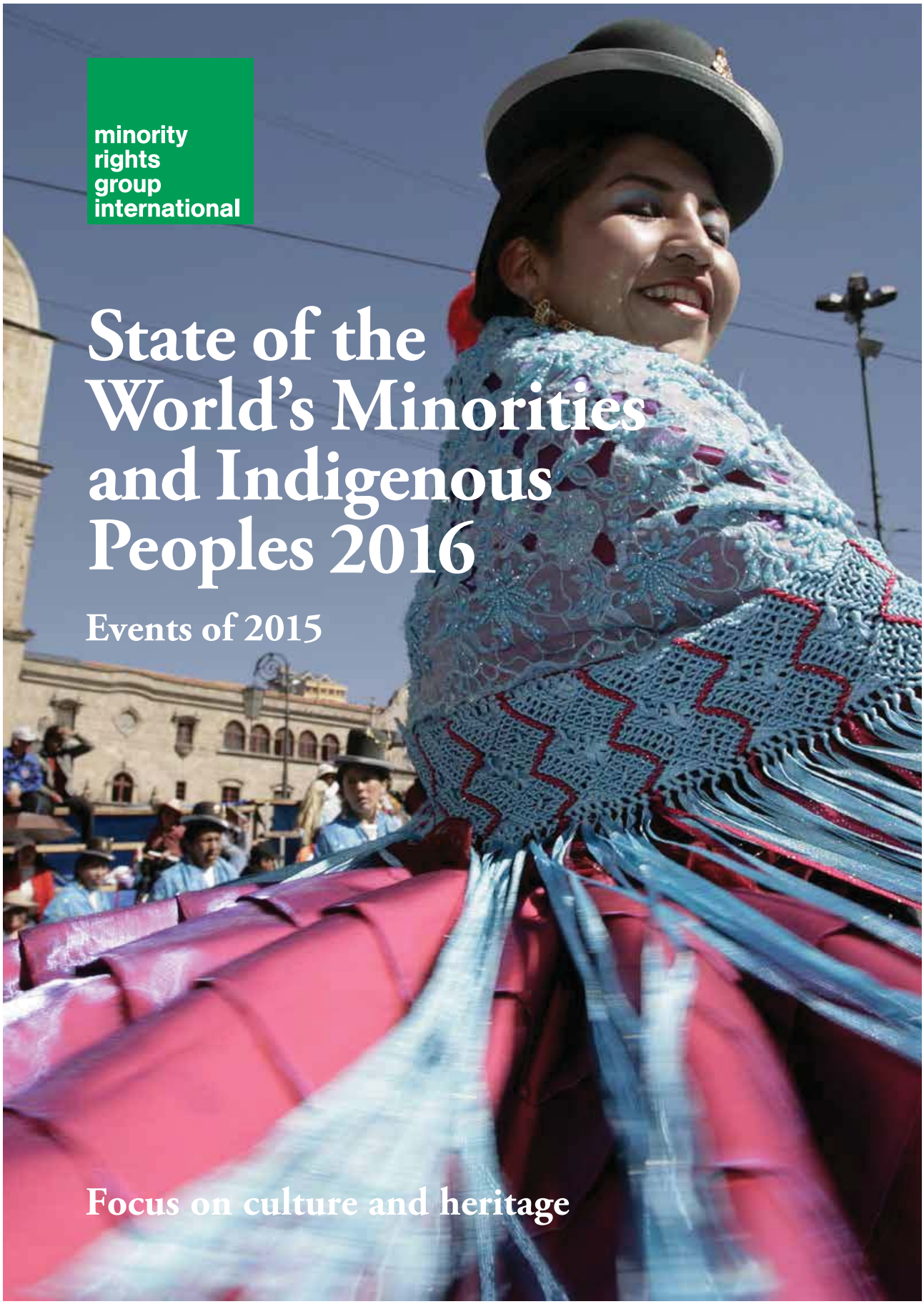
minority rights group international

State of the World's Minorities and Indigenous Peoples 2016

Events of 2015



Focus on culture and heritage

State of the World's Minorities and Indigenous Peoples 2016

Events of 2015

Acknowledgements
Minority Rights Group International (MRG) gratefully acknowledges the support of all organizations and individuals who gave financial and other assistance to this publication, including the Ministry for Foreign Affairs of Finland.

© Minority Rights Group International, July 2016. All rights reserved.

Material from this publication may be reproduced for teaching or other non-commercial purposes. No part of it may be reproduced in any form for commercial purposes without the prior express permission of the copyright holders.

For further information please contact MRG. A CIP catalogue record of this publication is available from the British Library.

ISBN 978-1-907919-80-0

Published: July 2016
Lead reviewer: Carl Soderbergh
Production: Jasmin Qureshi
Copy editing: Sophie Richmond
Proof reading: Jacqui Lewis
Design: Tom Carpenter, Texture
Printed in the UK

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

Front cover: Cholitas, indigenous Bolivian women, dancing on the streets of La Paz as part of a fiesta celebrating Mother's Day. *REUTERS/ David Mercado.*
Inside front cover: Street theatre performance in the Dominican Republic. From 2013 to 2016 MRG ran a street theatre programme to challenge discrimination against Dominicans of Haitian Descent in the Dominican Republic. *MUDHA.*
Inside back cover: Maasai community members in Kenya. *MRG.*

Support our work
Donate at www.minorityrights.org/donate
MRG relies on the generous support of institutions and individuals to help us secure the rights of minorities and indigenous peoples around the world. All donations received contribute directly to our projects with minorities and indigenous peoples.

Subscribe to our publications at www.minorityrights.org/publications
Another valuable way to support us is to subscribe to our publications, which offer a compelling analysis of minority and indigenous issues and original research. We also offer specialist training materials and guides on international human rights instruments and accessing international bodies.

Learn more about minority and indigenous communities at www.minorityvoices.org
Visit our online newsroom for stories and multimedia content from minorities and indigenous communities around the world.

Follow us:

@minorityrights

www.facebook.com/minorityrights

Focus on culture and heritage

State of the World's Minorities and Indigenous Peoples 2016

Events of 2015

Edited by Peter Grant
Minority Rights Group International

Introduction

6 Editor's preface: minorities, indigenous peoples and the right to culture
Peter Grant

10 Foreword: the changing landscape of indigenous heritage protection
Mechtild Rössler, Director of the Division for Heritage and the UNESCO World Heritage Centre

Part 1 Thematic essays

14 Cultural rights and their implications for minority and indigenous communities
Alexandra Xanthaki

26 Delivering minority and indigenous rights in practice: the underrated potential of culture and why we ignore it at our peril
Claire Thomas, with additional research by Fahmida Rahman

36 Minority and indigenous women's right to culture: identity, gender and opportunities for empowerment
Nicole Girard

46 Lessons from indigenous knowledge and culture: learning to live in harmony with nature in an age of ecocide
Paul Havemann

58 Protecting the right to culture for minorities and indigenous peoples: an overview of international case law
Lucy Claridge and Alexandra Xanthaki

Part 2 Regional overviews

70 Africa
Amina Haleem, Paige Wilhite Jennings and Keikantse E. Phele

96 Americas
Mariah Grant, Alfredo Gutierrez Carrizo, Janet Oropeza Eng and Carolyn Stephens

118 Asia and Oceania
Michael Caster, Shikha Dilawri, Nicole Girard, Hanna Hindstrom, Farah Mihlar, Katya Quinn-Judge and Jacqui Zalcberg

166 Europe
Boris Babin, Electra Babouri, Shorena Kobaidze, Federica Prina and Sara Vincini

184 Middle East and North Africa
Miriam Puttick and Derek Verbakel

Part 3 Peoples under Threat

202 Peoples under Threat 2016
Mark Lattimer

Part 4 Reference

217 Selected abbreviations
217 Credits and acknowledgements

Editor's preface: minorities, indigenous peoples and the right to culture

Peter Grant

While we are accustomed to discussing the situation of particular minority and indigenous communities in economic and political terms – their limited access to resources and opportunities, their lack of representation within national or local governments – the cultural dimensions are no less important. Indeed, the right to culture is central to the enjoyment of a whole host of other rights, from education and health to language and livelihoods. Without it, a fair and equitable life is impossible to achieve.

Free and full participation means the ability to engage in mainstream culture as well as the ability to maintain an identity that is distinct from it. This requires, simultaneously, a respect for equality and difference – principles that many states have failed to reconcile. Some states may amplify differences to stigmatize the communities in question. In other cases, minority or indigenous rights may be denied in the name of national unity or 'shared values'. In either case, the end result is the silencing of marginalized communities and the atrophy of their unique traditions.

Even in contexts where the cultural rights of minorities and indigenous peoples are well established, their continued freedoms depend on a constant reaffirmation of tolerance, awareness and understanding between different groups. Nor is it simply the case that the struggle for the cultural rights of minorities and indigenous peoples is external – it is also reflected in the need to accommodate diverse and dissenting voices within their communities, particularly among women, in the interpretation and practice of their beliefs and customs. Otherwise, culture can become a tool of oppression rather than emancipation, with the rights of some members subordinated in the name of caste, religion or tradition. Where cultural practices violate human rights, the latter must take precedence, in line with international norms.

Though the definition of culture has been contested for decades, there is now widespread recognition that it underpins almost every area of life. Its repression, in turn, can devastate the health, dignity and well-being of minorities and indigenous peoples. This includes, to take some of the examples in this volume, the displacement of entire communities by state-led development projects, the inability of minority and indigenous children to learn their own language at school and official restrictions on diet or attire. For perpetrators of hate crime, too, cultural markers such as language or dress are often the primary focus of their attacks – a situation that may result in minorities and indigenous peoples being forced to conceal their identity.

Tragically, the active targeting of culture and the deep trauma this can inflict on communities has become more evident than ever with the recent rise of extremist groups, including the Islamic State of Iraq and Al-Sham (ISIS). The destruction of shrines, monuments, manuscripts and other irreplaceable heritage belonging to religious minorities such as Christians, Kaka'i and Yezidis, as well as numerous Shi'a Muslim shrines, is part of a wider attempt to demoralize such communities and ultimately eradicate them permanently from the region. While efforts are at present concentrated on security, protection and humanitarian relief, it is essential that the eventual return and reintegration of displaced communities is accompanied by the restoration of their cultures and traditions.

Encouragingly, many minority and indigenous communities around the world are themselves drawing on their rich cultural traditions – often in vigorously new ways – to advocate for change. And many policy-makers, governments and international agencies are now focusing more attention on cultural rights, including those of minorities and indigenous peoples. However, we still have a long way to go. While violent extremists such as ISIS continue to generate publicity through their destructive acts, the erosion of minority and indigenous cultures persists elsewhere in other forms. In Europe, amid increased fears of terrorism and the impact of austerity, the resurgence of the far right has encouraged renewed assaults on minorities and their beliefs. In the United States, a country that has long celebrated the diversity of its population, the legacy of land loss and forcible assimilation continues to have a devastating impact on its indigenous peoples. The cultural vitality of minorities and indigenous peoples should therefore never be taken for granted, even in countries where their rights and protections appear to be well developed.

Nevertheless, while they continue to face bar-

riers to their cultural rights and freedoms, art, music, literature and other forms of creativity remain vital elements in minority and indigenous identities. In fact, though their ability to engage in these activities is frequently constrained by lack of resources or official restrictions, cultural expression has often served as a platform for marginalized communities to mobilize collectively for other rights. Cultural programmes are also a powerful way to engage with other groups and counter harmful stereotypes. And in those countries where minorities and indigenous peoples are able to practise their cultures freely, the benefits not only for their own communities but society as a whole are plain to see. Where different cultures are recognized and respected, life is richer for all.

Above: Two young Coptic Christians celebrate *Sham El Nessim*, a traditional festival, at a church in Egypt. *Xinhua/Pan Chaoyue.*

Foreword: the changing landscape of indigenous heritage protection

Mechtild Rössler, Director of the Division for Heritage and the UNESCO World Heritage Centre

Introduction: recent developments in the field of indigenous cultural rights

While indigenous peoples have an extraordinarily rich and varied heritage of sacred spaces, ancestral lands and traditional knowledge, their cultural expressions have not always received adequate recognition or protection. This is due in part to a tendency within historical and environmental conservation over the last century to focus primarily on the preservation of physical monuments and fragile eco-systems – an important mission, but one which has sometimes overlooked important intangible heritage and the complex attachments of communities to their natural surroundings. As a result, indigenous cultures have not always enjoyed the attention and respect they deserve.

Over the past years, the international legal landscape has been changing and formal recognition of the rights of indigenous peoples has significantly advanced, leading to the adoption in 2007, by United Nations (UN) Member States, of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Various UN agencies and programmes have also adopted specific policies or other guiding instruments on engaging with indigenous peoples, thus adding to the growing number of international organizations that respect, protect and promote indigenous rights.

Member States of the UN in 2014, during the high-level segment of the 69th UN General Assembly on the rights of indigenous peoples, also known as the World Conference on Indigenous Peoples (WCIP), renewed their commitment to UNDRIP and invited UN agencies, funds and programmes to support the implementation of UNDRIP, and to begin the development of a system-wide action plan to ensure a coherent approach to achieving the ends of the Declaration.

As a specialized agency, the UN Educational, Scientific and Cultural Organization's (UNESCO) mission is to contribute to the building of peace, the alleviation of poverty, sustainable development and inter-cultural dialogue through education, the sciences, culture, communication and information. UNESCO's mandate is unique within the UN system, spanning education, the sciences, culture, communication and information, all of which are of fundamental importance to the well-being, dignity and equitable development of indigenous peoples worldwide. Accordingly, establishing a 'Policy on Engagement with Indigenous Peoples' was a long-overdue imperative. UNESCO's responsibility to observe and implement UNDRIP is clearly stated in Article 41: 'The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration … ensuring participation of indigenous peoples on issues affecting them.'

Respecting indigenous rights is indeed imperative and merits a comprehensive approach to rectify deep-rooted historical injustices, address structural weaknesses in recognizing their unique ways of life, eliminate their marginalization from decision-making processes and address existing development gaps. The cultures and lifestyles of indigenous peoples are often undervalued or misunderstood, resulting in norms and rules that may not always be appropriate or can even lead to assimilatory policies. Insufficient legal recognition of their rights, as collectivities, to self-determination, as well as the ancestral lands, territories and resources on which they intimately and directly depend, can result in immediate threats to their survival, both as individuals and as peoples.

Also at the international level, the voices of indigenous peoples are often not heard, resulting in policies that fail to take into adequate consideration the aspirations and priorities of indigenous peoples. Under such circumstances indigenous peoples must struggle to maintain the multiple facets of their identity, such as their lifestyles, governance and conflict-resolution mechanisms, as well as their languages, traditional knowledge and practices.

In many countries, national policies and legislation have been revised in recent years to recognize indigenous peoples' rights and interests at the national and international levels. One of the values of a rights-based approach to development is that it avoids viewing indigenous peoples only as 'vulnerable groups', allowing indigenous cultures to thrive free of repressive or

unjust abuses such as land grabbing. Despite their exclusion, indigenous peoples and their cultures have much to offer: from traditional knowledge to consensus-building and collective governance; from sustainable agricultural practices to holistic natural resource management; and from ancestral languages to biodiversity conservation and strategies to tackle climate change.

Establishing a supportive framework: UNESCO's standard-setting instruments

Standard-setting is one of UNESCO's key actions for fulfilling its mandate. It has elaborated a significant body of declarations, recommendations and conventions in the field of culture, some of which recognize indigenous peoples and their languages and cultures. While each convention has a specific history, focus and goals, they are all driven by UNESCO's ethical mandate to promote culture in its diversity, through international cooperation and dialogue, based upon respect for shared values, human rights and the equal dignity of all cultures.

The UNESCO General Conference forcefully reiterated this mandate in 2001 by adopting the UNESCO Universal Declaration on Cultural Diversity, which specifically refers to the relationship between cultural diversity and human rights. It points to human rights as a guarantee for cultural diversity, affirming that the defence of cultural diversity is 'an ethical imperative' and implies 'a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples'. At the same time, it states that 'No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope.'

UNESCO's mission rightly emphasizes that indigenous peoples need to be recognized as custodians of their cultural heritage. This recognition was clearly expressed when UNESCO Member States adopted the above-mentioned Declaration and related conventions devoted to the Safeguarding of the Intangible Cultural Heritage (2003) and the Protection and Promotion of the Diversity of Cultural Expressions (2005). They provide a framework for protecting and promoting cultural expressions, in both their traditional and contemporary forms, with special emphasis on indigenous peoples.

These international legal instruments provide valuable insights on the progress and challenges of implementing the right of indigenous peoples to free, prior and informed consent for all decisions that concern the future development of their communities and their cultural heritage. This right lies at the heart of UNDRIP, which has, since its adoption in 2007, provided a critical reference document for UNESCO's programmes and for supporting the states parties in implementing the conventions. Indeed, by highlighting indigenous peoples' rights related to culture, identity, language and education, UNDRIP is addressing the twofold challenge that frames UNESCO's work: first, to support and promote the maintenance, use and safeguarding of indigenous cultures, languages, knowledge, traditions and identity; and, second, to provide knowledge and skills that enable indigenous peoples to participate fully and equally in the national and international community.

Conclusion: putting communities at the heart of indigenous heritage protection

While, as the 2003 Convention stresses, the free, prior and informed community consent is already obligatory for inscription on the Lists of the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention's Register of Best Safeguarding Practices, it is not yet the case for the older World Heritage Convention. However, the 1972 Convention has some positive examples of nominations for the World Heritage List, for which the free, prior and informed consent of indigenous communities concerned was sought.

The 1972 Convention concerning the Protection of the World Cultural and Natural Heritage is an integral part of UNESCO's overarching mandate to foster equitable sustainable development and to promote peace and security, with a view to ensuring policy coherence with the 2030 Agenda for Sustainable Development. It actively identifies, safeguards, presents and transmits to present and future generations irreplaceable cultural and natural heritage properties of Outstanding Universal Value (OUV). The Convention itself contributes significantly to sustainable development and the well-being of people, in particular indigenous communities.

It is worth noting that the World Heritage Committee has, over the past decade, given increasing consideration to the notion of community participation, even if this had not initially been a central aspect in the framing of this Convention when it was adopted in 1972. Following the Budapest Declaration in 2002 and the subsequent discussions, the World Heritage Committee at its 31st session in 2007 decided to add 'communities' to its strategic objectives, 'to enhance the role of communities in the implementation of the World Heritage Convention'. It made a number of additions to the Operational Guidelines aimed, on one hand, at ensuring that any use of World Heritage properties be sustainable with respect to the imperative of maintaining their Outstanding Universal Value and, on the other hand, at affirming the idea that management systems of World Heritage properties 'should integrate sustainable development principles'.

The Strategic Action Plan for the Implementation of the Convention, 2012–2022, adopted by the 18th General Assembly (Paris, 2011), calls for the World Heritage Convention to 'contribute to the sustainable development of the world's communities and cultures', as well as through Goal No.3 which reads: 'Heritage protection and conservation considers present and future environmental, societal and economic needs', which is to be achieved particularly through 'connecting conservation to communities'. The recent Policy Document for the Integration of a Sustainable Development Perspective into the Processes of the World Heritage Convention adopted by the General Assembly of States Parties to the World Heritage Convention at its 20th session (Paris, 2015) makes specific reference to 'Respecting, consulting and involving indigenous peoples and local communities', emphasizing that recognition of rights and fully involving indigenous peoples and local communities, in line with international standards, is at the heart of sustainable development.

In this regard, the recent revisions to the Operational Guidelines decided by the 39th session of the World Heritage Committee in Bonn in June and July 2015 include a reference to UNDRIP with regard to indigenous peoples' engagement in the protection and conservation of World Heritage. States parties are further:

'encouraged to prepare nominations with the widest possible participation of stakeholders and to demonstrate, as appropriate, that the free, prior and informed consent of indigenous peoples has been obtained, through, inter alia, making the nominations publicly available in appropriate languages and public consultations and hearings.'

UNESCO is currently developing its policy on indigenous peoples and is composing a draft to be submitted to its Executive Board in 2016. It is hoped that these measures will further strengthen UNESCO's approach to indigenous heritage protection and ensure that communities themselves remain at the centre of these processes to ensure a fully rights-based approach. ■

Cultural rights and their implications for minority and indigenous communities

Alexandra Xanthaki

Introduction

The changing definition of culture

The protection and enjoyment of culture is central to minority and indigenous peoples' rights. Unfortunately, in most parts of the world, minority and indigenous cultures are still being suppressed, ignored or undermined. Their restriction is often seen as a tool for the maintenance of social cohesion, yet studies have shown that the opposite is true: repression of minority or indigenous cultures breeds alienation from the society and resentment towards the state, as well as encouraging intolerance among majorities. Current discussions on migration in Europe often undermine minority cultures through over-generalizations, adopting at times simplistic and condescending undertones. Indigenous cultures face very similar concerns. Many indigenous peoples continue to suffer from assimilationist policies and practices. Their art is widely misappropriated and their traditional knowledge is ignored or used without the consent of those affected. Indigenous communities have yet to receive substantial redress for historical injustices, including the brutal removal of indigenous children from their families, and the continuous rejection of their cultural autonomy. Such injustices have left deep wounds in their relationship with the states in which they live. Recent decades have also witnessed the unruly development of projects by transnational corporations that disregard indigenous spiritual values and sites. Such projects often strip both minorities and indigenous peoples of their livelihoods and resources. Also, new waves of tourism 'off the beaten track', lacking the required cultural sensitivity, commodify important minority and indigenous sites. And, of course, current conflicts and political turmoil have seen the vicious destruction of minority and indigenous sites and stolen artefacts in Afghanistan, Guatemala, the Maldives, Mali, Syria and elsewhere, often as part of a deliberate campaign against these communities.

The concept of 'culture' has evolved in the past decades and with it, the scope of cultural rights. For several decades, the understanding of culture fell short of the lived realities of minority and indigenous communities. The United Nations Educational, Scientific and Cultural Organization (UNESCO), for example, the main international organization charged with the protection of culture, understood it as capital or creativity and so focused on artefacts of outstanding value that belonged either to the state or to the individual. The World Intellectual Property Organization (WIPO) still focuses on the intellectual property of individuals, a concept alien to many communities. Gradually, though, a more inclusive understanding has also emerged, one that includes everyday expressions of one's identity. It is now accepted that, in addition to cultural artefacts, culture:

'encompasses, inter alia, ways of life, language, oral and written literature, music and song, non-verbal communication, religion or belief systems, rites and ceremonies, sport and games, methods of production and technology, natural and man-made environments, food, clothing and shelter and the arts, customs and traditions through which individuals, groups of individuals and communities express their humanity and the meaning they give to their existence, and build their view representing their encounters with the external forces affecting their lives. Culture shapes and mirrors the values of well-being and the economic, social and political life of individuals, groups of individuals and communities.'[1]

This more closely reflects the understanding of culture held by minorities and indigenous peoples. Culture is not only about outstanding beauty, but also a community's way of life. It is not only about tangible objects, but also intangible elements such as languages and oral traditions. And it is frequently connected to nature and the natural environment. Furthermore, it is not just an individual right but can be a collective one too. Culture is also closely linked to other concepts and rights, such as those regarding land, language, education and religion, and can directly affect other areas of a minority or indigenous person's life including health, housing and livelihoods.

As the meaning of culture has broadened, so has the scope of the right to culture. Human rights instruments refer variously to 'cultural rights', 'the right to culture' or the 'right to

take part in cultural life'. The right to culture was initially recognized as an individual right: the language of Article 15 of the International Covenant on Economic, Social and Cultural Rights reflects this. The provision recognizes the individual right 'to take part in cultural life', 'to enjoy the benefits of scientific progress' and to enjoy protection as an author of any scientific or cultural production. However, this and other provisions on cultural rights have benefited greatly from the evolving nature of international law. It is now widely accepted that 'the right to take part in cultural life' also includes the right of members of minorities to practise their own culture (Article 27 of the International Covenant on Civil and Political Rights) and that the realization of the right for non-dominant groups entails positive protection.[2] Minorities and indigenous peoples have different but overlapping sets of rights under current international law. For example, it is recognized that indigenous peoples' right to culture has a strong collective side. A collective element, but not a full collective right, is also recognized in the cultural rights of minorities.[3] Despite such variances, mainly originating in the recognition of indigenous peoples' right to self-determination, both indigenous and minority communities share many concerns, claims and needs when it comes to the enjoyment of their cultural rights.

In its current interpretation, the right to culture of minorities and indigenous peoples contains several key aspects. For instance, the right includes non-discrimination with regard to participation both in the cultural life of the state as a whole, and in minority and indigenous cultures. It also encompasses rights to cultural autonomy, and to the protection of cultural objects, customs, practices, traditions and manifestations. Recently, the right to culture has been discussed as part of the debate on 'cultural heritage', a term appearing more and more in human rights instruments.[4]

Although culture and heritage are closely interlinked concepts and are often used interchangeably, heritage focuses on cultural manifestations coming from the past, whereas culture includes present and future manifestations too. While protecting past cultural manifestations, it is important not to essentialize

Right: Māori *poi* dancers in New Zealand. *RaviGogna.*

minority and indigenous cultures. They evolve in the same way as non-indigenous cultures, and as long as this evolution emanates from the community and its members, it adds to their relevance and their richness. Tāreikura, a Māori Arts Academy, incorporates non-indigenous elements to the Māori *poi* dancing, a traditional Māori dance that involves rhythmically swinging handmade balls attached to a rope. Their recent Māori *poi* routine, performed to the tune of the contemporary hit 'Move Your Body' by the renowned African American artist Beyoncé, is an excellent manifestation of the evolving nature of indigenous cultures decided by the indigenous peoples themselves. Cultural rights of minorities and indigenous peoples are closely related to other rights too, such as the rights to language, education and religion, as well as land rights and even economic rights. It is important to recognize such links, but also to maintain the core of the right to culture without diluting it by making it an umbrella right.

Non-discrimination and participation in culture

Respect for minority and indigenous cultures is vital to the general well-being of those communities and the people belonging to them. Studies have shown that a widespread and persistent lack of respect for indigenous identities can contribute to endemic problems of alcoholism, and poor physical and mental health outcomes in indigenous communities. Assimilationist policies or practices, while clearly prohibited in international law,[5] persist nevertheless and pose a serious threat to the fundamental identity of many minority and indigenous communities. In Europe, Roma continue to suffer the denial of culturally sensitive education, lack of access to housing and other discriminatory policies that have the effect of undermining their fundamental identity.

Of great importance is the principle of non-discrimination in participation in, and access and contribution to, both national and minority cultural life.[6] The negative dimension of the right to participate in the culture includes

non-interference by the state in 'the exercise of cultural practices and with access to cultural goods and services', while the positive obligation ensures 'preconditions for participation, facilitation and promotion of cultural life, and access and preservation of cultural goods'.[7] Participation of members of minorities in cultural life has to be 'effective'.[8] This can take the form of autonomous arrangements. Cultural autonomy is recognized in stronger terms for indigenous peoples, as it is an expression of their right to self-determination. Cultural autonomy can take the form of self-government, the maintenance of the community's cultural institutions,[9] institutional structures and juridical systems. The hierarchy of systems and who will have the ultimate word on judicial matters are issues that need further exploration. A one-size-fits-all formula is neither possible nor desirable. In any case, the choice of who will interpret minority and indigenous customs lies firmly with the communities themselves. In Palau, for example, the inclusion of chiefs in legislature and government bodies is seen as a good example of balancing non-indigenous and indigenous models of governance.[10]

Limitations and conflicts

The possibility of conflicts between cultural practices and human rights standards has repeatedly been used by governments and majority pressure groups to justify restrictions on minority and indigenous peoples' cultural rights. There are cases in which cultural practices, whether of a minority or of a majority, are undoubtedly in conflict with human rights standards. In some instances, such as female genital mutilation (FGM), the abuses are clearly egregious violations of many countries' norms and international standards. In these situations, the protection of fundamental human rights standards must always take precedence. However, there are ways for governments to manage such instances while at the same time meeting their international obligations. First, any affected individuals need to have their rights protected, as well as have their voices heard and respected. Additionally, it is important to recognize that minority and indigenous communities must be the main interpreters of their own cultural practices, giving them ownership over any processes in considering, and if necessary revising, the practices in question. Further, practices

may be curbed, but only if they are in violation of national law and contrary to international standards.[11] Limitations to minority and indigenous peoples' cultural rights have to be interpreted restrictively. Moreover, any limitation of cultural rights has to be based on the specific grounds allowed in the relevant provisions, namely to respond to a pressing public or social need, and to be proportionate.

Recent international case law has highlighted the challenges inherent in reaching the right balance. In ruling on the state's prohibition of the wearing of the full-face veil (the *niqab* and the *burqa*) in public, even though the garment was central to the Muslim woman applicant's 'religion, culture and personal convictions', the European Court of Human Rights (ECtHR) relied in *SAS vs. France* on the principle of 'living together'. The Court held that in banning the wearing of the full-face veil in public places, hence restricting the right of minority women to the manifestation of their religion, France protected the 'right of others to live in a space of socialization that makes living together easier'.[12] The judgment has been widely criticized as going beyond the grounds that are normally accepted for restricting human rights. The concept of 'integration' is often used in Europe to nurture negative stereotypes of minorities and weaken minority cultural rights.[13] Integration can be a positive force, comprising policies supporting multiculturalism, but not in the way the term is widely used today. Recent voices that present human rights values as part of the western 'way of life' draw unhelpful stereotypes and undermine respect for minority cultures. Minority women are especially affected by discussions on cultural rights, as they are often considered (both by their own communities and by majorities) to be the embodiment of their cultures. They therefore risk being called upon to support and/or justify their cultures both within and outside their communities.

Scope and definitions of cultural heritage

Tangible heritage

Minority and indigenous tangible heritage has historically received greater recognition than other forms of heritage. As the world becomes more aware of the concerns of these communities, growing appreciation of minority and indigenous cultural objects has been facilitated by museums and galleries. However, more often than not, the communities that created such objects have no participation in the preparation, exhibiting and benefits from such exhibitions, so their meaning is often lost, distorted or undermined. Very seldom have communities given their consent for the exhibiting of their artefacts. And in many cases, these artefacts are still presented as part of the 'national culture' with no reference to their ancestry or, if this is acknowledged, with no discussion of the importance of the minority and indigenous cultures in the making of these objects or their current importance to those communities. Ethnic tensions and conflicts also have detrimental implications for minority and indigenous cultural objects. Recently the world has witnessed the widespread destruction of minority and indigenous tangible heritage by extremists, such as the destruction of Assyrian artefacts in Iraq and the fifth-century Saint Elian monastery in Syria.

Redress for the misappropriation of minority and indigenous cultural objects is still very scarce. In Poland, much of the cultural heritage of the Jewish minority was destroyed during the Second World War. Although the Law on the Relationship between the State and the Union of Jewish Religious Communities has been in force since 1997, almost twenty years later the process of restituting Jewish communal heritage has only just begun. Moreover, the question of how reclaimed buildings should be maintained by the now very small Polish Jewish community remains largely unaddressed; meanwhile anti-Semitic attacks and vandalism against Jewish cemeteries, synagogues and other monuments remain a pressing issue.

The repatriation of indigenous human remains is of urgent importance for indigenous peoples, and there is now a growing awareness of this among the museums, universities and other authorities which possess them. For example, in 2012, 20 mummified Māori heads were handed back by France to New Zealand as a

Right: Tibetan opera in Lhasa, Tibet. *Gunther Hagleitner.*

result of a 2010 change in legislation following an initiative of the National History Museum of Rouen in 2007. The New Zealand government had first raised the issue in the 1980s. In the US, the Native American Grave Protection and Repatriation Act (NAGPRA) and the National Museum of the American Indian Act (NMAI) are important legislative tools for the protection and restitution of indigenous cultural heritage. In 2012, Australia formed an all-indigenous Advisory Committee for Indigenous Repatriation to advise on policy and programme issues related to indigenous repatriation from Australian and overseas collections.

Interesting questions also arise with respect to minority or indigenous cultural objects or sites that remain hidden from the mainstream. The balance between minority and indigenous control over their own heritage, and the rights of individuals generally to the common culture of mankind, is not always easy to decide upon, especially if those objects or sites may be under threat. But the pendulum clearly has to lean towards the minority and indigenous communities themselves – not least since they are often marginalized and still excluded from the decision-making processes concerning those cultural artefacts.

Indigenous patterns and artefacts are regularly appropriated by non-indigenous designers without any consideration of the meaning of the symbols. In Scandinavia, for instance, Saami costumes have long been used by clothing companies or for employee uniforms in the tourist industry, while imitation Saami handcrafts are being sold en masse in shops all over the region.[14] Tourists' souvenirs often reproduce minority and indigenous cultural objects, while individual majority expressions of art and music can often be heavily influenced by indigenous culture: in both cases, such instances trivialize, disrespect or undermine their meaning and importance for the community in question. But because the international intellectual property system focuses on individual ownership, private entities are able to gain legal title to minority- or indigenous-influenced patterns when ownership should in fact lie with the communities.

Intangible culture

The traditions, customs and practices of minority and indigenous cultures are linked to the concept of 'intangible heritage', defined as 'the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated

therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage'.[15] Cultural expressions such as Tibetan opera and the Menglian traditional weaving practice in China, or Mayan rituals for good harvest or health and prosperity, are transmitted from generation to generation, are constantly recreated and provide minorities and indigenous peoples with a sense of identity and continuity. Intangible culture can also act as an effective tool for dealing with conflict or with post-conflict trauma. Since 2008, Palestine Community Music has grown to become a multi-faceted programme that empowers young people to express themselves through music and serve their communities in Palestine. Music Bridge uses music to support reconciliation between communities in Derry-Londonderry, Northern Ireland. In Tuzla, Bosnia and Herzegovina, local music and dance workshops act as a therapeutic tool for the Bosniak refugee women who are still haunted by their experiences of violence, displacement and loss during the war, and especially the massacre in Srebrenica.[16]

Much of the intangible culture of minorities and indigenous peoples is currently threatened, however. Oral traditions are dying out, because of displacement, assimilationist policies or the homogenizing effects of globalization. In Uganda, for instance, the Koogere oral tradition – part of the collective memory of Kasese's Basongora, Banyabindi and Batooro communities and an essential part of their folk expression – is severely threatened. Storytellers are no longer able to recreate episodes of the Koogere story and gatherings are dominated by other, more modern forms of entertainment. However, carefully designed creative initiatives can allow intangible culture to be maintained. For example, in Mexico, the Xtaxkgakget Makgkaxtlawana (the Centre for Indigenous Arts) has been established in Veracruz to transmit the teachings, art, values and culture of the Totonac people. The centre recreates a traditional settlement, in which each 'house' is devoted to one of the Totonac arts that apprentices can follow.

Natural heritage

The debate regarding minority and indigenous peoples' cultural heritage has highlighted the importance of natural heritage, as well. It is only relatively recently that UNESCO focused on this concept, namely in 1992 when the World Heritage Committee recognized 'cultural landscapes' as a category falling under the scope of the 1972 World Heritage Convention. The close interconnections between culture and nature, and the relationship between people and places, are particularly relevant to indigenous communities: hence, culture cannot be distinguished from nature. To this day, a recurring narrative promotes a conflict between indigenous communities and the environment, resulting in the former being evicted to supposedly protect the latter. Yet as a result, indigenous cultures have been threatened and their communal and sustainable land use practices have been interrupted, leading to local eco-systems also suffering without traditional systems of stewardship.

Indigenous peoples consider themselves to be the custodians of the environment and have maintained vital eco-systems for centuries. UNESCO had already been declaring natural environments important to indigenous communities as World Heritage sites, including Te Wāhipounamu in New Zealand and Kakadu National Park in Australia. After 1992, indigenous sites have also either been recognized or reinscribed as cultural landscapes; Tongariro National Park in New Zealand became the first, and the famous Uluṟu-Kata Tjuṯa National Park in Australia was renamed as such. Often, their designation as World Heritage sites leads to considerable increase in tourism in the area, which does not always benefit the local indigenous communities. While these areas are often essential for traditional activities such as hunting or fishing, conservation management regimes do not always take these practices into account and disrupt the link between the local indigenous community and their natural surroundings. In addition, the free, prior and informed consent of the community, though essential, is very often not respected. In India, the inscription of the Western Ghats as a World Heritage natural site in 2012 was implemented without the consent of the local Adivasi community and without acknowledgement of their rights to their ancestral lands. At the tenth session of the United Nations (UN) Permanent Forum on Indigenous Issues, in May 2011, over 70 indigenous peoples' organizations and non-governmental organizations presented a joint statement on the continuous violations of the principle of free, prior and informed consent in the implementation of the World Heritage Convention. Still, following the designation of Lake Bogoria in Kenya as a World Heritage site without obtaining the free, prior and informed consent of the Endorois, who are the rightful owners of the land, the World Heritage Committee adopted a decision in 2014 requiring the Kenyan government to 'ensure full and effective participation of the Endorois in the management of Lake Bogoria through their own representative institutions'.

The interconnections between culture and other human rights

As mentioned earlier, the right to culture also underpins a range of other rights, such as education, religion, language and land, which in turn can support or undermine cultural practices and traditions. The linkages between them are explored in further detail in this section.

Education

Education has an important role to play in strengthening and protecting minority and indigenous cultures. The teaching of minority and indigenous peoples' histories, beliefs and traditions helps to counteract prejudice and promote good relations between those communities and other segments of the populations. The teaching of history in particular is an important tool in restoring respect towards minorities and indigenous peoples. In Germany, inter-culturality has been an education policy since the mid 1990s. Results have generally been mixed and the policy remains contested; however, in areas where bilingual schools have long been established they boast higher levels of achievement, especially as far as pupils with migrant backgrounds are concerned. When minorities and indigenous peoples are given the opportunity to participate in the design of tailored or autonomous educational arrangements, the results are typically better. For example, the Inuit of Nunavik have since 1978 managed their own school authority, the Kativik School Board. Among other culturally tailored education practices, Inuit education teaches maths to children in a manner that reflects Inuit culture, including the use of weather patterns. An alternative to mainstream curricula is sometimes appropriate so that the specific needs, aspirations and priorities of minorities and indigenous groups are met. At the same time, schools have to ensure that minority and indigenous children learn about their own cultures, while also fulfilling their right to receive education of as high a quality as the rest of the population.

Unfortunately, access to formal education is very difficult for many minority and indigenous children living in remote areas. Among those who can attend, there is often a high drop-out rate because of the lack of a culturally appropriate curriculum or mother tongue instruction. The cost of travel may also be prohibitive and contribute to high drop-out rates. In many areas, performance differentials between students of different ethnic backgrounds pose a major problem. Scholarships by educational and cultural institutions, such as those provided by the Melbourne Theatre Company and the University of Melbourne to young Aboriginal and Torres Strait Islander individuals, set important foundations for the protection and promotion of cultural rights of the respective communities. Also important is the informal sector of education, particularly vibrant among many minority and indigenous communities, including in-community education in language and cultural traditions. Culture is also used with some success to educate the majority on minority and indigenous cultures and experiences. Performances such as *Truth and Reconciliation* by the Royal Winnipeg Ballet – tackling the legacy of Canada's residential school system, when indigenous children were forcibly taken from their families into boarding institutions – can bring home to non-indigenous audiences the suffering wrought by assimilationist policies on indigenous communities.

Health

Traditional systems related to health are also important elements of minority and indigenous cultures, contributing greatly to community well-

Left: Kallawaya traditional healers give a talk at the United States Embassy in Bolivia. *Embajada de Estados Unidos en Bolivia.*

being. For instance, the Kallawaya traditional healers in the Andes of Bolivia have specific routines and practices regarding childbirth and the treatment of respiratory diseases, digestive conditions and other illnesses. This knowledge continues to be passed down to subsequent generations. In October 2015, UNESCO supported a workshop on the transmission of Kallawaya knowledge and practices to young apprentices in Curva. Yet states often ignore or reject such traditional medicine, frequently alienating minority and indigenous patients as a result. In China, the failure of public hospitals to permit the traditional semi-sitting position for childbirth is a major factor in the decision of many minority women to by-pass their services in favour of home births, despite the attendant risks.

Recently, however, there has been a series of initiatives to support traditional health systems and strengthen their status within wider society. One case in point is the bio-cultural community protocol developed in 2009 by traditional health practitioners in the Bushbuckridge area in South Africa, setting out how they expect other stakeholders to engage with them. Yet the interest and respect of outsiders can come at a price: it is not uncommon, for instance, for large pharmaceutical companies to use indigenous discoveries without acknowledgement or profit sharing. Nevertheless, when minority and indigenous communities have been able to access culturally appropriate medical care – for example, with health workers who speak their native language – this can lead to improved health outcomes.

Religion

At times, the difference between culture and religion or belief is blurred. Customary marriage practices, burial rituals and ceremonies related to the passing on of traditional knowledge or honouring nature are very much linked to a community's spirituality and hence to the right to religion or belief in its collective capacity. The appropriation of important community symbols by non-indigenous individuals, such as the use of traditional Native American head pieces in fashion shows, violates cultural rights but also undermines indigenous spiritual rights, as the two are closely interconnected. Hindu and Sikh communities have informal dispute resolution processes using internal consultation, interpretation and decision-making through local institutions called *panchayats*. Denying such minority legal processes – which often draw on spiritual tenets – not only violates cultural rights, but also undermines the right to practise religion.

Even where religious rights are broadly respected, the violation of cultural rights can have a deep impact on freedom of religion. Although religious rights are widely respected in Europe, attacks by ultra-right wing groups on the cultures of minorities, especially migrants, also affect their freedom to manifest their religion for fear of being attacked. Mosques, *halal* shops, community centres and other cultural sites are among the most common targets in hate crime incidents, while other markers such as the *hijab* may also single out their wearers for attack – a situation that may encourage some to avoid displaying them due to the threat of being targeted.

Languages

The loss of minority and indigenous languages contributes to the erosion of communal identities and the disappearance of their rich culture, traditions and knowledge. In Canada, the 2011 census reported that only 15 per cent of indigenous people still regularly use their original languages. Recent studies have shown that in First Nation communities where the aboriginal language has effectively vanished, the rate of suicides among youth is as much as six times higher than in other communities across the country, where the children are able to speak their mother tongue. Language is an essential element of minority and indigenous cultures, providing these communities with unique identities, enabling their cohesion and giving them a conduit for the practice and dissemination of their cultures. Unfortunately, many minority and indigenous languages are now endangered, meaning that their cultures are also under threat.

By the same token, a cultural revival can also help to restore a declining minority or indigenous language, and vice versa. Indigenous languages in many parts of the world are currently experiencing a period of regrowth. In New Zealand, for example, there has been a steady increase since the 1990s in the number of children being taught in *te reo Māori*. Policies promoting the recognition of Māori culture and the visibility of Māori identity in the national arena have been a positive factor in the revitalization of the language. In Australia, where the loss of Aboriginal languages has had a profoundly demoralizing effect on the population's well-being, similar efforts are under way to protect and revitalize these endangered languages. One recent measure intended to help achieve this was the announcement in December 2015 that Aboriginal languages would become a new Higher School Certificate subject in the New South Wales educational system.

Land rights

Access to ancestral lands, communal grazing areas and other resources underpins the identities of many minorities and indigenous peoples, from forest-dwelling Ogiek in Kenya to reindeer-herding Saami in northern Scandinavia. Yet all too often states fail to take this into account: development projects and other top-down policies frequently lead to wholesale displacement of communities with disastrous effects for their cultures, including separation from sacred sites, the loss of traditional livelihoods and social disruption. Besides the immediate impacts of forced resettlement, development projects often change the social dynamics of an area by attracting large flows of transient workers and other migrants into local communities. Among other pressures, the impacts of these rapid changes can lead to increased demand for housing, higher rents and other social problems such as homelessness, alcoholism and violence. According to its own guidelines, the World Bank has an important role to play in safeguarding guarantees that its funded projects will not expose minority and indigenous communities 'to loss of identity, culture, and customary livelihoods, as well as exposure to disease'. Unfortunately, World Bank-funded programmes have had disastrous consequences for many minority and indigenous communities; the Sengwer who have suffered forced removals in Kenya are just one of many recent examples.

Indigenous cultures in particular also include 'traditional lifestyles relevant for the conservation

and sustainable use of biological diversity', protected by the Biological Diversity Convention, which requires the respect and preservation of traditional knowledge and the active involvement of the knowledge holders. Obstacles to traditional activities, including practices of cultivation, agriculture, animal herding and fishing, also constitute obstacles to community cultures, with dire implications for minority and indigenous livelihoods, socio-economic rights and health. Distinct minority and indigenous beliefs about food, its preparation and its consumption also form an important part of rituals and identity. According to the Inuit Circumpolar Council - Alaska:

'Traditional foods … provide spiritual, cultural and traditional values, shelter, medicines, energy, identity and more. Over time immemorial, the obtaining, processing, storing and consuming of these foods have involved storytelling, dancing, drumming, art, education, language, traditions and ceremonies.'[17]

Conclusions

Respect for the cultures of particular communities amounts to respect for their identities. By extension, minority and indigenous peoples' rights cannot be realized unless the cultural rights of their communities are also respected. The narrative of integration developed recently has sidelined the importance of securing a cultural framework for the well-being and development of minority and indigenous populations. Such discussions on integration have to use as a starting point the principle of respect for cultural rights. The notion of inter-culturality, although accepted in theory, is still to be realized in many societies.

Examples from all over the world show us that culture can be a mobilizing force for change. Furthermore, the effective participation of minorities and indigenous peoples in the design of policies and practices that protect their cultures are important procedural guarantees for the protection of their rights more broadly. To support this, however, existing instruments have to be interpreted in a manner consistent with newer and more up-to-date instruments on cultural rights.[18] In particular, organizations such as UNESCO, WIPO, the World Bank and others should take into account the emphasis and affirmation that UN instruments and bodies have given to the cultural rights of minorities and indigenous communities.

More inclusive understandings of culture as a way of life better reflect the experiences and values of minorities and indigenous peoples around the world. Culture, religion, language, literature and nature are all intermingled in many minority and indigenous communities. Recently, the debate on the protection of cultural heritage has been enriched by renewed interest in indigenous peoples' rights and the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). However, such debates are overwhelmingly relevant to ethnic, religious and linguistic minorities too, and these communities must also be included in these discussions.

