiring with trafficking networks to smuggle them onwards to Indonesia and Malaysia. A Rohingya woman was reportedly abducted with her children from a local detention centre and raped, allegedly in collusion with a local official.

Thailand's hill tribe communities, including ethnic Akha, Karen, Hmong, Lahu and Lisu, are routinely denied basic rights and services in Thailand, such as the right to vote, even though most have lived in the country for generations. Their voices have been predominantly sidelined in Thailand's increasingly antagonistic political climate. The future of some 120,000 Burmese refugees crammed into malaria-infested camps along the Thai–Burma border, the majority belonging to Karen and other ethnic groups, remained uncertain in 2013, with the government pushing for repatriation. But a UN study revealed that most refugees do not wish to return, preferring to stay in Thailand or seek resettlement in a third country.

The year's political unrest has further exposed deep-seated racism and misogyny within Thai society. The opposition Democrat Party, led by Abhisit Vejjajiva, has been accused of fomenting hatred towards Thailand's largest linguistic minority, the Isaan, who speak a dialect closer to Lao and form the backbone of Shinawatra's political powerbase. According to Sanitsuda Ekachai, an assistant editor at *The Nation*, 'sexism, racism, ethnic discrimination' is used by all political camps to 'fuel hatred and condone verbal and physical violence'. Although Thailand has laws prohibiting hate speech under civil and criminal statutes, they are rarely enforced.

Hostility towards Thailand's historic enemy, Cambodia, also resurfaced in 2013, aggravated by the International Court of Justice's decision to

award most of the disputed land surrounding the Preah Vihear temple to Cambodia in November. Anti-government protests have subsequently seized on Thaksin Shinawatra's close relationship with the Cambodian leader, Hun Sen, to stir up ethno-nationalist sentiments. A number of unfounded rumours have linked Cambodians to violence against opposition 'yellow shirt' protesters. These stories are likely designed to undermine Thaksin's influence by mustering hatred towards Cambodians.

This carries implications for Thailand's one million Khmer-speaking minority, mostly based near the Cambodian border in north-eastern Thailand, as well as the thousands of migrants who live and work in the country. Migrants from Burma were also targeted for their ethnicity, increasingly through the use of social media. For example, in June a spate of gang-related attacks in Chiang Mai, blamed on its Shan migrant community, unleashed an online hate campaign to kill or deport the minority, known locally as Tai Yai, back to Burma.

Vietnam

The Communist Party of Vietnam, led by Prime Minister Nguyen Tan Dung, stepped up its assault on political dissidents, pro-democracy and minority activists in 2013. Fresh restrictions were applied to journalists and bloggers, including crippling fines for social media users posting material considered 'propaganda against the state', while the persecution of religious and ethnic minorities continued.

Dozens of activists were sentenced to lengthy prison terms, many targeted for their religious affiliation. In January, 14 bloggers were jailed for three to 13 years on allegations of subversion. A number of the defendants were affiliated with two Catholic churches known for their vocal support of democracy and human rights. In October, prominent minority rights lawyer and writer Le Quoc Quan was sentenced to two and half years in prison and a US\$59,000 fine for what HRW described as 'trumped up' charges of tax evasion.

This comes amid a series of government efforts aimed at restricting religious freedoms in Vietnam. The start of the year marked the introduction of a new decree restricting the

practice of non-state-sanctioned religions. This could strengthen the government's repression of unrecognized or targeted religious groups, including Catholic congregations based in Vietnam's major cities, Christian congregations in ethnic minority (including Degar or Montagnard) areas in central and northern Vietnam, the Unified Buddhist Church and certain Theravada Buddhist sects among the minority Khmer Krom in the Mekong Delta.

Critics say the law is aimed at curtailing the social activism of these groups, often relating to land rights in minority regions. The Montagnards, a cluster of over 30 indigenous communities living in Vietnam's central highlands, accuse the government of selling their resource-rich lands to large agricultural companies and ethnic majority Kinh settlers from the lowland regions. In May, eight Montagnards were sentenced to between three and 11 years in prison for 'undermining national unity' by staging protests against an unpopular hydropower plant. Their charges included associating with a 'false' Catholic sect and working with a Degar organization, viewed as a separatist terrorist group by the government.

It is not uncommon for religious minorities to be assaulted or detained by the authorities for holding prayer vigils or other protests against alleged land encroachments or religious rights abuses. Christian organizations reported that over 50 Christians, including pastors and community leaders, were arrested in 2013, with one Hmong church elder reportedly dying in police custody. Buddhist monks from unrecognized sects were also brutally targeted by authorities in 2013. In June, two ethnic Khmer monks were forced to go into hiding after the authorities declared they had spread 'false information' about the government's treatment of the minority. A third monk was reportedly detained, stripped of his robes and thrown unconscious into the street, according to the Khmers Kampuchea-Krom Federation.

In 2013, Vietnam pushed ahead with amendments to its Constitution, following a surprisingly participatory public process. But campaigners were left disappointed when the new text, passed in November, only tightened the ruling party's grip on power – ignoring pleas for free and fair elections. Although a number

of new clauses were ostensibly intended to boost free expression and curb arbitrary arrests, the document makes exceptions for reasons of ‘national security or order’ – leaving significant loopholes that could be exploited to repress ethnic and religious minorities.

Land grabs, which also affect villagers from the Kinh majority, are a major issue in Vietnam, where the government is currently considering a series of reforms to its 2003 Land Law. But the party’s constitutional reform committee quickly rebuffed requests to sanction the private ownership of land in the communist state. Instead, the government reaffirmed the arbitrary seizure of land for purposes of ‘socio-economic development’, which is likely to have a devastating impact on minorities living in resource-rich areas. Vietnam does not recognize that indigenous communities have customary ties to their lands and natural resources, even though this is enshrined in international law and considered an essential part of protecting their human rights.

The government remains verbally committed to improving the rights and lives of ethnic minorities, which comprise roughly 14 per cent of the population. During the year, the Communist Party pledged to support minority rights in collaboration with the European Union and other international agencies. Economic development is seen as a key priority for the government, but concerns remain over the inclusivity and sensitivity of the process. Minorities are often denigrated or misrepresented in the state-controlled media. Analysts say this has helped develop a harmful narrative of Vietnam’s minorities, rooted in cultural stereotypes and sensationalism.