Finally, it must be reiterated that the importance of cultural rights for the enjoyment of other rights has yet to be fully appreciated. Protection of culture, though urgent and necessary in itself, also protects food, livelihoods, education, health, the environment and many other areas. Furthermore, the right to culture serves as a cornerstone for sustainable development. Hence, a clearer framework for cultural rights can also support a broader process of transformative change for minority and indigenous communities. ■

Endnotes

1 Human Rights Committee, General Comment No. 21, 'Right of everyone to take part in cultural life (Art. 15, para. 1(a), of the International Covenant on Economic, Social and Cultural Rights)', UN doc. E/C.12/GC/21, 21 December 2009, at II, A 13.
2 Committee on the Elimination of Racial Discrimination, General Recommendation No. 32 on 'The meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination', UN doc. CERD/C/GC/32 24 September 2009, para. 30. Also, Human Rights Committee, General Comment No. 23, Article 27 (Fiftieth session, 1994), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN doc. HRI/GEN/1/Rev.1 at 38 (1994). Also Article 5.1 of the Framework Convention on National Minorities (FCNM); General Comment No. 11 of the Committee on the Rights of the Child.
3 UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (UN Declaration on Minorities), Article 1.
4 For example, various UNESCO instruments, the FCNM, the Faro Framework Convention on the Value of Cultural Heritage for Society and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).
5 FCNM, Article 5.
6 International Convention on the Elimination of All Forms of Racial Discrimination, Article 5(e)(vi); Convention on the Elimination of All Forms of Discrimination against Women, Article 13 (c); Convention on the Rights of the Child, Article 31.2; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 43.1(g); Convention on the Rights of Persons with Disabilities, Article 30.1.
7 UN International Committee on Economic, Social and Cultural Rights, General Comment No. 21 *supra* note 1, para. 6.
8 FCNM, Article 15.
9 UNDRIP, Article 5.
10 Tobin, B., *The Role of Customary Law in Access and Benefit-sharing and Traditional Knowledge Governance: Perspectives from Andean and Pacific Island Countries*, Switzerland, WIPO and UNU, 2008.
11 UN Declaration on Minorities, Article 4.2.
12 ECtHR, *SAS v France*, para. 122.
13 Xanthaki, A., 'Against integration, for human rights', *International Journal of Human Rights*, forthcoming.
14 Nuorgam, P., Presentation in Expert Seminar on Indigenous Peoples' Rights with Respect to their Cultural Heritage, Rovaniemi, February 2015.
15 UNESCO Convention for Safeguarding of the Intangible Cultural Heritage (2003), Article 2.1.
16 See: https://www.musicianswithoutborders.org/#ourwork.
17 Inuit Circumpolar Council-Alaska (ICC-AK), *Alaskan Inuit Food Security Conceptual Framework: How to Assess the Arctic from an Inuit Perspective – Summary and Recommendations Report*, Anchorage, AK, ICC-AK, 2015, p. 8.
18 UN EMRIP, Advice No 8, A/HRC/30/53, Annex, 2015, para. 7; and Xanthaki, A., 'Indigenous cultural heritage and the international human rights system', in A. Xanthaki, S. Valkonen, P. Nuorgam, L. Heinämäki (eds), *Indigenous Cultural Heritage*, Leiden, Brill, forthcoming 2017.

Delivering minority and indigenous rights in practice: the underrated potential of culture and why we ignore it at our peril

Claire Thomas, with additional research by Fahmida Rahman

'Sing the freedom songs today for the same reason the slaves sang them, because we too are in bondage and the songs add hope to our determination that "We shall overcome, Black and white together, we shall overcome someday."'
Martin Luther King, *Why We Can't Wait*, 1964

Introduction

In human rights struggles, culture and the arts have often been instrumental in challenging attitudes, resisting oppression, mobilizing activists and inspiring change. Culture is central to a person's identity: by tying individuals together through the assertion of shared histories, norms and attitudes, it can be a force for unity. Furthermore, artistic expression such as drama, poetry and song can provide minorities and indigenous peoples with a means to resist threats to their existence. For example, Aboriginal art in Australia has long played a central role in countering colonization and the erasure of Aboriginal culture.

But culture can also be divisive. Where two cultures meet, the dominant culture can engulf or threaten the existence of the other. The symbolic power of the arts has also been recognized by those who seek to oppress minorities and indigenous peoples, who may actively target cultural heritage to demoralize communities or exploit the power of the arts in propaganda to incite hatred against a particular group. Like any other source of power, art can harm as well as heal. For a human rights organization working, like Minority Rights Group International (MRG), to support marginalized communities through culture, this is a sobering realization – alongside positive messages of tolerance, there will almost always be opposing voices seeking to fill the same space with a very different music.

This chapter aims to explore these issues by sharing some of the experiences and learning that MRG has gained so far in its work on cultural rights and the use of various art forms to secure greater respect, equality and emancipation for minorities and indigenous peoples. To do so, the chapter also discusses the complex and dynamic inter-relationships between minority and majority cultures, as well as the ways that cultural perceptions can drive or challenge human rights abuses. It also touches upon policy-making, the development, shaping and attrition of cultures, and some aspects of how and why minority and indigenous communities prioritize cultural preservation and development as essential for their survival.

Challenging discrimination through street theatre: MRG's first cultural project

While MRG has been campaigning for almost 50 years for minority and indigenous communities worldwide, its work in the cultural and creative sectors began relatively recently when the organization saw opportunities to extend its work into these areas as a way of reaching out to new audiences. MRG is proud of its track record in litigating for minority and indigenous peoples' rights, but it also understands the limitations of legal statutes. And this is not just the usual argument about non-implementation (which is, indeed, a common and serious problem). As MRG has seen first-hand, even when laws *are* implemented and followed to the letter, discriminatory attitudes can persist – and with them unequal outcomes between minority and majority populations. For example, all too often laws outlawing discrimination in job hiring have not resulted, at least in the short and medium term, in more equitable employment rates between groups as employers have found different reasons for selecting the same candidates. In short, people with discriminatory mindsets will find a way to continue discriminating in spite of new laws: in India, despite the caste system's formal abolition in 1950, deep-seated prejudice towards the Dalit population persists to this day.

This led MRG to consider a new approach to its work – how to draw on the arts to change the attitudes of those who discriminate. Borrowing from successful practice in the health sector, particularly in addressing the stigmatization of those with HIV or AIDS, MRG began to explore the idea of a project that would use street theatre to challenge stereotypes and misrepresentations of minorities and indigenous peoples. Having approached its network of partners to see who might be interested in this new approach, four countries were selected: Botswana, Dominican Republic, Kenya and Rwanda. MRG and its partners were fortunate that the European Union

(EU) agreed to fund the project.[1] In each country the project team recruited and brought together artistic directors, actors and minority activists. Questions immediately arose: would both majority and minority actors come forward to take part in a politically sensitive project? Would the groups get permission to perform? Would audiences attend? Would they understand the messages? How would they react? Street theatre was not common in any of the project countries and the partners had limited resources to call on in developing their productions.

Despite these reservations, the project delivered a great number of successes. Both professional and untrained minority actors came forward in sufficient numbers, while partners were largely able to overcome the reluctance of authorities to allow this experimental medium – though certain techniques, involving audience participation and actor improvisation, at times had to be abandoned because the unpredictability was too much for some governments to accept. The casts and project team crafted scripts that used sympathetic characters to pull audiences into the story and then used humour to challenge widely accepted stereotypes of minority or indigenous groups. Large crowds flocked to town squares and other venues to watch the performances. Audiences were often moved to tears and laughter, but not – as the project team may have feared – to anger expressed through violence. Audience members interviewed after the performances confessed to having discriminated against or viewed minorities and indigenous peoples negatively, but said that the show had made them rethink these attitudes.

MRG's partners subsequently made a film about the project in each country and screened it to reach an even wider audience. These four films were combined into a global film, *Say My Name*, that showcased the process, techniques and some of the striking audience reactions.[2] In the end, the programme managed to reach more than 60,000 people – far in excess of the original target – but, more importantly, the project also engaged viewers in new and unexpected ways. In the words of the external evaluator, audiences were 'struck by the power of seeing discrimination and conflict demonstrated rather than only being talked about' – an approach that distinguished it from other anti-discrimination campaigns.

In addition, there were three unintended positive consequences of the project. The first was its impact on decision-makers. The project team had not had any specific policy change goals. Nonetheless, our engagement with policy-makers

Left: Street theatre performance in Kenya. *SAFE KENYA.*

suggests that the performances had raised their consciousness of the issues and uncovered an openness to act, with numerous officials and leaders pledging support following performances: the vice-president of Botswana praised the way the performances championed diversity; a councillor promised to discuss the issue of discrimination in council; a chief in Rapostswe, Botswana, said he would encourage village chiefs to consider the issue; and a pastor pledged to dedicate a day in church to discuss it. While there were insufficient resources for significant follow-up, the feedback points to the considerable potential that a sustained effort may have in transforming attitudes.

Second, although the project's main aim had been to reach and challenge the attitudes of majority groups who discriminate, there were clear effects on the members of the minority and indigenous communities who participated in the dramas. Their self-esteem and sense of belonging was strengthened by the fact that someone had made a play that paid attention to their experiences and took their problems seriously. The subsequent evaluation suggested that the project was actually most effective in building the confidence of minority and indigenous participants to articulate their situation and even challenge racism. Furthermore, media coverage helped highlight key community issues, as well as opening up opportunities for minority and indigenous activists themselves to speak publicly about their situations. For example, in Rwanda, a journalist interviewed a Batwa woman, as part of a TV article. The woman mentioned the community's need to access clay to pursue their traditional livelihoods and the journalist followed this up the next day in an interview with the Mayor of Ruhango, asking him to respond to this demand.

Third, the project also had a deep impact on many of the actors belonging to majority groups. Each project involved a community visit whereby, after casting had taken place, the actors went to visit a minority or indigenous community. Where possible, they slept in the houses of minority or indigenous people, shared their food, worked together with them in the fields or to build a house. In all cases, the actors were visibly shocked by the poverty and inequality they encountered. This experience stripped away a level of comfort and made them ready to fundamentally rethink their attitudes. They re-examined values that they had been raised with since birth, language they used every day, jokes they told, decisions they had made and practices they had condoned. Several actors spoke very honestly and movingly about this difficult process and others have stated that they now actively challenge racism.

But attempts to build cohesion within the groups were not entirely unproblematic. Some drama groups grappled with the attitudes of minority and majority group members towards each other – a difficult and time-consuming task. For example, in Botswana, minority and majority drama group members did not want to share a room when they were touring, despite their cooperation on stage. Nevertheless, the mixed minority and majority casts ultimately formed cohesive and solid teams that proved essential to withstanding the challenges from audience members during participatory theatre and after-show discussions on these sensitive issues.

Of course, there were difficulties along the way. For instance, in Kenya, some actors faced death threats and had to move home temporarily for safety. This was due to the minority/majority issue being intimately connected with the politics of Mombasa and the coastal region, where the project took place, and the highly charged pre-election context. But, while acknowledging the seriousness of such issues, MRG felt that overall the pilot project was successful in challenging some of the deep-seated prejudices that have had continuing detrimental effects on the lives of minorities and indigenous peoples. As such, the team started to design projects that would replicate elements of the project or adapt it to new contexts.

The external evaluator also challenged the project team to think beyond its initial objectives. Due to MRG's limited experience in street theatre, the project team had been fairly conservative in the results it sought and the indicators to assess them. However, the evaluator encouraged MRG to think about the potential for long-term and sustained impact. Although the

shows could reasonably make people rethink their attitudes, was there any guarantee that this would not be forgotten the following day, after a good night's sleep, or perhaps after seeing a negative media article about a minority or indigenous community?

This is a real problem for street theatre in terms of data capture. Audiences are transient; in insecure contexts, people hesitate to share contact details. In big cities, the chances of happening on and interviewing the same people upon visiting a city square after three or six months are very small. Fortunately, in the Kenya project, where the shows had been performed in large villages, the evaluator was able to revisit those villages approximately six months later. She selected interviewees at random during transect walks and interviewed a number who had attended performances. Pleasingly, she found that people were able to remember the main messages of the drama, while some respondents also reported acting or reacting differently as a result. This was a limited exercise, but it does suggest that the effects of street theatre can be sustained over time. Building on these lessons, MRG is now working to find new ways of retaining contact with audience members in big city performances in current follow-up projects.

The power of the arts: a force for good?

The case study of MRG's first major street theatre project provides a small window into understanding the potential that the arts have as a tool for the protection, promotion and reinforcement of cultural and other human rights. MRG's exploration in this field has widened its understanding of how the organization can work collaboratively with people at the grassroots, as well as with decision-makers, to promote the rights of minority and indigenous communities.

But to utilize the arts to their greatest effect, it is important to understand how and why it can be such a powerful tool. Given the clear impact that the street theatre had in the project countries, what was it about the art form that engaged so effectively with audience members and pushed them to rethink their attitudes towards minorities and indigenous communities?

Much of the theoretical literature on this topic points to the role of art as a moral educator. This is particularly true for art that takes a narrative form. Martha Nussbaum, a professor of law and ethics at the University of Chicago, maintains

Left: Street theatre project in the Dominican Republic. *Zulema Cadenas/MRG.*

that 'as we tell stories about the lives of others, we learn how to imagine what another creature might feel in response to various events. At the same time, we identify with the other creature and learn something about ourselves.'[3] By presenting to the audiences the plight of minority and indigenous communities through stories about the lived experiences of individuals, the project enabled them to understand these 'other' communities as groups of people much like themselves. The audiences were able to empathize with the individual and to gain an understanding of what it would be like to face the struggles of that community. It is this empathetic response that art can generate which fosters attitudinal change.

In much of the world, people hold the power, through their actions and behaviours, to end human rights abuses and collectively help a state achieve respect for human rights in the area it controls. As was mentioned above, the implementation of anti-discriminatory laws is simply not enough to immediately end discrimination. This can only happen through widespread changes in individual attitudes. This is because individual actions, such as the act of hiring only people of a certain group or the refusal to sell property to members of minority groups, are what uphold and maintain systematic processes of exclusion or oppression. The beauty of the arts is that, unlike the worlds of law and politics, it is accessible at least in some form to all people, whether through community projects and activism, popular art and media, or fine arts. Since the arts in all their forms hold such a central role in the shaping of human values, they are of fundamental importance in attempts to effect widespread and meaningful change.

However, art does not simply educate, it can inspire and motivate change. When utilized effectively, art can have a profound impact on struggles for human rights or against injustice. A popular example is the use of freedom songs to mobilize communities in struggles for justice. Such songs were notably used by civil rights activists in North America during the civil rights movement. Songs such as 'We shall overcome' and 'We shall not be moved' provided a non-violent means of resistance for activists, and were widely used to recruit and to deepen commitment to the movement.[4] Freedom songs, such as Eddy Grant's 'Gimme Hope Jo'anna', were also widely used in the struggle against apartheid in South Africa. T.V. Reed, a professor at Washington State University, writes that:

'Music becomes more deeply ingrained in memory than mere talk, and this quality made it a powerful organizing tool. It is one thing to hear a political speech and remember an idea or two. It is quite another to sing a song and have its politically charged verses become emblazoned on your memory. In singing you take on a deeper level of commitment to an idea than if you only hear it spoken of.'[5]

In struggles for minority and indigenous peoples' rights, culture is of particular importance because of the symbolic value that it can hold for the communities affected. Culture is central to the formation and maintenance of social groups. Shared culture is a glue that binds groups of people together, generating a sense of belonging to something larger than the individual or family. For those belonging to minority or indigenous communities, culture is very important in defining their groups and creating a sense of solidarity and fellowship within the group. In 1970s Greenland, for example, the revolutionary rock band Sumé produced the first songs to be recorded in the Greenlandic language, in response to a general dissatisfaction with Denmark's dominance over every aspect of their lives, including education. Use of the Greenlandic language unified indigenous Inuit because it strengthened their collective identity and thus underscored the collective nature of their struggles. The music empowered the youth of the time to launch a successful movement for Greenland to gain more autonomy from Denmark.

In addition to mobilizing communities, music has been used to bring wider attention to human rights issues and to mobilize global communities. 'Charity' or 'benefit' rock concerts have often been used to convey highly politicized messages to global audiences. This method was pioneered by Ravi Shankar and George Harrison in August

1971 with the Concert for Bangladesh. This concert, which sold out Madison Square Garden, raised global awareness of the previously relatively unknown plight of the Bengali-speaking people who were fighting for their independence from Pakistan at the time, while also raising millions of dollars to support refugees. More recently, various human rights film festivals, such as the European Minority Film Festival held annually in North Frisia, Germany, have been used to bring activists and communities together.

However, it is important to recognize that art has not always been used as a force for good. Just as culture binds groups together, it can also delineate and separate groups from one another through acts of differentiation. In many instances art has been used to exclusionary or discriminatory ends. *The Black and White Minstrel Show*, which aired in the UK for two decades between 1958 and 1978, is a well-known example of this. The show consisted of white actors in blackface mockingly performing calypsos and African American spiritual music from the Deep South in the US. It was heavily criticized by black audiences for its use of racist stereotypes, which reflected and helped to further embed discriminatory attitudes towards the UK black population.

The effects of negative stereotypes and discriminatory attitudes on the lives of minorities and indigenous peoples extend beyond the occurrence of overtly racist actions, such as violence or hate speech, to issues such as exclusion from jobs and school places, access to loans or contracts, or the ghettoization of those groups. If racism or discrimination are deeply ingrained in a society, then they will manifest in almost everything that happens in that society unless clear and concrete steps are taken to prevent this. Culture is not immune from society's ills. While the inclusion of racist or derogatory content may be deliberate, it can also occur almost unconsciously as discriminatory attitudes may be so ingrained that they are invisible to much of the majority population.

However, the real problems begin when a state (either deliberately or carelessly) identifies itself with only one ethnic group or culture, thus marking all the others who fall outside it as either inferior or not truly belonging. The existence of cultural or other boundaries can also be used to exclude others, creating division and alienation. In places, such othering in cultural life has been a precursor or enabler for other rights abuses against minorities and indigenous peoples, including mass killings and genocide. Just as songs and music have been used to motivate activists and protesters in pursuit of human rights, they have also been used to rally warriors, soldiers and armed groups in oppressive regimes. Individuals, including musician Simon Bikindi and the wife of a government minister, Yvonne Basebya,[6] have been convicted of inciting genocide in Rwanda through the use of song, among other crimes. At the same time, many well-known traditional musicians were actively targeted in the genocide.

A more frequent method of 'othering' occurs when the state actively attempts to assimilate all of those who differ from a majority ethnicity by devaluing their culture or by socially engineering cultural change. Particularly egregious examples include the taking of indigenous children in both Australia and Canada away from their families and raising them in children's homes. A further example is China's use of minorities in state-sponsored media and art. Minority artists are trained in state-sponsored song-and-dance troupes to present their ethnic identities in ways that are acceptable to the Chinese state: at the same time, they are severely restricted from presenting art that might contain political messages of disunity or repression. Integral to almost every effort to deny a minority or indigenous people's claim to equality have been efforts to limit their access to and usage of culture and language. Decisions against state recognition of the Albanian language as an official language of Macedonia were a key grievance for ethnic Albanians pursuing their rights in Macedonia, and in 2001 became a major factor in the emergence of conflict.

At its worst, the symbolic power of culture has been manipulated by parties to conflict in order to reinforce campaigns of cultural cleansing and ethnic homogenization. For instance, there is a long history of biblioclasm, or the burning of books, in ethnic conflicts as a form of ethnic purification or censorship. Notable examples include book burning by

students in Nazi Germany and the burning of the Jaffna Library in 1981 during the Sri Lankan civil war. More recently, extremist groups including the Islamic State in Iraq and al-Sham (ISIS) have engaged in the destruction of heritage sites in Iraq and Syria, including Christian monasteries and Yezidi shrines. These symbolic actions have been accompanied by large-scale crimes against humanity, such as mass killings and abductions, which underscore the group's efforts to eliminate the existence of religious groups other than their own.

Nevertheless, culture is, literally, essential to minority and indigenous communities – it forms part of their essence. Their choices around cultural rights, including the ability to evolve and not be frozen historical remnants, remain critical to their self-esteem, sense of community and collective identity. Language, songs, traditional crafts and dance are often used as markers of belonging to a group. In many cases, distinct traditions handed down can provide a unique character that allows minority and indigenous communities to create and sell their products, and thereby gain valuable income from their culture. This can include making handicrafts with traditional patterns, as well as performing dances and songs at weddings. While perhaps less quantifiable than other rights abuses, the impacts of cultural erosion on the lives of marginalized communities should not be underestimated.

In post-conflict settings, culture plays an important part in the restoration of normality and continuation of life. The reintroduction of cultural norms and practices, as well as engagement in cultural acts such as traditional dance or the telling of folklore, can be instrumental in reconnecting victims to their old lives and in helping them recreate feelings of stability and community. In many instances, old traditions that had been in decline prior to conflict have experienced a revival in its wake. This was particularly true in El Salvador in 1992 where, after 12 years of conflict, the government actively sought to revive traditional crafts and festivals through the passage of legislation for the protection of cultural heritage. Likewise, cultural projects are commonly used in refugee camps to allow displaced communities to experience familiarity and community in foreign lands and to provide hope.

Using arts as a tool for conflict resolution

But while there is widespread recognition of the devastation that cultural destruction frequently plays in conflict, the opportunities for preventing violence or supporting reconciliation efforts in a post-conflict setting are arguably underdeveloped. This is an area that MRG is now exploring further in its work.

MRG is currently midway through the implementation of a new project, 'Drama, diversity and development' (also EU funded),[7] which is supporting 14 'street theatre against racism' projects in the Middle East and North Africa, from Morocco to Lebanon. The project aims to build capacity and establish links between cultural actors in countries and minority communities. It also encompasses cultural rights advocacy projects, a documentary film and investigations into the possibility of litigating to achieve a context more conducive to cultural activity that reaches the most marginalized. The minorities and indigenous peoples involved range from sub-Saharan migrants in Morocco to Black Tunisians, Amazigh in Tunisia and Algeria, Nubians, Christians and Bedouin in Egypt, Palestinian citizens of Israel and Syrian refugees in Lebanon and Jordan. Once again, the tours have been hugely popular, with audiences totalling 14,000 for a show touring Egypt, mayors attending performances in Palestine, and a project overcoming a ban on performing in Morocco after a concerted advocacy campaign. It is hoped that these efforts will help support tolerance and understanding between communities, and, in the process, reduce the likelihood of future division.

MRG has also explored the use of artistic forms to support reconciliation efforts in the aftermath of civil conflict. This particular project used arts to help minority Tamil women affected by conflict in Sri Lanka to explore what reconciliation would mean to them. Artists and a poet ran workshops with Tamil women where they composed poems or drew pictures representing their memories and feelings about the conflict and the country's future.

Although the project was run in 2014 and

so was affected by the security context at the time, as well as deep distrust between minority communities and the authorities, it was nevertheless a success. Participants reported that the chance to engage in artistic expression – an opportunity not typically available for most – had made for a more meaningful and personal exploration of the complex and sensitive subject of reconciliation than would have been the case through a more traditional discussion format. As one Tamil woman put it:

'I have participated in several workshops and programmes regarding peace-building and livelihood improvement. They all called and forced [us] sometime to forget the past and walk ahead. It [the MRG project] is the only programme [that] called us to memorize and to accept the past. We had the chance to share the real pain and get free a bit.'

In addition to the primary outcomes, the drawings and poems made for high-impact advocacy evidence, which MRG was able to craft into a multimedia resource and a documentary film.[8] This was shown at a side event at the United Nations Human Rights Council in November 2015 in Geneva.

Even in contexts where tensions have stopped short of large-scale conflict, cultural exposure and artistic interaction still have a vital role to play in lowering barriers and raising awareness about minority and indigenous communities. MRG recently implemented a small pilot project in Europe, 'Walk into My Life', which uses interactive walking tours of cities interspersed with small-cast street performances to explore minorities' relationships with the areas where they live and their sense of belonging, heritage and ability to *truly be* in these places. This project, currently run in Budapest (Hungary), London (UK), Stockholm (Sweden) and Oviedo (Spain), is of particular significance at a time when Europe is experiencing increasing division and hostility towards minorities and migrants. Projects like this allow MRG to tackle issues of community cohesion by helping societies to understand and respect minority cultures instead of rejecting them and demanding assimilation.

Conclusion

This overview of some of the ways in which artistic expression and human rights interact

Left: Street theatre performance in Morocco. *Laura Quintana Soms/MRG.*

demonstrates the social and political power of the arts, as well as their considerable potential for organizations like MRG to communicate messages, mobilize communities and transform social attitudes towards minorities and indigenous peoples. As the organization has found, this is by no means an easy task and the process of attitudinal change can be protracted. Nevertheless, despite some salutary lessons along the way, the results have been very encouraging. MRG is currently exploring other ideas and actively developing projects in new locations. Ultimately, building on what it has learnt over the last few years, MRG is hoping to broaden its repertoire of cultural forms, as well as to use new vehicles such as radio plays and fiction films, to reach new types of audiences.

Based on our experience with the various projects described in this chapter, cultural and artistic mediums can be a hugely valuable resource for minority and human rights activists – one that we ignore at our peril. Non-governmental organizations (NGOs) and civil society are missing a major opportunity if they fail to engage in this area. As argued here, cultural projects have a special power to generate empathetic responses that touch people at a deeper level and positively change their views.

Furthermore, culture occupies a space that is as political and contested as any other. If organizations like MRG do not occupy that space, intentionally or through a failure to attract a wider audience, then others will fill it in their absence. Producing audience-accessible materials on rights issues should therefore not be regarded as an optional supplement to other work, such as litigation or high-level advocacy, but an essential accompaniment to these processes. Legal or political reforms, while significant, can only achieve so much if social prejudices within a community remain unaddressed – or, indeed, continue to be actively encouraged by a flourishing arts and media scene that promotes not equality but discrimination.

Finally, shared cultural practices and knowledge are extremely important to minorities and indigenous peoples at the most fundamental level. Access to and fulfilment of cultural rights should therefore not be an afterthought but a central priority in the efforts of those working on minority rights issues. Without cultural rights, a community is unable to adequately express its identity or make its voice heard – a situation that only reinforces exclusion and lack of political participation.

Of course, to be able to fully realize the opportunities art and culture offer, states themselves must take every possible step to welcome and protect cultural diversity and the richness that it brings to all societies, particularly in an era of rising extremist and exclusionary nationalism. Majority cultures should be encouraged to avoid rigid and fixed cultural boundaries that create a 'them and us' mentality, or which otherwise exclude and marginalize other groups. Minority cultures might feel the need for firmer boundaries as a form of defence against assimilation, a situation that can in some cases result in increased discrimination towards certain groups within their community, such as women. But as and when a minority or indigenous culture can feel more secure and confident, when community members feel equally valued as members of society, creative cultural exchanges across boundaries will hopefully become the norm. ■

Endnotes

1 The project was funded through the initiative: European Commission Investing in People, Access to local culture, protection and promotion of cultural diversity contract number DEI - HUM/2009/207591.
2 The film, *Say My Name*, is available at: http://www.minorityvoices.org/news.php/en/1341/mrg-documentary-film-say-my-name-using-street-theatre-to-combat-discrimination-in-rwanda-botswana-do.
3 Nussbaum, M., 'Martha Nussbaum', in J. Harmon, *Take My Advice: Letters to the Next Generation from People who Know a Thing Or Two,* New York, Simon & Schuster, 2002, p. 177.
4 Reed, T., 'Singing civil rights: the freedom song tradition', in *The Art of Protest*, Minneapolis, University of Minnesota Press, 2005, pp. 1–40.
5 *Ibid.*, p. 28.
6 International Crimes Database, 'The Prosecutor v. Yvonne Basebya', retrieved 17 February 2016, http://www.internationalcrimesdatabase.org/Case/971.
7 EU-funded regional programme 'Media and Culture for Development in the Southern Mediterranean Region Programme', MRG, in partnership with the Prince Claus Fund for Culture and Development, the Civic Forum Institute Palestine, and Andalus Institute for Tolerance and Anti-Violence Studies.
8 Both are available at www.minoritystories.org.

Minority and indigenous women's right to culture: identity, gender and opportunities for empowerment

Nicole Girard

Introduction

From female genital mutilation (FGM) to child marriage, some of the most egregious abuses of women's rights have been justified in the name of culture and tradition. As a result, culture is often framed as a threat to, rather than a vehicle for, women's rights. This attitude is reflected in Article 5(a) of the UN Convention on Elimination of Discrimination Against Women (CEDAW), urging states 'to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices' that perpetuate gender hierarchies or stereotypes. Furthermore, women themselves may sometimes be ambivalent about how to reconcile the norms and beliefs of their community with feminism, leaving them uncertain about its possible role in their lives. So, given the apparently troubled relationship between them, can cultural practices be reconciled with women's rights?

Since CEDAW's adoption in 1979, there has been a definite shift in how gender and cultural rights intersect, with an increasing recognition that gender and cultural identity cannot be abstracted from one another, nor simply set in opposition. Rather, women are using feminist theories to question the relevance of particular cultural practices, actively engaging with, contesting and challenging their societies. In the words of Yakin Ertürk, former UN Special Rapporteur on violence against women, 'Human rights standards are not in contradiction with culture. They are in contradiction with patriarchal and misogynist interpretations of culture.'

Minority and indigenous women, in particular, have actively sought to harmonize their rights as women with their cultural identities. Far from being static, culture itself is a set of living practices and relationships that are continuously resisted and renegotiated. These remain central to the well-being of their communities, including women, who are not simply passive victims of these practices but often active creators of new meaning, values and interpretations.

Without a doubt, women within communities frequently find themselves on the wrong side of 'culture' – for example, patriarchal prescriptions on labour, dress codes, public participation and many other areas of their lives. In some cases, when these are in clear violation of international human rights norms – for example, with reported cases of FGM in the United Kingdom – official prohibitions are necessary to ensure the fundamental human rights of women are respected. Nevertheless, it is also the case that in many areas minority and indigenous women have been able to engage their cultural traditions positively to strengthen their own position, as well as challenge narrow or restrictive interpretations of their culture by others. These opportunities are explored in more detail in this chapter.

Gender and culture

How we understand gender is shaped by our culture. 'Culture' here refers broadly to systems of meaning that define, inform and structure our relationships with one another and with the outside world. Gender roles are therefore, whether at the level of the family, community or nation, highly subjective and can be more or less restrictive from one society to the next. Minority and indigenous communities are no exception, ranging from extreme patriarchies to egalitarian systems. This chapter does not seek to focus on these distinctions, but rather on how the denial of women's cultural rights impacts particularly on indigenous and minority women, and the ways they are reclaiming their cultural practices and their right to determine how these are defined.

Loss of and threats to cultural practices, and women's roles, responsibilities and statuses

The loss or erosion of cultural heritage can have specific impacts for women from indigenous and minority communities, including the disappearance or commodification of traditional customs, assimilation, displacement, poor health and diminished status within their own community. These circumstances are particularly true for indigenous peoples whose societies have suffered the upheaval of colonization and its continued legacy of discrimination – a situation that has left indigenous women in many countries disproportionately vulnerable to sexual abuse and exploitation. For minority communities, too, external threats to their identities and

physical well-being have often resulted in stricter community control of women's freedoms, as well as a turn toward more 'fundamentalist' practices. Both these issues will be explored below.

State assimilation

Despite the differences in how gender is understood within minority and indigenous communities, women's roles and responsibilities are frequently tied to their experience of childbirth and child-rearing, as well as their designation as culture-bearers and keepers of traditional knowledge. Women, for example, play a distinct role in language transmission as the primary caregivers during infancy, imparting with it complex knowledge systems and identities. When language transmission is interrupted, however, women's crucial cultural role in this process may also be compromised.

The traumatic history of Canada's indigenous population in this regard has been well documented. In 2015, the Canadian Truth and Reconciliation Commission released its initial report exploring the impact of the residential school system on its indigenous peoples, which it declared amounted to 'cultural genocide,' whereby 'families are disrupted to prevent the transmission of cultural values and identity from one generation to the next'. Children were removed from their homes and communities, often forcibly, and forbidden from speaking indigenous languages, severing a crucial link with their cultural identities and thus their ability to speak their mother tongue. The pre-1985 version of the Indian Act, in effect and arguably by design, severed women's connections with their communities. Indigenous women were not permitted to remain in their on-reserve communities if they married non-indigenous men, yet the Act allowed indigenous men the right to bring non-indigenous women to live in the community. The effects of this were two fold: in the words of author Sharon McIvor, 'Indian communities suffered cultural loss when women were removed, and cultural dilution when non-Indian women were admitted.'[1] This provision was later removed in 1985 for its discrimination against women, but its disruption of women's role as language transmitters, primarily through removing many indigenous women's participation in their communities, continues to reverberate to this day. More indigenous women than men live in Canadian urban areas, although activists point to a variety of causes – including, for instance, that indigenous women may also be moving to cities to escape abusive relationships.

Women play an important role in the transmission of language. Mary Jane Norris has studied patterns of mother–child language transmission using statistics based on 1996 Canadian census figures. Norris summarizes her findings thus: 'within linguistically mixed families, children are more likely to acquire a First Nations mother tongue and speak it at home if it is the mother as opposed to the father who has a First Nations mother tongue'.[2] Although mother tongue language transmission is higher for families that live on reserve, surrounded by their communities, more indigenous women live off reserve, so they are disadvantaged from receiving this additional support. Furthermore, families that remain on reserve are those with two parents, as many single mothers end up leaving the reserve. For these families, maintaining their indigenous language is a huge challenge.

Land displacement

'Indigenous women are the guardians of knowledge, wisdom and experience in relation to environment. We have an integral role in the transmission of this knowledge, wisdom and experience to the younger generations.'
The Manukan Declaration of the Indigenous Women's Biodiversity Network

In many indigenous communities, women are primarily responsible for retaining and transmitting traditional knowledge, particularly regarding management of forest resources and food production. For example, throughout the world, indigenous women retain extensive knowledge on plant species, including medicinal plant selection, and serve as custodians of biodiversity. In India, for example, Khadia women have multiple uses for the Mahua tree, as food, oil and also medicine. The tree also holds spiritual importance for the women, who are its stewards and keepers.

When access to their livelihoods, land or resources is compromised, however, through land grabbing, militarization, in-migration and misplaced state conservation or development, women's rights to their traditional knowledge are threatened. Maasai women in Tanzania, for example, have been dispossessed from their lands by the government for purposes of tourism, cutting them off from pasture to graze their animals, as well as their ability to pass on the practices tied to these resources. As the main holders of agricultural knowledge and the spiritual traditions associated with sacred sites, this material disenfranchisement also devalues their roles as teachers and, by extension, their status within the community.

So too in south-central Laos, ethnic minority villages faced relocation as part of the government's efforts to ostensibly bring them closer to health and education services. Thereafter, they were relocated again to make way for Sepon gold and copper mines in the mid 2000s. Some men and younger single women have benefited from wage labour, but older and married women in particular have not secured such positions for various reasons, including their lower education and limited majority language proficiency. Being forcibly relocated has removed them from the territories that form the basis of their cultural practices, particularly their roles surrounding food and non-timber forest product collection, leaving them without a cash income.

Commodification of gendered cultural practices and objects

'I've heard it said many times that my people are like exhibits in a human zoo, but this makes me sad. We are just doing our best to make a living.'
Ma Nu, Palaung woman in Thailand

Tourism can be both a boon and a curse for minority and indigenous women, at times providing a sustainable income but frequently at the expense of control over their cultural traditions, products and dress. The benefits typically depend on whether women themselves are in charge of producing, selling and marketing their items or at the mercy of powerful middlemen. All too often, tourism marketing uses representations of indigenous women's bodies that are objectified for commercial exploitation.

Ethnic Padaung, from the Kayah state of Burma, are a case in point. They fled to Thailand as asylum-seekers in the 1980s where visitors can now pay to enter their villages in Mae Hong Son province and see the women's remarkable brass neck coils. Visits to the Padaung community are run largely by outside tour groups, while Padaung women themselves have little control over the tours or their representation. Nevertheless, their contribution to the tourism industry is so significant that the Thai government has actually prevented community members from being resettled abroad as refugees by the Office of the UN High Commissioner for Refugees (UNHCR). Some have taken off their brass coils in protest. In a *Washington Post* article from 2009, author Amit R. Paley visited an unnamed village of Padaung in northern Thailand where the chief was apparently insisting that women wear the coils, reportedly for 'tradition' but also to ensure the continued economic benefits of the village as a tourist attraction. One woman was reluctant to wear the rings, explaining that 'I am part of a new generation, and I don't like it', but said that she may soon be forced by the chief to do so.

Incidents such as this demonstrate that the right to culture must also include the right to refuse to engage in certain cultural practices – a decision that in itself should not be interpreted as a 'rejection' of their identity but a determination to interpret their culture in their own way. This goes back to the discussion at the beginning of this chapter about the intersection between feminism and culture. Far from being a dichotomy between one or the other, many minority and indigenous women have found ways to retain their identity while challenging the constraints imposed by patriarchies within their own community or broader society.

Intellectual property violations

'It's an art. It's not folklore. It's an art that our grandmothers have blessed us with; we've inherited it from them and we have to preserve this heritage. We cannot lose it.'
Miroslabia Dick, indigenous Kuna woman and President of the GaluDugbis *mola* company

Minority and indigenous women have developed specialized knowledge surrounding the creation of

weavings, handicrafts and other handmade items that they have been passing on throughout the generations. The reproduction and selling of such items has raised issues of women's right to their cultural products, *vis-à-vis* both the larger society and the men in their community.

Without proper legal protections that include a gender perspective, the intellectual property rights of minority and indigenous women can easily be violated. In Panama, indigenous Kuna women are known for their *mola* production, namely handmade appliqué panels worn on traditional blouses with intricate geometric patterns that are deeply tied to Kuna people's history and identity. While being the main form of Kuna artistic expression, the *molas* are also a key source of income. In the 1980s, however, commercial imitation *molas* by non-indigenous makers began to appear, threatening the Kuna women's right to their art. In response, a law was passed in 1984 prohibiting the import of fake *molas*, but it did not protect intellectual property rights. Fifteen years later, after much lobbying by indigenous representatives, including indigenous women's groups, Law 20 was passed, bestowing intellectual property rights to indigenous cultural production, including the *mola*, on the Kuna community. Moreover, in 2002, the Kuna community established the GaluDugbis trademark and logo (depicting the sacred place from which *mola* designs are believed to emanate), as a sign of authenticity. The law fell short however, as it did not consider the specific rights of indigenous women to their own cultural production. A Kuna General Congress (KGC), composed of men, was in charge of representing the Kuna in Law 20 disputes. When it was discovered that Kuna women were teaching their craft to non-indigenous people and producing *molas* for cheap sale in surrounding countries, the KGC prohibited Kuna women from doing so, despite the fact that they are its sole producers and were themselves making the choice to do so. Since then a General Congress of Kuna Women has been created to more fairly address the issue of women's representation and hopefully strike a balance

Left: Kuna women sew *molas* in Panama.
Rita Willaert.

between issues of intellectual property rights and the economic needs of Kuna women.

Similar problems in the field of music and arts have been experienced by Afro-Brazilian women, who continue to struggle to secure commercial or popular success for their creative output, while white performers have been able to capitalize on or appropriate these cultural productions themselves. The modern case of Brazilian *Axé* music is illustrative. Originating in the majority Afro-descendant city of Salvador, in the state of Bahia in north-eastern Brazil, its rhythms and lyrics are decidedly African-influenced: *Axé* is itself a greeting used in the Candomblé religious tradition, practised mainly by Afro-Brazilians. However, although Afro-Brazilians pioneered this sound, it was white artists who took it to the mainstream while black female stars of the genre have largely remained on the margins. This reflects the continued discrimination of a music industry that is willing to exploit black cultural heritage but sidelines the Afro-Brazilian women responsible for its production.

Minority and indigenous women asserting their cultural rights

'Women should not have to choose between different aspects of their identities in order to enjoy their human rights.'
Linda L. Veazey, in *A Women's Right to Culture: An Argument for Gendered Cultural Rights*

Because of their special role in transmitting important cultural ideas and practices, women's conduct and dress is often taken to reflect the morals and standards of their community. While gender control and repression remain potent issues in most majority societies, their dynamic in many minority and indigenous communities is distinct due to the pressures they face from society at large – leading in some cases to community resistance to change, reinforcement of restrictive gender boundaries and tighter control of women's conduct. As the then Special Rapporteur on violence against women Radhika Coomaraswamy explained in a 2002 report, 'Cultural markers and cultural identity that allow a group to stand united against the oppression and discrimination of a more powerful ethnic or political majority often entail restrictions on the rights of women.'

Hasidic Jews, for example, are very concerned with maintaining women's modesty within the community. Smaller Hasidic sects such as the Satmar are extremely self-contained and form group cohesion through limited contact with the wider society, as well as controls on women's movement and dress, requiring the use of head coverings and long, high-necked dresses. In Williamsburg, Brooklyn, where Satmar Hasidic Jews are relatively densely concentrated, male members of the community, including community leaders as well as apparently unauthorized groups functioning as 'modesty committees', are reportedly policing the dress and behaviour of women. For a community that struggles to maintain strict social rules and boundaries, particularly in the face of the wider American secular culture, seemingly uncontrolled women's bodies threaten morals within the community, as well as the cohesiveness of the group's boundaries.

But, as has been seen with the debate over the wearing of the *hijab* in many western countries, banning modes of dress that are often associated with profound gender inequalities can also amount to infringement on women's cultural rights. Instead, creating space for women to have the right to choose what they want to wear is a more effective realization of their cultural rights than an outright ban – though this can prove deeply challenging when these restrictive practices are widely enforced by society at large or within a particular group. Indeed, when minority and indigenous peoples' rights activists seek from within to change practices that restrict or violate the rights of women, they can be accused of undermining their community's cultural order and even face ostracization. This, for instance, is the case for members of the Tamil Nadu Muslim Women's Jaamat (STEPS), a women's organization formed to protect the rights of Muslim women in India both within and outside their own community. Their work, including the creation of a mosque for women, has led to stigmatization, abuse and even death threats from within the community. Such a hostile reaction is a common response to minority and indigenous

women claiming their right to participate in and reform customs in their communities.

Culture for resistance

Despite the very real dangers for those who challenge narrow and patriarchal interpretations of a particular identity, faith or tradition, minority and indigenous women throughout the world are nevertheless taking steps to define their own sense of belonging – including the right to question and reinterpret their community's cultural practices and their relevance in their own lives. It is this spirit of exploration that drives the work of Zoulikha Bouabdellah, a renowned visual artist whose work has been featured in galleries throughout the world. Raised in Algeria until the outbreak of the civil war, she then settled in France with her family in 1993, at the age of 16. Her art teases out questions surrounding the control and creation of meaning, especially around identity, gender and religion. As she explains, 'With regard to my Arab-Muslim origins and the fact of being a woman, I cannot dissociate my work from the question of feminism and cultural belonging.'

Her use of Islamic symbols in her work has drawn both criticism and praise. In one particular installation entitled 'Silence', displayed early in 2015 at Pavillon Vendôme in Clichy, she gathered 24 prayer rugs and then placed 24 pairs of women's high-heeled shoes on them. Even though the work had been exhibited elsewhere without any problems, the curators were informed of a warning from a federation of Muslim citizens that the work might provoke violence, leading to Zoulikha and the curators removing the installation. 'I am of Muslim heritage,' the artist said in response, 'my intention is not to shock, nor provoke but rather to propose a vision that will lead to dialogue.' Her work, she explained, aimed to navigate 'the place of women on the threshold of two worlds – because here the modernity of women is reconcilable with Islam, under the condition that the latter is not perverted to become an instrument of domination.'

As Zoulikha later reflected, 'Art is exceptional, as it appeals to one's reason and to one's sensibilities. It does not have to be a tool of manipulation or of propaganda.' Importantly, her work does not set out to denigrate but to reinvigorate these issues of faith, belief and belonging. 'To stop me working on symbols of Islam would come back to stopping me from talking about myself,' she says. 'To not be able to question the symbols of one's own culture is to deny one's own identity.' Thus Zoulikha has been able to use art to resist exclusivist interpretations of her culture and religion, engaging creative expression to encourage reform from within the community.

Right: A Dalit woman attends a peaceful gathering to raise awareness of land rights issues. *ActionAid India.*

Culture for economic sustainability

If their needs and rights to cultural knowledge are respected, indigenous and minority women's productions such as crafts and weaving can help provide economic independence and support the passing on of their traditions to the next generation. This, however, does not mean that culture is passed on unchanged: rather, it is free to undergo creative evolution and adapt to changing circumstances as women themselves see fit. This process of transformation is quite distinct from assimilation or erosion.

Bedouin women have traditionally practised handmade beaded embroidery, but by the 1990s it was dying out. Following an EU-funded project in 1996 to preserve the craft for posterity, Selema Gabaly, a Bedouin woman involved in the project, wanted to create income opportunities for Bedouin Jabaliya women in the Sinai peninsula and restore their handicrafts as a living art. She founded FanSina, a handicraft business with a focus on training and social empowerment that draws directly on this Bedouin heritage, particularly that of the Jabaliya tribe, whose motifs are drawn from local flowers and fauna rather than the more widely used geometric shapes. 'In the old days,' as described by Gabaly, 'the Bedouin shepherdess would wander the mountains with a sack where she kept her food … She would see an almond tree, and she would embroider it on her bag according to her vision.' The project provided an opportunity to revitalize this tradition. 'We were worried that over time these things would

become forgotten or extinct… So the idea was to take traditional motifs … and use them on new items like a cushion cover or a bag.'

Today, FanSina employs 430 Bedouin women. According to Gabaly:

'Our main goal is to generate a source of income for the women living in the mountains. Because of the environment and her occupation, she was denied her basic rights, her education. The second goal is to preserve our heritage and use it to benefit our lives. How can we keep up with these new times, how can a Bedouin women get an education? Not only to learn how to make handicrafts, but to learn many things in life.'

Though the recent upheaval in Egypt has disrupted FanSina's market, the initiative shows how a community can use their cultural products to support women-led initiatives. 'Traditional' practices may be adapted, in this case making designs appealing to a tourist market but which, crucially, are still controlled by the women who have the rights over the production.

Culture for traditional knowledge protection and biodiversity

Minority and indigenous women have a clear role to play in the protection of biodiversity. Some, for instance, have an extensive understanding of seed use and storage, a form of traditional knowledge that is passed between generations of women. Often this underpins their status in other areas of life: for instance, some indigenous women have a sanctioned role in managing sacred sites that is related to their position as seed keepers. When seed diversity is reduced, either through the introduction of hybrids or biases against old seeds, their knowledge may be undermined. For example, in the Tshidzivhe clan of the VhaVenda indigenous community in South Africa, female elders found their status diminishing as new modern seed types were being brought in to replace the traditional varieties. Through programmes to revive seed diversity, however, they have been able to regain the respect of the community and continue their associated rituals.

Dalit women in Medak district of Andhra Pradesh, India, experienced something similar.

The 'green revolution' of the 1960s made modern farming techniques – dependent on large machinery, fertilizers, pesticides and mono-culture hybrid varieties – available to those who could access loans, mostly upper-caste men. At the time, Dalit women were unable to access such schemes – an injustice that later turned out to have positive benefits. Beginning in the early 1990s, a local grassroots organization called the Deccan Development Society (DDS) became aware that local plant varieties and associated knowledge were rapidly disappearing. DDS therefore created local cooperatives comprising mostly Dalit women to support sharing of local seed varieties. In this way, they were able to revive and disseminate Dalit women's traditional seed knowledge, as well as local biodiversity, in dozens of villages, in the face of droughts and food insecurity. Through loans and cultivation of small plots, Dalit families began to support themselves through high-producing traditional crops, instead of working as day-labourers on the lands of upper-caste masters. Reviving women's role as seed keepers, combined with their knowledge of diverse local crops, has not only helped these women improve their food security but also strengthened their voices in their communities.

Culture for resilience

'When I talk about culture, I talk about the country. The country is alive. The river, the land, they're all an energy system. I think all of us, whether we are young or old, need to connect with nature and the environment because it helps build our resilience. It's also a healing mechanism – this relationship between land and people – we need to have this connectivity to country.'

Dr Anne Poelina, Aboriginal woman from Western Australia

Participation and engagement in cultural heritage can serve as a resource for emotional and physical health, bolstering the well-being of entire communities. There is much research to support this claim, particularly regarding indigenous peoples from Canada and Australia. 'Cultural resilience' is a term used to describe 'the role that culture may play as a resource for resilience in the individual',[3] that is, the presence of personality characteristics, such as empathy and positive outlook, that enable one to negotiate difficult situations, and the absence of self-destructive behaviours such as substance abuse. For many indigenous and minority communities, cultural resilience includes engaging with the community and transmitting cultural practices throughout the generations.

In Australia, suicide rates among indigenous youth have reached epidemic levels and are among the highest in the world, a phenomenon reportedly not seen even a generation ago. According to the Australian Department of Health, for Aboriginal and Torres Strait Islander women and girls, the highest suicide rate was for ages 20–24, 21.8 deaths per 100,000, five times the non-indigenous female rate for that age group. This situation spurred indigenous elders into action. In a report entitled *The Elders' Report*, indigenous elders reflect on the causes of indigenous youth suicide rates and the available solutions. *The Elders' Report* made recommendations on culturally tailored programmes, specifically those that bring the youth back to their 'homelands'.

One such programme is the Yiriman Project, which has a specific component for girls and young women to take trips to indigenous lands with women elders to learn songs, dances and stories based on one of four language groups, as well as to visit sacred women's sites. Women elders also teach weaving and plant identification. An Australian government report acknowledged the Yiriman Project's success as it 'builds young people's confidence and improves their self-worth, and is considered to have helped curb suicide, self-harm and substance abuse in the participating communities'. For the young Aboriginal girls and women who participate, the Yiriman Project prioritizes the importance of cultural engagement, in the process building up an important social and psychological resource to strengthen their resilience and sense of self-respect.

Conclusions and ways forward

Women from minority and indigenous communities are asserting the equal realization of their cultural rights and using them to benefit themselves and their communities. As the then Special Rapporteur in the field of cultural rights, Farida Shaheed, says in a report from 2012:

'To enjoy equal cultural rights, women must become equal participants and decision-makers in all the cultural affairs of their own specific communities, and in the wider "general" society…. In this sense, cultural rights are empowering, for they provide individuals with control over the course of their lives, facilitating the enjoyment of other rights. A large part of the transformative aspect of cultural rights is being able to overturn presumed female and male characteristics and capabilities.'

So it is not simply that minority and indigenous women's cultural expressions must be protected; rather, it is their right to full ownership and autonomy over their cultural practices, to be embraced or rejected, reformed or renegotiated, resisting boundaries and embracing change, where they see fit.

In the same report, Farida Shaheed went on to outline three key components underpinning the realization of cultural rights, all of which have particular importance for minority and indigenous women:

- *Participation*: the right of women to participate in or reject any cultural practice or belief of their choosing, the freedom to join or leave any community, to create new communities on any shared identities and reshape ideas of gender and cultural norms.
- *Access*: the right of women to know, understand and benefit from their cultural traditions as well as those of other communities, to engage with ideas and notions, both from within their societies and without.
- *Contribution*: the right to contribute to cultural life, including using one's imagination and intellect to engage with and create artistic expression and other creative works, as well as engaging critically in cultural values and norms.

Thus realizing women's cultural rights is dependent on other civil and political rights, but also the reverse is true. Full and free cultural participation enables minority and indigenous women to engage with entrenched gender hierarchies, resist cultural essentialism (particularly regarding harmful practices justified as 'tradition') and sustain multiple identities that allow them to be active members of their community without subscribing to narrow prescriptions of who they should be. Minority and indigenous women have been using their cultural rights to do just that, realizing the potential of their knowledge and traditions to achieve economic prosperity and spiritual, mental and physical health for themselves and their communities.

This process of adaptation, creative reinvention and renewal that women are undertaking in their negotiation with cultural practices and heritage underscores the essentially dynamic nature of culture. While forces of change can be damaging or disruptive, they impel us to realize that change is inevitable. Communities facing the rapid effects of urbanization and migration, not to mention technological advancements such as the internet, will inevitably be propelled to engage with new cultural influences. But this then is the function of cultural rights for minority and indigenous women: to protect their right to maintain traditions while challenging their narrow interpretation, to engage in dynamic processes of adaptation to challenge restrictive interpretations of their identity, to participate and indeed not to participate, depending on their perspective. ■

Endnotes

1 Quoted in Valaskakis, G.G., Stout. M.D. and Guimond, E. (eds), *Restoring the Balance: First Nations Women, Community, and Culture*, Winnipeg, University of Manitoba Press, 2009.
2 Norris, M.J., 'The role of First Nations women in language continuity and transition', in *ibid*.
3 Fleming, J. and Ledogar, R., 'Resilience, an evolving concept: a review of literature relevant to Aboriginal research', *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health*, vol. 6, no. 2, 2008.

Lessons from indigenous knowledge and culture: learning to live in harmony with nature in an age of ecocide

Paul Havemann

'Indigenous peoples have lived in harmony with the Earth for millennia. They have a great deal to contribute to a harmonious relationship with Mother Earth. Harmony and equity with the Earth appear to be unknown concepts in dominant societies. It is something that they must learn and come to terms with.'
Alberto Saldamando, Indian Environmental Network, Paris, 2015

Introduction

Today, the threats posed by climate change, food insecurity and shrinking biodiversity are more urgent than ever, but adequate solutions have been slow to come. But while attention has focused on technologies and the need to invest in the development of infrastructure such as renewable energy systems, these are only part of the picture. More fundamentally, the emerging environmental crisis has also raised difficult questions about the growing estrangement of many societies from nature and the reckless exploitation of the planet for development or resource extraction. If this situation continues, then there is a very real threat of environmental collapse in the decades to come.

However, sound environmental stewardship is not something that needs to be learned from scratch. Indeed, for generations this knowledge has governed the lives of countless indigenous peoples across the world. While these practices are often seriously threatened, along with the communities themselves, they have much to teach us about how environmental equilibrium can be restored. By recognizing indigenous traditional knowledge holders and their rights to self-determination, as well as mainstreaming their wisdom, a new bio-cultural paradigm could be developed to guide others on how to live within the Earth's ecological limits.

Paradoxically, indigenous and traditional communities – the very groups which have contributed least to the imminent threats of catastrophic anthropogenic climate change and biodiversity collapse, and whose practices are actually based on a sustainable bio-cultural paradigm – constitute most of those who are at greatest risk. This is in part due to existing social and economic marginalization: globally the indigenous population, estimated at around 370 million, comprises 5 per cent of the world's population but 15 per cent of its poorest people.

Climate change, colonialism and economic globalization have also left a legacy of other issues, such as environmental damage, land loss and lack of access to basic services, that have not only resulted in ill health and lower life expectancy but also devastated their complex cultural systems. By 2115, it is estimated that between 50 and 90 per cent of the world's 7,000 mostly indigenous languages will have died out. Many encode unique traditions and environmental knowledge that may disappear with them. The loss of these languages is evidence of a constellation of inter-connected processes of killing and destruction inflicted on indigenous communities for centuries: genocidal violence (killing of peoples), linguicide (death of languages), epistemicide (destruction of knowledge systems), cultural genocide (destruction of cultures) and ecocide (destruction of eco-systems).

Despite this repression, indigenous and traditional knowledge remains vital to a large proportion of the world's population, even if it receives little attention in the mainstream. Eighty per cent of the world's biological diversity is found in the 22 per cent of global land area still stewarded by indigenous peoples, with modes of subsistence, consumption and care for nature based on their traditional bodies of knowledge. Furthermore, traditional livelihoods produce 10 per cent of the world's meat and most of the fish that people consume. Small-scale farming based on agro-ecological methods informed by traditional knowledge provides 70 per cent of the world's food needs. Yet despite the clear contribution of indigenous peoples to food security, biodiversity and other issues, there are many serious obstacles to their ability to secure their rights.

Learning from indigenous wisdom

To learn lessons from indigenous peoples requires recognizing that traditional knowledge systems, languages, cultures, connections with nature and self-determination are intrinsic elements of indigenous bio-cultural paradigms. Disaggregating these, and selecting pieces of

knowledge as raw data and techniques without understanding and respecting the wider context that created them, is merely to learn 'the words but not the music'. Unfortunately, the use of traditional knowledge and know-how without prior informed consent and benefit sharing is a frequent occurrence that breaches the rights of indigenous peoples. To date, most states, multinational corporations, intergovernmental organizations and some non-governmental organizations (NGOs) have barely begun to learn the words, let alone the music.

Commentators have variously used the terms 'traditional knowledge', 'traditional environmental knowledge'[1] or 'indigenous knowledge'. The Climate and Traditional Knowledges Workgroup, comprising indigenous people, staff of indigenous governments, academics and other experts, prefers the term 'traditional knowledges':

'The term "traditional knowledges" is generic and represents multiple dimensions of dynamic knowledge systems and lifeways of diverse indigenous peoples. Traditional knowledges broadly refer to indigenous communities' ways of knowing that both guide and result from their community members' close relationships with and responsibilities to the landscapes, waterscapes, plants and animals that are vital to the flourishing of indigenous cultures. Indigenous peoples' traditional ways of knowing and living have been refined over thousands of years of experiences and relationships with living beings and places.[2]

The group asserts, first, that the term 'traditional knowledges' captures the dynamism, plurality and nuanced character of traditional knowledges, embedded as they are in living indigenous governance systems. Furthermore, the concept of traditional knowledges challenges the abstraction of such knowledges from their cultural contexts and the reduction of traditional knowledges to an isolated resource or commodity for potential appropriation by others for profit.

Traditional knowledges-based approaches to agriculture, forest and land stewardship and agro-ecology as well as sustainable fisheries are premised on a worldview that is reflected in governance practices that privilege production for use, minimal waste, modest water use and sustainable use of local biodiversity to ensure food security. These are key elements of the paradigm shift required to get humanity off its current ecocidal trajectory. Evidence of this trajectory can be found in the inter-connected phenomena of extreme weather, human conflict, genocides and mass migration, arising at least in part from catastrophic food insecurity and water scarcity.

Right: Maasai traditional knowledge helps sustain cattle farming in Kenya. *Stephanie C.*

An ecological rift? Forgetting traditional knowledges

What has been described as the 'ecological rift'[3] between human beings and nature, now reaching ecocidal dimensions, has arisen from fossil fuel-charged modes of production and consumption that have ignored the Earth's ecological limits. The result is bio-cultural disequilibrium.

The epoch of the Earth's evolution, when global equilibrium was sustained, has been labelled the Holocene. Traditional knowledges evolve from accumulated observations of the biophysical environment and natural resources made by indigenous peoples and local communities – over millennia in some cases. But scientists are now debating the markers for a new epoch: the Anthropocene, dominated not by natural forces but by profound and negative impacts of humans on Earth's fragile inter-connected systems – especially climate variability and the current collapse of biodiversity dubbed the 'sixth extinction'.[4]

Proponents of the argument for the epochal shift into the Anthropocene cite as their evidence a constellation of unprecedented geophysical phenomena, warning that humanity is increasingly jeopardizing the stable functionality of Earth systems that provide planetary stability for all life.[5] The most cited of these phenomena is the concentration of carbon dioxide (CO2) in the Earth's atmosphere. While this gas was measured at 300 ppm (parts per million) during the Holocene, levels have now reached 400 ppm. This threatens to raise global temperatures significantly and, in the process, endanger much of the world's biodiversity, as well as cause significant harm to human populations.

Consequently, at the 2015 Paris Climate Change Conference (also known as COP21 or the UN Framework Convention on Climate Change [UNFCCC] 21st Conference of Parties), indigenous peoples called for global temperature rise to be kept at or below 1.5°C, and not the 2°C that has generally been discussed by governments, in order to mitigate catastrophic climate change and related biodiversity collapse.

There is compelling evidence that signs of the Anthropocene can be traced to the early seventeenth century and the European invasion of the Americas. This led to the deaths of 50 million indigenous people, the unprecedented inter-continental exchange of flora and fauna between Europe and the Americas, the importation of food from the Americas and diseases from Europe, as well as the emergence of the coal-based industrial and agricultural revolutions.[6] Today, the Anthropocene culture of appropriation and consumption, besides its continued destabilization of the environment, still marginalizes indigenous communities and devastates their traditions.

Genocide and epistemicide

Indigenous peoples are principally place-based peoples whose governance paradigm is bio-cultural, meaning they aim to live within the ecological boundaries of their territories through reciprocity and exchange. Since the fifteenth century this has placed indigenous peoples continuously on a collision course with the Euro-American paradigm of continued growth.

Territorial and resource accumulation has been a constant feature of capitalism in its many guises – from overtly violent conquests by imperial and colonial powers to the more opaque economic violence of neoliberal globalization. Accumulation by dispossession is needed for ever-more access to cheap land, labour and capital as well as knowledge. Crucially, the beneficiaries of this paradigm – local elites, governments, international corporations – have effectively been subsidized by passing on the ecological costs of this growth elsewhere. As a result, while capitalist actors enjoy the most profit for the least effort and investment, the true cost of their destructive actions is felt by indigenous peoples and their distinctive cultures.

During the fifteenth and sixteenth centuries, four genocides and inter-connected epistemicides / linguicides[7] took place that still reverberate and are reproduced in power relations that perpetuate the elimination of the 'Other'. The beneficiaries have been capitalist institutions of the global north and the European knowledge system. By the seventeenth century this knowledge system, based on a rationalist paradigm often characterized as western scientific knowledge, had become central to the globally hegemonic capitalist economic growth model. Consequently, most other forms of knowledge, denied recognition, became increasingly invisible and applied only in local contexts. Even in the twenty-first century, and all over the world, indigenous peoples are routinely murdered for defending their lands, languages, knowledges and cultures.

Knowledge systems in collision

A comparison between western scientific knowledge and traditional knowledges illustrates how different they are. Western knowledge systems privilege the quantitative and are learned in formal educational settings where knowledge is divided into a multitude of scientific specialisms. Humans are separate from eco-systems. As western scientific knowledge is positivist and results from an empirical methodology claiming to generate objective and replicable scientific truths, it is therefore asserted to be of universal application and is communicated through peer-reviewed publication. Discoveries cannot be owned, but most of the products of western scientific knowledge are susceptible to being commodified – owned and traded by inventors or corporations – as private intellectual property rights.

By contrast, traditional knowledges flow from a holistic view in which human and eco-systems are one. Traditional knowledges have co-evolved from fine-grained observation and local experience. They are communicated orally, often through gender-specific communication, in the form of stories, rituals and traditional practices. Traditional knowledges are learned by observation, listening, doing and experience, and are normally shared inter-generationally within particular kin groups as they are encoded in local languages. No one owns this knowledge. Hence traditional knowledges and the cultural property of indigenous peoples are not congruent with the global intellectual property rights regime of the capitalist growth paradigm, reflected in the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO). As a result, the intellectual property rights regime has afforded them little protection. The misappropriation of traditional knowledges-based genetic resources and know-how without indigenous peoples' prior informed consent or benefit sharing is well documented. Table 1 gives a glimpse of products derived from biodiversity-rich eco-systems for which local peoples have seen little direct benefit.

The spoils of bio-piracy come from a reservoir of traditional knowledges and know-how that is being exploited by modern multinationals. Profits from traditional knowledges thus represent a 'subsidy' by indigenous peoples to these corporations. Furthermore, the intellectual property rights regime treats culture and knowledge and nature as commodities or as commodifiable.

For instance, climate mitigation measures translate 'nature' into 'eco-system services' and the mechanism of 'payment for eco-system services' (PES) is increasingly used to incentivize mitigation and adaptation behaviour. The reduction of the emission of greenhouse gases like carbon dioxide into the atmosphere is addressed by carbon trading. A controversial PES scheme paying states for avoided deforestation is the United Nations (UN) REDD+ scheme (reduce emissions from deforestation and forest degradation). This scheme has pitted many indigenous forest peoples against states, the World Bank, international organizations like the UN Development Programme (UNDP), and NGOs as it has been used by outside agencies to usurp indigenous use and stewardship of their forest territories without adequate respect for their rights to forest tenure, prior informed consent and other safeguards. Even when addressing environmental management and protection, then, indigenous communities all too often find their knowledge excluded.

Table 1: Products derived from biodiversity-rich ecosystems

Pharmacy	Industry	Agriculture and food
Anti-cancer drugs: the vinca alkaloids Tranquillizers and heart drugs: reserpine Birth control: Dioscorea (source of many steroidal drugs) Anaesthetic and surgical aids: cocaine, teterodoxin	'Wild' relatives of plantation and other species for 'improvement'/ protection Exudates: latexes, waxes, resins, tannins, dyes, insecticides (neem, pyrethrins, rotenone) Fibres and canes: rattan, bamboos, jute, sisal, kapok Edible and industrial oils	'Wild' relatives of crops for 'improvement'/ protection Beverages, sugar, natural sweeteners: coffee, tea, cocoa, sugar cane, thaumatin Beans Roots and tubers: cassava, yam

Learned ignorance: international law

In spite of the collision of knowledge systems, 'traditional knowledge' is referenced with varying degrees of specificity in a patchwork of international law and an even more eclectic array of state law provisions for the recognition of traditional knowledges and customary law, most of which are 'honoured' in the breach by states.

Indigenous peoples have at least since 1992 (outside the Rio Earth Summit) attempted to assert their rights and articulate their bio-cultural worldview. For instance, they staked out shared positions in the Kari-Oca Declaration and the Indigenous Peoples Earth Charter in 1992; the Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples in 1993; and the Cochabamba Protocol in 2010. Recently, indigenous peoples followed up the 1992 declaration with Declaration Kari-Oca 2 outside the 2012 Rio+20 Sustainable Development summit, critiquing the goals of the so-called 'Green Economy' proposed at that conference by the UNDP.

In addition, indigenous lawyer Mick Dodson has researched and reported to the UN Permanent Forum on Indigenous Issues, identifying a host of international human rights, biodiversity and trade instruments that theoretically recognize the right of indigenous peoples to protect and enjoy their traditional knowledges and culture or other relevant human rights.[8]

Yet despite this growing recognition, states and international bodies still seem reluctant to implement these rights in practice – as reflected in the continued loss of traditional knowledges to corporate patents, for example. Indeed, much national and international legislation still appears to support the appropriation of traditional knowledges.

Climate change: traditional knowledges and the UNFCCC

The climate crisis has led to a rediscovery of the importance of traditional knowledges by scientists on the Intergovernmental Panel on Climate Change (IPCC). The Fourth Assessment Report (AR4) noted that indigenous knowledge is 'an invaluable basis for developing adaptation and natural resource management strategies in response to environmental and other forms of change'.[9] The Fifth Assessment Report (AR5) in 2014 went further and critiqued the neglect of traditional knowledges as impairing the effectiveness of adaptation measures.[10] In 2014 the UNFCCC's own Subsidiary Body for Scientific and Technological Advice (SBSTA) and the IPCC's AR5 expressed an ambitious vision for mainstreaming traditional knowledges: for example, to enable the recognition, participation and engagement of local communities and holders of local, indigenous and traditional knowledges at different levels of climate adaptation plan design and implementation.

However, the UNFCCC process made no mention of indigenous peoples or traditional knowledges until 2015 when, for the first time, the Paris Agreement made five explicit references to indigenous peoples, indigenous knowledge

and traditional knowledge. Notably, Article 7(5), in spite of the repeated proviso as to appropriateness, states:

Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.

Yet these references depict indigenous people as vulnerable victims rather than partners, and their traditional knowledges as a supplementary rescue technique rather than fundamental to humanity's capacity to combat climate change. Moreover, explicit reference to the 'rights of indigenous peoples' was relegated to the aspirational preambular paragraphs.

The fight over wording in Paris reflects the continuing denial of indigenous peoples' status and knowledge. While stronger recognition of indigenous peoples' rights and the importance of their bio-cultural wisdom was supported by, for example, Chile, Costa Rica, Guatemala, Peru, Tonga and Vanuatu, such references were removed or diluted by action led by Australia, the European Union, Norway and the US. It was even suggested that their opposition arose because they feared litigation by indigenous peoples that these states might lose should their mitigation measures fail to meet agreed standards. The surviving references in the Paris Agreement are at least a modest rhetorical breakthrough, although they fall far short of a wholehearted endorsement of the importance of traditional knowledges and the key role indigenous peoples have to play in mitigating climate change and protecting biodiversity. Indeed, the holders of traditional knowledges are expert observers and interpreters of natural phenomena who bring fine-scale assessments of climate change impacts, such as biodiversity changes, loss of ice cover in the Arctic and desertification in sub-Saharan Africa.

Importantly, synergies between traditional knowledges and western scientific knowledge are leading to the use of indigenous and traditional community-based approaches to reduce the massive volume of greenhouse gases produced by biomass burning, notably in the savanna and grasslands worldwide. Indigenous traditional knowledge-based methods, known as the *waru-waru* system and comprising raised beds and water channels, and modern agro-ecology have for some years been restoring crop fertility to Andean mountainside farming at low cost. Traditional knowledges, rather than being an alternative or in opposition, can in fact complement broader-scale western scientific knowledge-based research. In sum, indigenous and traditional practices, as well as their coping strategies for adaptation, are a crucial foundation for learning by the rest of humankind. Whether the UNFCCC and most state parties will afford these greater recognition is an open question.

Biodiversity collapse: traditional knowledges, the Convention on Biological Diversity and the WIPO

The 1992 UN Convention on Biological Diversity (CBD) remains the key international convention addressing the protection of traditional knowledges, despite its muted and permissive language in Article 8 (j):

'Each contracting Party shall, as far as possible and as appropriate:

Subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices.'

Protracted attempts have been made by the WIPO Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore (IGC) since 2000 to devise a way of expressing Article 8(j) in intellectual property law terms. To date no agreement has been achieved, but text-based negotiations are set to continue until 2017.

Learning from traditional knowledges

The principal lesson that can be learned from traditional knowledges is the need to rediscover a bio-cultural paradigm for living within the Earth's ecological limits. Bundles of raw data about specific pieces of knowledge and techniques will not teach much on their own, and the appropriation of such elements of traditional knowledges but without authentic partnership with indigenous peoples, their prior informed consent or benefit sharing will amount to bio-piracy.

Forest stewardship

Much of the Earth's biodiversity is located in those forests still controlled by indigenous peoples and managed according to traditional knowledges. These forests represent pharmacies and habitats for plants and animals, and regulate the climate. Indigenous peoples are key to reducing deforestation and forest degradation, which is possibly causing as much as 20 per cent of CO2 emissions each year. While tropical forests absorb as much as 1 billion tons of carbon each year, this resource is steadily diminishing; since the beginning of the twenty-first century, 600,000 square kilometres of tropical forests have already been cleared.[11] In this context, indigenous models of forest and land stewardship offer essential lessons for effective forest stewardship.

However, to support this, greater respect and attention to the issue of indigenous peoples' land tenure is needed – an area afforded far too little attention by many states. The Rights and Resources Initiative (RRI) analysed the extent to which indigenous and local community-held tenure of forests and land is recognized in the 64 states that claim sovereignty over 82 per cent of global land area, including forests, grasslands and agricultural lands. The results are discouraging. RRI found that only 47 of the 64 states submitted Global Baseline Reports for the 2015 Paris Climate Change Conference outlining their 'intended nationally determined contributions' (INDC) to greenhouse gas emissions. Of these, only 5 (11 per cent) covered indigenous and community land tenure substantively, while 16 (34 per cent) mention this type of tenure in passing and 26 (55 per cent) did not reference indigenous or community land tenure and management at all. This suggests that indigenous peoples' self-determination enabled by the formal titling of indigenous lands remains a low priority for most states.[12]

Neither the UN's own scheme to incentivize states to reduce deforestation and forest degradation – the REDD+ scheme – nor the World Bank's Forest Carbon Partnership Facility (FCPF) explicitly promotes increased indigenous and traditional peoples' forest and land tenure. The FCPF enables developing countries to sell carbon emissions reductions like REDD+. Perversely this scheme has created new forest carbon property rights that states would like to own and control, rather than empowering forest peoples to sustain their stewardship by recognizing their existing customary and statutory tenure rights.

Soil and biodiversity stewardship

Industrial agriculture and the related food system contribute up to 50 per cent of greenhouse gas emissions if change in land use and deforestation, as well as transportation, storage and food waste, are all taken into account. Indigenous and traditional peoples, on the other hand, who cultivate between 10 and 15 per cent of land under cultivation, apply traditional knowledge-based methods including no-till farming, retention of crop residues and the cultivation of cover crops to increase carbon density in the soil. Carbon sequestration and biodiversity preservation is achieved through rotation of crops and land uses. Indeed, this method of cultivation is crucial for the conservation of crop genetic resources and allows for trees of diverse ages and species.

Further, it is estimated that 30 per cent of soil carbon is managed by 200 million pastoralists. Nomadic or semi-nomadic pastoralism is based on traditional knowledges about the sustainable use of dryland and grassland eco-systems. These agro-ecological methods increase depleted soil carbon reserves, produce far less greenhouse gases than industrial agriculture, and are not dependent on costly inputs of fossil fuels. Traditional knowledges are also a key source of knowledge

for the adaptive stewardship of plants for food and medicine, animals and eco-systems.

A positive outcome of the 2002 Sustainable Development Summit was a scheme to learn lessons from traditional knowledges about agro-ecology. The UN Food and Agriculture Organization (FAO) identified globally important agricultural heritage systems (GIAHS). The criteria for recognizing these, as defined by FAO in 2002, are that they represent 'land use systems and landscapes, rich in globally significant biological diversity, evolving from co-adaptation of a community with its environment, and its needs and aspirations for sustainable development.'

GIAHS are microcosms of the bio-cultural paradigm in action that have provided peoples all over the Earth, living in a variety of challenging landscapes and environments, with food security based on traditional small-scale agriculture and traditional knowledges. Scale too is critical. Covering around 5 million hectares of land worldwide and supporting many millions of small farmers engaged in traditional knowledges-based agro-ecological livelihoods, GIAHS highlight the value of smallholdings within locally based agro-ecology systems that link cultural diversity and biodiversity conservation to achieve adaptability and resilience.

Key lessons include recognizing the critical role of empowered indigenous women. Indigenous women are commonly custodians of traditional knowledges, and their particular understandings of the cultivation of traditional crops and of biodiversity are often vital to sustaining the bio-cultural paradigm. In Chile, Mapuche women are sharing their agro-ecological traditional knowledges with other urban women to help them overcome poor food production and hunger.

What is also striking is the variety of forms of GIAHS and their adaptability to local environments. This includes terraced mountainside cultivation using complex agro-eco-systems, such as rice terraces with agroforestry for growing vanilla and the rice-fish systems found in large areas of East and Southeast Asia. In the Americas, Mesoamerican water-management systems originally developed many centuries ago – for example, Aztec *chinampas*

Left: Mapuche woman in Chile.
Alessandro Caproni.

(floating gardens) and the Inca *waru-waru* water distribution system – are still in use in parts of Bolivia, Mexico and Peru. Traditional knowledges also inform the complex systems that sustain Saami reindeer in the Arctic, Maasai cattle in Kenya, yaks in Tibet and many other pastoralist herds worldwide, as well as the underground systems (*qanat*) of Central Asia and oasis-based cultivation in arid regions of North Africa and the Sahara.[13]

The destruction of indigenous food systems and land grabbing

However, instead of learning lessons from the GIAHS, land grabbing is continuing to take place on a massive scale, distorting and putting major obstacles in the way of local agro-ecological food systems. Multinational corporations providing food to consumers in the global north demand year-round supplies of luxury vegetables such as asparagus, grown on irrigated land and depleting local water supplies needed by subsistence farmers in Peru. The westernization of food systems – displacing local foods and replacing these with dependency on imported, expensive, less nutritious substitutes with high levels of fat and sugar – has had disastrous consequences. Among Pacific Island peoples and Inuit in Canada, for example, the incidence of diabetes and obesity has soared as a result.

Many states view land as a commodity vested in the state, thereby justifying the usurpation or denial of the customary tenure rights of indigenous and traditional peoples, with a corresponding loss of traditional knowledges and bio-cultural diversity. The International Land Coalition's Land Matrix Project, covering the period 2000–12, estimates that deals have been made for over 203 million hectares. Logically, the most fertile irrigable land near infrastructure has been targeted for sale, necessitating the dispossession of the local smallholders, indigenous and other traditional knowledge-based farmers.[14] Of the land thus grabbed, 78 per cent has been for agriculture, three-quarters of which has been devoted to mono-crop plantations of biofuel crops such as palm oil. Most land deals are for large-scale, intensive production dependent on pesticides and other environmentally damaging substances.

Alongside the land grabbing there has been a global assault on the rights to access seed. Local seeds and locally devised cultivars are an intrinsic feature of the adaptability and resilience of traditional knowledge-driven agro-ecological farmers worldwide. Yet corporations like Syngenta, Bayer, Du Pont Pioneer, Dow and Monsanto – which together control 75 per cent of the plant-breeding sector – wish to further expand their control over the market in seeds. This control has been institutionalized by requiring state membership in the International Union for the Protection of New Varieties of Plants (UPOV), and is buttressed by an array of so-called free trade agreements, such as the WTO's Trade Related Intellectual Property Agreement.

Buen Vivir: away from a fossilized and ecocidal paradigm?

The former UN Special Rapporteur on the right to food, Olivier de Schutter, has identified agro-ecology as a solution to the crises of food security and climate change.[15] The call for a paradigm shift away from industrial agriculture and food systems towards small agro-ecological farms now comes from UN bodies such as the FAO, UN Environment Programme (UNEP) and UN Conference on Trade and Development (UNCTAD).[16] Similar calls for more agro-ecological approaches have also been made by many others, including the Oxford Real Farming Conference in 2016 and many scientists.[17]

Traditional knowledges lie at the centre of agro-ecology, and agro-ecology forms the foundation for sustainability within the ecological limits of the Earth. Traditional knowledges are not just a bundle of techniques for complex small-scale biodiverse farming, but the lynchpin of the bio-cultural paradigm, with vital lessons that need to be rediscovered and scaled up. Together these can inform a new agro-ecological paradigm with systems for producing and consuming food that are adapted to particular eco-systems, avoid synthetic modification of nutrient flows and are sustained by knowledge sharing, active participation and inclusion. At

the heart of this approach, however, is a respect for the rights of others – in particular, those of indigenous peoples to their lands and cultural traditions.

Practising traditional knowledges necessitates the internalization of a belief system that gains expression through all levels of governance and social engagement. Two substantially indigenous Andean democracies, Bolivia and Ecuador, have articulated a new paradigm reflecting traditional knowledges – *Buen Vivir /Vivir Buen* ('good life') – as an overarching constitutional ethic. This is an alternative to the neoliberal Washington Consensus development model, based on fossil-fuelled growth and globalized market fundamentalism, imposed on most people since the 1970s. The so-called 'market failures' of climate change and biodiversity collapse arising from the commodification of nature are among the most pertinent flaws of that model.

Buen Vivir contrasts 'the good life' with materialism, and involves the de-colonization of the mind from anthropocentrism and consumerism. The paradigm assumes that biological diversity begets cultural diversity and vice versa, and that bio-cultural diversity benefits everything – and therefore stresses pluri-national and inter-cultural cooperation. It also demands living well with the world around you, stressing the centrality of a respectful, interdependent

Left: *Pachamama* (or Earth Mother) in Argentina. *Carolyn Stephens.*

and inter-connected relationship among human beings, other species and the natural environment. It also involves community-based, inclusive and collective approaches to land use and care, forest stewardship and seed nurturing. Above all, the paradigm recognizes that nature or Mother Earth (*Pachamama*) is the basis of existence for human beings and all other living things. *Buen Vivir* principles and the Rights of Mother Earth are enshrined in the Constitutions of Ecuador and Bolivia, and represent aspirational work in progress. Whether other countries, still in thrall to the destructive model of capitalist development, will be willing to learn from the wealth of indigenous knowledge remains to be seen. ■

Endnotes

1 'Traditional environmental knowledge' has been defined as 'a cumulative body of knowledge, practice and belief, evolving by adaptive processes and handed down through cultural transmission, about the relationship of living beings (including humans) with one another and their environment', in Berkes, F., Coding, J. and Folke, C., 'Rediscovery of traditional ecological knowledge as adaptive management', *Ecological Adaptations*, vol. 10, no. 5, 2000, 1251–6.
2 The Climate and Traditional Knowledges Workgroup, 'The ethics of traditional knowledge exchange in climate change initiatives', published online in Earthzine.org, July 2015.
3 Foster, J.B., Clark, B. and York, R., *The Ecological Rift: Capitalism's War on the Earth*, New York, Monthly Review Press, 2010.
4 Kolbert, E., *The Sixth Extinction*, New York, Henry Holt & Co., 2014.
5 Zalasiewicz, J.A. and Williams, M., 'Dawn of the Anthropocene: five ways we know humans have triggered a new geological epoch', *The Conversation*, 7 January 2016; Steffen, W., Richardson, K., Rockström, J., Cornell, S.E., Ingo Fetzer, I., Bennett, E.M. et al., 'Planetary boundaries: guiding human development on a changing planet', *Science*, vol. 347, no. 6223, February 2015.
6 Lewis, S. and Maslin, M., 'Defining the Anthropocene', *Nature*, vol. 519, 12 March 2015, 171–80.
7 De-colonization expert Ramón Grosfoguel identifies these as: against Muslims and Jews in the conquest of Al Andalus in Spain in the name of 'purity of the blood'; against indigenous peoples in the Americas and Asia; against African peoples as a consequence of the slave trade and enslavement in the Americas; and against women in order to consolidate a Christian-centric patriarchy and aristocracy that branded thousands of women in Europe as witches because they were holders of knowledge about astrology, medicine, biology and agriculture and also land holders. Grosfoguel, R., 'The structure of knowledge in Westernized universities: epistemic racism/sexism and the four genocides/epistemicides of the long 16th century', *Human Architecture: Journal of the Sociology of Self-Knowledge*, vol. 11, no. 1, Article 8, September 2013.
8 See Dodson, M., *Report on Indigenous Traditional Knowledge*, UN Permanent Forum on Indigenous Issues, Sixth Session, 14–25 May 2007, UN doc. E/C.19/2007/1 (2007). The instruments include: the Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Civil Rights; 1971 Ramsar Convention on Wetland Conservation, 1972 UNESCO World Heritage Convention, Convention on Biological Diversity (CBD) 1992, to which must be added the 2010 Nagoya Protocol to the CBD; International Treaty on Plant Genetic Resources for Food and Agriculture; International Labour Organization Convention No. 169; UN Convention to Combat Desertification 1995; Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests (1992); Agenda 21; World Health Organization's Traditional Medicine Strategy 2002–2005; Rio Declaration on Environment and Development 1992; UN Declaration on the Rights of Indigenous Peoples 2007.
9 IPCC, Assessment Report (AR4) 2007.
10 IPCC, Assessment Report (AR5) 2014.
11 Coe, M.T., Baccini , A., Brando, P., Lefebre, P., Macedo, M., Moutinho, P. et al., 'Tropical forests: conserving climate and culture', Policy Brief, Falmouth, MA, Woods Hole Research Center, November 2015.
12 Coyle, I., *Community Based Tenure and Efforts to Mitigate Greenhouse Gas Emissions from Forestry and Agriculture: A Global Perspective*, Washington, DC, Rights and Resources, 26 October 2015.
13 Koohafkan, P., 'A case of agricultural heritage systems', retrieved 13 April 2016, http://www.fao.org/docrep/015/ap027e/ap027e.pdf.
14 Anseeuw, W., Alden Wily, L., Cotula, L. and Taylor, M., *Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project*, Rome, ILC, 2012.
15 De Schutter, O., 'Agro-ecology: a solution to the crises in food systems and climate change', in *Trade & Environment Review 2013: Wake Up Before it's Too Late, Make Agriculture Truly Sustainable Now for Food Security in a Changing Climate*, Rome, UNCTAD, 2013; De Schutter, O., *Report to the UN Human Rights Council on the Right to Food*, UN doc. A/HRC/16/49, 20 December 2010.
16 De Schutter, 2013, *op. cit.*
17 Ehrlich, P. and Harte, J., 'Opinion: To feed the world in 2050 will require a global revolution', *PNAS*, vol. 12, no. 48, 1 Dec. 2015, 1473–7; Montgomery, D.R. and Bikle, A., *The Hidden Half of Nature: The Microbial Roots of Life and Health*, New York, Norton, 2016; Lin, B. et al., 'Effects of industrial agriculture on climate change and the mitigation potential of small-scale agro-ecological farms', *CAB Reviews: Perspectives in Agriculture, Veterinary Science, Nutrition and Natural Resources*, vol. 6, no. 20, 2011, 1–18.

Protecting the right to culture for minorities and indigenous peoples: an overview of international case law

Lucy Claridge and Alexandra Xanthaki[1]

Introduction

Cultural rights are often called the 'Cinderella' of human rights because of the limited attention that has been paid to them. However, recent years have witnessed more attention being paid to this area, particularly in terms of the cultural rights of minorities and indigenous peoples. Human rights legal instruments refer to 'cultural rights' or 'the right to culture' or the 'right to take part in the culture'. However, even these interchangeable terms do not reflect the plethora of aspects that the right to culture contains for minority and indigenous peoples. Litigation has therefore played a major role in determining and defining the exact legal parameters of these concepts.

This chapter will outline the various key international human rights legal standards that may come into play when considering minority and indigenous peoples' cultural rights, and draw on jurisprudence of international and regional courts and quasi-judicial mechanisms, illustrating how litigation, including Minority Rights Group International's (MRG) own legal cases programme, has assisted in their development. As will be shown, using litigation to develop the right to culture has usually involved the right being claimed in conjunction with other rights, such as the right to language or the right to land, rather than litigating the right to culture directly.

Defining the right to culture

The understanding of what is meant by 'culture' is essential in defining the scope of the right to culture. As explained in the keynote chapter, 'Cultural rights and their implications for minority and indigenous communities', a greater understanding of culture in international law has developed over time that has assisted the protection of minorities and indigenous peoples' right to culture. The United Nations (UN) Human Rights Committee (HRC) has observed that 'culture manifests itself in many forms'[2] and the UN Committee for the Elimination for All Forms of Racial Discrimination (CERD) has given a broad scope of the concept that includes 'distinct culture, history, language and way of life as an enrichment of the State's cultural identity'.[3] The 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP) made an important contribution to this debate in acknowledging a detailed and broad number of cultural rights not previously explicitly recognized as human rights, such as 'archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature' (Article 11) and 'human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts' (Article 31).[4] In 2009, the UN Committee on Economic, Social and Cultural Rights (CESCR) issued a General Comment on the Right to Take Part in Cultural Life, which expanded this understanding beyond indigenous peoples.

Lately, the debate on the right of minorities and indigenous peoples to their culture has been closely linked to the concept of 'cultural heritage', a term found in several international instruments, including the World Heritage Convention, the Framework Convention on National Minorities (FCNM), the Faro Framework Convention on the Value of Cultural Heritage for Society and UNDRIP.

Similar approaches have been adopted at the regional level. For example, in the African context, 'culture' has a number of meanings, all of which have been recognized by the African Commission on Human and Peoples' Rights (ACHPR). The first understanding of culture is 'culture as capital': the accumulated material heritage of mankind or particular groups, exemplified by monuments and artefacts. The second is 'culture as creativity': the process (and products) of artistic and scientific creation.[5] Article 17(2) and (3) of the African Charter on Human and Peoples' Rights (the African Charter) therefore provides:

'(2) Every individual may freely take part in the cultural life of his community.
(3) The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.'[6]

Culture, in this sense, therefore equates to the sum total of the material and spiritual activities and products of a given social group that distinguishes it from other communities.

Applying the right to culture to minorities and indigenous peoples

The right to culture – and the right to take part in culture – was, at first, purely an individual right, as provided by Article 15 of the International Covenant on Economic Social and Cultural Rights (ICESCR). However, the right to take part in culture has been expanded through a wider interpretation of Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which affirms the right to culture for members of minorities and indigenous peoples. Article 27 specifically stipulates that persons belonging to ethnic, religious or linguistic minorities 'shall not be denied the right, in community with other members of their group, to enjoy their own culture'. Although the language is quite generic, it is now accepted that positive protection is required to realize the provisions of Article 27.[7] In a slightly different formulation, the indigenous right to culture under UNDRIP incorporates a collective element: states are under an obligation to protect indigenous peoples' full enjoyment of their human rights either as individuals or as a collective.

The rights of persons belonging to minorities and indigenous peoples to enjoy their own culture are permanent. Importantly, their realization may need special measures. Such special measures are well recognized in international law as not being discriminatory,[8] and are mandatory, rather than discretionary as some states have indicated.[9] Therefore, state policies that simply provide for non-interference in the right to culture of minorities and indigenous peoples do not fulfil the current obligations of states under the prevailing interpretation of contemporary international law.

The right to participate in cultural life: what does this mean in practice?

As explained in the keynote chapter, the right of members belonging to minorities to practise their culture, recognized in Article 27 of the ICCPR, must be read in conjunction with the right of everyone 'to take part in cultural life', recognized in Article 15 of the ICESCR.[10] 'The culture' in which everyone has the right to participate is not only the national culture, but also one's *own culture*. The right to 'participation in cultural life' also includes 'the right to benefit from cultural values created by the individual or the community'.[11] The negative dimension of the right to participate in the culture includes non-interference by the state in 'the exercise of cultural practices and access to cultural goods and services', while the positive obligation ensures 'preconditions for participation, facilitation and promotion of cultural life, and access and preservation of cultural goods'.[12] In *Khurshid Mustafa and Tarzibachi vs. Sweden*, for example, the European Court of Human Rights (ECtHR) held that the eviction of tenants on account of their refusal to remove a satellite dish that enabled them access to television programmes in Arabic and Farsi of their country of origin was contrary to the right of members of minorities 'who may wish to maintain contact with the culture and language of their country of origin'.[13]

In interpreting Article 27, the HRC has confirmed a high threshold for a violation to be established, with consultation of minority groups being a key criterion. In *Länsman vs. Finland*, a case concerning the Saami indigenous people, the applicants complained about the decision of the state authority to allow stone quarrying to take place on their land, disrupting their reindeer-herding activities. With regard to the measure interfering with the applicants' rights under Article 27, the HRC indicated the impact of such a measure must be substantial 'that it does effectively deny to the authors the right to enjoy their cultural rights in the region'.[14] Nevertheless, the situation complained of did not constitute a denial of the applicants' rights. Considering the quarrying in the affected area that had already taken place, the HRC concluded that reindeer-herding 'does not appear to have been adversely affected by such quarrying'.[15] The fact that the affected community was consulted and its interests were considered in the process leading to contracting the private company was also taken into account.

In a later case, *Apirana Mahuika and others vs. New Zealand*, the HRC linked the limitations of indigenous cultural rights to the indigenous people's own right to participation and control over such matters. The HRC was tasked with assessing the extent to which the negotiations between the government and the Māori population in relation to fishing rights complied with Article 27 of the ICCPR. While particular attention was paid to the cultural and religious importance of fishing for the Māori throughout the consultation process, the HRC acknowledged 'Article 27 does not only protect traditional means of livelihood of minorities, but allows also for adaptation of those means to the modern way of life and ensuing technology.'[16] 'By engaging itself in the process of broad consultation before proceeding to legislate, and by paying specific attention to the sustainability of Māori fishing activities', the HRC concluded that the state party had taken the necessary steps to ensure that the legislation regulating possibilities for the Māori to engage in commercial and non-commercial fishing was compatible with Article 27.[17] Nevertheless, the state party is bound to pay attention to the requirements of Article 27 in the implementation of the legislation.[18]

UNDRIP affirms indigenous peoples as the primary guardians and interpreters of their cultures and the true collective owners of their works, arts and ideas. On the basis of indigenous self-determination, former UN Special Rapporteur on the rights of indigenous peoples, Erica-Irene Daes, has argued that no alienation of these elements of their culture should be allowed by international or national law, unless made in conformity with indigenous peoples' own traditional laws, and with the approval of their own local institutions.[19] However, indigenous rights to tradition are not absolute. Articles 1 and 46 of UNDRIP place the text of the Declaration within the general standards of international law, including its well-known principles of solving conflicts between human rights.[20] It is necessary to ensure that indigenous communities are informed and give their free, prior and informed consent before any interference with their cultural practices. Further, of great importance is the

Right: Saami indigenous people in Finland herd reindeer. *Michiel van Nimwegen.*

principle of non-discrimination in participation in, and access and contribution to the culture, both in the national and the minority culture.[21] Recognition of indigenous communities as the main interpreters of their traditions must also be ensured. At the same time, the Declaration does not stand on its own, but forms part of the wider human rights system and therefore is susceptible to the checks, guarantees and limits this system sets, as set out later in this chapter.