Local campaigners are working to challenge these stereotypes by offering media training to journalists and distributing information about international norms on the protection of minorities and indigenous peoples. However, the biggest challenge is tackling bias and discriminatory language perpetuated by the government, which controls the country’s media. Vietnam does not have any laws explicitly prohibiting hate speech, but forbids the dissemination of material deemed a threat to the state.

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Case study
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Vietnam: raising awareness and challenging prejudice in the media

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In 2011, the Hanoi-based Institute for Studies of Society, Economy and Environment (iSEE), supported by MRG, launched a new campaign to boost coverage of the rights of minorities and indigenous peoples in the media.

‘As the public knew very little about ethnic minority rights and the duties of the state, the project was intended to improve their knowledge and increase social discussion on these issues,’ says iSEE’s media manager, Thao Vu Phuong.

Indeed, discussion of rights rarely features in the media. Meanwhile, research carried out by iSEE has exposed deep-rooted prejudices and ignorance about minority and indigenous communities.

‘A 2009 iSEE study on the media’s portrayal of ethnic minorities in Vietnam found that 69 per cent of 500 studied articles were “biased” or “strongly biased” against ethnic minority people,’ says Vu.

It was in this context that iSEE decided to raise awareness among civil society, policy-makers and the media. In 2012, the institute reprinted and circulated thousands of booklets containing the UN Declaration on Minorities and the UN Declaration on the Rights of Indigenous Peoples in urban and local communities.

These texts were later used as the basis for training seminars for journalists, development professionals and policymakers. iSEE immediately received

positive feedback, with participants noting that it was the first time they had seen this material, despite having worked with minority and indigenous communities for years.

A group of 15 reporters were taken on a field trip to meet with ethnic Hmong and Yao people in Van Chan district, Yen Bai province, some 200 km north-west of Hanoi. The journalists eagerly immersed themselves in the local culture, discussing identity politics and the lifestyles of minorities and indigenous peoples in a manner previously unseen. The project resulted in dozens of positive articles about minority and indigenous communities in Vietnam, tackling issues from culture to the right to language.

‘After conducting several projects and programmes to combat media and social stigma against ethnic minorities, we found that on the surface the situation got better gradually,’ says Vu:

‘Lately we rarely see any articles carrying prejudice or using negative words to describe ethnic minorities. Terms and phrases repeatedly used by iSEE, such as “respecting insiders’ voices”, “celebrating cultural diversity” or “the rights of ethnic minorities”, have become increasingly popular in the media. Negative

Below: Hmong woman in Vietnam. Dai Kurokawa/EPA.



labels like “lazy”, “backward” or “reliant” have largely disappeared.’

But many challenges still lie ahead, with civic and political rights overwhelmingly absent from public discourse. ‘Beneath the surface, there is still a lack of independent and critical reporting,’ explains Vu. ‘Policies for ethnic minorities are not questioned or even discussed in the media. Substantial issues affecting the community life of ethnic minorities, such as community land ownership and cultural rights, are hardly touched on.’

The thirst for sensational pieces, resulting from the pressure of earning more views or selling more papers, is also a challenge. The media seem to be caught in a dilemma between producing well-considered, accurate discussions and the temptation of developing ‘catchy’ articles that risk being stigmatizing or discriminatory. Or at least, that is how many reporters have treated ethnic minority issues.

Vu insists that more effort must be put into training media workers on cultural diversity, along with more independent research on Vietnamese public policy and indigenous peoples. ‘The Vietnamese media are moving towards less negative portrayals of ethnic minorities and better recognition of their values and contributions,’ she says. ‘But journalists should be encouraged to make more nuanced and positive reporting.’ ■

East Asia

Gabriel Lafitte

China

While China maintains an official policy of inclusion towards its minority groups, this stance has not been accompanied by a comparable process of political empowerment. In particular, the concentration of natural resources, minerals and petroleum in parts of the country with a large minority presence, such as the western region of Xinjiang, has strongly informed its relationship with these areas. As a result, while it has established a number of autonomous regions across the country, including the Tibet Autonomous Region and the Xinjiang Uyghur Autonomous Region, these in practice remain heavily controlled by the central government.

Of the hundreds of ethnic minorities in China, only 55 are officially acknowledged and many of these are now facing pressure to assimilate to the Han majority culture. The government's attempts to depoliticize and control the representation of minority cultures – for example, its announcement in 2013 that it would be commissioning 55 films to represent each of its recognized ethnic groups – has been criticized for excluding the voices of the minorities themselves. Tibetan and Uyghur communities, in particular, are also struggling to maintain their identities as large-scale investment programmes and state-sponsored migration of Han Chinese are transforming these areas. While these interventions are often presented as a process of modernization and development, some critics have argued that they actively undermine minority cultures. In particular, the Chinese government has been accused of actively promoting labour transfer and relocation programmes to alter the population composition in ethnic minority areas of the country.

In 2013, the impact of state-led urbanization policies continued to be felt in many historic cities long associated with minority communities. In May, reports emerged of a vast shopping mall under construction in the heart of the historic Tibetan city of Lhasa, next to the UNESCO-

listed Jokhang Temple, widely regarded as the holiest site in Tibet. The demolition of Kashgar's Old Town, until recently a well preserved urban centre dating back to the Silk Road, also continued during the year. The redevelopment of the city centre, previously reflecting centuries of Uyghur culture, is justified by the Chinese government as a necessary intervention to replace the old building stock with earthquake-resistant housing.

However, the manner of the intervention – in particular, the limited involvement of the Uyghur population themselves in the planning process – has sparked criticism that the programme is also politically motivated, given the region's recent history of unrest. It is estimated that 85 per cent of the historic quarters of the city will eventually be destroyed.

In some cases, the large volume of investment channelled into Xinjiang may be exacerbating resentment among the minority population. Heavy-handed and insensitive redevelopment programmes have sometimes served to reinforce divisions and tensions between minorities and the Chinese government, as well as members of the Han majority. In October, protests broke out among Uyghurs in the city of Shihezi over proposals to move a 200-year-old Muslim cemetery to another location after the site was sold to a businessman based in the eastern city of Wenzhou.