Justifying restrictions on minority and indigenous rights to culture: a difficult balancing act

Conflicts between the right of members of minorities and indigenous peoples to culture and other human rights have been used as an excuse for states not to recognize minority and indigenous customs and practices. Recent voices that present human rights values as only part of the western 'way of life' are erroneous, undermine the respect for minority and indigenous cultures and lead to unhelpful stereotypes. The 2005 United Nations Educational, Scientific and Cultural Organization Convention on the Protection and Promotion of the Diversity of Cultural Expressions recommends 'the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples' (Article 2). The rhetoric of 'integration' is unfortunately often used in Europe to unnecessarily restrict minority cultural rights.[22] Hate speech against individuals on the basis of their culture has been repeatedly criticized by international monitoring bodies.

At the same time, international monitoring bodies have rightly identified and criticized cultural practices that have a negative effect on individuals.[23] The Siracusa Principles on Limitations and Derogations[24] together with the case law of monitoring bodies[25] provide an important guide as to how to deal with such cases. Any restriction of the right to culture of a member of a minority group will have to be based on grounds justifying limitations recognized by a relevant provision of international law, will have to respond to a pressing public or social need, to pursue a legitimate aim and to be proportionate to that aim. No limitations are permitted outside the ones enumerated in the specific provisions and the core of the right has to be maintained.

The evolution of the application of this approach is clearly demonstrated in the case law of the UN HRC. In *Kitok vs. Sweden*,[26] the HRC was faced with a question of restricting the rights of an individual member of the Saami indigenous people as opposed to the rights of the community as a whole. To reduce the number of reindeer breeders, a new provision had been introduced into law limiting the right to reindeer husbandry of those members of the Saami indigenous people who had engaged in other professions for three years. As a result, the applicant was denied the respective right, in spite of the fact that his family had been active in reindeer breeding for more than 100 years. According to the HRC, the restriction imposed upon an individual 'must be shown to have a reasonable and an objective justification and to be necessary for the continued viability and welfare of the minority as a whole'.[27] In this respect, the HRC acknowledged that the applicant was permitted to graze and farm his reindeer, as well as hunt and fish, and held there had been no violation of Article 27 as a result.

The proportionality of the measures interfering with the rights under Article 27 was also scrutinized by the HRC in the case of *Lovelace vs. Canada*.[28] The applicant, an indigenous woman, lost her legal status and rights with regard to the Canadian Indian Act, after she had married a non-indigenous man. As a result she could not claim a right to reside on her First Nations' reserve. The HRC indicated that the state's action in this respect must have an objective and reasonable justification and be consistent with other ICCPR provisions.[29] Given that the marriage of the applicant had broken up, the HRC did not consider denying the right of residence to the applicant reasonable or necessary for preserving the identity of the Indian tribe. The HRC concluded, therefore, that the denial, to the applicant, of the legal status as an Indian amounted to a violation of Article 27.[30]

Rights to minority and indigenous customs, practices and traditions

A central part of minority and indigenous cultural rights is their right to protect, maintain and develop their cultural customs, practices and traditions. These are at the core of indigenous identities, and respect for such elements has a salutary impact on the general well-being of individuals and the communities. Studies have shown that the lack of respect for identity is closely related to endemic problems of alcoholism and poor physical and mental health in indigenous communities. States are encouraged to take specific measures that enable the development of minority cultures, traditions and customs, with assimilation clearly prohibited.[31] In practice, this right has been litigated in international courts in conjunction with a variety of other rights, including the right to privacy and family life, and the right to freedom of association.

Evaluating a claim under Article 8 of the European Convention on Human Rights (ECHR), which protects the right to privacy and family life, the ECtHR has noted:

'an emerging international consensus … recognising the special needs of minorities and an obligation to protect their security, identity and lifestyle … not only for the purpose of safeguarding the interests of the minorities themselves but to preserve a cultural diversity of value to the whole community'.[32]

Particularly with respect to Roma, the Court has recognized the positive obligations of states to facilitate the Roma way of life, including consideration of their needs and their different lifestyle. So, in *Chapman vs. The United Kingdom*,[33] a case concerning a Roma who was prevented by the authorities from occupying a caravan on the land she had purchased, the ECtHR concluded that the right to follow a traditional way of life fell also within the ambit of Article 8. According to the Court's assessment, such a way of life was 'an integral part of her ethnic identity as a Gypsy, reflecting the long tradition of that minority of following a travelling lifestyle'.[34]

Similarly, in *Ciubotaru vs. Moldova*,[35] a case that involved the refusal of the state authorities to record the applicant's ethnic identity on his identity card, the Court considered an individual's ethnic minority as an essential aspect of his or her right to private life.[36] In addition to that, the Court held that there is a right to freely choose one's own cultural or ethnic identity and to have the choice respected, provided that the choice is based on objective grounds, within the ambit of Article 8.[37]

The ECtHR has also recognized a significant link between linguistic rights and the maintaining of the cultural identity of minorities. In *Podkolzina vs. Latvia*[38] the Court found a violation of the right to free elections under Protocol No. 1, Article 3, where the applicant, a member of the Russian-speaking minority in Latvia, was struck out as a candidate in the elections to the Latvian parliament, due to insufficient knowledge of the state official language. Although the requirement of a command of Latvian at the upper level was considered to pursue a legitimate aim of the proper functioning of the institutional system,[39] the Court held that the decision to eliminate the applicant from the list of candidates could not be regarded as proportionate to any such legitimate aim.[40]

A further important aspect of the right to culture is the right of minorities to form associations aimed at promoting their culture. The ECtHR has considered this right in the context of Article 11 of the ECHR, which protects the right to freedom of assembly and association. In *Sidiropoulos and Others vs. Greece*,[41] the ECtHR found that a refusal of state authorities to register a not-for-profit association of persons with Macedonian ethnic origin, on the grounds of the protection of Greece's territorial integrity, was in violation of the applicants' right to freedom of association. Considering the aims of the association 'to preserve and develop the traditions and folk culture of the Florina region'[42] to be legitimate, since 'the inhabitants of a region in a country are entitled to form associations in order to promote the region's special characteristics, for historical as well as economic reasons',[43] the Court held, as a result, that the interference in the right indicated was not proportionate.[44]

Culture and religion

Religious expressions are also included in the concept of intangible culture. At times, the difference between culture and religion is blurred.

Prohibition of or disrespect towards 'religion or belief systems, rites and ceremonies'[45] violates both the right to culture and the freedom of religion. One has to bear in mind that religious/cultural expressions of members of minorities and indigenous peoples require additional protection to such expressions of the majority, as the former are inherently vulnerable because of their non-dominance in the society. Today, it is recognized that the right to indigenous spiritual and religious beliefs is a collective right.[46] The Inter-American Court of Human Rights (IACtHR) has developed considerable jurisprudence in this respect. Violations of the customary marriage practices of indigenous peoples,[47] the interruption of the passage of cultural knowledge to future generations by the deaths of women and elderly acting as the oral transmitters of the Maya Achí culture, and the loss of faith in their traditions following militarization and repression[48] have all been criticized by the Court. The Court has clarified that funeral ceremonies are part of indigenous cultures,[49] while prohibition of access to indigenous burial sites, often a result of relocation and development projects on the lands of the burial sites, or prohibition against practising traditional burial ceremonies,[50] are obstacles to the community's ways of honouring the dead, fostering lack of knowledge on the whereabouts of the remains of the indigenous ancestors, [51] which constitute violations of their cultural rights. These rights have similarly been recognized in the African human rights system.[52] States are now under the obligation to act in positive and precise ways in order to recover the remains of deceased members of indigenous communities.

Languages

The loss of minority and indigenous languages contributes to the erosion of their identity and traditional knowledge. Language is an essential part of minority and indigenous cultures as it differentiates them from the rest of the population and guarantees 'the expression, diffusion, and transmission of their culture'.[53] Most of the endangered languages around the world are languages of minorities and indigenous peoples. Rights of minorities and indigenous peoples to language are twofold: on the one hand, they have the right to learn the national language on the same basis as the rest of the population, without any discrimination. As set out further below, states have to take positive measures to ensure equal access to the teaching of the language. On the other hand, minority and indigenous communities also have the right to learn their own languages.[54]

The ACHPR commented on the role of language and linguistic rights in the life of a community in *Malawi African Association and Others vs. Mauritania*.[55] Although it was not able to determine there had been a violation of Article 17 of the African Charter on the basis of the evidence available, it recognized language as a means of participation in community life and also indicated that 'to deprive a man of such participation amounts to depriving him of his identity'.[56]

The UN HRC has touched upon the issue of provision of education in a minority language in *Mavlovov and Sa'di vs. Uzbekistan*.[57] In this case, public media authorities refused to register a newspaper written in the Tajik language, containing materials for Tajik students to supplement existing textbooks. The HRC acknowledged the use of minority language press as 'an essential element of the Tajik minority's culture'[58] and held there had been a violation of Article 27 in respect of Uzbekistan.

The right to mother tongue education as an important cultural right of minorities has also been scrutinized by the ECtHR. In its landmark judgment in the *Case 'relating to certain aspects of the laws on the use of languages in education in Belgium' vs. Belgium*,[59] the Court assessed the position of French-speaking applicants residing on the outskirts of Brussels, where the Flemish language was predominant and where the law restricted the access of the applicants to French-language schools. The Court held that the right to receive education in one's own language was not included within the right to education under Protocol No. 1, Article 2,[60] and ruled that the right to education *per se* was not violated.[61] However, since the restriction in access to the

Right: Maya in Belize perform a traditional dance with incense. *Chelsea Purvis/MRG.*

preferred education was based solely on the criterion of the parents' residence, the Court held that the law in question was discriminatory and in violation of Article 14 in conjunction with Protocol 1, Article 2.[62]

The ECtHR Grand Chamber was faced with the question of access to education in a minority language in the more recent case of *Catan and Others vs. Moldova and Russia*.[63] In the breakaway region of Transdniestria, restrictions on the use of the Moldavian language written in the Latin script were introduced and use of the Cyrillic script was enforced, further isolating the Moldavian community in the region. Parents who continued to send their children to schools using the Latin script were both intimidated and harassed, while the schools were closed. The Court held there had been a violation of the right to education protected under Protocol No. 1, Article 2, in respect of Russia, which had jurisdiction over the Transdniestria region.[64]

Land rights and indigenous rights to culture

Many indigenous practices and traditions relate to land. Indeed, the protection of the lands, territories and resources of indigenous peoples cannot be separated from the preservation and enjoyment of their cultural heritage. Nature often provides the material basis for distinct indigenous cultural practices, spirituality and identity. Development projects often lead to the displacement of indigenous communities and have disastrous effects for their cultures, including their separation from their sacred sites, the loss of their traditional livelihoods, and the loss of food systems and spiritual and cultural practices.[65] Such processes affect indigenous peoples by disrupting traditional activities important for the survival and well-being of these communities. The World Bank has acknowledged that the 'distinct circumstances' of indigenous peoples expose them 'to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease'.[66]

The IACtHR has engaged with indigenous cultural rights on several occasions. Repeatedly, it has addressed the link between the cultural identity of indigenous communities and their traditional lands. Cases of indigenous peoples evicted from or denied access to their ancestral

lands have been approached by the Court through reading indigenous land rights into the right to property. The failure of the state to provide basic necessities for the communities deprived of their traditional livelihood has also been found to amount to a violation of the right to a dignified life.

In the landmark judgment *Mayagna (Sumo) Awas Tigni Community vs. Nicaragua*, the Court recognized the land rights of indigenous peoples in Latin America for the first time. Significantly, the Court drew on a collective meaning ascribed to property in the context of indigenous communities while the relationship of the communities to their ancestral lands includes a spiritual element, in addition to the material element.[67]

In two other cases involving a violation of the communal right to property as well as the right to life, the Court indicated that dispossessing the indigenous communities of their traditional lands leads to a risk of 'irreparable ethnic and cultural loss'.[68] In accordance with its previous jurisprudence, the Court affirmed the concept of culture as being determined by the relationship of the indigenous community to its traditional land (*Yakye Axa Indigenous Community vs. Paraguay*),[69] and of the indigenous right to property as being linked to the preservation of the right to life in a broader sense, including the preservation of cultural identity (*Sawhoyamaxa Indigenous Community vs. Paraguay*).[70] In both cases, the Court ordered restitution of the traditional lands along with the duty of the state to adopt provisional measures and provide basic necessities for the affected communities. In another significant case against the government of Paraguay, *Indigenous Community Xakmok Kasek vs. Paraguay*, the Court affirmed the right of the indigenous community to return to their ancestral land as a precondition for the preservation of their cultural identity.[71] As far as procedural rights of indigenous communities are concerned, the Court referred in *Saramaka People vs. Suriname* to the communities' right to consultation and the duty to obtain their free, prior and informed consent.[72] The Court reiterated its jurisprudence and developed the standard of prior consultation and consent in *Pueblo Indigena Kichwa de Sarayaku vs. Ecuador*,[73]

Right: Members of the Ogiek community attend a public meeting with journalists in Kenya. *MRG.*

especially with regard to the cultural sensitivity of the consultation. In addition to developing firm jurisprudence in respect of the indigenous right to property, the Court has succeeded in applying the concept to children, specifically. In C*hitay Nech and Others vs. Guatemala*, the Court pronounced a duty of the state to guarantee the right to cultural life of indigenous children.[74] Furthermore, it indicated that the child's development requires that the children live 'within their natural and cultural environment, particularly because they possess a distinctive identity that roots them with their land, culture, religion, and language'.[75]

In the same vein, the Inter-American Commission on Human Rights (IACHR) has acknowledged the distinct nature of the right to property when applied to indigenous peoples. In a case in which MRG has been advising the Maya, *Maya Indigenous Communities of the Toledo District vs. Belize*, the Commission held that the continued enjoyment of indigenous culture depends on the free exercise of the right to property by indigenous communities.[76] To give effect to the indigenous right to property, the state has the duty to consult the community, accordingly.

As far as the indigenous right to culture in the African context is concerned, the ACHPR has pronounced on individual elements that the cultural identity of a community is defined in a number of cases. In the landmark case which MRG supported concerning the Endorois community, the ACHPR addressed culture as a:

'complex whole which includes a spiritual and physical association with one's ancestral land, knowledge, belief, art, law, morals, customs, and any other capabilities and habits acquired by humankind as a member of society – the sum total of the material and spiritual activities and products of a given social group that distinguish it from other similar groups.'[77]

Accordingly, the ACHPR has linked culture to such characteristics of a community as religion

or language. While it acknowledged the creation of a game reserve on the ancestral lands of the Endorois community as a legitimate aim, the denial of access to the lands was not found to be proportionate to such an aim. By such a measure, the Endorois community was denied access to 'an integrated system of beliefs, values, norms, mores, traditions and artefacts', meaning 'the very essence of the Endorois' right to culture' was denied.[78]

Importantly, the ECtHR has used the right to property to engage with the issue of the protection of cultural and natural heritage. In *Debelianovi vs. Bulgaria*,[79] the Court held that the preservation of cultural and architectural heritage was a legitimate aim when considering an interference with the right to property.[80] The applicants claimed a violation of Protocol No. 1, Article 1, of the ECHR, which protects the right to property, in relation to the return of a house that had been expropriated by the Government of Bulgaria from their father and then turned into a museum as a historic monument. The National Assembly subsequently introduced a moratorium on the restitution laws, by virtue of which the restitution of applicants' property was postponed, and which remained in effect for a period of more than 12 years. In spite of the legitimate aim, the duration of the interference together with the uncertainty experienced by the applicants, who were effectively prevented from enjoying their right to property, further aggravated the detrimental effects of the interference on the applicants.[81] The Court found a violation of Protocol No. 1, Article 1, in respect of Bulgaria.[82]

The right to the conservation and protection of the environment

Finally, indigenous peoples have important contributions to make in environmental management and development because of their rich traditional knowledge.[83] They can contribute considerably to environmentally sound practices and sustainable development. International law has recognized to a degree the importance of traditional knowledge in this respect. Measures must be established to recognize that traditional and direct dependence on renewable resources and eco-systems, including sustainable harvesting, continues to be essential to the cultural, economic and physical well-being of indigenous

people and their communities.[84]

Indigenous cultures also include 'traditional lifestyles relevant for the conservation and sustainable use of biological diversity', protected by the Convention on Biological Diversity, which requests states to respect, preserve and maintain such knowledge and practices, and promote their wider application with the approval and involvement of the holders. In particular, state obstacles to indigenous traditional activities or their traditional practices of cultivation, agriculture and animal herding and fishing also constitute obstacles to indigenous cultures, with dire effects on indigenous livelihoods, socio-economic rights and health. Distinct indigenous beliefs about food, its preparation and its consumption, form part of their ceremonies and rituals and, ultimately, their identity.

Recently, the IACtHR explored the link between the rights of indigenous peoples, their procedural rights and environmental conservation, in *Kaliña and Lokono Peoples vs. Suriname*, where restrictions were placed on the natural reserve of indigenous communities. According to the Court, the indigenous communities need to participate effectively and their agreement with conservation agencies needs to be sought,[85] while the traditional practices contributing 'to the sustainable care and protection of the environment should be maintained, protected and promoted'.[86] The matter has also recently been argued in one of MRG's legal cases before the African Court of Human and Peoples' Rights, concerning the Ogiek community of Kenya.[87] The case remains pending but it is hoped that judgment will be delivered in 2016.

Conclusion

While they constitute a vital part of human diversity, most minority and indigenous cultures are facing serious challenges. Therefore, progress with regard to the protection of the minority and indigenous right to culture is urgently needed. International understanding of the full scope of the right to culture is deepening, however, greatly assisted by advocacy and cases brought before international tribunals by minority and indigenous communities themselves. Developments in international law and jurisprudence have clearly contributed significantly to the further crystallization and elaboration of their rights. The interpretation of older legal instruments in the light of these recent understandings and standards is therefore vital to the protection of minorities' and indigenous peoples' right to culture.

Further, as a result of these legal advances, the realization of the right to culture now includes a plethora of aspects that include the protection of both intangible and tangible heritage. In protecting these rights, the meaningful participation of minorities and the free, prior and informed consent of indigenous peoples are important. In addition, and as a necessary pre-condition to a series of other rights, the rights to participate in cultural life, to education and the environment all play a part. International law and jurisprudence will continue to occupy a key and determinant role in further elucidating these rights. ■

Endnotes

1 The authors are also grateful to Gabriela Majercikova for her extensive research on relevant case law.
2 UN HRC, General Comment No. 23, Art. 27 (Rights of Minorities), UN doc. CCPR/C/21/Rev.1/Add.5 (1994), para. 7.
3 CERD, General Recommendation XXIII on the Rights of Indigenous People, UN doc. A/52/18 (1997).
4 UN doc. A/Res/61/295 (2007).
5 See ACHPR, 'Guidelines for National Periodic Reports', in *Second Annual Activity Report of the African Commission on Human and Peoples' Rights (1988–1989)*, ACHPR/ RPT/2nd, Annex XII.
6 See also *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya* (2009), Communication No. 276/03, para. 241.
7 UN HRC, General Comment No. 23, *supra* note 2, para. 38.
8 Council of Europe FCNM (1995), Art. 5.1.
9 CERD, General Recommendation No. 32 on 'The meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination', UN doc. CERD/C/GC/32 (2009), para. 30.
10 See Council of Europe Framework Convention on the Value of Cultural Heritage for Society (2005), Art. 1(a).
11 CESCR, General Discussion on the Right to Take Part in Cultural Life as Recognized in Article 15 of the Covenant, UN doc. E/C.12/1992/SR.17 (1992), para. 32.
12 *Ibid.*, para. 6.
13 ECtHR, *Khurshid Mustafa and Tarzibachi v. Sweden, Application no. 23883/06* (2008), para. 44.
14 UN HRC, *Länsman and Others v. Finland*, Communication No. 511/1992, UN doc. CCPR/C/52/D/511/1992 (1994), para. 9.5.
15 *Ibid.*, para. 9.6.
16 UN HRC, *Apirana Mahuika et al. v. New Zealand*, Communication No. 547/1993, UN doc. CCPR/C/70/D/547/1993 (2000), para. 9.4.
17 *Ibid.*, para. 9.8.
18 *Ibid.*, para. 9.9.
19 See: Principles and Guidelines for the Protection of the Heritage of Indigenous People, Elaborated by the Special Rapporteur, Mrs. Erica-Irene Daes, in conformity with resolution 1993/44 and decision 1994/105 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, Economic and Social Council, UN doc. E/CN.4/Sub.2/1995/26 Annex (1995); see also: Principles and Guidelines for the protection of the Heritage of Indigenous peoples, Report of the Technical Meeting on the Protection of the Heritage of Indigenous People, UN doc. E/CN.4/Sub.2/1997/15 (1997), Annex, at para. 3.
20 See Xanthaki, A., 'Multiculturalism and international law: discussing universal standards', *Human Rights Quarterly*, vol. 32, no. 1 (2010).
21 See International Convention on the Elimination of All Forms of Racial Discrimination, Art. 5(e)(vi); Convention on the Elimination of All Forms of Discrimination against Women, Art. 13 (c); Convention on the Rights of the Child, Art. 31.2; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Art. 43.1(g); Convention on the Rights of Persons with Disabilities, Art. 30.1.
22 Xanthaki, A., 'On weakening minority protection', *International Journal of Human Rights* (forthcoming).
23 See e.g. CEDAW, 'Concluding Observations of the Committee on the Elimination of Discrimination against Women, Mexico', UN doc. CEDAW/C/MEX/CO/7-8 (2012), paras. 34–35; CEDAW, 'Concluding observations of the Committee on the Elimination of Discrimination against Women, Mexico', UN doc. CEDAW/C/PRY/CO/6 (2012), para. 32.
24 UN Commission on Human Rights, The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, UN doc. E/CN.4/1985/4 (1984), para. 27.
25 UN HRC, *Sandra Lovelace v. Canada*, Communication No. R.6/24, UN doc. Supp. No. 40 (A/36/40) (1981).
26 UN HRC, *Ivan Kitok v. Sweden*, Communication No. 197/1985, UN doc. CCPR/C/33/D/197/1985 (1988).
27 *Ibid.*, para. 9.8.
28 *Sandra Lovelace v. Canada*, *supra* note 25.
29 *Ibid.*, para. 16.
30 *Ibid.*, para. 19.
31 FCNM, Art. 5, *supra* note 8.
32 ECtHR, *Chapman v. The United Kingdom*, Application no. 27238/95 (2001) at para. 93.
33 *Ibid.*
34 *Ibid.*, para. 73.
35 ECtHR, *Ciubotaru v. Moldova*, Application no. 27138/04 (2010).
36 *Ibid.*, para. 53.
37 *Ibid.*, para. 57.
38 ECtHR, *Podkolzina v. Latvia*, Application no. 46726/99 (2002).
39 *Ibid.*, para. 34.
40 *Ibid.*, para. 38.
41 ECtHR, *Sidiropoulos and Others v. Greece*, Application no. 57/1997/841/1047 (1998) at para. 43.
42 *Ibid.*, para. 44.
43 *Ibid.*
44 *Ibid.*, para. 47.
45 UN CESCR, General Comment No. 21, *supra* note 12 at para. 13.
46 UNDRIP, Art. 12, *supra* note 4.
47 IACtHR, *Aloeboetoe et al. v. Suriname*, Series C No. 15 (1993).
48 IACtHR, *Plan de Sánchez Massacre v. Guatemala*, Series C No. 116 (2004).
49 IACtHR, *Bámaca-Velásquez v. Guatemala*, Series C No. 91 (2002), para. 82.
50 IACtHR, *Plan de Sánchez Massacre v. Guatemala*, Series C No. 105 (2004), para. 43.
51 IACtHR, *Moiwana Community v. Suriname*, Series C No. 124 (2005), para. 208.
52 See further *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, (2009) *supra* note 6, at para. 239 and 251.
53 IACtHR, López Álvarez *v. Honduras*, Series C No. 141 (2006), paras. 169–171.
54 See Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990), Article 32; Recommendation 1201 of the Parliamentary Assembly of the Council of Europe (1993), Articles 7–8; and the European Charter for Regional or Minority Languages (1998).
55 ACHPR, *Malawi Africa Association, Amnesty International, Ms Sarr Diop, Union interafricaine des droits de l'Homme and RADDHO, Collectif des veuves et ayants-Droit, Association mauritanienne des droits de l'Homme /Mauritania*, Communications 54/91-61/91-96/93-98/93-164/97-196/97-210/98 (2000).
56 *Ibid.*, para. 137.
57 UN HRC, *Rakhim Mavlonov and Mr. Shansiy Sa'di v. Uzbekistan*, Communication No. 1334/2004, UN doc. CCPR/C/95/D/1334/2004 (2009) at para. 2.
58 *Ibid.*, para. 8.7.
59 ECtHR, *Case 'relating to certain aspects of the laws on the use of languages in education in Belgium' v. Belgium* (No. 2), Application nos. 1474/62, 1677/62, 1691/62, 1769/63, 1994/63, 2126/64 (1968).
60 *Ibid.*, p. 27, para. 3.
61 *Ibid.*, p. 84.
62 *Ibid.*, p. 83.
63 ECtHR, *Catan and Others vs. Moldova and Russia*, Application nos 43370/04, 8252/05, 18454/06 (2012).
64 *Ibid.*, paras. 123, 150.
65 See *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council vs. Kenya* (2009), *supra* note 6, at para. 173.
66 World Bank, Operational Directive 4.10, July 2005 (revised April 2013).
67 IACtHR, *Mayagna (Sumo) Awas Tingni Community vs. Nicaragua*, Series No. 79 (2001), para. 149.
68 IACtHR, *Yakye Axa Indigenous Community vs. Paraguay*, Case 12.313 (2005), para. 216.
69 *Ibid.*, para. 135.
70 IACtHR, *Sawhoyamaxa Indigenous Community vs. Paraguay*, Case 0322/2001 (2006), para. 150.
71 IACtHR, *The Xakmok Kasek Indigenous Community vs. Paraguay,* Case 12,420 (2010), para. 51.
72 IACtHR, *Saramaka People vs. Suriname*, Case 12.338 (2007), paras. 129–140.
73 IACtHR, *Pueblo Indigena Kichwa de Sarayaku vs. Ecuador*, Series C No. 245 (2012).
74 IACtHR, *Chitay Nech et al. vs. Guatemala*, Series C No. 212 (2010), para. 168.
75 *Ibid.*, para. 169.
76 IACHR, *Maya indigenous community of the Toledo District v. Belize*, Case 12.053 (2004), para. 155.
77 *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council vs. Kenya* (2009), *supra* note 6, at para. 241.
78 *Ibid.*, paras. 250, 251.
79 ECtHR, *Debelianovi vs. Bulgaria*, Application no. 61951/00 (2007).
80 *Ibid.*, para. 54.
81 *Ibid.*, para. 59.
82 *Ibid.*, para. 60.
83 Rio Declaration on Environment and Development, Principle 22, UN doc. A/CONF.151/26 (vol. I)(1992).
84 UN Agenda 21 (1992), Article 26.3.
85 IACtHR, *The Kaliña and Lokono Peoples vs. Suriname*, Case 12.639 (2015), para. 230.
86 *Ibid.*, para. 181, footnote 231.
87 African Court of Human and Peoples' Rights, *ACHPR vs. Kenya*, Application 006/2012.

Africa

Amina Haleem, Paige Wilhite Jennings and Keikantse E. Phele

East Africa and the Horn

Amina Haleem

Across East Africa and the Horn, minorities and indigenous peoples continue to face severe barriers to health, livelihoods, land and other rights – all issues that have weakened their ability to maintain their distinct cultures. At the same time, the erosion of their traditional lifestyles has undermined their collective well-being and pushed them further into poverty. For many communities, such as Kenya's forest-dwelling Sengwer or the numerous indigenous peoples residing in the Omo Valley in Ethiopia, culture is intimately linked to access to land. Land grabbing and forced evictions in these and other countries, often to accommodate energy projects, conservation programmes and tourism parks, have not only deprived them of shelter, livelihoods and essential resources, but also threaten the very basis of their identity. Elsewhere in the region, such as South Sudan, ethnic violence and conflicts over limited resources have led to the wholesale displacement of some communities, in the process disrupting long established ways of life.

Ethiopia

Ethiopia is a federation of nine regional states, encompassing a range of languages, ethnicities and cultures. Besides a variety of indigenous communities, including Afar and Anuak, there are also a significant number of ethnic groups, such as ethnic Somalis, who, as a predominantly Muslim community in the majority Christian country represent a religious minority too. In principle, to accommodate this diversity, the Ethiopian Constitution devolves considerable power to its different communities, including autonomous governance arrangements and the right to maintain their own language, culture and history.

In practice, however, many of the country's minorities and indigenous populations remain vulnerable to human rights violations such as loss of land and lack of access to basic services. These abuses take place in a political context largely monopolized by the Ethiopian People's Revolutionary Democratic Front (EPRDF), an alliance of regionally based parties that has governed the country since 1991 and has been widely criticized for its repressive practices. Nationwide elections in May resulted in the EPRDF and its allies securing every seat in parliament, a process condemned by opposition parties as unfair.

Among those marginalized by the current government are the Oromo community, which constitutes the largest ethnic community in the country, with some estimates suggesting they comprise between 25 and 40 per cent of the population. Though socially, economically and religiously diverse, Oromo are united by a shared language, also widely spoken in northern Kenya and parts of Somalia. Despite their large numbers, Oromo have suffered a long history of exclusion and forced assimilation by the Ethiopian government, leading to the decline of their pastoralist lifestyle. An ongoing source of anger is the government's proposed expansion of the capital city of Addis Ababa into the politically autonomous Oromia Region, which could lead to the displacement of thousands of Oromo farmers and remove the annexed territory from Oromo control. Reminiscent of earlier displacements of Oromo communities by the government, as well as forced resettlement of other communities into Oromo territory, the plan has provoked a series of protests by Oromo demonstrators, culminating in a student protest in December 2015 in which 10 people were killed and several hundred injured.

The government's development policies in other parts of the country have also impacted heavily on some of the more marginalized indigenous peoples. This is particularly the case in the Lower Omo Valley and Lake Turkana, a recognized United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site and one of the most culturally diverse areas in the world. In particular, there are concerns over the ecological destruction of the forests surrounding the Omo River, linked to the controversial Gilgel Gibe III hydroelectric power plant. Besides generating electricity from a large dam constructed on the river, the project is also designed to provide irrigation to a raft of state- and foreign-owned agricultural plantations developed in the area on appropriated land.

The government has repeatedly failed to ensure adequate contingency plans are in place for pastoralist and indigenous communities while they carry out their development projects, forcing communities off their ancestral land. This displacement in turn leads to conflict between resettled communities, loss of property such as livestock, restricted access to grazing land and erosion of culture. While the international debate continues over the dam's ecological and domestic impact, the livelihoods of over 200,000 indigenous people, including Bodi, Kwegu, Mursi and Suri communities, risk being severely compromised. The Kwegu people, for example, who live in the south-west of the country along the Omo River, are facing a food crisis due to widespread irrigation for plantations in the area that has deprived them of essential water and fish supplies.

Similarly, other state-led developments have been largely implemented without consultation or accommodation of indigenous and pastoralist communities, causing them to lose large areas of ancestral land to foreign corporations to accommodate sugar cane plantations and other investments. A recurring element in these projects is a process of forced relocation known as 'villagization', whereby pastoralist groups are resettled in makeshift villages, often far away from livelihood opportunities, natural resources or basic services. Many instances of these have been linked with development assistance programmes financed by international donors such as the World Bank. In January 2015, an internal report by its internal watchdog panel was leaked, reportedly identifying an 'operational link' between funding provided by the World Bank and the forced displacement of Anuak living in the Gambella region. Further evidence emerged during the year suggesting that these relocations, carried out by the Ethiopian military, had been accompanied by frequent human rights abuses, including violence and sexual assault.

The disturbing impact of such large-scale projects has caused several international donors to re-examine their approach towards support for such projects. Following on from national legislation passed in the United States in 2014, prohibiting development aid from being used for any project that would lead to displacement of communities without their consent or compensation, in February 2015 the United Kingdom (UK) confirmed that it was withdrawing development funding from Ethiopia's Promotion of Basic Services programme and realigning its aid portfolio. Although officially not connected to long-standing criticisms of Ethiopia's villagization programme, this change in policy came in the wake of a multi-donor report released by the European Union, highlighting significant problems with the Ethiopian government's practices, as well as a lawsuit brought by an Anuak man alleging that UK development aid had funded human rights violations against him and his family in the Gambella region.

The damage caused by development-induced displacement to minority and indigenous cultures in the region has been substantial. Besides the impacts of evictions from traditional lands and loss of access to grazing areas that have supported pastoralists' livelihoods for generations, it is estimated that there could be an influx of as many as half a million workers from other parts of Ethiopia into planned sugar plantations in the Lower Omo region, transforming the social context for established communities such as the Bodi and Mursi. The government has done little to alleviate these pressures. While its ecological and energy projects deprive indigenous peoples of their ancestral lands, preventing them from practising their cultural and spiritual traditions, it has also marketed the unique practices of these communities to promote tourism – a situation that has frequently led to humiliating or exploitative practices. Mursi and Suri people, for example, increasingly unable to pursue their traditional livelihoods, now rely on performing ritualistic dances and posing for photos for

foreign visitors to earn money.

Kenya

The five-year anniversary of Kenya's 2010 Constitution was commemorated at a festive event at the Gusii stadium in Kisii County in August 2015. Passed in the wake of the devastating inter-ethnic conflict that blighted the 2007 election, it was widely lauded at the time for its progressive provisions, designed to address the endemic problems of corruption, land grabbing and ethnic conflict within Kenyan politics. Since then, however, civil society organizations have repeatedly highlighted the failure to implement these reforms, resulting in continued human rights abuses.

Among those most affected by land rights violations are the country's forest-dwelling indigenous communities, whose ancestral territories have been appropriated by the Kenyan government to accommodate conservation projects, logging and commercial plantations. One notable example is the Ogiek, who have resided for centuries as hunter-gatherers in the Mau Forest, a sanctuary that, besides providing food, shelter and medicine to the community, also serves as their spiritual and cultural homeland. The effects of deforestation and displacement have not only threatened their very identity, but also deprived them of established livelihoods. For instance, though renowned for their traditional honey-gathering techniques, many Ogiek have struggled to maintain these practices as they have lost their access to the forest. After taking their case to the African Court on Human and People's Rights, a provisional measure was issued in 2013 requiring the Kenyan government to halt all land transfers and transactions in the Mau Forest. The case was heard at the end of 2014, and judgment is anticipated. In the meantime, the Ogiek and organizations supporting their cause continue to raise awareness of their difficult situation.

Similarly, the Endorois community, a semi-nomadic pastoralist community residing near Lake Bogoria National Reserve, has challenged the Kenyan government at domestic and international levels for forced evictions from their ancestral land following its appropriation to create a game park for tourists. In 2010, the Endorois' case before the African Commission on Human and Peoples' Rights was decided in their favour, and the Kenyan government was required to take numerous steps to address

Left: Members of the Endorois community in Kenya perform a dance. *MRG.*

their claims. These included recognition of their ownership of their land, restitution of their land and compensation. In September 2014, the government established a Task Force to develop a plan for implementation of the Commission's decision. However, the Task Force's terms of reference limited its mandate purely to investigating whether implementation was possible, rather than how to implement the decision; the Endorois were not part of the Task Force and its terms of reference did not require consultation with the community. The Task Force made no meaningful progress during its 12 months of operation, and, to date, its mandate has not been extended.

Kenyan Forest Service guards have also been responsible for the forcible removal of another forest-dwelling people, the Sengwer community, from their land in the Cherangany Hills area of the Embobut Forest. The evictions occurred as part of a World Bank-funded conservation project. The Sengwer community have been engaged in legal proceedings and negotiations with intergovernmental institutions in relation to their land claims. A revealing report by the World Bank Inspection Panel in May 2014, while exonerating the Bank from direct responsibility, concluded that it had failed to follow the 'spirit and letter' of its own policy by failing to safeguard the rights of the indigenous Sengwer or mitigate the risk of violations by the Kenya Forest Service in the implementation of the project. In light of the report, the World Bank scheduled a meeting with representatives of Kenya's Ministry of Environment, Water, and Natural Resources, the International Union for Conservation of Nature (IUCN) and the Sengwer community in March 2015. A week before the colloquium, however, allegations emerged of a fresh wave of house burnings by government authorities. The subsequent talks were condemned by Sengwer representatives as a cosmetic process that failed to improve the security of the community. The Sengwer also took their case to the Paris Climate Change Conference in December 2015, where they delivered a presentation highlighting the extensive damage state policies have inflicted on the social fabric of the community, including the erosion of their language and traditions that amounted to 'cultural ethnocide and extinction'.

Maasai communities in Kenya have also suffered devastating blows to their cultural practices due to large-scale land grabs by the government. Hell's Gate National Park, in the Rift Valley and near Lake Naivasha, is the traditional home of Maasai communities. The area has strong spiritual and cultural significance for the community; nearby Mt. Longonot is central to Maasai traditional religious practices. There has already been displacement of Maasai occurring in the area, but now the government's development of the US$1.39 billion Kenya Electricity Expansion Project is expected to lead to the further resettlement of approximately 1,200 Maasai. This is according to World Bank projections; civil society organizations fear that more people may be affected.

The joint financing of the project by the World Bank, European Investment Bank and other donors, totalling US$330 million in international development assistance, prompted Maasai representatives to lodge an inspection request to engage both the World Bank's Inspection Panel and the European Investment Bank's Complaint Mechanism in October 2014. In an unprecedented step, the accountability mechanisms of both organizations undertook a joint investigation into the negative impact of the energy project on Maasai livelihoods and way of life. In July 2015 the report was released, confirming that non-compliance with the World Bank's Indigenous Peoples' Policy due to involuntary resettlement and inadequate supervision by the World Bank had caused widespread harm. It also concluded that this damage could have been avoided had the project's implementers engaged in a 'culturally compatible consultation and decision-making mechanisms', further involved the community elders in planning and possessed a greater capacity to engage in the Maa language.

While Kenya's indigenous peoples have been especially vulnerable to abuses relating to expropriation of land, some ethnic minorities also face other forms of discrimination. In particular, the Somali community continues to face intense scrutiny following a series of

deadly attacks linked to the Somalia-based armed extremist group, al-Shabaab. While not the only attack to take place during the year, by far the deadliest incident occurred at Garissa University College on 2 April 2015 when 147 students were killed by armed Somali militants, who targeted campus dormitories in a pre-dawn raid. The government, similar to its actions following previous violent incidents, responded with a range of security measures aimed at its ethnic Somali population, which include an estimated 2.5 million Kenyan citizens as well as around 444,000 Somali refugees as of December 2015. In April, the government published a list of businesses it claimed were suspected of being associated with al-Shabaab, including many of the largest Somali-owned money transfer companies, followed by an order for them all to immediately suspend operations and an immediate freeze of their assets. On 11 April, this time aimed at the large Somali refugee populations, Deputy Prime Minster William Ruto announced that Dabaab refugee camp would be closed and that all refugees there had three months to return to Somalia before they were forcibly repatriated. Though the closure has so far not been implemented as of the end of 2015, the threats of forcible return greatly added to the sense of insecurity among the refugee population. In Nairobi, meanwhile, ethnic Somali neighbourhoods such as Eastleigh reportedly experienced heightened levels of harassment and intimidation by police following the Garissa attack.

The state's response to the Garissa attack and other incidents has reinforced the stigmatization of ethnic Somalis, whom many Kenyans view as a threat to national security. Though it is not easy to challenge these prejudices, given the role that many public officials play in promoting them, some civil society organizations and Somali groups in Kenya have undertaken various initiatives to counter their misrepresentation. One example during the year was Somali Heritage Week, staged in November in Nairobi and incorporating seminars, art exhibitions, dance and musical performance. This event provided Somalis living in the capital and elsewhere with an opportunity to celebrate their culture together as a community, as well as a safe space to discuss concerns relating to security and exclusion. Crucially, too, it served as a platform for ethnic Somalis to share their traditions with other Kenyans – an important step in reframing popular stereotypes about the community.

South Sudan

Having achieved independence from Sudan in 2011, making it the world's youngest nation, South Sudan has suffered bitter internal fighting since December 2013 between forces loyal to President Salva Kiir and then former Vice President Riek Machar, of Dinka and Nuer ethnicity respectively. Tens of thousands of civilians have been killed since the outbreak of the conflict, primarily by ethnic militias loyal to either side. Close to a million people are estimated to be in a 'catastrophic' situation according to the Integrated Food Security Phase Classification (IPC), its highest ranking of food insecurity, further exacerbated by the threat of economic collapse due to soaring inflation.

Indiscriminate and escalating violence has resulted in sweeping human rights violations such as sexual violence, abductions, widespread property theft and the recruitment of child soldiers by both the South Sudanese army and opposition forces. Politically motivated violence has also divided the country along ethnic lines between the primarily Dinka leadership of the government's forces and the largely Nuer membership of Machar's opposition forces, the two largest ethnic groups in the country. However, other smaller ethnic minorities have also been drawn into the conflict as victims of targeted violence. In April, for instance, reports emerged alleging that government forces had deliberately targeted members of the Shilluk community as punishment for their perceived support of opposition forces.

Though a peace deal was brokered in February 2015 between the factions, the Cabinet passed a resolution postponing general elections and extending the tenure of Kiir's parliamentary term until July 2017, effectively annulling the provision within the agreement to jointly establish a transitional unity government with a 30-month term. Another peace agreement signed in August, after months of negotiations mediated by the regional Intergovernmental Authority on Development, appeared to have limited impact and failed to halt the country's ongoing humanitarian crisis. It was also undermined by Kiir's unilateral and unexpected announcement at the beginning of October that South Sudan's internal borders would be redrawn to increase the total number of states in the country from 10 to 28, with the stated aim of encouraging communities to develop villages through local resources. Though more devolution of power to local states had been a key demand of Machar's rebels, the move was condemned by the opposition for the lack of consultation preceding the decision.

The traditions of indigenous peoples, pastoralist communities and minority groups are in general strongly linked to the areas in which they have long resided. Cultural practices and traditional knowledge, linked closely to self-sufficiency and local livelihoods, are reinforced by social institutions such as the family, clan and tribe. Conflict related displacement in South Sudan has disrupted this fragile balance, particularly affecting the country's large pastoralist population, who depend upon their herds for economic sustainability, basic nutrition and social interaction. While cattle are the basis of marriage contracts, conflict resolution and wealth generation, insecurity and violence – arising during the decades-long civil war that preceded South Sudan's independence in 2011 as well as the current conflict – has placed this system under threat. As a result, the Food and Agriculture Organization estimated that South Sudan's national herd, amounting to some 11 million cattle, was at significant risk of collapse due to displacement, destruction of traditional grazing lands and migration routes, as well as attendant disease outbreaks. Protracted insecurity has also pushed pastoralist herders into new and unfamiliar areas, at times leading to tensions between them and settled communities. The situation prompted Kiir in April 2015 to issue an order to cattle herders in Central and Western Equatoria to return to their home areas following complaints from sedentary farmers about the destruction of their crops. The herders, who had reportedly fled several years prior due to constant attacks by a primarily ethnic Murle faction of rebels known as Cobra, were

Case study *by Amina Haleem*

Tanzania's Maasai and their loss of land, culture and heritage

The culture of the pastoralist Maasai community residing in Mondorosi, Soitsambu and Sukenya villages of Loliondo district in northern Tanzania is rich in inherited traditions and social practices. Indigenous to the area, they have a strong sense of identity and spiritual attachment to their ancestral land. However, the establishment of wildlife conservation areas and tourist safaris has resulted in severe disruption to their way of life. Now, the community's struggle to maintain a connection with their land continues amid legal battles, aggressive globalization and luxury tourism.

Pastoralism is part and parcel of their semi-nomadic way of life, but land alienation directly affects their ability to raise livestock and earn a precarious living. Cattle play a central role in Maasai customs as a measure of wealth and are frequently exchanged between friends, family and in marriage ceremonies. The land designated for conservation in their territory, from which they have been evicted and are no longer able to access, tends to be the most fertile areas for grazing livestock. They are also unable to access important water sources and plants to create traditional medicines and treat diseases. The fact that they cannot utilize their medicinal practices means that this aspect of their cultural knowledge may disappear.

Maasai have had ongoing land disputes with the Tanzanian government for over 30 years. In the 1980s, 10,000 acres of Maasai

pastoral land was sold to Tanzania Breweries Limited (TBL) to cultivate wheat and barley. Although the Maasai villages were offered no compensation and were not consulted regarding the land transfer, they were not prohibited from accessing most of the land to graze and water their livestock as TBL only used around 700 acres for cultivation. For 19 years the arrangement continued and the Maasai community retained its customary ownership of the land. This situation ended in 2006, when TBL sold the entire acreage plus an additional 2,617 acres to Tanzania Conservation Limited (TCL), the Tanzanian subsidiary of US-based tourism company Thomson Safaris.

Since that time, the community has been denied access to over 12,000 acres of land on which they have historically grazed their cattle and sustained their traditional livelihood. With international support, the Maasai villages initiated legal proceedings in 2010 based on an adverse possession land claim in domestic courts against TBL and TCL. Not only did they seek to reclaim the land they once held, they also sought an injunction against land development for tourism pending the court's decision on the merits. Unfortunately the Maasai's application was dismissed on procedural grounds in 2013, but the community re-lodged their case the same year, requesting the court to revoke the tourism company's illegally granted land title and award damages for the suffering endured as a result of their land exclusion.

The case was pending until October 2015 when the Maasai community suffered a disappointing loss. Although the Arusha High Court acknowledged that 2,617 acres of the disputed land were indeed unlawfully acquired – it being added on to the 10,000 acres in the most recent land transaction without consent – the majority of the decision favoured the defendants. No actual damages were awarded to the Maasai, who remain prohibited from entering the land to use its resources. The villagers are appealing the decision and hope to resolve this dispute in their favour.