The region continued to be troubled by tensions between the Uyghur community and the Chinese government, resulting in repeated outbreaks of violence during the year. In April, a shoot-out between police and an armed gang in Kashgar left 21 people dead. While authorities alleged that the group was planning 'terrorist activities', representatives of the World Uyghur Congress and other groups denied this, arguing that the state's accusations were intended to increase their control in the region. Other incidents included a riot at a police station in Lukqun township in June, leaving 35 dead, followed by another attack at a police station in Hotan shortly afterwards. At least 11 people were killed in November in Serikbuya township, near Kashgar, in another assault on a police station. In a similar incident near Kashgar at the end of December, eight people were shot dead



by police. While the government has repeatedly linked violence in the region to global Islamist extremism, it has been accused of overlooking the role its domestic policies in the region, such as controls on local religious and cultural expression, have played in triggering violent unrest.

Elsewhere in China, following a car crash in Tiananmen Square in October that killed five people including the driver and two passengers, Chinese officials characterized the incident as the work of an Islamic militant group. However,

Above: Uyghur men walk home from work in Buzak, China. *Carolyn Drake/Panos.*

some minority and rights groups questioned the evidence behind the claim and suggested that the allegation was politically motivated. The worst violence occurred in March 2014 when a brutal attack by masked men and women with knives in Kunming train station left at least 29 people dead and over 130 injured. It was subsequently reported that the perpetrators

were Xinjiang separatists. The next day, police in Guanxi province posted a notice urging locals to report any people from Xinjiang to the authorities. The World Uyghur Congress, while condemning the violence, called on authorities ‘to refrain from using this as a pretext to further and indiscriminately crack down on Uyghurs as precedents suggest, and to show a measured response’.

The Chinese government has repeatedly been criticized for its response to suspected separatist incidents. Shortly after the crash in Beijing, the Uyghur scholar and activist Ilham Tohti was arrested for ‘incitement to ethnic separatism’ in relation to the incident. According to Tohti, police had been subjecting him to systematic intimidation shortly before the attack. He was subsequently released and jailed again in January 2014. Human rights groups widely criticized the charges against him, which may carry the death penalty. Two months later, the organization PEN American Centre honoured Tohti with its Freedom to Write Award. However, while Tohti’s case attracted considerable media attention, other Uyghur activists and dissident writers were also arrested during the year.

Increased repression of the Uyghur minority frequently follows incidents such as the crash in Beijing and the Kunming massacre. However, these crackdowns as well as more general discrimination fuel resentment towards authorities. Restrictions and obstacles regarding dress code, religion and employment opportunities even within Xinjiang have been blamed for further alienating the Uyghur community. According to a HRW researcher quoted in an October 2013 media report, ‘Xinjiang is trapped in a vicious circle of increased repression that only leads to more violence.’

The repression of and discrimination against the Tibetan minority has also triggered a wave of self-immolations since February 2009 which continued throughout 2013. In February, the toll of reported incidents reached 100 when a former Buddhist monk, Lobsang Namgyal, set himself on fire in Sichuan. By the end of the year, the reported number had risen to more than 120. The Chinese government presents these incidents as acts of terrorism and has responded by

criminalizing self-immolation protests, including ‘incitement’, with many Tibetans sentenced to lengthy prison terms and even a suspended death sentence for allegedly ‘abetting’ others who had self-immolated. This was even reportedly extended in Dzoegé county, Sichuan province, to punitive economic and political measures against the family members and villages of Tibetans who self-immolate.

The Chinese government continued to respond to dissent through tight censorship and exclusionary control of the public sphere. This included heavy censorship of exiled Tibetan voices, in particular the Dalai Lama, shutting them out of television and online media. Discussion of sensitive minority-related topics, such as calls for expanded political freedoms in Tibet and Xinjiang, is also silenced. A number of Tibetan and Uyghur activists are currently imprisoned for their writing, including Gartse Jigme, who was arrested on 1 January 2013 in connection with views he had expressed on minority rights, the Dalai Lama and Chinese policies in Tibet in the second volume of his book *Tsenpoi Nyintob (The Warrior’s Courage)*. He was subsequently sentenced to five years in prison. The government has also been accused of barring internet access in Tibet and Xinjiang during periods of ethnic tension.

While state-controlled media have been criticized for representing minority groups in a negative light – for example, their coverage of the 2008 riots in Tibet – there are a number of legal measures in place to prevent discriminatory language. Articles 249 and 250 of the 1997 Criminal Law stipulate prison sentences of up to three years for ‘those provoking hatred and discrimination’ and ‘persons directly responsible for publishing materials that discriminate or insult minority nationalities’. These legal provisions have at times been used to prosecute cases of denigration or incitement against minorities. However, the government’s primary emphasis in the application of these laws has been political stability rather than minority rights. It has yet to tailor a comprehensive framework specifically addressing ethnic discrimination.

Censorship remains the main vehicle for preventing hate speech in China. However, minority groups are frequently targeted as part of

security crackdowns. According to the *Xinjiang Daily*, 110 people were arrested and a further 164 issued with a warning in Xinjiang between 26 June and 31 August alone. The government's closure of online minority platforms has also had the effect of narrowing the space for open, multi-ethnic dialogue. At the same time, despite state monitoring, inflammatory rumours and discriminatory language concerning ethnic minorities have still appeared online in unofficial channels. In the wake of the March Kunming massacre, for instance, hate speech against the Uyghur minority appeared on websites such as Weibo. Importantly, however, positive messages urging users not to collectively blame a particular ethnic group for the violence were also disseminated through these channels. So while Weibo filled with rumours and invective following the Kunming killings, a comment on the same social media site calling for greater nuance and understanding was retweeted more than 200,000 times. This shows the important role that the internet can also play in promoting positive representations of minorities.

Mongolia

In 2013, the National Human Rights Commission of Mongolia (NCHRM) issued its *12th Report on Human Rights and Freedoms in Mongolia*, reiterating the limited opportunities and political participation that minority groups such as ethnic Kazakhs and Tuva continued to face. While the NCHRM acknowledged the government's steps to extend access to minority-language educational materials for Kazakh speakers in the country, it highlighted the lack of progress made to implement Tuva language or educational programmes.

The NCHRM, building on its previous reports, highlighted the continued challenges that the country's booming mining industry poses for local communities. While resource extraction forms a large part of Mongolia's economy, the report highlighted its continued impacts on health and the environment. In particular, mining practices were threatening water resources in nearby areas through pollution and overuse, undermining local access to safe drinking water. NCHRM also underlined the lack of participation and fraud surrounding the issue

of mining and its regulation. Furthermore, the disruptive effects of mining undermine the ability of herder communities to exercise their nomadic customs and traditions.