In the meantime, Maasai continue to suffer the effect of discriminatory state policies. Elsewhere in Loliondo, the community experienced further evictions, with dozens of homes burned to the ground and numerous Maasai injured by Tanzanian police during 2015. Alongside the loss of homes and livelihoods, the struggle to transmit the intangible aspects of cultural knowledge and sacred practices to younger generations remains a very real concern – not only in Loliondo, but right across Maasai territories in Kenya and Tanzania.

And while the Maasai people's identity is under increasing threat, companies have been profiting from Maasai imagery by associating their products with the indigenous community to promote sales. From Land Rover to Louis Vuitton, an estimated 80 companies are currently using the Maasai name and/or imagery. Maasai receive no benefit from the millions of dollars in revenue earned from this exploitation; the vast majority live below the poverty line. Furthermore, the unique visual artistry and heritage of Maasai is often misused in its commercialization: for example, Maasai are sensitive about the portrayal of their bodies and jewellery because beads and colours have distinct meanings, which, if portrayed inaccurately, can be deeply offensive. Over the last few years, Maasai activists have made efforts to form a general assembly of elders to represent them in formal negotiations with such companies in order to safeguard their culture through intellectual property protections – an important step in the community's efforts to regain control of their lives. ■

Left: Maasai women in Mondorosi village, Tanzania. ***Carla Clarke/MRG.***

drawn from different ethnic groups and were reportedly also competing with each other for access to grazing land and water – a situation that had led to an escalation of raids between Dinka and Mundari herders in particular in the months before. However, several groups refused to comply, citing lack of security, and tensions remained unresolved. These came to a fore in early January 2016 when friction between ethnic Dinka Bor cattle herders and farmers from the Bari community erupted into violence, leaving five dead and thousands temporarily displaced. These incidents reflect the fact that South Sudan's instability, while greatly exacerbated by the recent conflict, is also rooted in competition over scarce resources.

By the end of 2015, after stalled attempts to broker a lasting peace agreement and continued fighting by militias from both sides, the prospects for an end to the conflict looked unpromising. In what was considered a potential step towards reunifying the country, Kiir issued a decree in February 2016 reappointing Machar as Vice President; he made his return to the country's capital contingent upon its demilitarization. Whether these apparently conciliatory measures represent the beginning of greater stability in South Sudan remains to be seen.

Central and West Africa

Paige Wilhite Jennings

The year 2015 was a pivotal one in Central and West Africa, with elections in Nigeria and in the Central African Republic (CAR) in which ethnicity and religion were major issues. In Guinea, where political contests have in the past heightened ethnic tensions, incumbent Alpha Condé secured re-election in October amid concerns about rising ethnic tensions ahead of the elections. In Burundi, President

Pierre Nkurunziza won elections that many claimed violated the terms of the Arusha Peace Agreement, setting off a spiral of violence. In Rwanda, voters backed efforts to amend the Constitution to ensure that President Paul Kagame can remain in office after 2017, and in the Republic of Congo a constitutional referendum, reportedly preceded by a campaign of intimidation of the opposition, approved measures to abolish term limits and upper age restrictions, paving the way for the incumbent President Denis Sassou Nguesso to remain in power.

Ongoing conflicts involving minority groups continued in the CAR and in parts of eastern Democratic Republic of the Congo (DRC). Conflict spread southwards from northern Mali, towards its borders with Burkina Faso, Mauritania and Côte d'Ivoire and even over the border into Burkina Faso. Conflict also displaced 2.5 million people in the Lake Chad Basin as Boko Haram expanded its areas of operation from Nigeria further into Chad and Cameroon, at times impacting on relations between ethnic and religious groups in the affected regions.

Central Africa

Burundi

In Burundi, following years of civil war that began in 1993, the Arusha Accords, which were signed in 2000, have provided a platform for peaceful power-sharing between Burundi's ethnic Hutu majority and its long-dominant Tutsi minority, who comprise 14 per cent of the population. The extreme marginalization of the indigenous Batwa, representing less than 1 per cent of the population, remained largely unaffected by the settlement.

In April 2015, Hutu President Pierre Nkurunziza announced his controversial decision to stand for re-election for a third term, which many saw as a violation of the provisions of the Arusha Accords. Nkurunziza had led the largest, primarily Hutu rebel movement, subsequently restructured as the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) party, before winning elections in 2005 and 2010. After the announcement of his re-election bid, both Hutus and Tutsis took to the streets in protest. Tensions increased further after a failed May coup attempt by some members of the army, which had historically been dominated by the Tutsi minority but since Arusha had undergone extensive ethnic integration. Security forces, state officials and members of the militia, the youth league of the predominantly majority Hutu CNDD-FDD, launched an aggressive crackdown on media, civil society, protesters and members of the opposition, both Hutu and Tutsi. Nkurunziza went on to win national elections held in July, widely condemned by international observers as neither free nor fair.

In the run-up to and after the elections, experts expressed concern at inflammatory rhetoric on both sides. UN Special Adviser on the prevention of genocide Adama Dieng noted that some was 'very similar to language used before and during the genocide of the Tutsis in Rwanda'. He expressed concern that both government officials and key figures in the mixed-ethnicity opposition appeared to be trying to exacerbate ethnic tensions in order to set Hutus and Tutsis against each other once again. At his August inauguration Nkurunziza announced an amendment to the law on religious groups and non-governmental organizations to limit their involvement in public and political matters, undermining post-Arusha gains in building a cross-community culture and civil society.

Unlawful killings, torture and repressive measures against civil society escalated following the election, as did attacks by armed opposition forces. The United Nations (UN) reported in mid-December that at least 340 people, including both Hutu and Tutsi, had been killed in politically motivated violence. Scores were killed in early December following a series of armed attacks on military installations in Bujumbura: while authorities described them as 'enemies', intimating they had all been combatants, a significant number of the casualties were reported to be unarmed civilians from primarily opposition-supporting Tutsi neighbourhoods killed after being taken into custody during house-to-house searches by security forces in the aftermath of the attacks. By the beginning of 2016, at least two new armed opposition groups had reportedly formed with the stated aim of ousting Nkurunziza.

On 18 December, based on the findings of an assessment mission sent to Burundi with the president's approval, the African Union's (AU) Peace and Security Council invoked for the first time provisions allowing it to intervene in a country without permission given grave circumstances. It authorized deployment of a 5,000-strong military mission to protect civilians and preserve the gains made by the Arusha Accords. However, the government refused to allow the AU troops into Burundi, prompting the AU to cancel deployment and instead focus on supporting regional mediation efforts. By the end of the year, UN High Commissioner for Refugees (UNHCR) reported that nearly 233,000 Burundians had fled to neighbouring countries since April.

Building on the Arusha framework, before the April unrest UNESCO and others had worked to facilitate non-violent conflict resolution among young people of different ethnicities and had promoted training on democracy, human rights and the 'promotion and protection of the diversity of cultural expressions'. In 2014 UNESCO inscribed Burundi's ritual dance of the royal drum on its Representative List of the Intangible Cultural Heritage of Humanity. This centuries-old cultural practice, used to mark seasonal changes and commemorate key events, pre-dates the colonial era and the divisive ethnic distinctions imposed on Hutus and Tutsis as the basis of Belgian rule: as such, it offers a symbol of a more peaceful collective past.

Right: A camp for internally displaced people, mostly Muslim civilians, in CAR. *UNHCR/S. Phelps.*

Central African Republic

Since 2013, CAR has been consumed by violence between primarily Christian and Muslim militias, resulting in an increasingly sectarian environment where civilians have been targeted on the basis of their religious identity. The conflict began with the formation of an alliance (*Séléka*) of largely Muslim fighters in the north who, angered by what they perceived as the government's marginalization of their region, moved south towards the capital of Bangui and ousted then President François Bozizé in March 2013. Widespread human rights abuses, mostly targeted

at Christian civilians, were committed during the *Séléka* campaign and continued even after their leader, Michel Djotodia, took power as the country's new president. In response, a group of armed animist and Christian militias, known as 'anti-*balaka*' ('anti-machete'), were formed and by the end of the 2013 had staged a series of reprisal attacks against Muslim civilians in Bangui. Following Djotodia's resignation in January 2014, anti-*balaka* extended their attacks to other Muslim communities, resulting in numerous deaths and large-scale displacement. Though the Muslim population has borne the brunt of the violence since then, groups of ex-*Séléka* have also been responsible for numerous atrocities against Christian civilians. Territorially, the CAR is now roughly partitioned between areas under the control of the Christian/animist anti-*balaka* militia groups largely responsible for the displacement of the Muslim population and areas under the control of Muslim ex-*Séléka*.

Before the current conflict began, roughly 15 per cent of the national population were Muslim. Besides pastoral farmers and herders – including nomadic Muslim cattle-herding minorities such as Mbororo (also known also as Fulbe, Peuhl, Fula or Fulani) living mainly in the north-east, at roughly 4 per cent of the national population – many other Muslims belonged to a more urban-based merchant class. Both groups have seen their lives and livelihoods disrupted or destroyed by the conflict. In Bangui the Muslim population had diminished from over 100,000 to under 1,000, less than 1 per cent of the original population, while in the country as a whole around 80 per cent of the Muslim population had reportedly already left the country by mid 2014. By the end of 2015, an estimated 453,500 people had fled to neighbouring countries, the large majority Muslim, among them many nomadic pastoralists and their herds whose arrival among more sedentary, primarily Christian populations in neighbouring Cameroon and other countries of asylum has led to profound shifts in the character of some host communities. In addition, around 470,000 people were believed to be internally displaced within CAR by the end of the year. This included around 36,000 people, predominantly Muslim, trapped in enclaves across the country, surrounded by hostile militias.

Despite the continued deterioration in security during 2015, some positive efforts were made during the year to bring an end to the conflict. In May, local leaders from different regions, religions and ethnicities, including some from the diaspora and refugee populations, took part in the Bangui Forum on National Reconciliation and agreed a set of recommendations on governance, justice, stability and development, issued as the Republican Pact for Peace, National Reconciliation and Reconstruction. In June an innovative law laid the groundwork for a hybrid Special Criminal Court to address abuses committed during the conflict. Nevertheless, these measures failed to prevent an upsurge in violence later in the year, beginning with an attack around the Kilometre 5 (PK-5) Muslim enclave in Bangui in September and a series of other incidents in the capital that killed around 100 people and displaced another 50,000.

In November, Pope Francis visited the PK-5 district and other sites, and called for an end to sectarian violence, but conflict continued in various areas around the country. As a result, a constitutional referendum and elections initially slated for October 2015 were postponed until December. After some debate refugees were permitted to vote, though the registration process reportedly only reached around a quarter of those living in camps in neighbouring countries, leaving many of the largely Muslim refugee population unable to participate. The referendum, which included the imposition of a two-term limit for presidents, passed despite low voter turnout and other issues. Presidential elections were subsequently held on 30 December, although legislative elections the same day were deferred due to irregularities. Faustin-Archange Touadéra, prime minister under *Séléka*-ousted President François Bozizé, was declared winner of the February 2016 run-off election in a result endorsed by the constitutional court.

The CAR's indigenous forest-dwelling, hunter-gatherer Ba'Aka people, who make up less than 1 per cent of the national population, have historically faced discrimination and marginalization. With the onset of violence in late 2012 some members of this community were reportedly among those targeted for attack by combatants. The Dzanga-Sangha National Park, part of the World Heritage-listed Sangha Trinational forest located in the Ba'Aka people's traditional home region of south-western CAR, suffered incursions by armed groups in 2013. Even before the start of the current conflict, UNESCO called attention to the fact that the Ba'Aka people's lifestyle and culture were under threat: 'The scarcity of game resulting from deforestation, the rural exodus and the folklorization of their heritage for the tourist industry are the principal factors contributing to the gradual disappearance of many of their traditional customs, rituals and skills.' The polyphonic singing of the Ba'Aka, with its accompanying music and dance, has been inscribed on UNESCO's Representative List of Humanity's Intangible Cultural Heritage.

Democratic Republic of the Congo

The DRC is extraordinarily multicultural, with as many as 250 ethnic groups and up to 700 distinct languages or dialects across its vast territory. As elsewhere, in the DRC regional and ethnic identities have frequently been mobilized for political ends. Consequently, while the presidential elections currently scheduled for November 2016 could provide an opportunity for the first peaceful democratic transfer in the DRC's history, they could also pose significant risks for the country's minorities and indigenous peoples. Incumbent Joseph Kabila is constitutionally barred from seeking a third consecutive term, but opposition parties and some civil society groups warn that he may try to retain power illegitimately, for instance by delaying the polls. Already, some Kabila opponents have reportedly been subjected to intimidation, arbitrary arrest and summary execution, while opposition protests have at times been met with disproportionate use of force by security forces as well as members of the youth league of Kabila's party.

The continued proliferation of militias has created chaos in some areas of the country, uprooting entire communities. As of the end of 2015, there were approximately 1.5 million internally displaced people and another 500,000 stranded in neighbouring countries as refugees. Since the outbreak of conflict in the Great Lakes region in the aftermath of the 1994 Rwandan genocide, eastern DRC has been particularly unstable. Here, up to 70 armed groups – many of them reportedly recruiting along ethnic lines among the highly diverse population – fight for control of lucrative natural resources such as gold, tin, tungsten and tantalum, vital to the electronics industry.

DRC and UN military efforts to combat the largest armed groups remaining after the 2013 dismantling of the M23 group continue. Despite the arrest in April of the leader of the Allied Democratic Forces (ADF), the group has continued to carry out attacks and massacres around Beni, North Kivu. DRC military efforts are also ongoing against the predominantly Hutu Democratic Forces for the Liberation of Rwanda (FDLR), responsible for numerous human rights abuses against civilians, particularly those belonging to ethnic groups considered as rivals of Hutus.

Manono and Nyunzu territories in the eastern Katanga province saw continuing violence between ethnic Luba, a majority Bantu group, and members of the Batwa indigenous, traditionally hunter-gatherer people. Both sides were accused of attacking civilians. The conflict is rooted in social inequalities between the historically marginalized Batwa – their culture and way of life under increasing pressure due to deforestation and the expansion of agricultural lands – and the more privileged Bantu.

The traditional forest homes of eastern DRC's indigenous hunter-gatherers have in several cases been named World Heritage Sites; this is the case, for instance, for Bambuti / Mbuti peoples in and around the Okapi Wildlife Reserve and Batwa peoples in Virunga and Kahuzi-Biega National Parks. While indigenous peoples' rights should be met along with the demands of environmental management, conservation programmes have often had a negative impact on communities in these areas. For Batwa in Kahuzi-Biega, since its designation as a national forest in the 1960s, the community has been evicted from much of their ancestral lands, bringing an end to traditional hunting practices and resulting in malnourishment, poor health and deep poverty. With the outbreak of conflict in 1994 their situation became even more precarious and they

were subjected to attack by armed groups in and outside their traditional forest homes.

These pressures have only intensified with the continued deterioration in security in many areas and the depredations of armed poachers. Over the last two decades all five of the DRC's World Heritage Site national parks – four of which are in eastern DRC – have been inscribed on the List of World Heritage in Danger, due in part to conflict-induced mass displacement of people into the park and their impact on wildlife. During 2015, the parks continued to face militia attacks on rangers and poaching by armed groups such as the Lord's Resistance Army. The illegal trade in ivory and other animal parts has sustained considerable violence in forest areas, placing their indigenous inhabitants at risk not only from armed groups but also forest rangers. Groups concerned with indigenous peoples' rights have continued to insist, however, that conservation and wildlife protection efforts must not in any way be used to suppress the legitimate hunting and other activities of indigenous peoples.

West Africa

Côte d'Ivoire

Côte d'Ivoire has over 60 ethnic groups, with diverse histories and identities. Past decades have also seen a significant inflow of immigrants from neighbouring countries, many of them Muslims, drawn by the country's relative affluence. Today an estimated 35 per cent of the population are Muslim, based largely in the north of the country, while another 35 to 40 per cent are Christian and mostly reside in the south. The remainder of the population hold traditional beliefs. Ethnicity and religion have become increasingly intertwined in the country's political discourse due to the emergence, beginning in the mid-1990s, of the xenophobic concept of '*Ivorité*' – an ideology that gives precedence to 'native' over perceived 'foreign' citizens. In practice, to its adherents 'foreigners' have come to include not only immigrants but anyone from the predominantly Muslim ethnic Northern Mandé or Senoufo minority groups. This discourse has contributed greatly in recent years to a damaging polarization of the country along geographic, religious and ethnic lines.

October saw the first polls since 2010, when the refusal of then-incumbent president Laurent Gbagbo – a southern proponent of '*Ivorité*' – to recognize northern Muslim Alassane Ouattara's victory led to five months of political violence, at times waged along ethnic and religious lines. Gbagbo was eventually forced out, and January 2016 saw the opening of his trial, with that of his associate Charles Blé Goudé, before the International Criminal Court on charges of crimes against humanity.

The run-up to the October elections saw some clashes between government and opposition supporters, many of whom reportedly felt marginalized by the naming of northerners to many key posts and the failure of judicial prosecutions for crimes committed during the 2010–11 conflict to extend to supporters of the government as well as its opponents. The elections, largely peaceful and declared free and fair by observers, were nevertheless won in the first round by incumbent Ouattara.

In western Côte d'Ivoire, inter-communal tensions over land between 'native' landowners and those they perceive to be migrants or immigrants continued during the year. Up to 300,000 people still remained internally displaced in 2015, following the violence of 2010–11; some of them, mainly Gbagbo supporters of Guéré ethnicity, have found themselves dispossessed upon their return, as their land has been occupied by Ouattara supporters. The UN has worked with local leaders to support traditional dispute resolution mechanisms. In addition to customary law, there is a statutory law applicable to rural land disputes, but observers have expressed concerns that it is complex and difficult to implement. In July 2015, the government issued a draft land policy meant to simplify application of the law and announced plans for public consultation on this important topic.

UNESCO is supporting Côte d'Ivoire's efforts to inventory its intangible cultural heritage. Elements of the culture of parts of the predominantly Muslim Senoufo minority – one of the groups stigmatized and disenfranchised

Case study *by Paige Wilhite Jennings*

A way of life under threat for Cameroon's indigenous peoples

Cameroon is an immensely diverse country, with over 250 ethnic groups and almost as many languages. Indigenous forest-dwelling hunter-gatherer communities like the Ba'Aka, Bagyeli, Bakola and Bedzam – who together comprise less than 1 per cent of the population – are believed to have been the first to populate the southern tropical forests. Though Cameroon's Constitution specifically mentions the state's obligation to protect indigenous peoples' rights, there is a lack of understanding about what specifically these rights are. Due to poverty and lack of access, many indigenous people do not have birth certificates or identity documents, effectively excluding them from basic services such as health and education. The legal and administrative framework in Cameroon does not recognize hunter-gathering as a basis for official land ownership, and land that is not privately owned is considered state property. There is no legal recognition of indigenous peoples' customary land rights.

To make matters worse, over recent decades Cameroon's tropical forests have been much reduced, with the authorities all too often allocating forest land to private and public interests without meaningful consultation with residents. The 1994 Forest Law (recently revised to provide a measure of indigenous consultation and some recognition of traditional practices such as hunting) and the 2001 Mining Law encouraged the opening of Cameroon's land to commercial concerns, including foreign companies, in the name of economic development, with companies exploiting its natural resources on a large scale under government-approved concessions. Commercial logging reportedly claims an estimated 2,000 square kilometres of forest each year, with close to one-fifth of Cameroon's total forest cover lost between 1990 and 2010 to logging, commercial agriculture and the Chad–Cameroon oil pipeline.

The state has forcibly removed indigenous peoples from forest areas to make room for these and other projects, commonly 'resettling' them in unfamiliar environments where they are vulnerable to poverty, discrimination and exploitation. Displaced into camps and villages on the outskirts of the forest, these communities are unable to practise their traditional livelihoods, or access essential food sources or forest products. Furthermore, they are habitually denied any form of compensation, as they do not officially own the land from which they have been evicted.

The estrangement of indigenous communities from the forest is damaging at every level. Their nutrition levels fall as they are unable to hunt and gather as before; their health suffers as, excluded from mainstream health services by poverty and lack of identity documents, they are denied access to forest remedies for their illnesses and injuries. They are also prevented from passing on their skills and knowledge of forest life to their children, resulting in a devastating loss of traditional knowledge and culture; their language and religion, both intimately linked to the forest, are thereby weakened. Finally, the rupture resulting from these factors contributes to high levels of alcoholism and other social ills.

In recent years some localized access rights have been agreed for indigenous peoples in 'community forests' in a few protected forest areas, but the overarching framework has not changed: the state still does not recognize, guarantee or protect indigenous peoples' ownership rights over their forests and the resources they contain. Furthermore, indigenous and other local

communities have seen their access to the remaining protected forest areas severely restricted in the name of conservation. According to some reports, anti-poaching patrols of park guards – working at times alongside state security forces – have subjected indigenous people caught while sustainably hunting and gathering, even outside of park boundaries, to harassment, arrest or ill-treatment. For its part, UNESCO maintains that it values indigenous people's presence in the World Heritage Site forests – the Dja Faunal Reserve and Lobéké National Park, which with Dzanga-Ndoki National Park in the Central African Republic and Nouabalé-Ndoki National Park in the Republic of Congo make up the Sangha Trinational forest – and recognizes their right to hunt and gather on the reserve in their traditional manner, while prohibiting agriculture and commercial hunting.

Not only are the rights of Cameroon's indigenous peoples to their ancestral lands indisputable, but also the considerable benefits they bring through their sound use of the environment – in sharp contrast to the extractive industries and large-scale plantations that have displaced them in many areas. Ba'Aka and other forest communities rely on dead wood for cooking and curing meat, for example, and their hunting and gathering is low-impact and sustainable, as proved by the continuation of these practices for generations in flourishing natural habitats before the advent of mining and agro-industrial developments. Besides respecting the seasons and the breeding periods of wildlife, their communities are semi-nomadic, resulting in only localized and temporary woodland clearance. At a time in human history when biodiversity everywhere is under unprecedented threat, the way of life of the Ba'Aka and other indigenous communities offers important lessons on how to safeguard the irreplaceable heritage of the world's natural forests. ■

under '*Ivorité*' –has received particular attention, figuring in both of Côte d'Ivoire's entries on the Representative List of the Intangible Cultural Heritage of Humanity. One important minority cultural element is the cultural practices and expressions linked to the *balafon*, a musical instrument of Senoufo communities in Côte d'Ivoire along with neighbouring Burkina Faso and Mali. The other is the *Gbofe* performance, using traditional horns, of the Tagbana community, a southerly branch of the Senoufo group.

Mali

While 90 per cent of Mali's population is Muslim, with the remainder subscribing to Christianity (4 per cent) and traditional religions (6 per cent), it also includes considerable ethnic diversity. The two largest minority groups are Peuhl (also known as Fula or Fulani), amounting to 14 per cent of the population, and Tuareg and Maure who make up another 10 per cent. In recent years, these differences have been the source of violent conflict in the country. Some Tuaregs, spurred by political marginalization and poverty in the north, their home region, and aspiring to a separate Tuareg state, Azawad, had been in low-level conflict with the government since the 1990s. A Tuareg offensive in early 2012 was joined, and came to be dominated by, largely foreign Islamist extremist groups. It eventually gained two-thirds of Mali's territory, and all sides committed grave human rights abuses. Islamist groups at times imposed harsh law on the areas under their control and destroyed key cultural monuments in places such as Timbuktu.

In January 2013, Mali's interim President Dioncounda Traoré requested that France intervene, and the joint counter-offensive was broadly successful in dislodging the jihadist groups, reclaiming territory and imposing state control. However, Mali's Tuaregs and Arabs, perceived due to their ethnicity as having been likely supporters of the rebels, were at times targeted by both security forces and pro-government self-defence militias; members of the Tuareg separatist group National Movement for the Liberation of Azawad (MNLA) were also responsible for abuses as the violence further exacerbated existing divisions between ethnic groups. Some Islamist groups continued to operate and carry out attacks. The June 2013 Ouagadougou peace agreement and subsequently attempted accords were not fully implemented, particularly in contested areas of the north, and suicide attacks and ambushes against UN troops and civilians continued throughout the country. By the end of 2015 many civilians were still uprooted as a result of insecurity within Mali, with more than 139,000 Malian refugees in Burkina Faso, Mauritania and Niger and almost 62,000 others displaced internally.

In June 2015 the Coordination of Movements for Azawad (CMA), an alliance of Tuareg and Arab-led rebels, signed a peace deal with the Malian government. However, insecurity, including fighting between the CMA and pro-government militias, has continued in the north, culminating in August with a significant breakdown in the ceasefire as the two forces battled over the town of Anéfis, Gao region. In October the two sides endorsed a joint road map including an agreement for cessation of hostilities and joint initiatives towards reconciliation.

However, violence, including attacks on humanitarian staff, state officials and UN personnel, has spread from the north into central Mali and further south. Some of it has been attributed to extremist groups present before the French-led intervention, as well as to a newly emerged Islamist armed group, Macina Liberation Movement. Following an extremist attack in November in which 20 people, many of them foreigners, were killed in a luxury hotel in the capital Bamako, Mali imposed a state of emergency that at the end of the year was extended to March 2016.

The deliberate destruction by Ansar Dine extremists, themselves followers of the Salafi school of Islam, of mosques, mausoleums, shrines, ancient manuscripts and other objects associated with Sufi Islam after they took control of World Heritage Site Timbuktu in 2012 has drawn global attention. Mali's intangible cultural heritage is immense and diverse, including, to date, eight elements listed by UNESCO and drawn from a cross-section of Mali's numerous ethnic groups, including the Tuareg, Peuhl and other minorities. Timbuktu-based efforts to revive and stimulate cultural life, including plans to return the Festival au Désert music and arts festival to Timbuktu, have involved a range of community actors and are helping to heal rifts and restore social cohesion. In 2015, Timbuktu's mud masons completed restoration of all 14 of the destroyed mausoleums, and work on the other damaged sites is continuing. Meanwhile, UNESCO is supporting efforts to preserve additional ancient manuscripts smuggled out of Timbuktu by the local population in 2012 to prevent their destruction. Former Ansar Dine leader Ahmad al Faqi Al Mahdi appeared before the International Criminal Court (ICC) in September on charges of 'war crimes of intentionally directing attacks against historic monuments and buildings dedicated to religion, including nine mausoleums and one mosque' – the first time in the ICC's history that war crimes against cultural heritage have been the primary focus of an international criminal proceeding.

Mauritania

Despite being legally abolished for decades, slavery persists in Mauritania to this day, primarily perpetrated by members of Mauritania's White Moor ethnic group against ethnic Haratines. In 2014 the UN Special Rapporteur on contemporary forms of racism, Mutuma Ruteere, indicated that an estimated 50 per cent of Haratines live in conditions of slavery. The system is largely hereditary: those born into slavery are under direct control of their 'masters', receive no pay for their work, are not permitted to leave and are vulnerable to abuses, including denial of access to basic services, forcible separation from family, ill-treatment and sexual assault. Due largely to failures in enforcement by police, judicial officials and others in authority, a 2007 law criminalizing slavery and slavery-like practices resulted in only one conviction. In that case the sentence handed down fell below the minimum specified by law and the appeal against its leniency is still pending four years later, while the convicted slave owner has been freed on bail.

In September a new law was approved, stiffening penalties for perpetrators and officials who fail to investigate claims of slavery. It also broadened the definition of slavery to include practices such as indentured servitude and created the opportunity for human rights organizations

meeting certain criteria to bring cases on behalf of victims. However, there is still no mechanism for victims to bring a civil suit against perpetrators or for the level of support and compensation to victims recommended in 2010 by Gulnara Shahinian, then Special Rapporteur on contemporary forms of slavery. The new law's success will, like the old, depend on the extent to which it is enforced.

Those who fight to raise awareness of slavery and other forms of marginalization affecting Haratines continue to come under official pressure. Among those targeted is anti-slavery activist Biram Ould Dah Ould Abeid, convicted with two others in January 2015 and sentenced to two years' imprisonment on various charges, including taking part in an unauthorized rally and belonging to an illegal organization. All three were arrested in November 2014 for attending a peaceful protest to raise awareness of land rights for former slaves and other Haratines. The decision provoked protests in Nouakchott, the Mauritanian capital, prompting police to use tear gas to disperse supporters who condemned the ruling.

On the occasion of Mauritania's independence day, at the end of November, President Mohamed Ould Abdel Aziz publicly denied that slavery persisted in the country and accused rights groups of 'sowing hatred and division' between ethnic groups for addressing events around the expulsion and exclusion of tens of thousands of black Mauritanians in the late 1980s.

Nigeria

Nigeria is an exceedingly diverse country, with some 250 ethno-linguistic groups distributed across 36 federal states. At state level, original 'native' groups are given preferential treatment over other groups considered to be 'immigrants' or 'settlers', at times leading to tension, competition and inequalities. Broadly, Nigeria's south is wealthier and possesses more resources than the poorer and predominantly Muslim north. In the area between the two, the Plateau and Kaduna states of Nigeria's Middle Belt, 'native' ethnic groups are predominantly Christian while Muslim Hausa-Fulani groups – even those who have lived in the area for generations – are considered 'settlers'. Many 'natives' are sedentary farmers who have come into increasing conflict with Fulani Muslim nomadic pastoralists driven south by climate change-induced desertification in search of grazing for their herds. As a result, this region

Left: Haratin man in Mauritania. *MRG.*

is particularly prone to inter-communal clashes, with 2015 being no exception: in April, for example, at least 23 people were killed by suspected armed Fulani herdsmen as a result of a protracted feud between herders and local farmers. As they are not considered 'native', despite many having been in the area for decades, Fulani receive inferior treatment under local legislation.

Before the 2015 elections, the presidency had been retained for 16 years by southerner Goodluck Jonathan's party, leading to some northern claims of exclusion. Initially scheduled for February, the polls were postponed until March due to security concerns. After what observers termed a generally peaceful and transparent contest, President Jonathan, from the country's southern Niger Delta region, conceded defeat to Muslim northerner Muhammadu Buhari of the All Progressives Congress. This was the first time a Nigerian opposition leader had won an election.

One of Buhari's first major steps after being sworn in was to move the military command centre for the fight against Islamist insurgency Boko Haram from the capital Abuja to the group's birthplace in Maiduguri, Borno State. As over time the armed group has extended its operations into neighbouring Cameroon, Chad and Niger, in response Nigeria has intensified efforts with these countries, as well as Benin, to establish a previously agreed AU-backed Multinational Joint Task Force to fight Boko Haram across national borders. Nevertheless, Boko Haram fighters remained active throughout the year, beginning in January with a determined assault on Maiduguri and a massacre in Baga town, in the northern Borno State, that according to Human Rights Watch estimates may have killed as many as 2,000 civilians. Following a joint offensive by Nigeria and Chad to regain control of border areas in the north under Boko Haram control, Boko Haram reportedly carried out reprisal attacks against members of the Shuwa Arab minority in the north, accusing them of supporting the Chadian military. It also declared allegiance to Islamic State (IS).

Despite losing territory, Boko Haram continued to launch regular attacks, particularly on soft civilian targets, including two days of violence in early July in Borno State that killed nearly 200 people in mosques and civilian homes, with similar attacks continuing until the year's end. A growing number of Boko Haram suicide bombings targeting areas such as markets, mosques and bus stations were carried out by women and children. The violence resulted in an estimated 800,000 newly displaced between June and the end of August, bringing the total of internally displaced in Nigeria to over 2.1 million. UNHCR recorded in 2015 an additional 170,000 Nigerian refugees in neighbouring countries.

Boko Haram has also had a devastating impact on the cultural heritage of minority communities, such as the Sukur people in Adamawa state and their Sukur Cultural Landscape, which was inscribed as a UNESCO World Heritage Site in 1999. The Sukur Cultural Landscape comprises the Palace of the Hidi (or chief), dry stone terraces and paved walkways dating back centuries. Most importantly, the complex was the setting for regular festivals and ceremonies – a living cultural and spiritual heritage. Boko Haram attacked the area at the end of 2014, killing men, and abducting women and children. They destroyed crops and then sabotaged buildings by burning the thatched roofs and damaging granary covers – thereby threatening any remaining food reserves of the community. Centuries-old patterns of land use had already been made vulnerable with the arrival of thousands of displaced to the area.

Another ongoing source of division within Nigeria, at times fuelling inter-ethnic conflict, is the inequitable allocation of oil revenue and the environmental damage associated with its extraction. Ogoni and other minorities based in the Niger Delta, in particular, have seen their lands devastated and their culture weakened by the impacts of soil and water contamination, making traditional farming and fishing impossible. Local communities have struggled for years to receive denied compensation, clean-up, their share of oil profits and a say in decision-making. A tentative sign of progress during the year, however, was the announcement by Buhari's government in August of the creation of a trust fund for

affected communities to provide the estimated US$1 billion required to decontaminate the area, though concerns remained about the willingness of Shell and partner companies to contribute their necessary share.

Southern Africa

Amina Haleem and Keikantse E. Phele

Southern Africa's minority and indigenous communities still struggle with the legacy of the region's colonial past and the concentration of power among particular political elites. This has often been manifested in a range of rights violations – from lack of access to education and non-recognition of languages to control of ancestral lands and traditional livelihoods – that have undermined the rich cultural traditions of many communities. While in many countries significant strides have been made towards more equitable development, certain groups – such as San hunter-gatherer communities indigenous to much of Southern Africa – remain highly marginalized. In this context, the preservation of cultural practices and traditions remains an important part of a broader struggle for recognition and emancipation.

Namibia

In March 2015, Namibia celebrated 25 years of independence. Besides Ovambo, who make up around half of the population, its diverse communities include around 10 language groups and a range of peoples with different lifestyles, including nomadic pastoralists, hunter-gatherers and others. Yet much of the country's resources remain concentrated in the hands of its white population and a small political elite, while other communities, such as indigenous San, live in abject poverty.

This is in part due to the country's traumatic past during the colonial era, first under German and then South African rule. Between 1904 and 1908, German authorities undertook a systematic campaign against Nama and Herero tribespeople that saw more than 65,000 people killed. While Germany apologized formally in 2004, it has yet to acknowledge its actions as genocide or provide compensation, though progress in ongoing negotiations for formal reparations to the descendants of the victims was made during the year when Norbert Lammert, President of Germany's parliament, acknowledged that the massacres would today be classified as genocide.

Another area where colonial abuses continue to affect communities today is ancestral land rights. Hai//om San, for example, were forcibly removed from Etosha National Park six decades ago and have not benefited economically from the tourist activities now taking place there. In 2015, the community launched a legal claim to access the park and control operations within it, as well as to receive a share of its revenue; eight members applied to the High Court to have their class action suit heard. Land rights remain a contested issue for the country's indigenous communities today in the face of development programmes, such as the construction of a controversial hydroelectric power station and a dam in the Kunene River. Ovahimba pastoralists in the region have condemned the lack of prior consultation over the development and claim it will lead to the loss of irreplaceable cultural heritage as ancestral graves will have to be exhumed to make way for the scheme. It will also deny them and their livestock access to important grazing land vital to the continuation of their traditional livelihoods.

Though political representation of indigenous communities remains limited, some positive steps have nevertheless been taken, including efforts to establish a national organization as an advocacy platform. The ///Ana-Jeh San Trust, set up in 2014 by San tertiary students with the aim of promoting education within the community, was formalized in 2015 along with the National San Council (NSC). The NSC has been active at an informal level since 2004 and is made up of different San communities with the shared aim of supporting San social and economic development.

These community organizations have an important role to play in addressing the specific issues of discrimination facing particular

Case study *by Keikantse E. Phele*

The long struggle of Botswana's Wayeyi for recognition

Botswana's Wayeyi, based in and around the Okavango Delta and Ngamiland areas, are believed to have first settled there during the eighteenth century. Despite their long-standing presence in the country, however, they still lack full recognition within Botswana. National legislation, influenced by British law, only recognizes eight major Tswana groups, while other minorities, including Wayeyi, are overlooked. Only English and Setswana are officially recognized and used in Botswana.

Historically, the Wayeyi tribe was enslaved by Batawana, one of the eight major groups, and were then subjected to forced assimilation. Yet now Wayeyi are campaigning for self-determination and greater recognition of their traditional leaders. In recent years, this battle has been fought through the law courts as Wayeyi have sought to address their legal discrimination. In 2001, community members made an application to the High Court of Botswana, in *Kamanakao and others vs. Attorney General and Others*, challenging specific provisions of the Constitution of Botswana and the 1987 Chieftainship Act that supported the creation of the House of Chiefs (*Ntlo ya Dikgosi*). With only the eight groups

Below: Annual cultural festival celebrated by Wayeyi in Botswana. *MRG*.

represented, to the exclusion of Wayeyi and others, the applicants argued that the provisions were in contravention of key sections of the Constitution that provided for fundamental rights and the right to non-discrimination.

However, though they asked to be granted the right to nominate and install their own leader (*Shikati*), establish communal boundaries and for Shiyeyi, their native language, to be included in the Botswana education curricula, this request was refused. In its judgment the Court, stating that it could not declare provisions of the Constitution null and void, only agreed that part of the Chieftainship Act was discriminatory and would need to be amended accordingly. As a result, the Constitution still does not recognize all ethnic groups in Botswana equally. Nevertheless, a presidential commission of enquiry, the Balopi Commission, was established to investigate the consequences of the contested constitutional provisions on ethnic inequalities and discrimination in Botswana. Their findings informed the subsequent amendment of the Bogosi Act to fully recognize other tribes not included among the eight main tribes. The Chieftainship Act was repealed and the Bogosi Act was enacted in 2008 as a result of the Kamanakao case.

But while, thanks to the amendment of the Constitution, the Wayeyi sat at *Ntlo ya Dikgosi* for a five-year term at the discretion of the president, his term was not extended as there was no legal disposition to allow it. The Wayeyi community have since made an application under the Bogosi Act to be fully recognized and to install their own leader as an *ex officio* member of the House of Chiefs. After years of protracted legal negotiations, the Minister of Local Government has promised *Wayeyi* in a *kgotla* (public gathering place) meeting that their application would go before the Cabinet and receive a response in March 2016.

Amid their legal adversity, *Wayeyi* have strived to maintain their cultural heritage as a way of preserving their identity in the face of these setbacks. The Kamanakao Association was formed in March 1995 to promote and celebrate the community's language and heritage. Among other activities it runs a cultural centre in Gumare, with an annual festival each year that brings together young and old alike to share song, dance, poetry readings, food and other traditional practices with each other. Unlike the largely patriarchal Tswana tribes, the Wayeyi community is matrilineal and women play a crucial role in the continued vitality of cultural practices such as basket making.

Nevertheless, the state's failure to legally recognize the Wayeyi community has undoubtedly undermined a key element of their identity – the ability to maintain and practise Shiyeyi. In the context of the government's refusal to accommodate teaching of indigenous languages in schools, the Kamanakao Association has established a working group to train and develop capacity within communities to teach, write and translate into Shiyeyi, with publications for primary schools, adult learners and religious use. It is hoped that these resources will enable the next generation to maintain their native language and, by extension, their unique tribal identity in the face of official discrimination.

Update: Since this case study was written and just prior to publication, the Botswana government announced its decision to officially recognize the Wayeyi. ■

communities. While the creation of a new Ministry of Poverty Eradication and Social Welfare in 2015 is promising, it is important that its initiatives are appropriately designed to also reach the most marginalized communities, such as San, who face exploitation, hunger and poverty due to their physical isolation and persistent discrimination against them. Women and children are especially vulnerable due to sexual abuse and lack of access to essential services such as health or schooling; those engaged in domestic work and farm labour are particularly at risk. It is hoped that the Child Care and Protection Act, passed in 2015, will strengthen educational access for indigenous children, many of whom are unable to attend schools due to their remote locations.

South Africa

In January 2015, South Africa became the 163rd State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) following its ratification of the human rights document. Though the government had signed the instrument 20 years previously, the ratification is a historic and welcome milestone for the country. Nevertheless, South Africa continues to struggle with the legacy of apartheid and profound inequalities in wealth, land ownership and access to public services. Amid stagnant unemployment and poor living conditions for millions of citizens in makeshift housing, levels of violence and gender-based crime have remained high.

South Africa's migrant population, most of whom originate from neighbouring countries such as Lesotho, Mozambique and Zimbabwe, have regularly been targeted in xenophobic attacks. April saw the outbreak of the worst violence since 2008 when a series of killings in Alexandra township, Johannesburg, left seven dead and many others injured. While economic frustrations and poverty contributed to the violence, South Africa's migrants have regularly been scapegoated for the country's problems. A speech the previous month by King Goodwill Zwelithini of the Zulu nation, South Africa's largest ethnic group, in which he allegedly called for foreigners to 'pack their belongings and go back to their countries', was widely blamed in the media for triggering the attacks, though he claimed to have been misquoted.

Popular hostility towards migrants has been mirrored by increasingly severe official policies, reflected in Operation *Fiela* ('sweep the dirt' in Sesotho), a series of crackdowns carried out in urban communities across South Africa during 2015. While the stated purpose was reportedly to tackle the high crime rate, by September at least 15,000 migrants without documentation – making up the majority of those targeted by police – had been deported. The same month, the deportation of an estimated 2,000 refugees, most of them Angolan, was announced, after their status was revoked, despite many individuals having resided in South Africa for over a decade. Refugees who were granted two-year temporary residence permits now face difficult choices as their permits expire in 2016.

Land rights, long a source of discrimination under colonial and apartheid rule, remain a contested issue for the country's indigenous peoples. During the year, community activists continued to advocate for greater recognition, with almost 100 Khoisan demonstrators protesting before parliament in December to demand that lawmakers reconsider the Traditional Leaders and Khoisan Bill. While the bill was drafted to recognize Khoisan communities and strengthen traditional leadership, it has been condemned by critics as violating customary law and reinforcing restrictive apartheid-era classifications.

Khoisan peoples were dispossessed of much of their ancestral lands during colonial rule, particularly as a result of the 1913 Natives Land Act, which allocated only 7 per cent of arable land to the indigenous populations while prohibiting land sales between geographical divisions of blacks and whites. While the post-apartheid government passed the Restitution of Land Rights Amendment Act to allow descendants of Khoisan communities that were forcibly dispossessed to claim back their lands, the 1913 Natives Land Act was used as the cut-off date for valid claims – yet community members argued that a large portion of their land was forcibly taken before then. Furthermore, the claims period initially closed on 31 December 1998, when many Khoisan communities were still unaware of the

process or the deadline to lodge their claims. The claims process was then reopened in 2014 for an additional five years to allow for compensation of claims that were not filed before the 1998 deadline. Claimants now have until 2019 to seek compensation, but many of the claims lodged thus far have been settled monetarily rather than by land restitution. For the Khoisan peoples, of course, financial compensation alone would not address the drastic erosion of their cultures caused by dispossession, given that their cultural and spiritual practices and knowledge are so interconnected with their lands.

In August, Khoi and San leaders within the National Khoisan Council formed their own chamber of commerce and industry to address their socio-economic marginalization and lodge land claims, as they believe they are more likely to be successful if claims are lodged collectively rather than by individuals. Leaders from the council and other minority groups met with ruling African National Congress representatives in Johannesburg in August 2015 to discuss access to education, housing and economic opportunities for their communities, among other issues. Following their meeting, representatives also called for their status as the country's first indigenous community to be reflected in an amended Constitution.

While there has been increasing recognition in recent years of indigenous traditions and customs, the campaign to legalize Muslim marriages still continues. While their status appeared to gain recognition with the publication and circulation of the 2010 Muslim Marriages Bill and the accreditation in 2014 of 100 imams as marriage officers, the bill has yet to be formally passed as law. As a result, Muslim women's land rights after divorce or the death of their spouses remain uncertain. Litigation is still ongoing in the Western Cape High Court to decide whether the failure of South African law to recognize Muslim marriages discriminates against women. Organizations like the Women's Legal Centre (WLC), Lajnatun Nisaa-Il Muslimaat (the Association of Muslim Women of South Africa), and the United Ulama Council of South Africa (UCSA) are interested parties in the case. While the case was originally set to be heard in December 2015, division within the Muslim community caused delays. Notably, UCSA opposes the bill's passing as it believes that any formal state regulation of religious marriages would be unconstitutional. In the meantime, Muslim women remain socially vulnerable and disadvantaged as the common law definition of marriages in South Africa is not extended to include religious Muslim marriages. Muslim couples are considered single and unmarried unless they formally register with a South African court. ■

Americas

Mariah Grant, Alfredo Gutierrez Carrizo,
Janet Oropeza Eng and Carolyn Stephens

North America

Mariah Grant

North America includes a wide range of communities, including black, indigenous, Latino, Arab and Asian minorities who together contribute to the region's rich cultural diversity. This is in itself a reflection of a long and often troubled history, beginning with the colonization of what is now Canada, Mexico and the United States (US) and the decimation of a greater part of the indigenous population. The ensuing centuries saw the arrival of millions of enslaved Africans until the trade was eventually abolished in the nineteenth century. More recently, successive flows of migration from across the world, but particularly from Central and South America, have further transformed the demographic composition.

While the variety of cultures in North America today is remarkable, many minority and indigenous communities also face a multitude of challenges to maintain their traditions. This is due in large part to the continued inequalities they face, rooted in past discrimination, and the indifference or even hostility certain cultural expressions are met with. The pressures of assimilation, social dislocation, poverty and the absence of supportive spaces to nurture these traditions can all contribute to the disappearance or silencing of minorities and indigenous peoples. From Muslims concealing their identities for fear of attack to First Nation youth in Canada lacking access to instruction in their indigenous languages, these barriers are closely linked to alienation, prejudice and marginalization. Nevertheless, at the same time there are also many inspiring examples across the region of communities actively re-engaging their culture, often as part of broader efforts to advocate for greater visibility and inclusion.

United States

The metaphor of the 'melting pot' is commonly used to describe the US and its diverse religious, ethnic and indigenous communities. But while this accurately reflects the rich demographic variety of a country that by 2044 will be 'majority minority', with no single ethnic group making up more than 50 per cent of the population, it fails to capture a variety of entrenched social and economic disparities between different groups. From education to health care, employment to politics, inequality and division continue to characterize ethnic and religious relations within the US. In the criminal justice system, for example, African Americans are arrested nearly six times as often as their white counterparts and constitute 1 million of the 2.3 million people incarcerated in the US. Consequently, one in every thirteen African Americans of voting age is disenfranchised due to a felony conviction, a rate four times greater than the rest of the US population.

However, a major shift in nationwide consciousness of the role ethnicity plays in the justice system began after the shooting death of an unarmed African American teenager, Michael Brown, by a white police officer on 9 August 2014 in Ferguson, Missouri. On 4 March 2015, the Department of Justice released a report on their investigation into the Ferguson Police Department, identifying widespread practices of ethnic discrimination by law enforcement. The report supported what demonstrators and community members had been claiming all along: that Ferguson police were unfairly targeting African American residents, violating their civil rights and engaging in a pattern of unconstitutional arrests that turned residents into a form of revenue generation.

Since Brown's death, incidents of police brutality against ethnic minorities, as well as debates surrounding institutionalized racial bias within the US law-enforcement system, have continued. While data related to police shootings is not transparently or uniformly collected by the government, independent datasets developed by various media outlets have tracked the high numbers of African Americans and other ethnic minorities killed by police. During 2015, according to figures collated by the UK's *Guardian* newspaper, young African American men between the ages of 15 and 34 faced the highest risk of being killed by police, with a death rate five times higher than for white men of the same age. Another survey by the *Washington Post* uncovered similar findings: despite accounting for a little over 6 per cent of the population, African American men accounted for almost 40 per cent of those killed by police while unarmed.

These numbers have helped identify the scale of deadly force used against African Americans by US law enforcement. Furthermore, videos of many of these incidents, some recorded by the police themselves through dashboard and body cameras, have highlighted how officers have frequently failed to de-escalate situations before using deadly force. At times, the footage contradicted the official narrative from police and also depicted excessive force. This included a dashboard camera video of Chicago police shooting 17-year-old African American Laquan McDonald 16 times on 20 October 2014, which was not made public until 24 November 2015. While the city claimed that the footage could not be released during the FBI and US Attorney's investigations, others interpreted the delay as a cover-up intended to quell public outrage.

Bystander videos also shed light on apparent cases of police brutality inflicted on African Americans. Gaining particular attention was a video that appeared to show 50-year-old African American Walter L. Scott fleeing while being shot eight times by a white police officer in North Charleston, South Carolina on 4 April. The officer who shot Scott was subsequently charged with murder and awaits trial, while the family of Scott reached a US$ 6.5 million settlement with the city that bars them from bringing civil claims over his death. Less than three weeks later another bystander video emerged of Freddie Gray, a 25-year-old unarmed African American man, being dragged to a police van in Baltimore on 12 April. A week after his arrest, Gray died. The events surrounding his arrest and death are still disputed. Six officers involved in Gray's arrest have had charges filed against them; however, at the beginning of 2016, the trials were delayed after the jury in the first case could not reach a verdict.

Demonstrations against police brutality have expanded throughout the country in the wake of the killing of Michael Brown and other lethal police shootings. A movement had started coalescing around the slogan and hashtag #BlackLivesMatter, which had initially been formulated in 2013 on social media by Alicia Garza, Patrisse Cullors and Opal Tometi, after the acquittal of George Zimmerman for the 2012 killing of Trayvon Williams. From the beginning, activists used the internet to challenge the dominant narrative of the protests as 'riots'. During demonstrations in Baltimore following the death of Gray, for example, while some media outlets presented an image of the city being looted and burned, activists took to Twitter to organize street cleaning crews and share first-hand accounts.

Throughout 2015, 26 individual Black Lives Matter chapters were opened across the United States. Frequently, this movement was compared and contrasted with the Civil Rights Movement of the 1960s, not only by the media and politicians but also former leaders of that era and Black Lives Matter activists themselves. However, while the heritage of the movement's protests has strongly informed Black Lives Matter, activists have also emphasized the distinctive aspects of their activities, extending beyond anti-racism to encompass African American women's rights; lesbian, gay, bisexual and transgender (LGBT) rights; and cultural rights.

Black Lives Matter is especially notable for the high proportion of women leaders and its conscious attempts to move away from the more hierarchical male-dominated model associated with earlier racial equality movements. The movement is actively working to end the marginalization of African American women and the silence surrounding violence inflicted against them, including by police.

One high-profile case in 2015 involved 28-year-old African American Sandra Bland, who was found dead in a jail cell in Waller County, Texas, three days after she was arrested during a traffic stop. The events leading to Bland's death are unclear: while the official account is that she was found unresponsive due to 'self-inflicted asphyxiation', her family refuted claims that Bland would commit suicide. In December, a grand jury decided not to bring any charges in

the case; however, the police officer who pulled Bland over was subsequently indicted for perjury. The uncertainties surrounding her death received significant media coverage and drew attention to the invisibility of African American women in mainstream reporting on police brutality.

Amid the demonstrations against police violence perpetrated against African Americans, the historic Emanuel African Methodist Episcopal Church in Charleston, South Carolina came under fire by a gunman on 17 June. Nine people were killed, including US State Senator, Rev. Clementa Pinckney. The suspect was arrested the following day and later pleaded not guilty to 33 federal charges, including a number of hate crime charges, for which he awaits trial. The shooting, which was quickly identified as being racially motivated based on an online manifesto from the suspect, raised further concerns about a culture of racism against African Americans in the former Confederacy of the country's south-east. Predominantly, debates focused on the continued use of the Confederate flag at the South Carolina State House and other state capitols in the region. Members of Black Lives Matter and other civil rights groups, along with a number of politicians from both the Republican and Democratic parties, demanded its removal on the grounds that it was a symbol of racial hatred, celebrating the Confederacy's role in fighting to uphold slavery during the Civil War.

Ten days after the shooting, Black Lives Matter member Bree Newsome climbed the flagpole at the South Carolina State House and removed the Confederate flag. Newsome was subsequently arrested and the flag was raised again. However, an online movement began using the hashtag #KeepItDown, demanding the permanent removal of the flag. On 10 July the flag was taken down for good at the South Carolina State House grounds, after being flown there for 54 years. Other states have followed suit and ended the use of the Confederate flag at their capitols and other government buildings. The US Supreme Court also ruled in favour of Confederate flag opponents with its decision in June that Texas did not violate the First Amendment when it refused to allow specialty licence plates bearing the Confederate flag.

Beyond debates surrounding the representation of the Confederate battle flag, the chosen location for the shooting also led to discussions around the important cultural and historical role of the church in the African American community. While forced conversions to Christianity happened during the time of slavery, churches eventually became a place for African Americans to congregate and later organize during the Civil Rights Movement. Thus the attack was seen not only as an assault targeting African Americans themselves, but also on their faith and heritage. In the weeks that followed, fears of a wider attack on the African American community were realized in a spate of arson attacks on predominantly black churches. At least eight African American churches across the South were damaged by fire in the ten days following the Charleston shooting.

Though state investigators deemed the fires unconnected to one another, the attacks echoed the long history of violence against African American churches, starting in the time of slavery, and continuing through Reconstruction, the Civil Rights Movement of the 1960s, and into the 1990s. It was this legacy of intimidation against African American churches that spurred a group of Muslim non-profit organizations, not unfamiliar with similar ethnic- and religious-based discrimination themselves, to lend their support towards the reconstruction of the damaged churches. Together they raised over US$100,000 on a crowd funding site through their call to 'unite to help our sisters and brothers in faith'.

Their gesture of solidarity came at a time when discrimination against Muslims reached new heights in the US. While anti-Muslim sentiments have been present for decades in the country, the level of vitriol directed towards them in 2015 intensified to unprecedented levels. At the beginning of the year, it was reported that anti-Muslim hate crimes continued to occur at rates five times higher than before the 9/11 World Trade Center attacks in 2001. By the year's close, the political and social environment was frequently deemed, by the media as well as Muslim and civil rights activists, as even

Right: A young Muslim woman plays volleyball in New York City, US. *Chris Goldberg.*

worse than in the days, weeks and years directly following 9/11.

The reasons for the increased violence and discrimination targeting Muslims was largely associated with a backlash to the apparent resurgence of extremist groups such as Al Qaeda, Islamic State of Iraq and al-Sham (ISIS) and their affiliates. Many of these attacks happened in the Middle East and Africa, but garnering particular attention in the US were the attacks in Paris in January and again in November.

While President Obama has pledged to admit 10,000 new Syrian and Iraqi refugees into the country during 2016, this was in opposition to a vote by Congressional Republicans to make entry of refugees from these countries more difficult following the November Paris attacks. In the ensuing weeks, many governors and Republican 2016 presidential hopefuls publicly declared their suspicion and antipathy towards Syrian and Iraqi refugees. Thirty-one state governors, all but one being Republican, declared that they would ban some or all Iraqi and Syrian refugees – a move that critics argued was in fact unlawful under the US Constitution.

Regardless of its legality, this rhetoric created a volatile and dangerous climate for many Muslims already living, or seeking refuge, in the US. This situation deteriorated further following a 2 December shooting in San Bernardino, California that left 14 dead. While some uncertainty remains about the exact motives of the two attackers, a husband and wife, the media and US government has suggested they may have allied themselves with ISIS. As a result, incidents of anti-Islam violence spiked across the country, including acts of vandalism and arson at mosques in California, Pennsylvania and Texas, as well as individual physical attacks and death threats in Washington State, New Jersey and elsewhere.

In spite of this discriminatory public climate, in January the Supreme Court unanimously ruled that, by banning Muslim inmates from growing beards, Arkansas corrections officials had violated their religious freedoms. Later in the year, on 1 June, the Supreme Court ruled with an 8–1 majority in favour of Samantha Elauf's claims of religious discrimination by the clothing store chain Abercrombie and Fitch, when they did not hire her after she wore a *hijab* during a job

interview.

However, Muslims were not the only minority publicly vilified during 2015. During the early days of the US presidential nominations campaign, ahead of the 2016 elections, Republican candidates frequently used fear-mongering tactics to advocate for harsher immigration policies largely targeting the Latino community. The most notorious instance occurred during a campaign rally in June, when Republican candidate Donald Trump falsely drew a link between Mexican immigrants and increased crime rates in the US. However, while the data on crime rates and their correlation to numbers of immigrants is incomplete, the evidence that is available does not support Trump's claims. In fact, while immigration has increased since the 1990s, crime has decreased and crime levels among first-generation immigrants appear to be lower than those among native-born Americans.

While the negative portrayal of Latinos is not grounded in reality, the impact within the community of these representations can be devastating. This pressure has led some belonging to younger generations to assimilate more quickly and completely, to the detriment of knowing and practising their heritage and cultural traditions. The loss of cultural practices within the Latino community has had a multitude of negative consequences, including diminished life expectancy. While recently arrived Latino immigrants live on average three years longer than white Americans and six years more than African Americans, despite experiencing nearly double the poverty rates of the native-born population, this gap is seen to decrease among later generations of Latinos. The fall in life expectancy has been associated, in part, with a move away from traditional foods and increased consumption of highly processed products.

Research has found that family and community bonds are critical to the upbringing, education and passing down of cultural heritage to the younger generations, including cooking methods. Traditionally this has been achieved, to a large degree, by having multiple generations of a family living under one roof and sharing spaces intentionally set up to promote interaction. However, it has become increasingly difficult to engage younger generations in cultural education and practices, including teaching in traditional languages. Within the Latino community, initiatives such as the Rayito de Sol Spanish Immersion Early Learning Center have been established to promote cultural learning. The school, based in Minnesota, provides children with an immersive Spanish language curriculum and instruction in Latin American cultures.

But while cultural erosion remains a significant challenge for many communities, a related problem is that of misrepresentation and even caricature – one that has long afflicted the country's Native American population since colonization. TV and cinema, for instance, have for decades subjected indigenous people to harmful and inaccurate portrayals, a situation that remains evident today. This was highlighted during the year by reports that a number of indigenous actors working on the Netflix film, *The Ridiculous Six*, left the set in protest against what they saw as inaccurate depictions of Apache people, coupled with disrespectful dialogue and bigoted characterizations of Native Americans. Several of the actors in question subsequently produced a short film in response to their experience, as well as to highlight the rich and diverse cultural heritage of Native Americans.

Beyond film, the use of racist mascots to represent sports teams, both professional and in schools, was also challenged publicly during the year through targeted campaigns. Among these was the Native Education Raising Dedicated Students (NERDS), begun by Dahkota Franklin Kicking Bear Brown, a 17-year-old high school student in Jackson, California and member of the Wilton Miwok. Brown harnessed the success of NERDS – which he began as a peer-to-peer mentoring and tutoring programme to help Native American youth succeed academically – to lobby to change the mascot at his high school from the racist epithet of 'Redskins'. As Brown explained, research suggests that these pejorative labels and imagery are detrimental to the mental health and well-being of Native American youth. According to another campaign, Change the Mascot, about a dozen schools had changed Native American mascots by the end of 2015 and another 20 are considering doing so. Meanwhile, the prominent Washington Redskins American football team lost a federal court case to maintain trademark registrations on their name and logo; the judge specifically cited the team name's offensiveness in his reasoning. The team has stated that it will appeal the decision.

Equally damaging to Native American communities has been the appropriation of indigenous dance, art and costume by mainstream entertainment industries. One of the most egregious examples of this is the popular use by non-indigenous fashion models of headdresses resembling those worn traditionally by male (and on very rare occasions female) leaders of Plains nations during ceremonial events. Similar accusations have been levelled against the film, fashion and music industries by indigenous activists, who regard such appropriation as a form of theft and a one-way exchange that primarily benefits the white elite that continues to dominate these arenas. Headdresses have been popular among artists and audiences at music festivals, for instance. A further problem is that these symbols are often combined in haphazard ways, despite the fact that they may belong to totally different cultures. Activists have highlighted how, besides being disrespectful to Native American culture, the misuse and abuse of these artefacts draws attention away from the rich heritage of these communities – a living culture that remains vibrant despite continued discrimination.

Central America

Janet Oropeza Eng

In recent decades many Central American countries have enacted new Constitutions and legal frameworks that acknowledge and guarantee indigenous and Afro-descendant rights. In practice, these measures have not been sufficient to prevent continued discrimination, criminalization of peaceful community protests, and violence by state and non-state actors, most especially around such issues as land rights

Case study *by Mariah Grant*

Challenging cultural appropriation in Canada: the misuse of indigenous symbols in Halloween costumes

In October 2015, Jeffrey McNeil-Seymour walked into a Halloween costume shop in Kamloops, British Columbia, Canada with his sister and teenaged nieces. McNeil-Seymour, an instructor of social work at Thompson River University and a Tk'emlúps Tee Secwépemc, quickly found what he had suspected the shop was selling – costumes poorly mimicking the dress of indigenous peoples in Canada. From Facebook posts and group pages, he already knew how upset many were that shops in Canada continued to stock and advertise costumes that culturally misrepresented indigenous peoples, despite years of protests. For this reason, as McNeil-Seymour puts it, he took it as 'a call to action' – 'because,' he says, 'it is an issue that I've dealt with before'.

Within the Halloween shop, he and his family came upon costumes such as one titled 'Chief Many Feathers' and others that McNeil-Seymour described as a 'hypersexualized Pocahontas costume'. But when he decided to speak with an employee at the checkout stand, he found them unreceptive to his appeal to have the offensive costumes removed. In response to

the employee's justification that Canada was a free country, McNeil-Seymour responded, 'How is it a free country when racism still prevails?' McNeil-Seymour decided to address the issue with the store's head office and also raised the issue publicly over social media. Subsequently, in response to attention from local and national media, the shop released a statement claiming that the costumes were not meant to offend but were simply part of the 'fun' of the Halloween festivities. However, as highlighted by the response of many activists and community members in the following weeks, this sort of misrepresentation is often a source of deep hurt and humiliation for Canada's indigenous population.

But are not most cultures mocked during Halloween? For McNeil-Seymour, this argument is a familiar one. Indeed, during his visit to the costume shop he also observed stereotyping costumes of Mexicans and Saudis. Nevertheless, he does not concede that this means the discussion on the harm of misrepresenting indigenous people during this holiday, or in other forms throughout the year, should be muted. Nor does it imply that one costume is absolutely worse than another. What is important, though, is that for some indigenous peoples these costumes perpetuate a long history of discrimination that trivializes their lived experiences.

McNeil-Seymour sees the issue of Halloween costumes as one that goes far beyond the problem of one night of fancy dress. Instead, it is an opportunity to highlight the deficiencies in Canada's education system regarding its history of colonization and the continued typecasting of indigenous peoples as primitive: in his words, 'the vibrancy of the culture is relegated to the past versus looking at it now as a culture of revival, of renewal'. As he has highlighted, this overlooks the fact that indigenous peoples in Canada are part of a 'resurgent culture', evidenced by many established and emerging indigenous fashion designers. Projects such as the Toronto-based Setsuné Indigenous Fashion Incubator also provide spaces for designers to learn new and traditional pattern, clothing, jewellery and accessory-making techniques.

Even more troubling, however, is McNeil-Seymour's assertion that the costumes are a clear 'metaphor' for the continued violence inflicted against indigenous women and girls. Communities have faced decades of deadly inaction, at many levels, and of failure to confront and address the disproportionately high rates at which indigenous women, girls, transgender and two-spirit people are murdered and go missing in Canada. These Halloween costumes, he argues, serve to reinforce the invisibility of this issue by normalizing the role of indigenous women and girls, and also transgender and two-spirit people, as readily consumed and discarded: 'Here are people going out and purchasing these cheap plastic costumes, and they're for a one-time use, and they're easily disposed of afterwards.' By sexualizing even those most sacred and respected of traditional roles and symbols, he believes, these costumes have the effect of casting indigenous individuals as objects and thus targets for gender-based violence.

Ultimately, McNeil-Seymour does not see these costumes being entirely removed from store shelves before the next Halloween, despite the attention his protests have attracted. But he does see promise in the way social media has been used to mobilize and educate. Open dialogues on the internet and public platforms have also brought to light other important issues surrounding cultural misappropriation and intellectual property rights for indigenous communities. A month after the controversy over the Halloween costumes, for example, another story broke about the apparent wholesale lifting of a sacred Inuit design by a Canadian clothing company. While this was hardly the first time that indigenous heritage has been appropriated, what was more surprising was the retailer's subsequent apology and the withdrawal of the offending article – a small but promising sign of progress for Canada's indigenous population. ■

violations, political exclusion and access to public services. Extractive industries such as mining, and other forms of development, such as agricultural plantations, are frequently the primary cause of these abuses. In this challenging environment, minority and indigenous communities face a constant struggle to preserve their traditional practices, languages and unique worldviews. Nevertheless, these also provide an important platform to mobilize and assert their distinct identity against the pressures of assimilation and cultural extinction.

Guatemala

During 2015, the International Commission against Impunity in Guatemala (CICIG) and the Attorney's Office uncovered several high-profile cases of corruption involving former high-level public officials and those who were in power at the time. These scandals ultimately led to the resignation of President Otto Pérez Molina and Vice-President Roxana Baldetti, who are currently being prosecuted. The subsequent presidential elections were marked by violence between different political factions before the eventual victory of the National Convergence Front, led by Jimmy Morales, a former comedian with only a few years of political experience. Against this political backdrop, the country's indigenous and Garifuna communities continue to suffer widespread discrimination and human rights abuses. Political participation is also limited, with only 21 (13.3 per cent) of the 158 congressional deputies elected in 2015 having an indigenous background, although not all of these self-identify as indigenous. Official figures indicate that around 40 per cent of Guatemalans are indigenous – though some estimates are significantly higher. Only 2 of those 21 deputies are women. Minority Rights Group International understands that not a single deputy from the Garifuna community, who make up around 1 per cent of the population, was elected.

While poverty and exclusion characterize the lives of many Guatemalans, the challenges are often especially acute for its minority and indigenous communities. For instance, while the country's health system struggles with lack of resources and under-staffing, which undermines the ability of all citizens to secure adequate care, poor health outcomes disproportionately affect the indigenous population. For example, while only 59 per cent of children between the ages of 12 and 24 months were vaccinated at a national level, levels were even lower in departments that are predominantly indigenous, such as Huehuetenango (38 per cent) and Quiché (44 per cent). As in other public services, the limited availability of culturally appropriate medical care is a barrier. Nevertheless, indigenous traditions continue to play an important role in health care, with 79 per cent of births in predominantly indigenous areas attended by traditional midwives. A public policy on traditional midwives was approved in 2015 and will seek to strengthen their relationship with the public health system, disseminate their knowledge and support the delivery of more culturally appropriate health care.

While the 2003 Languages Law mandates the protection of Garifuna, Mayan and Xinca languages in all areas of public life, including the stipulation that education and other services are to be provided in the predominant language of each community, in practice bilingual options may lack resources or capacity. This serves to further entrench educational inequalities that have left Garifuna, for example, with illiteracy levels as high as 97 per cent. Indigenous language instruction is also limited and, as a result, some languages such as Ch´orti´, Sakapulteko, Chalchiteco, Mopán, Tektiteko and Uspanteco are at risk of disappearance.

Guatemala's justice system is another area where Garifuna and indigenous communities are still marginalized. In May, the UN Committee for the Elimination of Racial Discrimination reported that the country still lacked a law acknowledging legal pluralism. Despite this lack of support, communities have maintained their traditional justice systems, with around 40 per cent of legal conflicts resolved through these systems – an important service when the formal justice system regularly fails to deliver. While a welcome development in March was the creation of a specialized unit dealing with discrimination complaints within the prosecution system, the unit reportedly had only five staff members and has yet to prove its effectiveness. By the end of the year, of the 98 complaints of discrimination

it received, not a single case had yet been brought before a judge.

The failures of Guatemala's justice system have contributed to a persistent climate of impunity for perpetrators of human rights abuses, particularly those targeting Garifuna and indigenous communities. The most high-profile example is former president Ríos Montt, responsible for the killing of 1,700 Ixil Mayans in the early 1980s. While a court found Montt guilty in 2013, his 80-year sentence was withdrawn shortly afterwards and subsequent legal proceedings against him have been marred by delays and procedural irregularities. In January 2016, his retrial was again suspended before a new trial was opened in March 2016. Nevertheless, the problem of targeted violence against indigenous communities remains

Left: Garifuna woman in Guatemala. *Adam Jones.*

pervasive. In 2015, the Observatory of the human rights organization UDEFEGUA reported 493 attacks against human rights defenders, 252 of whom were activists or leaders defending indigenous rights and the environment. Much of this violence is related to the development of energy and extractive projects on indigenous or Garifuna land. While public institutions often side with corporations and private investors by criminalizing protesters, violence and intimidation against communities frequently goes unpunished.

Palm oil production has caused severe environmental degradation over the years in many indigenous areas. As much as 30 per cent of the country's production is located in Sayaxte, where nearly three-quarters of the population is indigenous. In September, a judge ordered the temporary closure of a palm oil plantation in the Petén region, where the majority of the population are indigenous, following the death of thousands of fish due to contamination of the nearby La Pasión River. Energy and extractive concessions have also affected many communities. In the north of Huehuetango, several hydroelectric and mining projects have been undertaken, despite the opposition of the Mayan inhabitants in these areas. During the year, various confrontations between these communities and local authorities took place. In January, the community radio of the Q'anjob'al population, Snuq Jolom Knonb', in Santa Eulalia, was closed by the municipal mayor and some broadcasters were threatened. Rigoberto Juárez, Domingo Baltazar and Bernando Ermitaño López Reyes, three human rights defenders from these communities, were arrested and detained without due process. All three were involved in protests against mega-projects, specifically hydroelectric dams; by July, a total of nine indigenous and community activists had been detained. Besides causing environmental degradation, these development projects have often been situated in sacred spaces with unique spiritual value for local communities.

Nicaragua

Nicaragua's history, distinct within the region, of both British and Spanish colonialism still shapes the country's social and political landscape today. With the arrival of the first conquistadors in the early sixteenth century, much of the western part of its present-day territory by the Pacific was occupied and its indigenous population decimated or enslaved, with only a few Mayagna communities still surviving in the area. On the eastern, Atlantic side, however, the relatively limited encroachment of Spanish colonizers meant that a larger portion of the indigenous population, including Mayagna and Rama, survived. The subsequent arrival of British colonizers and enslaved Africans was eventually followed, after the abolition of slavery, by that of economic migrants from the Caribbean in the nineteenth century, and led to the formation of a sizeable English-speaking Creole population. Nicaragua's multi-ethnic population is now characterized by a white and *mestizo* majority, who largely dominate the ruling Sandinista National Liberation Front, and a variety of indigenous (5 per cent) and Afro-descendant (9 per cent) populations. The relationship between the central government and its minority and indigenous communities has frequently been characterized by tensions over political autonomy, cultural assimilation and other concerns – issues that have at times been reflected in violence and other human rights abuses.

A recurrent source of conflict in recent years has been the state's failure to protect ancestral lands from large-scale development, energy projects and illegal settlement. This includes the Nicaraguan Canal, a controversial programme involving the government and a Chinese company to construct what would be the world's largest canal between the Pacific and the eastern coast. Though the project has struggled with funding in the wake of the stock market slump in China, meaning progress since its ground-breaking ceremony in December 2014 has been slow, the canal will likely have a disastrous impact on pristine local environments, as well as the many indigenous communities whose lands it will pass through. Since the project was approved, without the free, prior and informed consent of the indigenous peoples it will uproot, protests against the development have been met with violence and repression.

Another ongoing source of conflict within the country is the struggle between Miskitos, an indigenous population with Amerindian and African ancestry, and non-indigenous *mestizo* peasants settling illegally in their lands. Tensions between the two groups escalated during the year, leaving a number of people dead. Among those killed were two Miskito leaders, Rosmeldo Solórzano and Mario Leman Müller, while many others experienced aggressive tactics and intimidation. Indigenous women have also been targeted in this conflict. In February 2016, the Inter-American Commission on Human Rights (IACHR) reported that in the previous four months, besides several killings, kidnappings and house burnings, three indigenous women had been sexually assaulted. Over the years, Miskitos have denounced the government for failing to protect their land rights and allowing illegal settlement to take place on their territory. As a result of this conflict, in the last few years hundreds of Miskitos have been forcibly displaced within the country or across the border to Honduras.

Two autonomous regions have been created in the North and South Caribbean Coast regions, established under the 1987 Autonomy Act and supported by subsequent legislation, allowing these ethnically diverse regions to manage their own land and resources. Both have the right to design health services with an inter-cultural approach and have developed ten-year regional inter-cultural health programmes, ending in 2015, which combine ancestral and western medical knowledge. These regions also provide education in indigenous languages and there are even tertiary institutions, such as the University of the Autonomous Regions of the Nicaraguan Caribbean Coast (URACCAN), with inter-cultural teaching models that support the preservation of minority and indigenous knowledge and practices. However, indigenous peoples elsewhere in the country do not enjoy the same legal protections and, as a result, have been more prone to rights violations. To tackle this, a Draft Bill for the Indigenous Peoples of the Pacific, Center and North of Nicaragua has been developed, but not yet approved.

Nicaragua's diversity is reflected in a rich legacy of Afro-descendant and indigenous culture that continues to be an important element in the identity of these communities. One of the most well-known celebrations is the annual King Pulanka festival, a Miskito festival with traditional music and dance that subversively mocks the colonizers who historically occupied the country. The celebrations bring together neighbouring groups for a feast hosted by the indigenous community. Other festivities include the Palo de Mayo, held every May on the Caribbean Coast, and the *Walagallo*, a Garifuna religious celebration rooted in African spirit worship and traditionally carried out to cure disease. These and other celebrations remain an important source of pride and identity today.

South America

Alfredo Gutierrez Carrizo and Carolyn Stephens

South America is known for its vibrant and politically active indigenous and minority communities, with their rich heritage and cultural traditions. The diversity of the region is considerable, both in terms of the original indigenous inhabitants of the region and the many groups that arrived later, including descendants of the Africans who were brought as slaves to South America, and Europeans who came first as invaders and later as economic immigrants. Both indigenous and Afro-descendant communities across the region continue to suffer a legacy of discrimination and exclusion, rooted in their traumatic histories of colonialism.

Indigenous peoples throughout the region have experienced a long-term decline in population, including the extinction of many communities, initially due to war and disease following the arrival of the first Europeans and then, once colonial rule was established, displacement, violence and destruction of their way of life. Where indigenous peoples survived, their cultural practices were also suppressed or denigrated by the invading Europeans. This has had a devastating impact on a unique and extraordinary heritage. The so-called pre-Columbian cultures were artistically, spiritually and architecturally sophisticated societies, with their own concepts and understanding of astronomy, medicine, mathematics, arts, philosophy and religion – civilizations that, with the onset of the European invasions, were decimated and violently suppressed. Despite their decline, the older civilizations continue to show their influence in many aspects of culture in South America – not least in languages and in symbols of nationality. Quechua, the language of the Incans, is still widely spoken and is an official language in Peru, as is Guarani in Paraguay. Nevertheless, indigenous customs and traditions have typically lacked adequate representation or visibility in official or mainstream cultural platforms.

Afro-descendants have also experienced an inhumane history, forced to work in plantations, mines and remote areas in the newly formed South American countries. Though the excluded Afro-descendant populations were gradually incorporated into society as slavery was abolished, they continued to suffer extreme marginalization in most countries. This history of violence and discrimination has also shaped the development of their culture to the present day. Enslaved Africans, forcibly introduced to European customs and religions, often held onto their cultures in covert ways. Although suppressed or maintained in secret, there is now a resurgence of interest in Afro-descendant culture across the region. This has been accompanied by a greater social and political visibility as these communities have successfully mobilized for their rights. In this regard, the commencement in 2015 of the UN International Decade for People of African Descent has particular resonance in a region where tens of millions of Afro-descendants reside.

But while both indigenous and Afro-descendant communities have enjoyed renewed interest in their cultures and beliefs, linked to their broader struggle for recognition and respect, the benefits of this development can be double-edged. For example, many 'celebrations' of indigenous art have led to the exploitation of communities by urban boutiques or galleries, where many indigenous

Case study *by Genna Naccache*

Peru's Afro-descendant population: from invisibility to a national 'month of culture'

Afro-Peruvians, who make up around 10 per cent of Peru's population, have long suffered marginalization in every area of their lives. From health to education, many community members have limited access to basic services and few are able to rise up to senior positions in business, government and other fields. But while their status as a readily identifiable minority has often led to direct discrimination and even racial slurs in the street, in public life the problem they still struggle with most is invisibility – a challenge that anti-racism and human rights organizations in the country have worked hard to confront.

Historically, Afro-Peruvians had relatively little in the way of community organizations until the emergence in the 1950s of a cultural revival, with dance and theatre groups providing an important platform for a broader mobilization. While the Afro-Peruvian community has arguably not managed to achieve the same recognition as Afro-descendant communities in some other South American countries, their advocacy has nevertheless delivered some important milestones. In 2006, the Peruvian government formally inaugurated the first National Afro-Peruvian Culture Month, centred around 4 June, to promote awareness of their history and contributions through conferences and

activities. These events, held every year since, have managed to attract both national and international coverage. The beginning of the 2015 celebrations was marked by the Minister of Culture, Diana Alvarez-Calderón, formally petitioning the United Nations Educational, Scientific and Cultural Organization to add the Afro-Peruvian dance *Hatajo de Negritos y las Pallas* to its list of Intangible Cultural Heritage of Humanity in Need of Urgent Safeguarding.

Despite the government's attempts to provide greater recognition of Afro-Peruvian culture, the issue has caused some division among activists within the community. While many believe that these are important public initiatives that acknowledge the contribution of Afro-Peruvian heritage – something largely absent until recently – others argue that these alone do not address Peru's deeply embedded ethnic inequalities, still so powerful in the country's popular beliefs. Indeed, some have even argued that the emphasis on areas like cooking, music and other cultural aspects may serve to reinforce stereotypes about the community. According to this perspective, without a wider social transformation, these official celebrations risk being a token gesture that distracts from the real issues.

Among other efforts, activists are currently advocating for the expansion of ethnic classifications in the 2017 National Census to include Afro-Peruvians. This initiative stems from the fact that Peru has not included its Afro-Peruvian population in its census data collection since the early 1940s. Another issue is popular attitudes of racism, a widespread but rarely acknowledged reality for many Afro-Peruvians. However, 2015 saw an important step forward, with the country's first ever conviction for racial discrimination in November. The case concerned an Afro-Peruvian woman who, after being racially abused at her work for a municipal water utility by a colleague, found her complaint ignored by her supervisors and was subsequently fired from her job after filing a criminal case. The ruling found both her former manager and head of human resources guilty, sentencing them to a prison term as well as a fine.

This progress testifies to the enormous efforts made by the Afro-Peruvian community to achieve greater respect and equality within society – though the struggle continues. Denial of Peru's Afro-descendant population is now hopefully being superseded by greater recognition of the community's rich and distinct identity. While the celebration of Afro-Peruvian culture is only one part of this, it does offer an invaluable public platform to articulate the community's urgent social and political concerns. By maintaining control over their heritage and traditions, including but not restricted to artistic mediums such as theatre, music and dance, Afro-Peruvians can engage their rich culture in their struggle to end discrimination. ■

artists are underpaid and objectified. And globalization has also brought new challenges to the already threatened cultures and heritage of the region's indigenous peoples, with young people, particularly, undergoing cultural change with access to media and communication. Furthermore, the cultures of these communities not only include social expressions such as music, arts, language or dress – the areas most likely to be celebrated by others – but also extend to spiritual practices and their relationship to their lands, wildlife and eco-systems – resources increasingly under threat of expropriation or destruction from state or corporate development.

Bolivia

While indigenous peoples now comprise only a fraction of the total population in most of the region, Bolivia is notable for its indigenous majority, with 62 per cent of Bolivians self-identifying as indigenous in the country's most recent census in 2012. Bolivia also has one of the most progressive legislative systems to support indigenous peoples and the first indigenous president in the region, Aymara leader Evo Morales. Following his inauguration in 2006, his government passed a number of major reforms, including in 2009 a new Constitution that recognizes that indigenous

Above: Indigenous woman in Bolivia. *CE/ECHO/ R. Silva.*

territories comprise 'areas of production, use and conservation of natural resources, and spaces of social, spiritual and cultural expansion'. The following year, Bolivia passed Law 061: the André Ibañez Framing Law of Autonomy and Decentralization, an ambitious piece of legislation that aims to provide some degree of autonomy to local institutions and recognizes the pre-existence of native communities. These and other measures all reflected the promises Morales made to end the marginalization of the country's indigenous population, a strategy that brought him two further campaign victories in 2009 and 2014, making him the longest-serving president in Bolivia's history. However, his attempts to negotiate a constitutional amendment to allow him to serve an additional term beyond his third term, set to expire in 2020, was rejected by popular referendum amid concerns about extending his authority further beyond the limits set out by the 2009 Constitution. According to its provisions, any president cannot exceed a maximum of two terms in office. Morales was only able to run for his third term after a 2013 ruling by the Bolivian Constitutional Court that his first term, which began before the approval of the new Constitution, did not apply.

In addition, despite Bolivia's relatively progressive legal framework, many indigenous communities face similar challenges to those elsewhere in the region. As many as 15 of the country's 36 indigenous communities are at risk of extinction due to systematic neglect, social exclusion and their geographic isolation. A number of these communities are very small, with fewer than 200 members, and their disappearance would significantly reduce Bolivia's unique cultural diversity. This points to the complexity of the indigenous political movement

in Bolivia and the reality that, even with relatively strong protections in place, the cultural survival and even the very existence of many smaller indigenous communities is by no means guaranteed in a context in which they themselves are marginalized by more dominant indigenous groups.

Afro-Bolivians, as a minority population in a largely indigenous country, also continue to be marginalized. Besides having some of the highest levels of poverty in the country, the community also lacks political representation and remains largely invisible in Bolivia's public life. Nevertheless, Afro-Bolivians have recently been able to use their cultural activities as a platform to highlight their presence and communicate their identity to wider society. In September 2015, the Afro-Bolivian community held a national event to celebrate their legacy in Bolivia with a festival of music, literature, food and dance. The aim of the event was to showcase the important contribution of Afro-Bolivians in the struggle for independence and Bolivian culture today, such as the *Saya* – a traditional dance based on African traditions but now an integral part of Afro-Bolivian culture. Juan Carlos Ballivián, President of the National Afro-Bolivian Council (CONAFRO), explained at the time of the event that, 'The Afro-Bolivian people do not want to be made visible for the stigma of the slavery of the past' but only want others to appreciate the contribution that African culture has made to the country as a whole, and that the community 'therefore deserves the same respect and opportunities as other Bolivians'.

Brazil

Brazil's diverse population of close to 200 million is comprised primarily of Euro- and Afro-descendants, the latter including both '*preto*' (black) and '*pardo*' (mixed) individuals. But while generations of intermarriage and the absence of a formal system of segregation has led some scholars to celebrate the country as a 'racial democracy' where different ethnicities have been able to enjoy equal rights, systematic inequalities remain. For the first time in Brazil's history, the country's 2010 census found more Brazilians self-identifying as black or mixed race than as white: of the 191 million Brazilians, 91 million declared themselves white, 15 million black and 82 million mixed race. While a number of factors may have contributed to this development, a number of commentators suggested that many Afro-Brazilians were now more willing to self-identify due to an increased pride in their identity.

Nevertheless, the census also highlighted the severe inequalities that continue to divide Brazilian society along ethnic lines. Besides experiencing widespread social exclusion, lower wages and fewer educational opportunities, Afro-Brazilians also suffer significantly higher levels of violence than Brazilians of European descent – a trend that appears to be increasing today. In 2015, a research study by the Latin American Faculty of Social Studies revealed that, while the number of violent homicides committed against white Brazilian women had decreased by 10 per cent between 2003 and 2013, for Afro-Brazilian women they had increased by 54 per cent during the same period. This is a reflection of their continued marginalization within Brazilian society.

Despite this harsh reality, Brazil's Afro-descendant population has also achieved international fame for its rich cultural heritage. Afro-Brazilian culture has a history that dates back to the arrival of the first slaves from West Africa. To preserve their heritage, they developed sophisticated ways to maintain their cultures in secret, which continue to be practised in different forms to this day: for example, the spiritual practices of *Candomblé* and *Capoeira*, a martial art and dance sport that is now celebrated worldwide. There are also strong African heritage roots in the annual Carnival in Brazil, with the 2015 Rio Carnival showcasing Afro-Brazilian culture around themes of racial pride and anti-discrimination.

A number of exciting initiatives during the year illustrated the continued vitality of Afro-Brazilian culture. In April, for example, the city of Recife opened its first ever Afro-Brazilian museum, hosting exhibitions of Afro-Brazilian art and literature as well as seminars and workshops. The national museum of Afro-Brazilian culture in São Paulo also held an extensive programme of events during 2015. And, more broadly, in December Brazil hosted one of the first major events of the UN International Decade for People of African Descent – a reflection of its importance as the country with the region's largest Afro-descendant population.

Brazil also has a varied indigenous population, though they make up a much smaller part of the national population. Based on the 2010 census, just 817,963 people (around 0.4 per cent of Brazilians) self-identified as indigenous. Just as Brazil's large Afro-descendant community is a legacy of colonialism, the decimation of the country's indigenous peoples from a population of tens of millions to a fraction of that size today began with the arrival of the first European settlers. Today, they continue to be marginalized and struggle to secure recognition of their cultures and land rights, and other rights. Notwithstanding these challenges, Brazil's diverse indigenous population still resides across the country, with some 230 different peoples speaking 180 indigenous languages. This includes 69 communities without contact.

Indigenous culture in Brazil was systematically attacked by the original Portuguese settlers, but the more remote communities, particularly in the Amazon, managed to retain their cultures largely intact due to their relative isolation from the European invasion. Nowadays, after many years of invisibility, indigenous culture enjoys renewed appreciation: Amazonian artists and performers are famed for their elaborate woven handicrafts and their dance, traditional dress and heritage. Furthermore, with increasing international awareness about the challenges of climate change and resource destruction, Brazil's indigenous peoples have been praised for their culture of respectful stewardship towards the Amazonian forest and other eco-systems.

Yet this recognition comes at a time when indigenous culture is as much under threat as ever. Language is often one of the first, and most important, cultural forms of expression that indigenous communities begin to lose. There are demographically larger groups, such as Guarani (Kaiowá, Mbyá and Nandeva), Guajajara, Kaingang, Munduruku, Ticuna, Xavante and Yanomami, living in different regions of the country, which have a greater chance of protecting their languages due to their size. However, there are also less populous communities with languages moving towards extinction, some with very few and elderly speakers. For example, according to the governmental agency FUNAI (National Indian Foundation), the indigenous Apiaká and Umutina peoples of Mato Grosso recently lost their last elderly representatives who were fluent in their ancestral languages.

The 12th annual indigenous games, hosted by Brazil and opened by President Dilma Rousseff, were held in October 2015. The games proved to be an important milestone for indigenous culture as it was the first time that indigenous foreign nationals could compete, making it a high-profile international event. Widely hailed as innovative and important, the games celebrated the diversity of indigenous cultures in a globalized world. Unlike the official Olympics, which will also be hosted in Brazil in 2016, the indigenous games provided an alternative to the usual competitive hierarchy of gold, silver and bronze medals, with a holistic approach that moved beyond a concept of individual winners and losers: instead, awards were shared among the winning groups, and every competitor was eligible for a medal to commemorate their participation.

But even as the games were inaugurated, some indigenous activists in Brazil were highlighting the hypocrisy of a government that, while publicly celebrating indigenous culture, was failing to address continuing discrimination against them within the country, particularly regarding their right to land. The Missionary Council for Indigenous Peoples (CIMI) launched a scathing report on violence and prejudice against indigenous peoples in Brazil, and accused the government of presenting itself as supportive of indigenous culture internationally while destructive policies continue to undermine the country's indigenous population. Central to their protests was a major proposed amendment to Brazil's Constitution, the Constitution Amendment Bill 215/2000, known as PEC 215, which will devolve the authority to protect and allocate indigenous territories from the executive (the president, FUNAI and the Ministry of Justice) to Congress. As hundreds of its members are reportedly associated with 'ruralist' business interests such as the extractive industries and agricultural corporations, the

amendment is widely expected to pave the way for land allocation that favours the agricultural and mining sectors, at the risk of many already beleaguered indigenous territories. Among other provisions, PEC 215 would enable a range of caveats and exceptions to current protections that could jeopardize the integrity of communal areas and expose them to the risk of redevelopment.

Approved by the Senate in September and then the Special Commission for the Demarcation of Indigenous Territories the following month, the amendment will be referred to the Brazilian National Congress. If approved, it could present a major threat to the ability of many indigenous communities to maintain their way of life and identity in the future. In its report, the CIMI highlighted how essential land is to indigenous culture: 'For the indigenous peoples, the land is much more than a material asset; it is fundamental for the construction of identities, ways of being, thinking, living together, building life experiences.' It went on to highlight that there had been no new ratifications of indigenous territory since the beginning of the Rousseff administration and claimed that: 'The increase in possession conflicts, murders and the criminalization of indigenous leaders is closely connected to this unconstitutional decision by the Brazilian government.'

Venezuela

As in many countries, the way indigenous and minority populations are identified through Venezuela's census has had a major impact on the numbers of people counted and how they are perceived. Up until the 1982 census, there was no clear criterion for recognizing the indigenous population. From 1992 to the latest census in 2011 the criterion was self-identification, thus allowing for better comparative analysis. Strikingly, the self-identified indigenous population increased by 41.7 per cent between the 2001 and 2011 census – an increase that suggests a growing sense of community identity. Within this population, which comprises 2.7 per cent of the national total, there is, however, a diverse range of indigenous cultures that differ substantially, depending largely on their location in the country: ethnographers distinguish 10 separate peoples in Venezuela, ranging from the coastal Carib indigenous communities, reliant on fishing and agriculture, to the Amazonian Arawak communities. In line with the country's avowedly multicultural Constitution, Venezuela has developed an innovative model of governance for its various indigenous communities, with a dedicated ministry for indigenous affairs, known as the Ministry of Popular Power for Indigenous Peoples. Its aims include strengthening the shared ancestry of indigenous communities, responding to their needs and promoting respect for their customs.

Notwithstanding these positive measures, indigenous Venezuelans still struggle with a historical legacy of discrimination that persists to this day. In particular, indigenous peoples have faced continuous pressure from state-owned companies and international corporations to appropriate their land for extractive projects such as mining – a cause of frequent displacement, violence, arrests and health hazards for these communities. Of particular concern during the year was Presidential Decree 1,606, passed in February without prior consultation or consent, awarding a 30-year lease over 24,192 hectares of land in the western region of Zulia to a Chinese-owned company, Sinohydro, for coal extraction and the development of a hydro-power plant. The project, which would have caused widespread environmental destruction in the area and potentially created a variety of health risks for the indigenous population, was subsequently revoked later in the year, when President Nicolás Maduro published a 'correction' in acknowledgement of the damage it would cause to the ecosystem and indigenous communities in the area. While two existing mines will continue to operate, the amendment in principle bars any further exploitation in the area, though indigenous activists remain wary of further attempts in future to appropriate their land.

Indigenous activists have frequently been attacked, even killed, in land-related conflicts with powerful interests who have often enjoyed high levels of impunity for their crimes. However, a historic ruling in August finally brought to justice the assassin of a Yukpa leader, Sabino Romero, murdered in March 2013 after leading a series of land occupations of his community's ancestral territory. The killing, which activists claim was sponsored by wealthy cattle ranchers, was one of many violent incidents inflicted against indigenous communities over the years. While the murderer received the maximum sentence of a 30-year term, community members are now seeking to bring those responsible for funding the attack to trial, and also calling for the retrial of a number of policemen who, despite being convicted for their involvement in the crime, received light sentences of only seven years.

Afro-Venezuelans, like Venezuela's indigenous population, have historically been under-represented and it was only in the most recent census in 2011 that citizens were able to self-identify as Afro-descendants – a term that itself may have been unfamiliar to many respondents and contributed to significant under-reporting. The community, long marginalized, have enjoyed stronger rights under the left-wing governments of former President Hugo Chávez and now Maduro. During the year, activists spoke out against the persistent impacts of discrimination on the community. Highlighting continued shortfalls in areas such as education and health, Francisco Tovar, communication coordinator of the Consejo Nacional para el Desarrollo de las Comunidades Afrodescendientes de Venezuela (Conadecafro), called for targeted assistance and investment to ensure greater equality for the Afro-Venezualan population. In particular, he argued that the state needed to counter the legacy of colonialism by acknowledging and celebrating the contribution of Venezuela's Afro-descendant population to its national identity, freedom and culture, moving beyond a purely 'folkloric' representation of African traditions.