The Law on Prohibiting Mineral Exploration and Extraction Near Water Sources, Protected Areas and Forests, commonly known as the 'Long Name Law', was passed in 2009 to prevent environmental damage from mining in sensitive areas. However, the regulations have not been fully enforced, and by the summer of 2013, following meetings between the minister of mining and company representatives, it appeared that the legislation might be relaxed. In September, following a demonstration at the Mongolian parliament in which a gun was accidentally discharged, acclaimed environmentalist Tsetsegee Munkhbayar and a group of pastoralist activists were arrested. In January 2014 Munkhbayar, who had attracted international recognition for his environmental campaigning, was convicted with four others for 21 years for 'acts of terrorism'. The sentence attracted criticism from a number of civil society groups.

Oyu Tolgoi, a vast gold and copper mining project located in the Gobi desert, announced the production of its first copper concentrate in January and its first commercial shipment in July. According to projections, by 2020 the mine could account for a third of the country's GDP, although the operation also struggled with financing issues during 2013, amid disagreements between the Mongolian government and Rio Tinto, the main investor in the project. In February 2013, herders in Khanbogd soum formally presented a complaint to the World Bank's Compliance Advisor Ombudsman. However, despite the US representative on the board of the World Bank abstaining from the vote, referencing environmental concerns and the complaints lodged by the herder community, the boards of the European Bank for Reconstruction and Development and the International Finance Corporation – the lending arm of the World Bank – agreed to approve the loan. Among other impacts, the submission highlighted the negative implications of the project's diversion of the Undai River, viewed by herders as sacred, in particular the possibility that it might lead

to reduced water supplies and less productive pasture. Following the release of the assessment report in July, a meeting was held between herder and mining representatives in early 2014 to discuss compensation and environmental issues.

The increasing influence of foreign countries such as China in Mongolia's mineral extraction industry, against a backdrop of widespread poverty, has also driven a rise in 'resource nationalism'. This has encouraged right-wing extremists with a strong anti-Chinese agenda to embrace environmental protection and to target non-Mongolian mining companies with inspections to mobilize support for their activities. While this group remains at the fringe of Mongolian society, their message taps into wider social tensions within the country. This is reflected in the songs of popular Mongolian rapper Gee. The music video for his biggest hit, featuring a common ethnic slur against Chinese as its title, showed the performer singing a series of denigrating lyrics with sheep corpses hanging on meat hooks behind him.

Taiwan

The year 2013 saw a number of positive developments for Taiwan's indigenous peoples, who together make up around 2 per cent of the population and are concentrated in the less developed inland hills and west coast. The situation of Aboriginal communities has improved significantly in recent years. However, this has nevertheless taken place against a backdrop of entrenched prejudice and discrimination. Aboriginal communities continued to advocate for expanded cultural and political autonomy.

Many of Taiwan's Aboriginal languages are already extinct or critically endangered, partly as a result of their decades-long suppression by the government after 1945, placing their future survival in doubt. Past stigmatization, from which Aboriginal communities are still recovering, even extended to preventing the use of indigenous languages in the playground. However, in September the Ministry of Education announced that as of 2016 the national curriculum would be revised to include a compulsory component on native languages, including Aboriginal languages, Hakka and Hoklo. The move was greeted

positively by many, though not all, teacher and parent organizations.

In November, county governments in some coastal areas announced registration for Pingpu Aborigines, a long unrecognized ethnic group who have been advocating for formal recognition for many years. However, despite repeated lobbying, the central government has yet to acknowledge their identity. Currently they are included in the collective description of 'lowland-dwelling Aborigines'. In early 2014, the government was accused of further marginalizing Pingpu Aborigines through a change in the educational curriculum that critics argued would reinforce their invisibility.

Despite public affirmations of support, the government again failed to pass the Aboriginal autonomy act during the year. In August, President Ma Ying-jeou committed to push through the legislation – a promise first made in 2008 – while defending his government's recent measures to improve livelihoods and service access for Aboriginal communities. However, at the beginning of 2014 the national parliament approved an amendment to the local governance law to allow Aboriginal communities the right to elect their own representatives and control the allocation of budget expenditure in their areas. It was welcomed by activists as an important step towards the realization of full autonomy.

In Taiwan, now a vigorous democracy, overt disparagement of Aboriginal communities is rare in the public sphere. While prejudices have not disappeared, political parties and major institutions such as galleries and museums have positively acknowledged and showcased Aboriginal cultures. For example, when animal rights activists called in May for Aboriginal hunting contests to be banned on grounds of cruelty, their argument did not target Aboriginal culture directly but a practice they accused of contradicting indigenous customs and damaging popular perceptions of Aboriginal communities. Nevertheless, ethnic tensions within the country remain a potentially divisive issue, and in previous years have been reflected in discriminatory comments regarding Aborigines and other ethnic groups, including by senior politicians.

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Case study by *Lailah Nesbitt-Ahmed*
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The disturbing rise of hate speech against Koreans in Japan

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Anti-Korean demonstrations in Tokyo during 2013 brought international attention to a troubling trend in Japan – an apparent rise, in recent years, of xenophobic sentiment towards the country’s ethnic Korean population. Crowds of protesters, carrying banners with nationalist symbols and racist slurs, repeatedly targeted the Shin-Ōkubo neighbourhood, where many Korean businesses are based, during the year. Denigrating graffiti has also become widespread. While anti-Korean comments have existed on internet forums such as 2chan for a while, what distinguishes these recent incidents is that they have crossed from the confines of the online sphere into the street. Nevertheless, the internet continues to serve as an important tool for right-wing organizations and nationalists. Groups coordinate meet-ups and use YouTube and other social media sites with video-sharing tools to spread footage of anti-Korean protests.

What is driving these tensions? Many attribute them to the strained ties between Japan and the peninsula and increasing anxiety within the country about its future position in the region relative to South Korea and China, both of which have developed rapidly in recent years. However, the current problems are also rooted in Japan’s imperial past. When Japan colonized Korea in 1910, many Koreans voluntarily migrated there. Many others were later conscripted during the Second World War to bolster the country’s manufacturing. In addition, besides being forced to work in industry, many Korean women were sexually enslaved and forced to work in wartime brothels as so-called ‘Comfort Women’. However, nationalists have been

reluctant to recognize the full extent of these crimes – a source of continued friction between nationalists and Koreans demanding apologies or compensation.