A welcome milestone for the community occurred in October, when the first ever Afro-Venezuelan woman was finally given the honour of burial in the state mausoleum. Born into slavery in Guárico, Venezuela in 1790, Juana Ramírez fought against colonial rule during the Venezuelan War of Independence, commanding an all-women's artillery unit. ■

Case study *by Alfredo Gutierrez Carrizo and Carolyn Stephens*

Making a dream reality: the story of Argentina's first indigenous vineyard

When, in late 2010, the indigenous Diaguita Cacique of Amaicha del Valle, Eduardo 'Lalo' Nieva, was walking early one morning near his home in the beautiful Valles Calchaquíes of Tucumán, Argentina, he came to a small hilltop in the centre of the enormous valley between the mountains and looked around. From there he could see the high Andean mountains leading to Chile, north along the valleys towards the mountains bordering Bolivia and south towards the neighbouring province of Catamarca.

As this moment, Eduardo came to a sudden decision – this would be the site of the first indigenous winery (*bodega*) and craft centre in Argentina. He called together the Council of Elders and brought them to the hilltop. At this point, as Eduardo admits, the project was just a dream.

'We wanted to do something innovative, and it was a huge challenge – to make viniculture in the valleys part of our own future. But this was not just about wine. It was also about creating a space for our artisans and local products, and recuperating security for the community in terms of food, and economic and social sustainability.'

This would be the real challenge for the community: the region, on both sides of the Andes in Chile and Argentina, is home to many major international vineyards, themselves fighting for space in the fiercely

competitive international wine market. But the difference is that, while the country's wine industry in general is almost entirely controlled by people of European descent, this would be owned and managed by the local community. Building an indigenous *bodega* was no easy task, however, and many hours were spent discussing how the indigenous community could create a sustainable process with high-quality products that could compete with established vineyards while bringing the unique heritage of the Diaguita peoples of the ancient Calchaquí Valleys to the process.

From these first discussions, progress to a fully functioning vineyard required a steep learning curve for the community. The first concern was about water – while the site was striking and highly symbolic, no one knew whether it would have enough water – but almost immediately the community found that they had a spring that could supply the *bodega*. There was then the challenge of locating the first 25 producer families to plant and care for the vines on small plots of land. As none of the producers wished to use pesticides and had little or no training in commercial wine-making themselves, the harvest and transport of the grapes to the *bodega* has been supported by the whole community. There was also the need to identify appropriate grape varieties, including an ancient variety brought by priests during the Spanish invasion of Argentina, used by the community but rarely commercialized, and a more common variety of Malbec. And, finally, there was the sourcing of all the equipment and the construction of the actual *bodega*, a traditional circular building made of symbolically selected local stones.

Fortunately, funding, advice and donations came from far and wide: besides support from the national government, a major and highly respected vineyard, Rutini, donated some of their own barrels and local wine experts, engineers and architects offered their technical support free of charge. As one local specialist in viniculture says, 'The atmosphere here in the harvest and production of the wine is totally unique – a shared enterprise, with everyone working together with a shared solidarity.'

The vineyard aims to produce a small batch of organic, high-quality wine that will help support not just the producer families, but also the whole community through vino-tourism, tastings and trade in local artisanal products and traditional medicine. With its first harvest in 2015, the *bodega* will be officially launched in April 2016 with a major indigenous festival to celebrate this exciting initiative.

The key challenge is to ensure this whole enterprise is sustainable and continues to benefit the community, both socially and economically. Representing a creative interaction of ancient indigenous traditions with the more recent European art of wine cultivation, it raises broader questions regarding the opportunities that interaction with the modern globalized world can bring, alongside the potential pitfalls of assimilation and cultural loss. Other indigenous wineries exist in the world and have faced the same challenges, including the first indigenous winery in Canada, founded in 1968 and now established as a model of First Nation eco-vino-tourism, taking on major players in the North American wine industry while complementing the production of wine with a distinctive experience of indigenous culture.

There is clearly no simple panacea to the protection and conservation of historical indigenous cultures, particularly in the context of globalization and free trade agreements, and the community of Amaicha are aware of the tightrope that must be walked between ancient heritage and contemporary culture. As Eduardo Nieva says, 'The trick is to break the mould' – an achievement the winery has managed to pull off by drawing on living traditions to create an enterprise that, while adapted to today's world, has nevertheless stayed true to the rich heritage of the community's past. ■

Asia and Oceania

Michael Caster, Shikha Dilawri, Nicole Girard, Hanna Hindstrom, Farah Mihlar, Katya Quinn-Judge and Jacqui Zalcberg

Central Asia

Katya Quinn-Judge

For the five post-Soviet states of Central Asia, the year 2015 was marked by a steep economic downturn, growing concern about the security situation in northern Afghanistan and frequent public discussion about the reportedly growing influence of Islamic State of Iraq and al-Sham (ISIS) in the region. Recent events, such as a shootout in Kyrgyzstan's capital involving alleged ISIS members, have invigorated a narrative long promoted by officials in the region – that of a grave threat of terrorist incursion and calls for strict state control over the practice of Islam. The year 2015 saw heads of state take some harsh measures to limit the role of Islam in public life, the clearest example of which was Tajikistan's ban on the moderate Islamic Renaissance Party, previously the only legal Islamic party in the region.

While the five countries of Central Asia have all followed distinct political trajectories since the break-up of the Soviet Union, each government in the region has staked its legitimacy, to a greater or lesser degree, on its image as a guardian and reviver of cultural traditions that are indispensable to the state's survival in the modern world. Though discrimination based on ethnic, national or religious identity may be legally prohibited, in practice appeals to 'tradition' can be used to justify discrimination as well as to protect citizens from it.

Kazakhstan

According to the 2009 nationwide census, 63 per cent of Kazakhstan's population of roughly 16 million identify as members of the titular ethnic group. Of the 37 per cent who identify as members of a minority, ethnic Russians are by far the largest group, making up 23.7 per cent of the population. Also, 2.8 per cent of Kazakhstanis identify as ethnic Uzbeks and 2.1 per cent as Ukrainians, while Uyghurs (1.4 per cent), Tatars (1.3 per cent) and Germans (1.1 per cent) each make up smaller proportions of the population. Other minorities make up a total of 4.5 per cent of Kazakhstan's inhabitants.

When Kazakhstan became independent in 1991, ethnic Kazakhs and ethnic Russians represented a roughly equal share of the population, though the former were under-represented in major cities. Over the past 25 years, state policy has sought to balance two parallel goals when it comes to cultivating civic and ethnic identity. On the one hand, the state has taken steps to avoid alienating its ethnic Russians, who, according to one standard narrative, are seen as a potential source of separatism. On the other hand, authorities have worked actively to increase the numbers of Kazakhs and rehabilitate their traditions. The state has retained Russian as an official language, while President Nursultan Nazarbayev has spoken consistently throughout the years of Kazakhstan's status as a land of pluralism and tolerance. Yet authorities have also offered subsidies to ethnic Kazakhs living outside of the country's borders who choose to repatriate, in what the United Nations (UN) has described as an effort to 'preserve and develop Kazakh culture'. The state has designated both Sunni Islam, the religion of most ethnic Kazakhs, and Orthodox Christianity, the primary religion of the country's Slavs, as 'traditional' religions, alongside Judaism and Roman Catholicism. Many towns have ostentatious new mosques and Orthodox churches built side by side to symbolize religious pluralism, and Nazarbayev has likened the two religions to 'Kazakhstan's wings', without either of which the country could not 'fly'. On the other hand, the president has said that the titular group has 'a particular responsibility' for the country's development.

Notably, efforts to bolster the majority ethnic group have helped to create what looks at times like a new minority. Over the past 25 years, nearly 1 million so-called Oralmans, or 'returnees' – members of the Kazakh diaspora living in countries such as China, Iran, Mongolia, Turkey and Uzbekistan – have elected to take advantage of state programmes that offer ethnic Kazakhs subsidies to repatriate. While many Oralmans have integrated successfully and do not report feeling marginalized, others speak of steep barriers to integration and disillusionment at the state of the ethnic Kazakh language and culture in Kazakhstan. Returnees from countries that were not part of the Union of Soviet Socialist Republics (USSR) report that their lack of knowledge of the Russian language impedes their access to work and social services, as many local ethnic Kazakhs do not have full command of the Kazakh language. Meanwhile, authorities – including Nazarbayev – have accused the Oralman community of failing to contribute to the country's economy, and the government even briefly phased out subsidies in 2012. However, subsidies have since been reinstated, and in October 2015 the state passed legislation that expedited the citizenship process for Oralmans – a move that some view as an effort by the state to put a more ethnically Kazakh mark on those areas of the country where ethnic Russians are present in large numbers, in light of fears of a Ukraine-type scenario in Kazakhstan.

State officials and prominent media outlets regularly draw attention to the purported dangers of 'non-traditional' Islam – that is, Islamic practice that takes place outside of the state's purview or appears to deviate from those teachings mandated by the state. Even non-violent Islamic organizations that fall outside state-sanctioned boundaries are frequently said to threaten Kazakh ethnic identity. The past few years have seen a crackdown on Tablighi Jamaat, a Sunni organization founded in India in 1926 that identifies as non-violent and apolitical. Kazakhstan banned Tablighi Jamaat as extremist in February 2013. Nine alleged members of the organization were on trial at the beginning of 2016 on charges related to extremist activity, while an additional member is awaiting trial. Meanwhile, 19 alleged members are known to have been convicted of crimes related to extremism since December 2014: eight of these have received prison sentences, with the longest being four years and eight months, while the rest have been sentenced to terms of restricted freedom to exercise their religion or belief. Members of Christian, non-Orthodox congregations also continue to face harassment and charges of extremism – notably, a Seventh Day Adventist was sentenced to two years' imprisonment in a labour camp in December on charges of 'inciting religious discord' for distributing religious literature.

Kyrgyzstan

According to the 2009 census, almost 71 per cent of Kyrgyzstan's population identify as ethnically Kyrgyz, while the remainder belong to minority groups. Ethnic Uzbeks, who are concentrated in the Ferghana Valley region in the country's south-west, made up 14.3 per cent of the population, while another 7.8 per cent of Kyrgyzstanis, mostly residents of northern urban areas, identify as ethnic Russians. Ethnic Tajiks, Uyghurs and Dungans each make up about 1 per cent of the population, while Turk, Tatar, Kazakh, Azeri, Korean, Ukrainian and German communities are present in smaller numbers.

One key event of 2015 was October's parliamentary elections. The Organization for Security and Co-operation in Europe (OSCE) noted in one of its reports that 'most parties refrained from nationalist rhetoric, and neither anti-minority campaigning nor intimidation of minorities was reported in the course of the campaign'. Nevertheless, national minorities were under-represented on electoral commissions, and, in violation of OSCE commitments, no official election material was available in minority languages – that is, languages other than the state language, Kyrgyz, and Russian, the second official language. Key minority groups were also under-represented among the winners of the election: while ethnic Russians are nearly proportionally represented, ethnic Uzbeks occupy only 2.5 per cent of the seats in the new parliament.

The conduct and outcome of the election is arguably reflective of Kyrgyzstan's gradual and at times uncertain recovery from inter-ethnic violence in the Ferghana Valley region in 2010. In June that year, around 470 people were reportedly killed in attacks lasting several days, almost three-quarters of whom were ethnic Uzbeks. Following the violence, the government promoted a narrative according to which Uzbek community leaders with a separatist agenda had organized the attacks while ethnic Kyrgyz had fought back spontaneously. In keeping with this narrative, about three-quarters of those tried for crimes connected to the violence have been

Left: Uzbek children in Kyrgyzstan.
Nonviolent Peaceforce.

ethnic Uzbeks, and the government has at times taken steps to put a more ethnically Kyrgyz stamp on the country's institutions and public spaces.

In June 2015, on the fifth anniversary of the 2010 violence, OSCE High Commissioner on National Minorities Astrid Thors said that 'the authorities should be given credit' for some of their efforts to rehabilitate areas affected by the violence, stating that 'destroyed property has largely been repaired and compensation has been paid to most of the victims'. She went on to say, however, that 'a sense of insecurity is still prevalent among the ethnic Uzbek community', and called on authorities to ensure 'equal access to effective and impartial justice'. The cornerstone of official efforts to prevent further intercommunal violence is the 2013 Concept of Development and National Unity of the Kyrgyz Republic, which some experts consider vaguely termed and open to subjective interpretation – although the tone of the final draft is considerably more ethnically inclusive than that of previous drafts.

Prior to June 2010, the languages, dress styles and artistic traditions of both ethnic Kyrgyz and Uzbeks were key parts of the urban landscape in Osh, in the Ferghana Valley region in which the bulk of the violence took place. In the years following the violence, the role of ethnic Uzbeks and their culture in Osh's public life diminished sharply. Six days after the attacks began, the regional government voted to rename what had been called the Kyrgyz-Uzbek University 'Osh Public University'. The Uzbek Music and Drama Theatre, a mainstay of the local arts scene and the country's oldest theatre, was burned during the riots and did not reopen until late 2012. Centrally located cafes and restaurants that had previously been owned by ethnic Uzbeks were taken over in the year following the violence by members of other ethnicities. Uzbek-language pop songs were not performed at a concert again until 2013. Arguably, however, there has recently have seen something of a resurgence of ethnic Uzbek culture, with the Uzbek Music and Drama Theatre and its staff receiving awards from Kyrgyzstan's Ministry of Culture in 2014 and 2015. At the same time, Osh's Uzbeks are increasingly embracing Kyrgyz majority markers in an attempt to avoid prejudice and expand their professional opportunities. For example, majority ethnic Uzbek schools are largely switching their language of instruction to Kyrgyz and Russian, and in 2014 the education ministry did away with the Uzbek-language university entrance exam, citing insufficient interest.

Meanwhile, Kyrgyzstan, like its neighbours, is continuing to crack down on suspected Islamic extremists. Like the authorities in neighbouring states, Kyrgyzstan's government has been accused of using the threat of terrorism to target vulnerable and politically inconvenient constituencies. An oft-cited case is the arrest and conviction of Rashod Kamalov, an ethnic Uzbek imam in Osh province known for his sermons denouncing the spread of western culture and what he regarded as the decline of traditional morality. In December 2014, Kamolov publicly criticized the country's security services for what he said was their heavy-handed treatment of devout Muslims, and suggested a number of Muslims were fleeing to Syria to escape torture at the hands of law enforcement. In February 2015, he was arrested for allegedly preaching calls to *jihad*. In October he was sentenced to five years' imprisonment for inciting religious hatred and for using his position to collect and distribute extremist literature, a sentence that was extended to 10 years the following month.

Kamalov's trial can be viewed as a debate about the nature of tradition and who has the right to claim to defend it. The prosecution's case hinged on the fact that Kamolov had devoted a chunk of one recent sermon to the concept of the caliphate, which they equated to an endorsement of violent *jihad* that contradicted the country's Islamic traditions. The defence, however, claimed that the prosecution's key expert witness, like many state officials who were educated in the Soviet period, was poorly versed in theology, which led him to miss the fact that Kamalov's discussion actually revolved around the distinction between the canonical caliphate and the false caliphate that ISIS wished to create. Furthermore, the defence noted, the expert did not speak Uzbek and was forced to rely on a partial translation of the sermon.

While Kyrgyzstan has strengthened laws against gender-based violence considerably since independence, enforcement of these laws is often lax. In an October report on domestic violence, Human Rights Watch (HRW) documents numerous cases of victims finding themselves rebuffed by law enforcement, and cites a representative of the General Prosecutor's office stating that preserving the traditional family unit should take precedence over prosecuting perpetrators or compensating victims. The UN Committee on the Elimination of Discrimination against Women (CEDAW)'s 2015 report for Kyrgyzstan notes that many women 'lack the information necessary to claim their rights', and for women belonging to minorities, among whom knowledge of state languages is less prevalent – for example, ethnic Tajik and Uzbek women – language barriers may pose an additional obstacle to obtaining the requisite information. Other factors can also conspire to prevent minority women from claiming their rights. Women from minorities may be wary of dealing with a predominantly Kyrgyz law-enforcement system. As in neighbouring states, individuals with no family connections among law-enforcement officials often struggle to access justice regardless of their ethnicity: minority women are less likely to have such contacts. Finally, women belonging to minorities may be faced with added pressure to keep gender-based violence a private matter, so as not to shame or make waves in communities that already feel threatened by the state. All of these factors played a role in the virtual absence of any trials connected with sexual violence during the 2010 violence in Osh, in which numerous Kyrgyz and Uzbek women – but more of the latter – are thought to have been raped.

Uzbekistan

Uzbekistan is Central Asia's most populous country, with more than 30 million inhabitants. While no census has been conducted since 1989, authorities estimate that ethnic Uzbeks are 82 per cent of the population. Ethnic Tajiks are estimated to make up 4.8 per

Case study *by Amina Haleem*

Tajikistan's crackdown on cultural identity

The government of Tajikistan, the smallest country in Central Asia, has long targeted what it perceives as non-Tajik influences on its domestic culture. Poorly developed and discriminatory national policies have fragmented Tajik society into insular ethnic identities, a legacy of the country's five-year civil war that ended in 1997. Hostile relations with neighbouring Uzbekistan have reinforced Tajik nationalism, making daily life difficult for minorities, particularly Uzbeks. Tajikistan's authoritarian nationalism has affected the ability of Uzbek speakers to participate meaningfully in the political process, as the state's lack of pluralistic language policies have essentially excluded Uzbek minorities from the political sphere.

In addition to language barriers and low political representation, ethnicity directly affects employment prospects for Uzbeks who face discrimination while applying for jobs. There are reports of private employers rejecting applicants simply because they are ethnic Uzbeks. On the other hand, government officials have flatly rejected claims that discrimination occurs during consideration of applicants for civil service positions even though they must provide information on their ethnic origin during recruitment. Amid these restrictive policies, some ethnic Uzbeks have attempted to assimilate into the heavily exclusive society by requesting that their children be registered as Tajik rather than Uzbek in order to increase their prospects of a better future in Tajikistan.

A heightened fear of religious extremism has intensified the government's crackdown on what it perceives as 'foreign' influences within Tajik society, including reports of police beating men with beards and even forcibly shaving them. On Tajikistan's Mother's Day in March 2015, President Emomali Rahmon vocally denounced dark clothes on women as 'foreign', and instead encouraged them to wear traditionally colourful and vibrant clothing. Although he did not mention the *hijab*, commentators noted that the president's target was clear. The Mayor of Khujand, Tajikistan's second largest city, quickly followed with a demand to ban the sale of Iranian and Afghan clothes, leading to a mass inspection of Islamic clothing shops.

The annual Hajj pilgrimage to Mecca has also been restricted for individuals under 35. In April, the Committee for Religious and Cultural Issues issued the limitation and linked the decision to Saudi Arabia's annual quota for Tajikistan's pilgrims, which was reduced from 8,000 to 6,300. However, many citizens believe that the ban on youth travel is a pretext for a larger government strategy to prevent radicalization. The country's lawmakers have scrutinized individuals whom they believe have links to extremist groups and have expressed support for excluding all religiously inspired opposition parties from the political sphere.

President Rahmon also asked parliament this year to consider passing legislation that would forbid the civil registry from accepting names with Arabic origins and names designated as too alien to the culture. But Muslims are not the only religious group facing discrimination in the country: Christian denominations, including Jehovah's Witnesses, face intense scrutiny. Heavy-handed restrictions on religious practices and foreign-influenced holidays have intensified because they are viewed as a threat to secular Tajik culture: for example, in 2015 the government implemented increasingly restrictive measures on Christmas celebrations by banning gift-giving and Christmas trees in educational institutions. Ultimately, however, the government has further alienated its minorities through its crackdown on diversity – despite the fact that fostering a climate of tolerance and multiculturalism in the country is the best path towards a stable and flourishing Tajik society. ■

cent of the population; otherwise the largest minority groups are ethnic Russians (2.6 per cent of the population), ethnic Tatars (0.7 per cent) and ethnic Koreans (0.6 per cent). While the nominally autonomous republic of Karakalpakstan occupies 37 per cent of the country's territory, ethnic Karakalpaks represent about a third of the Karakalpakstan's population, and a very slight proportion of the country's total population.

The ethnic Tajik population is widely thought to be much greater than official statistics indicate, given that many Tajiks and Tajik speakers may classify themselves as Uzbeks to improve their career opportunities: while state law prohibits discrimination on the basis of ethnicity, members of ethnic minorities are generally under-represented in prominent public and private sector positions. The UN Committee on the Elimination of Racial Discrimination (CERD) raised concerns in 2014 regarding the shrinking opportunities for children from ethnic minorities, particularly ethnic Tajiks, to study in their native languages. The Committee also suggested that minority Tajik language and culture were increasingly casualties to the tensions between the governments of Uzbekistan and Tajikistan.

CERD has also highlighted the decreasing use of the Karakalpak language in Karakalpakstan, as well as concerns 'at the inability of some members of the Karakalpak ethnic group to maintain their culture, their livelihoods and their traditional lifestyle'. The Aral Sea ecological crisis, along with state concerns about separatism – the region has produced several independence movements – both contribute to this. As a result of poorly conceived Soviet-era agricultural practices, some of which persist to this day, Uzbekistan's portion of the sea has gone from being a drainage basin for the region's largest rivers to a toxic desert. Fishing and cattle ranching, traditional sources of income for Karakalpaks as well as for members of other ethnic groups living alongside them, now range from unsafe or unprofitable to impossible. Meanwhile, the region sees few of the profits from the newly thriving oil and gas industries. Karakalpaks claim that key government posts in the province are dominated by ethnic Uzbeks, many of whom are from the national capital, Tashkent.

The Uzbek state restricts the public and private conduct of its citizens in ways that observers frequently say violate basic human rights. Many of these restrictions govern traditional practices, or practices, which the state sees as threatening tradition. Restrictions on religious practice are widely seen to be particularly intrusive and far-reaching. Along with requiring religious bodies to register according to a stringent procedure that is particularly onerous for smaller groups, authorities are known to regularly harass members of religious minorities and interfere with their religious practice. For example, in November authorities issued an order stating that ethnic Uzbeks who are non-Muslims needed to specify burial arrangements in their wills – a requirement that does not apply to other demographics. The order followed an incident in July in which authorities allegedly obstructed burial rites for a member of a Jehovah's Witness family and stopped mourners from entering the family's house, threatening hefty fines.

The limitations placed on Muslims whose practices the state regards as 'non-traditional' can be even more severe, especially when their practitioners may be critical of official policy. Restrictions take many forms, from police ordering women wearing the *hijab* to remove their scarves or re-tie them at the back of their neck in keeping with more widespread Uzbek custom, to arrest and imprisonment. Forum 18 estimates that there may be thousands of Muslims in jail on dubious charges of extremism. The Initiative Group of Independent Human Rights Defenders of Uzbekistan estimates that at least 300 Muslims were arrested and convicted on charges of religious extremism in 2015.

South Asia

Shikha Dilawri, Nicole Girard, Hanna Hindstrom and Farah Mihlar

South Asia covers a wide variety of minorities and indigenous peoples, spanning many different

languages, religions and ethnicities. But while this diversity has long enriched the region, it also provides a continuous source of division in countries struggling with religious extremism, caste-based hierarchies and an increasingly exclusionary nationalism. This has left little space for minority and indigenous communities in many states: from targeted attacks against places of worship and the repression of traditional livelihoods to endangered languages and the prohibition of ancient practices, culture is frequently on the frontline of inter-communal conflicts or government crackdowns. Poorly regulated, top-down development is another threat that has often sacrificed the fabric of established indigenous communities by displacing them from their ancestral land, in the process devastating their rich and irreplaceable heritage. While across the region efforts are ongoing to improve stability through legal and political reforms, an essential element in achieving greater cohesion is to promote understanding and respect for the multitude of cultures coexisting in the region.

Bangladesh

Bangladesh, a predominantly ethnic Bengali and Sunni Muslim country, is increasingly divided by the struggle between moderation and exclusion – a situation that leaves its ethnic and religious minorities vulnerable, particularly during moments of political crisis. The ruling party, the secular Awami League, continues to face strong resistance from opposition parties Bangladesh Nationalist Party (BNP) and Jamaat-e-Islami, resulting in widespread street protests and a heavy-handed response from state security. Within this wider political conflict, however, is the battle for the cultural identity of the state. While Bangladesh's religious minorities, Dalits and indigenous peoples continue to be pushed to the margins, often violently, attacks against atheists and secularists are also increasing.

The year 2015 saw five people brutally hacked to death in separate incidents throughout the year. Avijit Roy, Oyasiqur Rhaman, Ananta Bijoy Das, Niloy Neel and Faisal Arefin Dipan were all targeted for their books and blogs. Roy, Das and Neel, who were from the minority Hindu community but were either avowed secularists or atheists, had been on a 'hit list' targeting bloggers and writers believed to be atheists released by the extremist Ansarullah Bengali Team in 2013, a Bangladesh Islamist organization that has taken responsibility for many of these killings.

Many of the writers targeted had been outspoken in their support of the death penalty for those being tried under the International Crimes Tribunal (ICT), a domestic court set up to prosecute war crimes committed during the 1971 War of Independence, including charges of genocide, for atrocities against Hindu minority communities. The proceedings of the ICT, however, have been repeatedly criticized by observers for not reaching minimal international fair trial standards. On 18 November, the Bangladesh Supreme Court rejected the death sentence appeal petitions of Ali Ahsan Mohammed Mujahid of the Jamaat-e-Islami party and Salahuddin Qader Chowdhury of the BNP, both of whom were charged with genocide for their role in killing Hindus, among other charges. Both were subsequently hanged on 22 November, despite accusations that the trials were politically motivated and allegations of procedural misconduct, including arbitrary limiting of witnesses.

The public response to the hangings was polarized, with many major newspapers supporting the decision, while Jamaat-e-Islami called for a nationwide strike. These most recent rulings, however, did not lead to widespread attacks on minorities, in contrast to the violence that had taken place after the execution of Jamaat-e-Islami leader Abdul Quader Mollah in 2013, when minority Hindus were physically attacked and properties destroyed. Similar outbreaks occurred following the ICT ruling in February 2013 against Delwar Hossain Sayeedi, when Hindu community leaders reported attacks on over 50 temples.

Hindus were not the only minorities targeted during 2015. Sectarian violence against Shi'a Muslims had been almost unheard of in Bangladesh, but on 24 October three bombs exploded during the Shi'a Ashura procession in Dhaka, killing one and injuring dozens. The procession had reportedly been conducted peacefully for four centuries until the attacks. Then on 26 November, gunmen entered a Shi'a mosque in the northern Bogra district, killing the mosque's *muezzin* and wounding three others. On 14 March 2016, a Shi'a preacher was also hacked to death in south-western Bangladesh by extremists. The militant group ISIS claimed responsibility for all three attacks, as well as the brutal murder of a Hindu priest on 21 February 2016 at a temple in Panchagar, although authorities have repeatedly denied the organization is operating in the country.

The government of Bangladesh has systematically eroded the right of its indigenous peoples to self-determination, particularly control over their ancestral lands, closely related to the realization of their collective cultural rights. The Constitution of Bangladesh, through an amendment in 2011, asserts that 'The people of Bangladesh shall be known as Bangalees as a nation', effectively creating an even more restrictive national identity that excludes the indigenous non-Bengali population. While the amendment also stated the importance of protecting the 'unique local culture and tradition of the tribes, minor races, ethnic sects and communities', it disregarded calls to use the term 'indigenous peoples' or 'Adivasis'.

Indeed, the UN Committee on the Rights of the Child, in its October 2015 Concluding Observations, noted its general concern about 'the lack of recognition by the State party of indigenous identity of the Adivasi indigenous peoples'. This is reflected, for instance, in official educational policies. Although the 2010 National Education Policy asserts that children have the right to be instructed in their mother tongue language, in practice education is largely in Bengali, with little emphasis on indigenous history or culture, leaving many students struggling with language barriers. Despite some limited government efforts in recent years to support indigenous learning, the survival of many languages remains in the balance.

The 1997 Chittagong Hill Tracts (CHT) Peace Accord identifies the area as tribal, guaranteeing rights to self-governance and recognizing the cultural rights of the region's indigenous communities, collectively known as *Jumma*. The accord remains largely unimplemented, however, and the proportion of the indigenous population in the area has steadily declined, from 97.5 per cent in 1947 to 51 per cent by 2014, due to in-migration by majority Bengalis. This has led to ongoing conflicts, landlessness and the erosion of cultural rights as indigenous traditions and identity are closely connected to the land. According to the Kapaeeng Foundation, an indigenous peoples' rights organization, approximately 5,216 acres of land in the CHT were appropriated during the year by authorities, local officials, private companies and Bengali settlers for plantations, forest reserves, tourist developments and other uses.

This has occurred against a backdrop of violence, intimidation and sexual assault. On 10 and 11 January 2015, for example, clashes between *Jumma* and Bengali communities broke out during the inauguration of a college in Rangamati, in the CHT, as *Jumma* student organizations began a protest calling for the implementation of the peace accord. Two houses belonging to indigenous people were burnt to the ground, dozens were injured and a curfew was imposed. The Kapaeeng Foundation documented continued harassment, arbitrary arrests and torture of indigenous community members, including the extra-judicial killing of at least 13 people. The Bangladesh Adivasi Women Network (BAWN) has highlighted the increasing prevalence of sexual assault and murders against indigenous women, with rape reportedly used by some Bengali settlers to instil fear in the community and drive them off the land.

Tourism too poses an increasing threat to the rights of indigenous peoples. According to the CHT Accord, local indigenous communities must be consulted in development that affects them, yet *Jumma* activists continue to report cases of land grabbing to accommodate tourism developments. So too in south-central Bangladesh, coastal tourism development has been destroying the way of life of the indigenous Rakhine community in Kuakata. Land donated by the then prime minister in 1999 for community improvement purposes has been illegally confiscated to build a shopping complex in this resort town. Rakhine have found it increasingly difficult to maintain their distinct culture as their sacred waterways, cremation grounds and temple lands are reportedly under threat, damaged or occupied by new migrants to the area. Their Buddhist religious

Case study *by Nicole Girard*

Hazara heritage and the uncertain future of the Buddhas of Bamiyan

For the minority Hazaras, the Bamiyan valley – the heart of the *Hazarajat* homeland in the central highlands of Afghanistan, where the renowned Bamiyan Buddhas stood for centuries, carved into the side of a cliff – has long been a symbol of their identity through generations of persecution, slavery and forced displacement. As Shi'a Muslims and a visible ethnic minority, Hazaras were killed in the thousands by the Taliban, the predominantly Pashtun movement that follows a hard-line interpretation of Sunni Islam. These events followed years of systematic discrimination, displacement and targeted killings. While their situation has improved since the fall of the Taliban government, with increased access to universities and civil servant positions, discrimination against them continues and they have regularly been targeted for abductions and other rights abuses. In November 2015, for example, reports emerged that seven Hazaras, including a woman and child, had been beheaded by militants who Afghan authorities claimed belonged to ISIS.

The Bamiyan Buddhas had long been central to the identity of the Hazara community. Although not built by the Hazaras themselves, who only came to have an ethno-linguistic identity based in the region some centuries later, they have their own myths associated with the statues, unrelated to Buddhism. In Hazara folklore, the statues are of a star-crossed couple Salsal and Shahmama, whose doomed love ends tragically in both their deaths. The two remain forever separated, petrified in stone, looking across the Bamiyan valley.

However, the statues, long celebrated internationally, achieved less welcome attention in 2001 when Taliban dynamited them, leaving behind little more than empty voids. While in the western media this wanton destruction has been characterized as an assertion of the Taliban's extreme reading of Islam, whereby representations of human features in art is forbidden, the targeting of the statues was also an assertion of dominance over the Hazara and their homeland. The destruction was in fact part of a larger campaign by the Taliban to suppress the rights and identity of the Hazara. In a private order to Taliban commanders in 2001, leader Mullah Mohammed Omar specifically instructed that the Hazara's cultural heritage be destroyed, and the Hazara celebration of Persian New Year, *Jashn-e-Nouroz*, be prohibited. The order also included forced land dispossession, anti-Shi'a propaganda and restrictions on Hazara women, who generally maintained more freedom in their society than other Afghan groups.

After the fall of the Taliban, the UN Educational, Scientific and Cultural Organization (UNESCO) declared the remains of the destroyed Bamiyan Buddhas a World Heritage Site. Various governments and international organizations have contributed to discussions over their potential reconstruction. Yet the debates have highlighted the difficulties in balancing restoration and historical integrity with the wishes of minorities – in particular, concerns about how to rebuild the statues faithfully and in line with conservation guidelines stipulating the use of original materials. Many local Hazara have expressed their desire for the statues to be reconstructed, not only to reassert their cultural identity but also for economic purposes as a boost to tourism in the area. Some have blamed the Afghan government for not pushing harder for reconstruction, seeing the delays and vacillation as another example of discrimination against the Hazara community.

Now, the fate of the destroyed statues hangs in the balance. The government has reportedly supported rebuilding the smaller of the two Buddhas, although when a German team began rebuilding its feet in 2013 it was asked to stop: proceeding without using original materials risked losing World Heritage status. As the debate continues, decisions have been made with little consultation with the Hazara people themselves, who Salsal and Shahmama have watched over for centuries. What is certain is that their physical destruction has not dulled the power and importance of the statues in the Hazara imagination, reflected in their continued presence in storytelling, poetry and film. However the dilemma of their future is resolved, it is essential that the community is involved in any discussions and able to communicate their own feelings about this vital part of their heritage. This would at least be a positive step towards realizing the cultural rights of the Hazara and reversing a long history of discrimination. ■

Below: Photo showing where one of the Bamiyan Buddhas used to stand. ***Babak Fakhamzadeh.***

sites have also been destroyed and in some cases, ransacked: in 1906, there were 19 Buddhist temples in the area, but today there is only one left.

For Bangladesh's Dalit community, the year did not see any progress with the draft anti-untouchability law that was submitted to the Ministry of Law, Justice and Parliamentary Affairs in 2014. The draft intends to implement constitutional rights to non-discrimination for Bangladesh's estimated 5.5 million Dalits. While it had been accepted positively by the ministry, Dalit rights advocates say the government is stalling on enacting the legislation while Dalits continue to suffer from discrimination in access to essential services, particularly water and sanitation in urban housing.

India

The year 2015 proved a critical test for Narendra Modi, the leader of the right-wing Hindu nationalist Bharatiya Janata Party (BJP) elected to power the previous year. While many hoped that Modi might realize campaign promises to foster a strong multicultural India, for the most part he has done little outside the scope of the BJP's *Hindutva*, a potent form of 'cultural nationalism' that sees the state as Hindu and minority cultures as a threat.

These sentiments, actively encouraged by Hindu extremists, appeared to be supported by data from the country's 2011 census released by the government during the year, showing that the Hindu population had dropped below 80 per cent, the lowest level since independence, while the Muslim population has increased since the last census in 2001. However, while a simplistic reading of these figures could play into extremist propaganda, commentators highlighted that growth rates across all communities are slowing down, suggesting a stabilizing trend. As BJP hard-liners have routinely exploited demographic fears for political gain, with one party member calling in January for Hindu women to bear more children to protect the Hindu religion, it was still feared that the data could be used to deepen inter-communal divisions.

This obsession with the erosion of Hindu identity is also reflected in the practice of mass conversions or *ghar wapsi*, carried out primarily by the Vishwa Hindu Parishad (VHP), a right-wing nationalist organization. As VHP members consider Hinduism the original religion of all Indians before colonialism and proselytization, they have reportedly undertaken drives to 'reconvert' minorities and indigenous tribes practising Christianity, Islam and other faiths. A report released by the VHP during the year claimed to have 'returned' 33,975 people to their 'original' faith between June 2014 and June 2015, while also preventing 48,651 conversions to other religions. *Hindutva* forces have in fact been responsible for pushing for a national anti-conversion law, often under the guise of freedom of religion laws, to prevent what they see as mass conversions of Hindus to Christianity and Islam. While similar laws exist in a handful of states, they are not used to prevent conversions among religious minorities, Dalits and indigenous Adivasis; rather, these laws require either prior approval from district magistrates or that a local official is informed. In any case, minority activists have criticized the proposed law as a means for the government to exert greater control over the religious rights of their communities.

Another source of contention in national politics is the issue of beef slaughter, traditionally taboo for devout Hindus as the cow is considered sacred. One of Modi's key election campaign points was a promise to curb the beef industry, run for the most part by India's Muslim community, once he came to power. While few steps had been taken in the early part of 2015 to do so, some members of parliament (MPs) became increasingly vocal in their calls for a ban, with BJP Minority Affairs Minister Mukhtar Abbas Naqvi, who is Muslim, saying in May that, 'Those who are dying without eating beef, can go to Pakistan.'

Not long before, the BJP-governed state of Maharashtra, one of the few states where beef slaughter was still permitted in some form, banned the practice in March – a crime now punishable with up to five years in prison and an INR 10,000 fine.

Amid these tensions, related attacks against Muslims dramatically increased, culminating in

Right: Dalit woman and child in India. *Thessaly La Force.*

a Muslim man being beaten to death in Dadri, Uttar Pradesh in late September, after rumours spread that he had beef stored in his house. Modi remained silent for weeks before describing the incident as 'saddening', though he deflected blame from the central government. A commission of inquiry found the incident was premeditated and not spontaneous as claimed by some BJP MPs, and by December 15 people had been charged in the attack. Several other attacks followed, including the murder of a Muslim headmaster by a crowd in Manipur in November after he was accused of allegedly stealing a calf.

Communal violence remains a persistent problem in India, often triggered by identity-related issues such as music or religious processions, and in turn heritage may often be a primary target during a violent outbreak. Arson attacks against mosques, temples and other important religious sites have frequently preceded or accompanied wider outbreaks of violence. Increasing mutual respect and tolerance for cultural differences is therefore an important dimension to conflict prevention and resolution between different religious communities. This is illustrated by the case of the Babri Masjid, a centuries-old Muslim mosque in Ayodhya that some claimed had been built over a temple erected at the birthplace of Ram. In 1992, Hindu extremists destroyed the mosque and consecrated a makeshift Ram temple in its place. While the incident immediately provoked riots across the country that left more than 2,000 dead, the land dispute itself has remained unresolved for more than two decades. In April 2015, a court ruled that the land be split two-thirds to Hindu plaintiffs, and one-third to the Sunni Muslim Waqf Board – a judgment the latter stated it would challenge at the Supreme Court. In August the Supreme Court, although it did not yet make a ruling, declared that Hindu worship at the temple could go on as usual. This case has been highly politicized, with VHP members apparently attempting to begin construction of the temple.

Another factor contributing to targeted violence is the continued influence of India's exclusionary caste system on its Dalit population, also known collectively as Scheduled Castes, who are among the country's most marginalized groups. Statistics released by the National Crime Records Bureau in 2015 suggest a 19 per cent rise in violent crimes against Dalits during 2014 compared

to the preceding year, following a 17 per cent rise in 2013, mostly committed by members of upper-caste groups. Some have suggested that rising assertions of Dalit rights have triggered the backlash, although Dalits still face considerable obstacles in accessing justice. Dalit women, who face even greater discrimination than their male counterparts, are at particular risk of violence both from inside their community and at the hands of the upper castes.

Despite ongoing violence, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill was passed, reportedly with little debate, by the upper house of Parliament on 21 December. This progressive amendment added new categories of offences, including: dedicating Scheduled Caste/Scheduled Tribe (SC/ST) women as *devadasis* (temple servants often forced to engage in sex); garlanding SC/ST persons with shoes (a traditional insult); using SC/ST persons to engage in manual scavenging or carcass removal; sexual abuse or advances against SC/ST women; and preventing the use of common property and wrongly occupying land of SC/ST persons, among others. Special courts are mandated to try these crimes. Though significant, the impacts of the amendments will likely be limited if the broader shortcomings and biases of the justice system are not addressed. According to the most recent available data from the National Crime Records Bureau, from 2014, conviction rates for offenders remain very low at just 28.8 per cent. Similarly, the International Dalit Solidarity Network (IDSN) reports that less than 2 per cent of rape cases against Dalit women result in convictions, compared to 25 per cent against women in India generally.

Many of India's indigenous peoples also struggle with exclusion and land rights issues, often exacerbated by conflicts with other groups in their territories. During 2015, violence flared up in the north-eastern state of Manipur. Meiteis have traditionally resided in the valley of Manipur, and government policies have frequently had the effect of pitting them against hill-residing indigenous communities, including Naga and Kuki. Protests began to be organized in July, coordinated mostly by Meitei student organizations, pushing for the reinstatement of the Inner Line Permit (ILP) system – a form of colonial-era regulation still used in parts of India to control movements in protected areas – to prevent those from outside Manipur from settling in the state. Although the push for the ILP was not successful, the Manipur state assembly – in a move apparently designed to appease protesters – quickly passed three bills on 31 August that proved to be highly controversial for the indigenous Naga and Kuki communities. While the bills attempted to limit migration into the area, Naga and Kuki felt that they were passed without their free, prior and informed consent, and that they infringed on their land rights and would result in the eventual destruction of their identities. Opposition protests broke out in early September, MPs had their houses burned by demonstrators and eight protesters were killed by police. Opposition to the bills continued throughout the remainder of the year.

Negotiating a peace deal with Naga separatist groups also proved to be a priority for Modi, with an unreleased 'Framework Agreement' signed between the Government of India and the National Socialist Council of Nagaland (Isak-Muivah) (NSCN-IM) on 3 August. NSCN-IM is one of a number of groups that have been fighting since before Indian independence to establish a homeland for Nagas, an indigenous people spread throughout the north-east states. The agreement led to calls to repeal the Armed Forces Special Powers Act (AFSPA) that still remains in place and gives security forces impunity for human rights violations.

Finally, Modi also made attempts to enforce provisions in the 2006 Forest Rights Act (FRA), an important piece of legislation that could potentially secure the rights of India's indigenous Adivasi communities to their customary lands and forests. Implementation of the FRA has been extremely slow until now, with collective claims languishing in bureaucratic processes and less than 2 per cent of potential claims reportedly resolved. On 23 June, however, Modi issued a directive to the Ministry of Tribal Affairs calling for the implementation of the FRA by granting land rights to Adivasis within the next two months. These instructions came as a surprise to many, as Modi had also this year been pushing for an amendment to the Land Acquisition Bill that would remove community consent clauses, though by August the government bowed to pressure and the clauses on consent remained in the amendment.

Securing the rights of the country's indigenous peoples to their ancestral lands is essential for the maintenance and transmission of their cultural practices to the next generation. India's Dongria Kondh people of the Niyamgiri hill range in Odisha state, for example, consider the mountain Niyam Dongar the seat of their god and believe that as the god's descendants it is their duty to protect the mountain, along with their identity and traditions. Though the mountain was slated to be mined, the Dongria Kondh won a rare victory blocking the development in 2014. Since then, however, the continued threat to their mountain, traditional lands and livelihoods – in effect, their very identity – has hung over them. 'If they take away these rocks', a Dongria man explains of his mountain, 'we'll all die. We'll lose our soul. Niyamgiri is our soul.'

Nepal

Tragedy struck Nepal in late April when a 7.8 magnitude earthquake ripped through the country, claiming the lives of over 8,000 people. A second tremor struck the following month, razing entire villages mostly in the country's north. The disasters exposed the deep-seated discrimination faced by minorities and indigenous peoples in the landlocked Himalayan nation. It also pushed the government to adopt a controversial new Constitution, sparking months of political friction and a deadly humanitarian blockade.

The Nepali government quickly came under fire for excluding lower-caste and indigenous communities, including women, from vital post-earthquake relief. According to a report by the IDSN, some 60 per cent of Dalits felt there had been intentional negligence in the provision of rescue and humanitarian assistance in the wake of the tragedy due to caste-based discrimination. The study found that a majority of affected Dalits remained homeless over a month after the disaster, when nearly 80 per cent of higher-caste communities had received tents or tarpaulins. It also concluded that non-Dalits had been prioritized for rescue efforts in the crucial days following the earthquake. One Dalit woman was verbally and physically assaulted while standing in line for humanitarian relief, leaving her with a fractured shoulder. A report by Amnesty International confirmed these findings, accusing the government of systematically failing lower castes, women and female-headed households, disabled people and marginalized ethnic groups.

The earthquake has aggravated existing discrimination faced by Dalits, who are considered among the most marginalized in Nepal and constitute some 14 per cent of the population. Dalits tend to live in remote, disaster-prone areas, where they often perform dangerous and low-skilled jobs. Nearly half of all Dalits live below the poverty line, compared to one-quarter of the general population. Lower-caste women, in particular, have struggled to access post-earthquake aid, largely due to a lack of government information and difficulty reaching food distribution centres, according to the Feminist Dalit Organization (FEDO). FEDO is pushing to boost representation for Dalits on Nepal's district disaster risk reduction committees, which allocate support to survivors.

Nepal has struggled to approve a new Constitution since the end of its decade-long civil war and Maoist insurgency in 2006. The first Constituent Assembly – established to approve the new Constitution – failed to reach consensus during a time of growing ethnic and religious fissures. No one ethnic group in Nepal constitutes a numerical majority, although the Brahmin and Chhetri hill communities hold political control. One of the key points of controversy surrounding the Constitution has been the nature of federalism and political representation of minorities. Spurred by April's disaster, the parliament rushed to approve a new Constitution in September 2015, with 507 out of 601 members of the Constituent Assembly voting in favour. However, the process was engulfed by controversy, with Nepal's Madhesi and Tharu minorities staging violent protests against the draft legislation, which they believe marginalizes their rights. Many minorities and indigenous communities want a federal structure divided along ethnic lines, while the new Constitution splits the country into seven geographically demarcated provinces. Critics said that minorities and indigenous peoples from Nepal's Terai plains, who make up over half of the population, were under-represented in the country's new 165-member parliament, initially

allocated a mere 65 seats. By contrast, Nepal's mountain and hill people – dominated by higher-caste Hindus – are allotted 100 seats in the new parliament, thus favouring the established ruling elite. Madhesis and Tharus, who constitute most of the Terai population, say they were sidelined during the constitutional drafting process due to distrust towards them among the mainstream political parties.