An added challenge is the lack of formal citizenship that some Koreans face, despite having lived for extended periods in Japan. Many found themselves left stateless by the 1950s, with their Japanese nationality annulled but unable or unwilling to leave. In 1965, Koreans who came before and during the war were finally given the opportunity to naturalize, and in 1991 their descendants were granted status as ‘special permanent residents’ and the right to vote in local government elections. These and other privileges, such as welfare benefits, have become a major rallying point for right-wing groups. In addition, while a large number of Koreans chose to naturalize and take on Japanese names, some decided to remain as they were and others became preoccupied with political activities related to North Korea. The refusal of some Koreans to assimilate, combined with ongoing territorial disputes between Japan and South Korea, have provided nationalists with another pretext for attacking the Korean minority.

However, this xenophobia should not be seen as representative of mainstream attitudes towards Koreans. Senior politicians have condemned the repeated use of hate speech in recent demonstrations and in October the right-wing organization Zaitokukai (‘Citizens against the Special Privileges of the Zainichi [Koreans]’) was ordered to pay 12 million yen – an amount equivalent to more than US\$120,000 – to a Korean school after a group of them disturbed classes by holding rallies and shouting insults. Even some right-wing nationalists have expressed concerns about the rising use of hate speech. Most importantly, average Japanese, concerned about the direction their country is taking, are speaking out. A number of general rallies were held in Tokyo and Osaka during 2013 to protest against racism and hate speech. Counter-protesters have also shown up during racist demonstrations to show their support for the Korean population. ■

Oceania

Jacqui Zalberg

Consisting of over two dozen countries, the region of Oceania contains some of the most ethnically diverse populations in the world. Politically and economically dominated by the larger and more powerful states of Australia and New Zealand, which themselves have significant indigenous and minority populations, the region is also made up of numerous smaller island states, whose indigenous populations often constitute a majority in their territories.

All of the small island states face the constraints of distance, size, small populations and limited resource bases when attempting to overcome significant human rights and development challenges. The small island states are also home to minority communities, resettled peoples and internal migrants from different islands in the region, all of whom may be targets of discrimination. However, many of these smaller countries have poorly developed human rights mechanisms, leading to an under-reporting of these issues across the region.

The year 2013 saw a number of shifts in governments of the region. The Australian federal election saw the defeat of the incumbent Labor Party by the centre-right Liberal/National Coalition opposition. Since coming to power, the new government has maintained and strengthened the country's draconian policies towards refugees and asylum seekers. Furthermore, in February 2013 a constitutional crisis developed in Nauru. Following the dissolution of two successive parliaments, elections were finally held in June, where former Minister for Health and Education, Baron Waqa, was elected President.

Important progress regarding human rights was made in the Solomon Islands in 2013, following the release of the final report of the Solomon Islands Truth and Reconciliation Commission, the first such Commission to be set up in the Pacific Islands. Established to investigate the causes of ethnic violence and to address people's traumatic experiences during the violence that

ravaged the country between 1997 and 2003, the Commission's goals were to promote national unity and reconciliation. Its final report, which was based on first-hand interviews with over 4,000 people and which records an estimated 200 deaths thought to have occurred during the conflict, elicited some controversy as it was released by the editor of the report without the formal approval of the President. Ultimately, however, the government officially acknowledged the report and committed to implementing its recommendations. This has been viewed as an important step towards improving ethnic relations, particularly in the lead-up to the 2014 elections.

Reported levels of violence against women in the Pacific remain some of the highest in the world, with over 60 per cent of women and girls having experienced violence at the hands of an intimate partner or family member. At the 2013 Pacific Island Forum Leaders' meeting, an annual dialogue on regional collaboration, a key issue was to assess implementation of the 2012 Gender Equality Declaration. One major commitment of the Declaration was to ensure compliance with international human rights standards. Although considerable progress has been made towards this goal, with most Pacific states taking steps to ratify core international human rights conventions, Palau and Tonga have still not ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Following a visit to Papua New Guinea in March 2012, the UN Special Rapporteur on violence against women reported at the 2013 session of the UN Human Rights Council that violence against women in the country was 'widespread, pervasive and often tolerated', with incidents occurring at every level of society. Importantly, in a unanimous 65–0 vote, the Papua New Guinean government passed the Family Protection Bill 2013 in September. This was an important milestone for the country in tackling the endemic problem of domestic violence, though it remains to be seen how well it is implemented.

Australia

Since the colonization of Australia began in the eighteenth century, its Aboriginal and Torres

Strait Islander communities have suffered generations of violence and marginalization. Indigenous Australians remain in situations of extreme disadvantage compared to non-indigenous Australians across a range of human rights indicators. Serious over-representation of indigenous people in the prison system is an issue of ongoing concern; according to Amnesty International, indigenous youth make up 59 per cent of those in juvenile detention nationwide, while the indigenous community constitutes only 2 per cent of the population as a whole. Health outcomes are also considerably lower for Aborigines and Torres Strait Islanders than their non-indigenous counterparts.

Nevertheless, there have been signs of progress. In 2013 the Australian government unanimously passed legislation recognizing the Aboriginal and Torres Strait Islander communities as the first inhabitants of Australia. This historic piece of legislation, the Aboriginal and Torres Strait Islander Peoples Recognition Act 2013, is the first law to officially recognize the status of indigenous peoples in Australia and directly refute in legislative terms the doctrine of *terra nullius* ('empty land') upon which Australia was founded – a legal fiction which long enabled the denial of indigenous rights. The Act is an interim step on the path towards a possible referendum for constitutional change and provides that a review of support for a referendum to amend the Constitution be undertaken within 12 months of it coming into force.

The year 2013 also saw the first analysis of the results of the 2011 Australian census. The Aboriginal and Torres Islander population of Australia was estimated to be 670,000, or 3 per cent of the total Australian population. This was an increase from the data from 2006, with the new figures indicating that the estimated size of the indigenous population was 30 per cent larger than the previous estimate. It has been suggested that the reason for this significant increase is due to improved data collection in collaboration with indigenous communities, as well as a greater willingness of Aborigines and Torres Strait Islanders to identify their status and heritage.

The government has undertaken some initiatives to reduce social disparities for its indigenous population, such as the 2008 Closing



Above: Aboriginal woman in Australia. Penny Tweedie/Panos.

the Gap programme, which set specific targets to address indigenous disadvantage across a range of indicators including life expectancy, child mortality, education and employment. The 2013 annual government report indicated that the target for a 95 per cent enrolment rate in early childhood education for indigenous children would be met. Furthermore, the report noted that the target for under-five mortality was also on track to be met, with significant progress made to halve the gap between indigenous and non-indigenous under-five mortality by 2018. However, improvement is still necessary for a number of other indicators, including literacy, employment and life expectancy.

Minorities and migration

Australia's history has been strongly shaped by migration, beginning with the arrival of British settlers 200 years ago, but more recently expanding, since the end of the Second World War, to encompass widespread migration from southern Europe, in particular Greece, Italy and Yugoslavia. Over the past two decades immigration to Australia has further diversified, with substantial migration from Asia further changing the population composition.

According to the 2011 census, 46 per cent of the population is comprised of first- or second-generation Australians. A 2013 study on social cohesion, however, indicated that despite its decidedly multi-ethnic society, there has been a marked increase in reported experience of discrimination, especially among Australian minority groups of non-English speaking backgrounds.

One significant development is the ongoing hostility both in rhetoric and official policy towards refugees and asylum seekers. The issue of asylum seekers arriving by boat continued to monopolize Australian politics in 2013, including leading up to and in the aftermath of the federal elections. Indeed, following a number of boat arrivals and numerous maritime tragedies involving loss of life at sea, 2013 saw the adoption of new legislative and policy arrangements which have made it even more difficult for people arriving by boat to seek asylum in Australia.

These included the Regional Resettlement Arrangement brokered with the Papua New Guinea (PNG) government. Known as the 'PNG Solution', it stipulated that asylum seekers arriving in Australia by boat after July 2013 will be sent to the remote Papua New Guinea island of Manus for offshore processing. Furthermore, the agreement stipulated that even those found to have a refugee claim would be denied settlement in Australia, instead being resettled in Papua New Guinea. The new government, elected in September 2013 under the leadership of Tony Abbott, has maintained this arrangement and introduced a highly prescriptive 'code of conduct' for asylum seekers living in the community on bridging visas that, if breached, may result in reduced payments, visa cancellation, detention or

transfer to an offshore processing centre.

The asylum detention facility on Manus Island has been heavily criticized by human rights groups. Following unrest in February 2014 which left one man dead, a Papua New Guinea court-led enquiry has been instituted into conditions at the detention centre.

It is significant to note that all sides of Australian politics appear to be locked in a cycle of increasing anti-asylum seeker rhetoric, using inflammatory and pejorative terms such as 'boat people', 'illegals' and 'queue jumpers'. Such negative discourse at the highest level and across the political spectrum has, according to opinion polls, generated significant anti-asylum seeker sentiments within the broader public. In a poll published in January 2014, 60 per cent wanted the government to be even tougher on asylum seekers.

This anti-asylum seeker discourse may also be reinforcing discrimination against refugee and minority communities in Australia. For example, in a recent survey of more than 350 South Sudanese refugees, all with a legal right to Australian citizenship, every respondent reported being discriminated against. Three-quarters mentioned an incident, especially concerning employment, even before being asked. It is important to consider how this anti-asylum seeker discourse and rhetoric may undermine Australia's multiculturalism. Although direct reasons for trends in discrimination are hard to pinpoint, recent studies reveal higher rates of discrimination reported by minorities and migrant communities, as well as lower levels of social cohesion.

Australia and hate speech

In this context, the potential for discriminatory language and violence against indigenous and minority groups in the country appears to have been heightened. The year 2013 saw a significant increase in the number of complaints made by members of the Australian public about ethnic discrimination, with the Australian Human Rights Commission reporting a remarkable 59 per cent rise in the number of complaints of racist hatred in 2012–13 compared to the previous year. Cyber-racism accounted for 41 per cent of these incidents, up from only 17 per cent

of racist hatred complaints in the previous year.

Australian federal legislation currently makes it unlawful to say something that is reasonably likely to 'offend, insult, humiliate or intimidate' another person or group because of their ethnicity. The Racial Hatred Act (1995) amends the Racial Discrimination Act (1975) and allows people to complain about publicly offensive or abusive behaviour based on racism. The law contains an objective test: for speech to be considered unlawful, it must be proven reasonably likely to have caused harm. Furthermore, as the aim of the law is to stop incitement of hatred, it will apply only to things said or done in public, and not to private statements. The courts have also played an important role in further defining what constitutes vilification in Australia, asserting that to be unlawful, the relevant language must be 'profound and serious' and go beyond 'mere personal hurt, harm or fear'. Regarding freedom of expression, the courts have long recognized that the freedom can be limited by laws that are reasonably appropriate and adapted to serving a legitimate end in a manner that is compatible with a democracy. One such limitation is vilification.

One challenge to the effective implementation of the Act, however, is the inconsistency in the application of hate speech law within the country. While all Australian States and the Australian Capital Territory have anti-racism legislation that operates in ways similar to the federal Racial Discrimination Act, their approaches to vilification and other conduct based on hate are not uniform, with some providing civil remedies only while others provide both civil relief and criminal penalties.

For instance, the Northern Territory has no anti-vilification provisions at all and effectively relies on federal legislation. In 2007, however, the federal government introduced the controversial Northern Territory National Emergency Response (NTER) legislation; the Racial Discrimination Act was suspended with regard to steps taken under the new laws in the Northern Territory. NTER measures included income management; compulsory leases on land; bans on alcohol and pornography; and the setting aside of customary law in sentencing and bail procedures.

The NTER package was purportedly to protect Aboriginal children from abuse, although the initiative was strongly criticized as discriminatory. The NTER legislation was subsequently replaced in 2012 with a new legislative scheme known as the Stronger Futures in the Northern Territory Act. Some measures were extended beyond the Northern Territory. Although the Stronger Futures Act did not suspend the operation of the Racial Discrimination Act, the Parliamentary Joint Committee on Human Rights expressed concern in 2013 about whether the new Act complies with Australia's human rights obligations and the lack of full involvement of affected Aboriginal communities.

In New South Wales (NSW), too, a legislative inquiry was conducted in 2013 into the effectiveness of its anti-vilification law as it has so far not resulted in a successful prosecution. The final report recommended that the NSW government undertake a range of reforms, including police training and a review of current penalties, to strengthen its provisions.

Two high-profile incidents in 2013 involving racist slurs in sport put the issue of hate speech back on the national agenda. Although both people apologized promptly for their remarks, and the media outlet in one of the cases swiftly condemned the language and suspended the broadcaster, the cases highlighted the ongoing issue of racism against indigenous people in sport. One of the targeted sportsmen, Adam Goodes, was later named Australian of the Year for his leadership and advocacy in the fight against racism both on the sporting field and within society more broadly.

Furthermore, despite a strong legislative framework, one high-profile legal case in 2011 reopened the issue of the adequacy of the Australian anti-vilification legislation. A prominent right-wing journalist wrongly alleged that a group of Australians were falsely claiming indigenous identity to gain access to benefits. The people in question were in fact indigenous, and the courts held that the failure of the journalist to adequately check his facts meant that he had published the article without good faith, and it was thus considered vilification.

The case sparked national attention, and following the 2013 elections, the newly

appointed Attorney General proposed to repeal section 18C of the Racial Discrimination Act on vilification and narrow its definition, in a move he claimed would encourage open debate without fear of prosecution. Moreover, it is also notable that the Liberal government appointed a new Human Rights Commissioner, who has promised to 'refocus' the Human Rights Commission on defending free speech rather than concentrating on anti-discrimination work. The appointee formerly worked as policy director for a conservative think tank that specifically called for the abolition of the Human Rights Commission.

Numerous community-based organizations representing different minority and indigenous community groups have spoken out against the proposed reforms. Nevertheless, the government is pushing forward with its proposal, with a draft law to be tabled in parliament in 2014. It thus appears that with the new Liberal government, Australia may be shifting the balance between freedom from hate and freedom of expression, with potentially troubling implications for the protection of minority and indigenous communities.

One positive initiative of the former federal government during 2013 to tackle violence and discrimination was its launch of the nationwide campaign, 'Racism, it stops with me.' After holding extensive consultations in 2012, the three-year campaign, which has been continued by the new government and is being implemented by the Australian Human Rights Commission, focuses on public awareness, education, resources and youth engagement. The campaign will not only provide a central coordination point for anti-racism activities across the country but will also engage organizations and individuals to develop anti-racism strategies, and develop tools and materials to promote anti-racism messages.

Another important development in Victoria in 2013 was the launch of an inquiry by state police into ethnic discrimination as a result of the settlement of a federal discrimination case initiated by 17 young male African Australians against the state police force for ethnic profiling. After reaching a settlement on the eve of what promised to be an eight-week trial, the Victoria police agreed to invite the general public to take

part in an inquiry that would examine its policy on police checks and its cross-cultural training system. On 30 December 2013, the results of the inquiry were published in a report, *Equality Is Not the Same*, and a three-year action plan launched to address community concerns about discriminatory policing and ethnic profiling in the police force.

Fiji

Fiji's society has long been marked by tensions between the majority indigenous Fijian population and an Indo-Fijian minority. Smaller minorities, including Banabans, Rotumans, Chinese, Melanesians and other Pacific islanders remain socially and politically marginalized. Largely as a result of this ongoing ethnic tension, the country has experienced four military coups and a military mutiny since 1987. The most recent coup of 2006, led by Commodore Josaia Voreqe Bainimarama, promised to bring an end to the country's system of ethnic classification. Yet progress towards this goal has been slow, and Bainimarama's regime has been strongly criticized for infringing basic rights such as free speech and peaceful assembly.

The year 2012 saw the submission of a draft Constitution, which had been prepared by independent legal experts based on widespread public Consultation. Yet in January 2013, the government announced that it would not accept the draft, and that its Attorney General's Office would revise it. Furthermore, upon delivery of the new draft, the government announced that it was abandoning plans to hold a Constituent Assembly that was supposed to deliberate on the scheduled new constitution.

In August 2013, the government of Fiji released the final version of its Constitution, paving the way for elections in 2014. The new draft, which received presidential assent in September, seeks to break down ethnic divisions and create a single national identity. The new Constitution abolishes regional and ethnically based constituencies in favour of one national constituency covering the whole of Fiji. However, this has been accused of favouring larger political parties. The text has also been denounced for its restrictions on free speech and the extensive powers granted to the state, including detention

without charge or trial in times of emergency, as well as immunity for government officials for a wide range of human rights abuses.

Regarding hate speech, Article 17 of the new Constitution prohibits ‘advocacy of hatred that is based on any prohibited ground of discrimination ... and constitutes incitement to cause harm’. Furthermore, it gives individuals and groups the right to be free from hate speech, which is defined as any expression that ‘encourages or has the effect of encouraging discrimination’, whether directed against individuals or groups. Article 26 provides for the right to equality and freedom from discrimination on the basis of culture, ethnic or social origin, colour, place of origin, religion, birth, primary language, religion and a range of other grounds. It should be noted, however, that paragraph 8 grants a number of exemptions for laws and administrative measures. With regard to indigenous rights, the new Constitution recognizes the customary title of the iTaukei, Rotuman and Banaban to their lands, and their rights to royalties to resources extracted from those lands. It has been criticized, however, for not affirming the indigenous right to free, prior and informed consent. Finally, the new Constitution calls for compulsory multilingual education in iTaukei and Fijian Hindi, alongside English, and the provision of translation in court proceedings.

Over and above the constitutional framework, there are also some important provisions that address discrimination in Fijian domestic law, including the revised Public Order (Amendment) Decree 2012, which broadly prohibits vilification. However, it has attracted criticism for not complying with international standards and for undermining other important human rights and freedoms, including freedom of association. Furthermore, Fiji does not have any comprehensive legislation to prevent and combat ethnic discrimination. Most troubling, perhaps, is the fact that very few complaints, prosecutions and convictions relating to ethnically motivated crimes have gone through the courts or via the Fiji Human Rights Commission, despite reports of institutionalized or *de facto* ethnic discrimination in the country, including by law enforcement officials.

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Case study
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Tahiti: Islamophobia in French Polynesia

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French Polynesia is an overseas country (*pays d'outre-mer*) of the French Republic made up of several groups of Polynesian islands. The most densely inhabited island is Tahiti, with almost 70 per cent of the country's diverse population. While the majority of French Polynesians identify as unmixed Polynesians, there are also large numbers of mixed Polynesians, Europeans and *demis*, of French and Polynesian descent, as well as a significant minority of East Asians.

Despite the island's long history as a multi-ethnic society, however, tensions have been growing in recent years among the largely Christian population with regard to the Muslim minority. In October 2013, hundreds of French Polynesians took to the streets of Papeete to protest against the opening of a mosque for the approximately 500 Muslims living in the archipelago. The mosque, which would have been the first in French Polynesia, was inaugurated on 15 October 2013 to celebrate the Islamic religious holiday *Aïd al-Kébir*. The protests led to the prayer room being shut within days of its opening, with the city administration deciding that the premises could only be used as office space due to allegedly failing to meet public safety standards.

Nevertheless, following heated public debate, the government confirmed the constitutional rights to freedom of religion and assembly, and issued a statement reaffirming the principles of freedom of culture and thought. The statement highlighted French Polynesia's history as a country where many cultures have peacefully coexisted. Nevertheless, following the protests, the lawyer for the French imam lodged a complaint against the authors of anti-Muslim postings on the internet who set up pages to denounce the mosque. The lawyer also stated that he had received death threats for taking on the case.

New Zealand

Māori

Māori were the first inhabitants of New Zealand or Aotearoa, meaning 'Land of the Long White Cloud'. Estimated to have come from East Polynesia in the thirteenth century, Māori today constitute approximately 17.5 per cent of the present New Zealand population, a 3.8 per cent increase from 2006. With one in seven New Zealanders of Māori descent, Māori are the second largest ethnic group in New Zealand.

Māori, however, continue to experience disproportionately high levels of disadvantage. The UN Committee on Racial Discrimination commented on the ongoing discrimination experienced by the Māori community. This was affirmed by the UN Universal Periodic Review (UPR), which reviewed New Zealand for the second time in 2013. The UPR concluding report noted that Māori experience discrimination in a range of spheres, but highlighted in particular their continued over-representation in the criminal justice system, as both offenders and victims.

A number of positive initiatives have been developed to address some of these areas of disadvantage. For example, since the adoption of the Drivers of Crime initiative, a project developed to reduce Māori offending and reoffending, the number of young Māori appearing in court has reduced by 30 per cent over the last two years. The government also launched the Youth Crime Action Plan in 2013, aiming to reduce crime and recidivism for young Māori. The 2013 census results also indicate that more Māori are achieving formal qualifications at university, with over 36,000 stating a bachelor's degree or higher as their highest qualification – a more than 50 per cent increase since 2006.

Minorities in New Zealand

There are more than 22 different Pacific communities in New Zealand. While Samoans constitute the largest Pacific community, there are also substantial numbers of Cook Islanders, Fijians, Niueans, Tokelauans and Tongans, with smaller numbers from Kiribati, the small islands of Micronesia, Papua New Guinea, the Solomon Islands, Tuvalu and Vanuatu. Due to high birth rates, it is estimated that Pacific peoples will

amount to 10 per cent of the population by 2026, up from 6.5 per cent in 2001.

The Asian population of New Zealand is also growing, from 6.6 per cent of the population in 2001 to 11.8 per cent in 2013, with statisticians indicating that should current trends continue, the number of Asians in New Zealand will in future outnumber Māori. In Auckland, 23 per cent of the city's residents identify as Asian.

The UN has noted that there is persistent discrimination against minority groups, including Pacific peoples and migrant Asian communities. In 2013 the Salvation Army published its first *State of the Nation* report on Pacific peoples in New Zealand. The report reveals that while Pacific communities are making progress in some areas, they continue to face social, health, education and economic problems, with over 40 per cent of Pacific children living in poverty. The UN Committee on the Elimination of Racial Discrimination also noted that discrimination against Asians in the labour market has resulted in them disproportionately occupying low-paying employment.

The year 2013 saw the publication of the recommendations of the Constitutional Advisory Panel of New Zealand. The Panel found that while there was no broad support for a supreme constitution, there were calls for entrenching some elements. Importantly, in the field of ethnic relations, recommendations included a review of New Zealand's Bill of Rights Act and support for the continued development of the role and status of the Treaty of Waitangi.

Racist hate speech in New Zealand

Vilification also received prominent attention in New Zealand in 2013, due to the inflammatory statement by a Member of Parliament that Muslim and Muslim-looking men should be ethnically profiled and banned from Western airlines. The backlash from the community and politicians from all sides of the political spectrum was instant. Indeed, strong statements were issued by both the nation's Minister of Justice and Ethnic Affairs and the Race Relations Commissioner, while a Green Party call in support of tolerance was supported unanimously by parliament.

There are two provisions in the New Zealand

Human Rights Act 1993 that limit freedom of expression about ethnicity. Section 61 prohibits expression that is 'threatening, abusive, or insulting', and that is likely to encourage hostility towards a particular person or group on the basis of their ethnicity or national origin. Nevertheless, the courts have determined that the feelings of the 'very sensitive' should not be used to determine whether a particular expression falls within this category. Similarly, Section 131 establishes an offence in cases where there is the 'intent to excite hostility or ill will against, or bring into contempt or ridicule'. However, this criminal provision has been applied only infrequently and needs the approval of the Attorney General to prosecute. While there is currently an absence of a comprehensive strategy to address incitement to ethnic hatred committed on the internet, the New Zealand government has committed to developing legislation in this field. ■

Minority Rights Group International

Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities.

Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations which represent minority and indigenous peoples.

MRG works with over 150 organizations in nearly 50 countries. Our governing Council, which meets twice a year, has members from nine different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), observer status with the African Commission on Human and People's Rights, and is registered with the Organization of American States.

MRG is registered as a charity and a company limited by guarantee under English law. Registered charity no. 282305, limited company no. 1544957.

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www.minorityrights.org

Minority Voices Newsroom

An online news portal that allows minority and indigenous communities to upload multimedia content and share their stories:
www.minorityvoices.org

Peoples under Threat

MRG's annual ranking showing countries most at risk of mass killing is now available as an online map:
www.peoplesunderthreat.org

World Directory of Minorities and Indigenous Peoples

The internet's leading information resource on minorities around the globe:
www.minorityrights.org/Directory

State of the World's Minorities and Indigenous Peoples 2014

Events of 2013

Across the world, minorities and indigenous peoples are disproportionately exposed to hatred. From intimidation and verbal abuse to targeted violence and mass killing, this hatred often reflects and reinforces existing patterns of exclusion. The impacts also extend beyond the immediate effects on individual victims to affect entire communities – in the process further marginalizing them from basic services, participation and other rights. This year's edition of *State of the World's Minorities and Indigenous Peoples* highlights how hate speech and hate crime, though frequently unreported or unacknowledged, continue to impact on every aspect of their lives. The volume also documents many of the initiatives being taken to promote positive change and the different ways that governments, civil society and communities can strengthen protections for minorities and indigenous peoples.