As a result, Madhesis staged a blockade along key trade routes with India, preventing essential goods such as food, fuel and medicine from reaching the country, causing prices to soar. The crisis escalated when India refused to let further vehicles enter in what Nepal claimed was a display of support for the Madhesis, who share cultural and linguistic ties with people in Uttar Pradesh and Bihar states. By the end of the year, the World Food Programme was warning of an impending humanitarian catastrophe unless a political resolution could be reached. Dalits and remote indigenous communities struggling to recover from the earthquake were severely affected by the blockade. For example, Dalit labourers found themselves unemployed as construction sites were closed down. In January 2016 the government agreed to a number of amendments that would grant the Madhesis and Tharus greater political representation. However, disputing parties failed to reach agreement on boundary delineation and the protests only came to an end when fatigued Madhesi traders tore down the border blockade the following month.

The Constitution has also attracted criticism for some of its other provisions. For example, Nepali women are still unable to pass on their citizenship to their children unless the father is also a citizen. Children born to Nepali mothers and foreign fathers are barred from holding a high political office as they can only obtain 'naturalized citizenship'. This appears to be rooted in patriarchal notions of Hindu-based nationalism, which perceives women – especially from the marginalized Madhesi minority inhabiting the plains near the Indian border – as potential threats to national security. The provision has come under fire from women's and human rights activists, but male politicians have defended it as necessary to prevent men from neighbouring countries marrying Nepali women and creating undesirable population growth. As such, Nepali women have effectively been branded second-class citizens. Among the most severely affected are Madhesi women in the southern Terai region, where marriages across the Indian border are common. Lower-caste and socially marginalized minorities are likely to be hit the hardest, potentially fuelling statelessness in southern Nepal.

Hindu nationalists also called during the year for Nepal to formally adopt the majority faith as its state religion. In the end, Nepal's parliament ruled that the Constitution should remain secular, reflecting the diversity of the country's religious groups, including sizeable Buddhist, Christian, Kirat and Muslim minorities. The decision sparked violent protests in the capital Kathmandu, where nationalists torched vehicles and looted churches. But in fact Nepal's Constitution continues to favour the Hindu faith by defining secularism as 'religious and cultural freedom including protection of religion and culture prevalent since ancient time'. Another clause imposes criminal penalties for those who convert Nepalis to another faith, clearly intended as an effort to protect Hinduism. It poses serious problems for freedom of religion and conversions in Nepal, raising the possibility of selective enforcement.

The Constitution also retains the cow as the national symbol of Nepal, fusing the country's cultural identity with Hinduism, officially practised by some 80 per cent of the population (although this number is disputed by minority activists). Nepal already imposes a 12-year jail sentences for cattle-slaughter, impinging on the cultural rights of the country's indigenous peoples. According to the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples and National Coalition Against Racial Discrimination, this policy 'historically has been used to carry out the State's forced cultural assimilation of indigenous peoples and to forge a homogenous identity for Nepali citizens'.

Nepal's indigenous peoples faced continued encroachments of their land and cultural rights at the hands of the high-caste Hindu elite based in Kathmandu during 2015. For example, ancestral land belonging to the indigenous Newar people of the Kathmandu Valley was unlawfully snatched by the authorities and is now being developed into a large business complex in the tourist district of Thamel. As a result, they have lost access to a pond considered holy from which they used to bring water and lotus flowers for worship at a nearby monastery as part of a daily ritual. A nearby stone used for death rites was also lost. It reflects how the country's 'top-down' approach to development, driven by the ruling elite, has served to further marginalize and entrench discrimination against Nepal's indigenous peoples.

Newari traditions have had an enormous impact on the country's cultural heritage, especially in the Kathmandu Valley, where the community comprises a sizeable part of the population. Practising a mixture of Hinduism, Buddhism and ancestor-worship, the Newaris have built the vast majority of Kathmandu's famed cultural and religious sites, which draw thousands of visitors each year. For example, the UNESCO-listed Durbar Square and Swayambhunath complex are based on Newari architectural and cultural traditions. Durbar Square was severely damaged in the 2015 earthquake, which flattened numerous historic *stupas* and temples. Newari heritage suffered similar damage in a 1934 earthquake, resulting in some structures being rebuilt without due consideration for their original architectural style. Nevertheless, the durability of the Newari architectural style has also been credited with protecting some key temples – such as the Kumari Ghar or home for a child 'living goddess' – from damage in April's earthquake, while other nearby temples mimicking the design but not the traditional techniques crumbled. It is therefore imperative that Nepal's post-earthquake reconstruction process is inclusive and sensitive to cultural traditions.

Pakistan

The tragic events of December 2014 at the Army Public School in Peshawar cast a long shadow over Pakistan in 2015. Following the attack by the Tehreek-e-Taliban Pakistan (TTP) that claimed 141 lives, including 132 children, the government introduced a 20-point National Action Plan (NAP) that relinquished greater political authority to the military and introduced a broad range of measures with the stated aim of eradicating terrorism from Pakistan.

Though insecurity has persisted, the number of sectarian fatalities of religious minorities fell by 35 per cent during 2015 compared to the previous year, with the situation particularly improving in the second half of 2015. However, this decline was lower than the reduction in violent killings in general, which over the year as a whole fell by 40 per cent. In fact, in the first quarter of 2015 fatalities among minorities actually rose by 38 per cent compared to the same period in 2014, while general conflict-related fatalities were 20 per cent lower – a disparity that suggests that minorities do not necessarily benefit equally from security efforts. But while perceptions of the NAP's effects have been mixed, with some crediting it for the improved security situation while others have criticized its expansion of military powers, the plan's acknowledgement of the specific situation of minorities– including its aim to 'stop religious extremism and to protect religious minorities', as well as curb hate speech – are unusual in their acknowledgement of the specific situation of minorities.

Whether this will achieve a lasting impact for minorities, however, remains to be seen. Despite the weakening of extremist outfits such as the Lashkar-e-Jhangvi (LeJ) and the decrease in overall sectarian violence, 2015 saw increased numbers of Shi'a killed in sectarian attacks compared to the previous year. In January, Jundallah – an offshoot of the TTP, which has pledged allegiance to ISIS – bombed a Shi'a mosque in Shikarpur, Sindh province, killing 60 people. Just over two weeks later in Peshawar, another Shi'a mosque was targeted during Friday prayers by the TTP, leaving at least 20 dead. Later, in December 2015, LeJ claimed responsibility for a bombing in Parachinar in the north-west tribal region, killing at least 22 Shi'a.

Particularly vulnerable to attack and with limited government protection are Pakistan's Shi'a Hazara, who suffer intersectional discrimination as a visible ethnic minority as well as for their faith. Living mostly in Quetta, Baluchistan, in recent years Hazara have increasingly been targeted by Sunni militant groups such as the LeJ and TTP. In late May, five members of the community in Quetta were killed in two separate shootings, followed by the deaths of five more

Hazara in June. In early July two brothers were shot and killed when queuing at a passport office in Quetta. Other Shi'a sub-sect communities such as Ismailis have also been increasingly targeted, with 43 killed in a single attack in May when gunmen stormed a bus in Karachi.

Pakistan's Ahmadiyya community, long persecuted at both a popular and official level, continued to be targeted in religiously motivated attacks during the year, primarily in Punjab and Sindh, including in October when gunmen injured a man and his nephews in Karachi as they returned home from worship. In November in Jhelum, Punjab, a mob set fire to an Ahmadi-owned factory following rumours of blasphemy allegations against the factory owner and Ahmadi workers, and it was not until the army intervened that the situation calmed. In the wake of the attacks, some Ahmadi women in Jhelum were forced to remove their distinctive *burqas* and cover their heads with scarves to avoid detection. The following day the community suffered a subsequent attack when a crowd set fire to a local Ahmadi place of worship. The persecution of Ahmadis in Pakistan is encouraged by a constitutionally sanctioned legal regime, broadly referred to as the 'anti-Ahmadi laws'.

Pakistan's notorious blasphemy laws, often used to settle personal scores and achieve political gains, continued to disproportionately impact Pakistan's minority communities. Yet in a positive step, a recent Supreme Court judgment acknowledged that criticizing or reforming blasphemy laws does not itself constitute blasphemy. An October judgment then cautioned that, according to Islam, a false accusation of blasphemy could be as serious a crime as committing blasphemy itself. Still, the process of reforming the country's blasphemy laws has remained at a standstill, in part due to a climate of intimidation against reformers, such as the assassinated minorities minister Shahbaz Bhatti and Punjab governor Salmaan Taseer. While met with scepticism, another notable development was the announcement by the head of the Council of Islamic Ideology (CII) of his willingness to review the country's blasphemy laws to determine if they are Islamic, requesting the government to officially refer the law to the CII.

Members of Pakistan's minority communities accused of blasphemy continue to languish in prison. This includes Asia Bibi, a Christian woman on death row since her conviction in a high-profile blasphemy case in 2010. In July 2015 the Supreme Court agreed to suspend her execution to hear an appeal against her sentence, although no date was set. In October she was placed in solitary confinement after threats to her life following the Court's decision to uphold the death sentence of Mumtaz Qadri, who murdered Salmaan Taseer. Following Qadri's hanging in February 2016, protests against the execution and in support of Pakistan's blasphemy laws have occurred across the country.

In addition to everyday discrimination in education and employment, Pakistan's Christian community also experienced a rise in violent attacks in 2015. In March, a Taliban offshoot bombed two churches in a Christian neighbourhood of Lahore, killing 15 people and injuring more than 70 who were attending Sunday mass. The attack sparked a strong reaction from the Christian community, with violent protests and the killing of two men accused of involvement in the two bombings. Following the immolation of a 14-year-old Christian boy by two men in Lahore, in May a mentally ill Christian man accused of blasphemy narrowly avoided the same fate at the hands of a mob before police intervened to arrest him and after which local Christian homes were ransacked, forcing some to flee. Later in 2015, a Christian couple in Sheikhupura, Punjab, were attacked by a crowd after local clerics accused them of committing blasphemy. The situation shows little sign of abating: 2016 began grimly with an arson attack on a church in Lahore, and the burning of Bibles and other Christian literature at a church in Kasur, plus an attack against Christians who were privately worshiping in Sialkot.

Recent years have also seen Christian girls increasingly subjected to abduction, forced marriage and conversion to Islam. Yet such acts have typically and more frequently been committed against Hindu girls and women, who are especially vulnerable due to the lack of Hindu marriage laws. This has deprived Hindu women of basic documentation to prove their marital status or identity, as well as restricted their access to divorce, inheritance, visas or the

ability to adopt a child. Finally, after decades of legal limbo, in a landmark decision in February 2016, the Sindh Provincial Assembly approved the Hindu Marriage Bill, marking the first time Hindu marriage laws have been codified in a province of Pakistan. This similarly benefits Sindh's Zoroastrian and Sikh populations, who can also register their marriages under this new law. A national law that would apply to Baluchistan, Khyber-Pakhtunkhwa and Punjab – all of which have passed resolutions allowing the federation to legislate on the matter – is currently under consideration, but progress has been stalled partially due to a controversial clause in the draft bill that states that a marriage will be annulled if any spouse converts to another religion. Hindus are also harshly stigmatized in government school textbooks, and their places of worship continue to be targeted.

Other groups besides religious minorities also experienced discrimination in Pakistan in 2015. Afghan refugees, many of whom have been living in the country for decades, saw their situation worsen following the introduction of the NAP, with harsher limits on legal residency encouraging greater levels of police harassment and extortion. Meanwhile, in the context of the continued separatist struggle in Baluchistan, disappearances, torture and extra-judicial killings of armed separatists and activists by security forces reportedly continue, sustained by a climate of impunity. In April 2015, just after hosting a small panel discussion on Baluchistan's 'disappeared people', prominent Pakistan human rights activist Sabeen Mahmud was assassinated. Mahmud was the director of T2F café, an arts and social forum in Karachi.

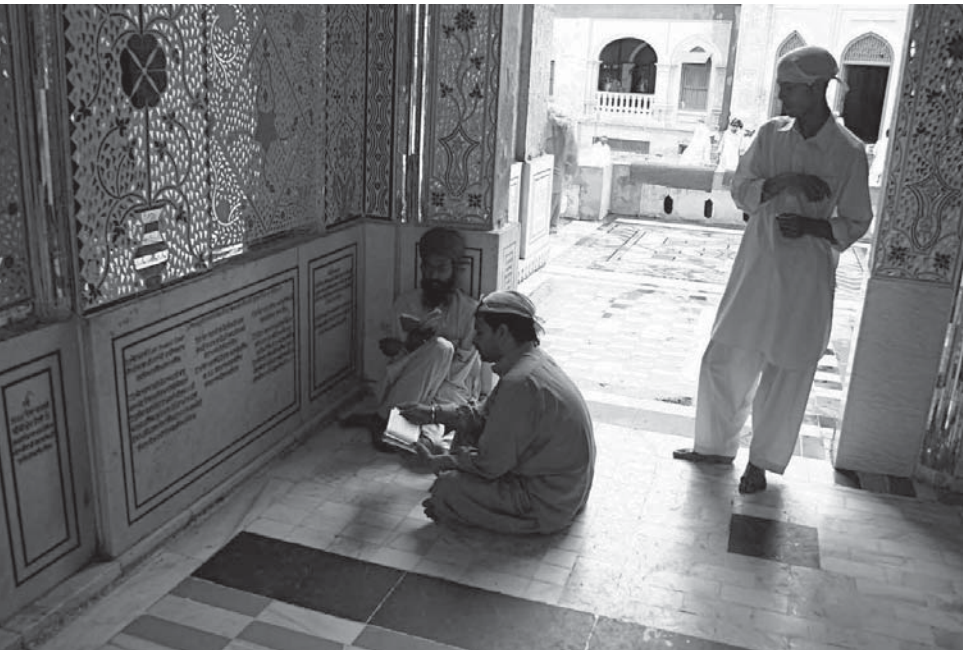
Violent attacks and discrimination against minorities have been legitimated by the gradual development of a rigid national narrative that, in the decades following Partition, has included the renaming of streets and towns, as well as the deliberate abandonment of cultural practices such as minority religious festivals. Despite the resilience of Pakistan's minority communities, this repression has often left minorities with little choice but to flee the country. In Sindh, historically known for its tolerance and pluralism, rising extremism has compelled large numbers of Hindus to leave their historic homeland. While the UN says the figure is closer to 4,000, it has also been reported that as many as 10,000 Pakistani Christians are living 'under the radar' in Thailand.

The rising climate of intolerance has also put at risk the existence of some smaller religious minority groups, some of which have not typically been the target of violence. This includes Pakistani Parsis who, as vulnerable minorities in an unstable environment, have been prompted to leave the country in recent years, speeding the dwindling of their community. For Pakistan's small Zikri population, rising extremism – including the appearance of pro-ISIS graffiti in south-west Pakistan – has fuelled fear in the community. Following violent attacks in 2014, and the murder of six Zikris by Lashkar-e-Khurasan militants in August 2015, many Zikris have been forced to conceal their identity and flee their historic homes to other parts of the country.

Sikhs, many of whom now live in the north-west of the country and whose heritage stretches back 500 years to when the religion was founded in what is now Pakistan, have also been compelled to leave the country in increasing numbers. Migration spiked following violence targeting the community in mid 2014. For the first time, police and CCTV cameras were deployed at the two remaining Sikh temples in Peshawar and 1,000 police were dispatched to protect worshippers during the Baisakhi festival to mark the Sikh new year in 2015.

In a recent act of symbolic importance, however, the Hindu celebration of Diwali was officially designated a public holiday in Sindh province. Celebrations in Karachi were joined by Prime Minister Nawaz Sharif, who delivered an address in which he expressed his solidarity with all victims of violence, no matter their religion. Earlier, in April, the Supreme Court of Pakistan issued a ruling on the rebuilding of a Hindu temple in Karak district, Khyber-Pakhtunkhwa – an issue that had led to a rift between local religious leaders and the Hindu minority community. The Court ordered that the temple, destroyed by extremists in 1997, be restored by provincial authorities.

Through teaching methods and materials, schools in Pakistan have long propagated exclusionary views concerning the historical



and contemporary place of religious minorities in society, while also restricting minorities from learning about their religious and cultural heritage. However, in a positive move, in January 2016 it was announced that, from 1 April 2016, a book called *Ikhlaqiat* ('Ethics') will be included in all Sindh public school curriculums, allowing minority students to study teachings of religions such as Christianity, Hinduism and Sikhism, instead of requiring solely Islamic studies.

Sri Lanka

The year 2015 ushered in fresh hopes for Sri Lanka's minorities with the surprise defeat of Mahinda Rajapakshe in the 8 January presidential elections and the appointment of former health minister Maithripala Sirisena as the country's Executive President. Rajapakshe, whose government had been widely accused of serious human rights violations, including war crimes during the last stages of the armed conflict in 2009, was defeated in large part due to minority voters, who voted against him in significant numbers. The defeat of Rajapakshe brought new hopes and aspirations for the country's Tamils, who had faced increasing incidents of targeted human rights violations since he took office in 2005, as well as Muslims, who since the end of the armed conflict have been victims of hate campaigns and attacks by Sinhalese Buddhist nationalist groups. Rajapakshe had been exceptionally popular among the majority Sinhalese after leading the country's military, in May 2009, to defeat the Liberation Tigers of Tamil Eelam (LTTE), who were fighting for a separate homeland for minority Tamils in the north and east. Hundreds of thousands of Tamil civilians were trapped in the last stages of fighting and both parties have been accused of violating international human rights and humanitarian laws.

Sirisena formed his cabinet with the leadership of the main opposition United National Party (UNP) and immediately pledged to work towards reconciliation between all communities. In July, Sirisena dissolved parliament and called for a parliamentary election. Rajapakshe attempted to make a return to power by suggesting he would have to be appointed prime minister if his political party gained the largest number of seats in parliament. Despite a tense and closely fought, yet remarkably peaceful, election campaign, the

Left: Members of Pakistan's Sikh minority pray at a temple in Hassanabdal. *Jared Ferrie/MRG.*

opposition UNP secured 106 seats of the 225 available and its leader Ranil Wickremasinge, together with Sirisena, formed a 'national unity' government. In a significant and reconciliatory move, the new parliament appointed Rajavarothiam Sampanthan, leader of the Tamil Nationalist Alliance (TNA) – considered the political proxy of the Tamil Tigers during Sri Lanka's armed conflict – as opposition leader. Other immediate measures taken by the Sirisena government to win the confidence of minorities included appointing the country's first Tamil chief justice and removing a controversial Sinhalese former military official from the post of governor of the Northern Province.

In February 2015, the new Sri Lankan government successfully postponed a vote on a UN Human Rights Council (HRC) resolution that, building on previous resolutions, was expected to call for an international mechanism to investigate and prosecute violations of international laws in the last stages of the armed conflict. Mandated by the HRC to investigate these violations, the UN Office of the High Commissioner for Human Rights (OHCHR) on 15 September released its long-awaited report to the Council. The OHCHR report confirmed victim accounts of war crimes and reported that, from 2002 to 2011, 'horrific levels of violations and abuse' had been committed by all parties to the conflict in Sri Lanka. Additionally, it concluded that the country's judicial system is incapable of investigating and prosecuting such crimes, nor could it be trusted by victims to do so following the failure of similar investigative mechanisms in the past. The report proposed a hybrid court formed of national and international judges. Just days preceding the release of the report, Sri Lanka's new Foreign Minister Mangala Samaraweera, addressing the HRC, accepted the limitations of the local judicial system and outlined an ambitious plan towards ensuring justice for victims, including appointing a truth and reconciliation commission (TRC). On 1 October 2015, the HRC unanimously adopted a landmark resolution that committed the government to a series of critical steps towards transitional justice, including meeting their own pledges to form a TRC and to set up an office of missing persons and reparations, while in addition calling for the setting up of an investigative mechanism on the lines of OHCHR's recommendations.

While the government of Sri Lanka has taken steps towards meeting some of their commitments under the resolution, it is still unclear if and how such a hybrid accountability mechanism will be set up. In December, a former commission investigating disappearances accepted that some breach of international laws had taken place, but went on to argue they were not systematic. The Sri Lanka Campaign for Peace and Justice has warned that such comments are dangerous and may undermine the transitional justice process. Recent contradictory statements from the country's president and prime minister have caused further confusion, and cast doubts over the government's commitment towards a transitional justice process. While noting the progress made by the government towards such a process following his visit to Sri Lanka, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, warned in April that there could be 'no shortcuts' to reconciliation and called for a state policy centred on human rights.

In October, Tamils detained under the Prevention of Terrorism Act (PTA) went on a five-day hunger strike demanding their release, highlighting the complex and vast range of minority rights violations needing redress by the government. According to a report by the human rights group Watchdog, of the 181 officially accounted for PTA detainees, 5 have been remanded for up to 19 years without a clear verdict, another spent 15 years in prison without a formal charge, while the large majority of those arrested recently have yet to be formally charged. Many have also reported being tortured while in detention. Towards the end of the year, the government announced it was looking into repealing the PTA and in December the government signed the UN Convention for the Protection of All Persons from Enforced Disappearance – both positive steps towards guaranteeing minority rights.

The legacy of Sri Lanka's bitter decades-

long conflict continues to be felt, however, particularly in the north and east of the country where a large proportion of the country's Tamil minority reside. Over years of fighting between the forces of the Sinhalese majority government and LTTE militants, these regions experienced huge upheaval due to large-scale displacement, thousands of extra-judicial killings and the increasing militarization of public life – issues that are still affecting daily life in the areas today. In particular, since the end of the armed conflict there have been a number of reports by international and national human rights organizations documenting cases of sexual assault and violence against Tamil women. In May, violent clashes broke out between protesters and police in the northern city of Jaffna over failures to swiftly investigate the rape of a Tamil girl. Soon after the incident, President Sirisena visited the family of the victim and assured immediate action. In October, the Jaffna District court convicted four soldiers for the rape of a Tamil woman in 2010, the first ever conviction of military personnel by a local court, making it a groundbreaking victory for minority women.

While the civil conflict was primarily between authorities and the Tamil minority, Sri Lanka's small Muslim minority were also deeply affected by the civil conflict and many are still in a limbo decades after being displaced from their homelands. October saw Sri Lanka's northern Muslims mark 25 years of being forcibly evicted by Tamil militants in what was the country's largest single case of ethnic cleansing during the conflict. Some of them, now numbering close to 300,000, remain in displacement camps in poor conditions, emphasizing the importance of including the concerns of the Muslim population in any transitional justice arrangement. Since the end of the conflict a hate campaign, led by the Buddhist extremist organization Bodu Bala Sena (BBS), has targeted Muslims and focused particularly on the community's religious and social practices, such as their dress codes, prayer rituals and *halal* slaughter methods. In December, the Sri Lanka Muslim Council warned that the BBS was attempting to reignite their campaign against Muslims by claiming that they were harbouring extremists who were planning a terrorist attack in the country.

While land rights and justice are central elements in the country's efforts at reconciliation, culture and freedom of expression have been marginalized, particularly after decades of repressive policies by the Sri Lankan government that saw religious practices prohibited and heritage destroyed. These problems persist to this day, with the Oakland Institute reporting in 2015 a 'silent war' replacing the armed conflict, with continuing militarization, displacement and Sinhalization in minority areas, reflected in the construction of Buddhist shrines and victory monuments that affirm Sinhalese control. Research by Minority Rights Group International has highlighted similar findings, including the taking over of land for Buddhist religious sites, the emergence of Buddhist symbols and places of worship in minority areas – in some cases where no Buddhists resided – and the denial of Tamils' access to Hindu places of worship and cultural sites. Protecting Tamil and Muslim culture in the north and east, as well as reducing the pressures posed by militarization and rapid in-migration, will therefore be an essential element in ensuring peace and reconciliation in the country. Measures adopted by Sirisena since the beginning of 2015, such as allowing the national anthem to be sung in Tamil in Colombo after years of unofficial restrictions, as well as reframing the commemoration of the end of the conflict not as a 'victory day' but a day of remembrance, are important steps forward.

Southeast Asia

Nicole Girard and Hanna Hindstrom

One of the most significant barriers to the realization of minority and indigenous cultural rights in Southeast Asia is ethno-religious prejudice, often based on exclusive nationalist agendas, whereby the cultures of minorities and indigenous peoples are for the most part neither recognized nor respected. Although there have been efforts to make national identities inclusive, in many countries across the region discriminatory policy and practices remain. Thailand, for example, has an almost exclusive Thai-language policy in schools. Officials have refused mother-tongue education reforms, arguing that this would pose a threat to the centrality of Thai language, leading to poor performance and high drop-out rates among minorities and indigenous peoples. In Cambodia, old animosity towards the Vietnamese administration continues to fuel discrimination against ethnic Vietnamese, who are provided with no space to be part of the cultural-imaging of Cambodia, which continues to emphasize 'the Khmer people'. In Burma, Buddhist extremists are leading campaigns against Muslim cultural practices, such as women's head coverings, with the complicit support of the government.

While minority or indigenous cultural manifestations are often actively targeted by extremists, another challenge is that their traditions and identities may simply be overlooked. For example, in a region where so many of the economies are based on natural resource extraction, the importance of these territories to the cultural beliefs and practices of indigenous peoples is often sidelined by decision-makers promoting development – a process that not only displaces them from their ancestral lands, but also excludes them from vital livelihoods and spiritual sites.

Burma/Myanmar

The year 2015 marked a milestone for Burma as it held its first openly contested general election since the end of 50 years of military dictatorship. The opposition National League for Democracy (NLD), led by Aung San Suu Kyi, achieved a landslide victory, securing 77 per cent of seats in parliament and ousting the military-backed ruling party. But this historic moment was overshadowed by religious and ethnic frictions, fuelled by a Buddhist nationalist movement that is playing an increasingly destructive role in the country's politics.

Millions of ethnic and religious minorities were prevented from voting in the November poll, either as a result of conflict or discriminatory electoral rules. Notably, hundreds of thousands of temporary identity card holders – mostly Rohingya Muslims in western Burma, but also ethnic Indian and Chinese residents – were stripped of their voting rights due to concerns about their citizenship. This represented a complete change of policy from all previous elections, including the 1990 election won by the NLD but later annulled by the junta. The decision was broadly viewed as an effort to placate escalating hostility towards the Rohingya, who are treated as interlopers from Bangladesh and heavily persecuted. By June, some 100,000 were estimated to have fled the country by boat since the outbreak of communal violence in 2012, culminating in Southeast Asia's worst refugee crisis in decades.

Anti-Muslim sentiments have continued to thrive as a monk-led nationalist organization, known under its Burmese acronym Ma Ba Tha, has gained prominence. The group launched an aggressive campaign to slander the opposition party ahead of Burma's election, fuelling suspicion that Ma Ba Tha enjoys political backing from the army-affiliated Union Solidarity and Development Party (USDP). In August, President Thein Sein signed into law the last of four controversial 'race protection laws' proposed by Ma Ba Tha to curtail the rights of religious minorities and women. Speaking at rallies during the election campaign, prominent nationalist monks likened the NLD to a 'Muslim party' and urged voters to back the USDP. The opposition party subsequently scrubbed all Muslim candidates from its candidacy list, while the election commission blocked almost all independent Rohingya politicians from participating. Burma's parliament will now include no Muslims for the first time since independence.

Ma Ba Tha's crusade has further restricted the space for Muslims to practise their faith and culture in a country dominated by Buddhist religious rites. This year, the group began a campaign to ban Muslims from slaughtering cows (considered sacred among many Buddhists in Burma) during the annual Eid al-Adha festival. As a result, Muslims were forced to keep their festivities low-key out of fear of violent reprisals. In the Irrawaddy delta, radical monks worked with the local authorities to shut down Muslim-owned cattle slaughter houses and beef processing

Left: Rohingya in Burma. *United to End Genocide.*

facilities, claiming to 'protect' the Buddhist philosophy. Ma Ba Tha is also now pushing for a ban on Muslim headwear in schools. Similar problems have been reported in Yangon, where Buddhist hard-liners have lobbied to stop Muslims from using a local madrasa to pray.

In Rakhine state, Rohingya Muslims live in isolated ghettoes and unsanitary displacement camps which they can only leave if they have an official permit. The community does not have access to higher education, health care and employment opportunities, let alone the right to practise their culture freely. The Burmese government, which describes the minority as 'Bengalis', has led a systematic campaign to erase the Rohingya name and ethnic identity from the country's history. Rohingyas are prevented from marrying, bearing children or accessing medical care without official permission, and security forces have been implicated in mass violence against them. A report by the advocacy group Fortify Rights concluded that there was 'strong evidence' that genocide was taking place, calling on the UN to set up a commission of inquiry to investigate abuses.

The Burmese government has a long history of promoting Buddhism as the *de facto* state religion and other faiths are prohibited from constructing new houses of worship. This ban has been acutely felt by ethnic minority and indigenous communities that predominantly practise Christianity, such as the Chin, Kachin and Karen. For example, in the impoverished Chin state, in January a community elder was taken to court for erecting a 54-foot-high cross the previous year without permission from the authorities. A 2012 report by the Chin Human Rights Organization had also exposed the systematic practice of forced conversions at government-sponsored border areas' development schools. Many of these policies are rooted in the junta's long-running strategy of 'Myanmaification' (or Burmanization) of ethnic minority areas, where separatist insurgencies have festered for many decades. Until 2014, minority and indigenous communities were forbidden from learning their own languages at school, and even now children are only able to take extracurricular classes in their mother tongues.

One key legacy of this process is the Burmanization of ethnic minority names and cities, which were abruptly changed by the junta in 1989. The government presented the decision to change the country's official name from 'Burma' to 'Myanmar' the same year as an effort to dismantle the last vestiges of colonialism – since the former was used by the British. However, it also led to the deliberate erasure of ethnic minority heritage and languages as many names were 'Burmanized' and subsequently lost their original meaning. This policy of sidelining minority cultural expressions persists to this day, as reflected in February 2016 when authorities refused to allow Karen and Chin cultural groups to celebrate their national days in Yangon. And on the rare occasions the government has sought to showcase its diversity, its representation is carefully choreographed: for example, at the 2014 ASEAN Summit in Naypyidaw, when ethnic Burmans donned indigenous outfits to welcome delegates at the start of the event.

The imposition of Burman culture, language and religion was seen by the military as a tool to unite the country without having to address underlying concerns about human rights and self-determination. Shortly after General Ne Win first seized power in 1962, he banned minority media from publishing in their local languages. All publications had to first be translated into Burmese before passing through the censorship board, creating significant obstacles to free speech and cultural expression. Despite the recent relaxation of censorship, the oppression of minority media continues to be felt today, with smaller press groups struggling to compete with larger, better funded, Burman-dominated institutions.

In February, fresh conflict broke out along Burma's north-eastern frontier when ethnic Kokang rebels re-emerged from China to retake land snatched by the army in 2009. The Burmese army continues to launch attacks on ethnic Kachin, Shan and Ta'ang rebels who have declined to participate in the current ceasefire process, and reports of attacks and sexual violence against minority communities are common. In October, only eight armed groups signed a national ceasefire agreement in Naypyidaw. The process has been criticized for its lack of inclusion and failure to address urgent political issues, such as the structure of federalism, natural resource revenue sharing and military impunity. Minority women say they have been systematically excluded from the peace process, allotted only 3 out of 96 spots on three ceasefire implementation committees.

Suu Kyi has pledged to prioritize minority rights and the peace process in her new government, but many difficult questions remain. For example, the NLD has signalled that it will appoint the chief ministers of ethnic minority states, despite widespread calls for them to be democratically elected by the local populations. In many areas the NLD's electoral success came at the expense of smaller ethnically-based parties, which now risk being sidelined in Burma's democratization process. The NLD has also said that it will not be pushing for retribution against the former military junta, instead focusing on 'national reconciliation'. Instead Suu Kyi has insisted her party will respect the political role of the military, which retains a quarter of parliamentary seats under Burma's 2008 Constitution and handpicks the heads of key government ministries, including that of border affairs.

Cambodia

Proceedings under the UN-backed Extraordinary Chamber in the Courts of Cambodia (ECCC) continued throughout 2015, with the first testimony related to charges of genocide against Nuon Chea, the Khmer Rouge's 'Brother Number Two' and former head of state Khieu Samphan. In September, the court heard from survivors of the regime's policies, as prosecutors assembled a case for genocide, that Cham Muslims and ethnic Vietnamese were particularly targeted for extermination. The closing order detailing charges against the defendants noted that 36 per cent of Cham died during the Khmer Rouge regime, between 1975 and1979, compared to 19 per cent of the majority Khmer population during the same period. The Khmer Rouge also set out to destroy their culture, burning *Qur'ans*, prohibiting Cham from speaking their language and forcing them to eat pork, while also consciously setting out to erase their traditional way of life by dispersing communities across the

country. Many Cham were executed simply on the basis of their identity. In October, testimony detailed equally grim recollections of targeted killings resulting in the deaths of an estimated 20,000 ethnic Vietnamese.

Progress was also made in cases against Meas Muth, a Khmer Rouge navy commander, who finally appeared in court in December after he had been charged *in absentia* earlier in the year. His case had genocide charges added to it in March, though these did not detail which minority group had been targeted. Testimony against him towards the end of year included allegations of mass killings of ethnic Vietnamese. Charges against Ao An, also known as Ta An, an acting secretary in the regime's central zone, were also brought in March, with crimes against humanity for 'extermination, persecution on political and religious grounds and other inhumane acts', implicated in his role of killing Cham Muslims. In December, the court also proceeded with charges against Yim Tith, also known as Ta Tith, an acting secretary of the regime's north-west zone, for genocide for his actions against Khmer Krom, a minority from southern Vietnam, among other allegations.

Troublingly, the prejudice that drove the Khmer Rouge to classify ethnic Vietnamese as 'historic enemies' or 'third pillars' aligned with the state of Vietnam persists to this day. Ethnic Vietnamese are arguably the most marginalized and impoverished community in Cambodia, with many lacking identification and as a result excluded from essential services such as education. Ongoing friction between Cambodia and Vietnam, such as a renewed border demarcation dispute in 2015, have led to rising discrimination and hate speech against ethnic Vietnamese. A national census of foreigners living in the country that began in 2014 has targeted ethnic Vietnamese for identification checks. As of 2015, ethnic Vietnamese are reportedly being asked to pay a bi-annual US$60 residency card fee, far too expensive for many community members, despite the fact that many already have residency documents.

Ethnic Vietnamese are further targeted for evictions from their homes. As they do not have citizenship rights under Cambodian law without identification papers and are barred from owning land, many settle by rivers and lakes. In June, local authorities announced the eviction of over 40 ethnic Vietnamese families living on the Mekong River in Kandal province, despite previously recognizing their residency; the families requested a postponement to allow them to sell their fish stocks. Similarly, in October the eviction of around 1,000 ethnic Vietnamese families living on Tonle Sap lake began as part of a beautification project that would require them to be relocated, despite having resided there for decades.

According to the International Federation for Human Rights, land dispossession increased during 2014 and the first quarter of 2015. While the threat of land grabbing affects majority Khmer communities as well, Cambodia's indigenous peoples are especially vulnerable to expropriation of their ancestral lands for large-scale Economic Land Concessions (ELCs) for agriculture, mining, dams and forestry. Despite a moratorium on ELCs in 2012, according to a 2015 report from Cambodian non-governmental organization (NGO) Adhoc, they continued to be issued. In July, however, the government announced that it would reduce ELCs to a maximum of 50 years, a significant move considering that some span between 70 and 99 years, although this alone is unlikely to resolve the continued problem of indigenous dispossession.

Cambodia legally recognizes collective land ownership, but titles have been issued at a slow pace and communities continue to take companies to court. In July, members of the Bunong indigenous community in Mondulkiri province launched a civil lawsuit in French court against rubber giant Socfin, calling for compensation and the return of ancestral territories sold to Socfin for rubber plantations in 2009. In September, 44 families from the Phnong indigenous community filed a lawsuit in Mondulkiri provincial court against a local military chief and a business man who were said to have seized over 80 hectares of their land, even though families in the community had been issued land ownership certificates.

The importance of the forests and their associated traditions for indigenous communities is often misunderstood by government officials, who see forests from a primarily economic perspective. In March, Environment Minister Say Sam Al noted how important it was to protect the cultures of indigenous peoples, but then went on to explain that the agricultural industry was trying 'to create jobs for our people, so hopefully they don't have to depend on the forests any more' – instead, he said, they could 'depend on something else, like a skill'. His comments reflect a pervasive ignorance about the central value of local eco-systems, ancestral land and traditional livelihoods for indigenous peoples, particularly non-tangible elements such as sacred beliefs – considerations frequently sidelined by careless planning.

The ongoing construction of the Lower Sesan 2 dam in Stung Treng province, to be completed in 2017, illustrates this tendency. One of the biggest dam projects in the country, it is being pushed through by its Cambodian, Chinese and Vietnamese backers regardless of wide opposition and a questionable environmental impact assessment (EIA). An estimated 5,000 indigenous Phnong and Brov, as well as minority ethnic Lao, are slated to be evicted to allow the flooding of thousands of hectares of forest. Despite continued protests by affected communities, the relocation of villages reportedly began in August. The dam will negatively impact fish stocks for another 78,000 people, many of whom are indigenous or ethnic minorities who depend on the river for their main source of protein. Especially worrying is the destruction of cultural heritage, including sacred forest areas and grave sites, as well as the likely erosion of traditional knowledge. Villagers are asking for the company to include a grave resettlement fee along with the potential relocation compensation, but the compensation offer is already inadequate and will not make up for the loss of cultural knowledge related to their forests.

Indonesia

Following his election in October 2014, the year 2015 was a crucial test of President Joko 'Jokowi' Widodo's commitment to democratic reform and minority rights. Unlike his predecessor, Jokowi has publicly acknowledged the need for Indonesia to curb extremism and his government proposed a new law to protect religious minorities shortly after assuming power. At present, Indonesian law only recognizes six major faiths, while practitioners of smaller Islamic sects, such as Ahmadis and Shi'a, endure regular threats and intimidation. The Ahmadiyya sect was formally branded heretical by the Indonesian Ulema Council, the country's top Islamic body, in 2005, and is prevented from proselytizing and constructing new houses of worship. However, activists have argued that the proposed new law does not go far enough and includes vague provisions that allow the government to discriminate against minorities in the name of 'national security'.

Indeed, the year saw an escalation in attacks and restrictions placed on some minority faiths. Indonesia's Christian community, which constitutes some 10 per cent of the population, came under attack on several occasions in 2015. In October, thousands of Christians were displaced in the province of Aceh when violence broke out following the torching of a local church. The following week, authorities in the conservative province bowed to pressure from hard-liners calling for the destruction of several other churches that allegedly lacked the necessary building permits. Similar arson attacks were recorded throughout the year in Papua and Central Java. Other minorities also saw their religious freedoms threatened during the year, including Shi'a Muslims, who make up less than 1 per cent of Indonesia's population. For example, in November the Mayor of Bogor City banned the city's Shi'a from celebrating the annual festival of Ashura.

In Indonesia's current climate of intolerance, the space for religious and ethnic minorities to practise their culture and faith openly is narrowing. In some parts of the country, minority women are obliged to don Islamic dress, including headscarves and modest clothing, irrespective of their faith. Since 2014, the autonomous region of Aceh has enforced Sharia law for all its residents, periodically detaining non-Muslims for wearing 'improper attire'. Similar requirements already exist in Padang, the capital of West Sumatra, where female students risk fines or suspension if they do not wear the *hijab*. This can have a serious impact on minority women's right to education and cultural freedoms.

Religious intolerance has often served to compound existing ethnic tensions in Indonesia's

diverse provinces, such as Christian-majority West Papua. A low-intensity conflict and social movement calling for greater autonomy has simmered for decades, fuelled by anger over state-backed discrimination and violence towards the indigenous population. The year 2015 brought little respite to the conflict-torn region, where dozens of civilians – mostly young Papuan men – were killed by security forces under dubious circumstances. In September, two high school children whose parents allegedly had ties to the West Papuan independence movement – claims the parents of the victims denied – were shot and one killed by police in Timika. Extra-judicial

Left: An indigenous Papuan woman makes sago (an edible starch) in Papua, Indonesia. *Manuel Boissière (CIRAD) and Center for International Forestry Research (CIFOR).*

killings and harassment of peaceful human rights activists have continued, despite Jokowi's public commitment to improving the lives of indigenous Papuans.

In May, the government formally lifted a ban on foreign reporters travelling to the region, although the visa process remains lengthy and complex. This was followed by the release of some political prisoners, including the prominent West Papuan activist Filep Karma, who spent more than 10 years in prison for raising a flag in a 2004 protest against the Indonesian occupation. Karma was only freed on 'good behaviour' and his original sentence still stands. According to Papuans Behind Bars, at least 38 political prisoners remained incarcerated in West Papua as of early 2016. The repression of free speech and freedom of assembly in West Papua has become synonymous with denying the indigenous population a right to express their ethnic and cultural identity. Activists can be charged with treason for staging peaceful prayer meetings and the use of the West Papuan flag is strictly prohibited.

The Indonesian government has been accused of strategically diluting West Papuan culture and religion in order to weaken local resistance to its rule. In 2013, an Australian investigation revealed that hundreds of Papuan children were being forcibly converted to Islam by a religious outfit posing as a 'free education' initiative for the impoverished region – a practice reportedly carried out with the tacit acceptance of local authorities. Indonesia has already drawn criticism for a decades-long transmigration policy that has seen millions of ethnic Javanese and Sumatran Muslims shipped off to less populous parts of the country, such as West Papua, where the indigenous Melanese population has now been reduced to a minority. In June, Jokowi finally pledged to end the controversial practice, although his words have been greeted with scepticism among some local campaigners.

Indigenous land rights lie at the heart of the unrest in West Papua, a resource-rich region full of timber, minerals and oil. In 2015, Indonesia continued to expand industrial activities, including smelter operations and large-scale palm oil plantations, into territory considered ancestral by the indigenous population. Corruption in Papua's natural resource sector was thrown into the spotlight this year when it emerged that a senior parliamentarian had demanded a US$4 billion dollar stake in the US mining giant Freeport McMoRan open-air copper and gold mine in Timika in exchange for extending its licence to operate beyond 2021.

Natural resources are fundamental to the cultural heritage of Indonesia's many indigenous peoples. But since indigenous communities often pass on their knowledge verbally and may not possess written evidence of their land ownership, they frequently come into conflict with the central government, fuelling violence and paving the way for further deforestation. The forced evictions of indigenous communities from their customary lands across Indonesia have served to impinge on their cultural as well as territorial rights. This has caused serious problems for indigenous Dayak communities in Kalimantan, where activists blame top-down development for the destruction of traditional rice-based farming practices.

Many communities have developed customary land use practices that encourage ecological sustainability and diversity. This is often rooted in a spiritual affinity to the land and a cultural understanding of its importance to their own survival. For example, the Panglima Laot in Aceh – a traditional fishery management system – is still used today and communities are now working with authorities to help combat illegal fishing. Jokowi drew praise for highlighting the role of indigenous peoples in the fight against climate change during his speech at the 2015 Paris Climate Conference in December.

Jokowi has publicly pledged to honour the rights of Indonesia's indigenous populations, who won a significant victory in 2013 when the Constitutional Court ruled that the state must return millions of acres of land to their customary owners. Speaking after a meeting with the Indigenous Peoples' Alliance of the Archipelago in June, the president promised to fast-track a long-delayed law on the rights of

Case study *by Hanna Hindstrom*

Militarization and the assault on Lumad cultural rights in the southern Philippines

At 4.00 am on 1 September 2015, a troop of armed men stormed an alternative school for indigenous Lumads in the southern Philippines. Teachers and students were dragged from their dormitories and rounded up, together with hundreds of other civilians, in the small village of Diatagon in Lianga, Surigao del Sur. Two indigenous leaders – known for their work protecting the community's ancestral lands against encroachments from mining companies – were hauled in front of the crowd and executed at point-blank range. The head of the alternative school, Emerito Samarca, was later found in one of his classrooms, with his throat cut and two gunshot wounds in his abdomen.

According to local activists, there were 95 attacks on Lumad schools in the southern Philippines between September 2014 and 2015, an average of eight cases per month. In February 2016, a compound hosting displaced children in Davao City was torched by unknown assailants, destroying two dormitories and a shelter for evacuees. 'Lumad schools continue to draw the ire of the regime', noted the Alliance for the Advancement of Peoples Rights (Karapatan). 'The attacks range from red tagging, actual military encampment, threat and harassment of the teachers, students and parents, closing down and burning of school houses.'

The Lianga shool, Alternative Learning Center for Agricultural and Livelihood Development (ALCADEV), was founded in 2004 as a unique facility to support secondary education for indigenous youths relevant to their culture and needs. It offers a combination of academic, technical and vocational skills, focusing on providing sustainable livelihoods for Lumad communities. Formed by two indigenous organizations, the school aims to boost educational opportunities for marginalized Lumads and help protect their cultural and land rights in the face of growing threats. It is one of a network of culturally sensitive schools offering alternative pedagogy for Lumad children recognized by the Filipino education ministry.

Indigenous peoples in Mindanao, which has been racked by ethnic conflict and a communist insurgency for decades, have some of the lowest educational levels in the Philippines. Part of the problem is the entrenched discrimination towards indigenous youths within the centrally managed school system, which often treats them as outsiders and second-class citizens. The time and cost of travelling long distances to reach public schools also place insurmountable burdens on many Lumad families. Furthermore, Lumads – a cluster of 18 indigenous communities in Mindanao – are often caught in the crossfire of a protracted civil conflict in the southern Philippines, and regularly accused of harbouring communist sympathies. Alternative education has become the target of particular scrutiny and distrust, with the military accusing indigenous schools of promoting communist propaganda. State officials have drawn outrage for recommending the introduction of new schools run by the military.

The Save Our Schools Network has accused the army and pro-government militias of staging premeditated attacks on alternative education institutes in order to marginalize indigenous land and cultural rights. Samarca, who was slain at Lianga, was also a vocal campaigner against large-scale development projects that fuel violence and displacement in the southern Philippines. Mae Fe Templa, Convenor of Save Our Schools Network, stated, 'Alternative Lumad schools are pushing for their own culturally relevant pedagogy that liberates indigenous peoples from the yoke of institutionalized discrimination and corporate plunder of ancestral lands.' The government has denied any involvement in Samarca's murder, claiming the attackers merely dressed up in army fatigues that matched the insignia of the nearest battalion.

In October, the University of Philippines hosted a major cultural event in Manila, the Manilakbayan 2015, to commemorate Lumads and raise awareness of the escalating assault on indigenous rights in the country's restive south. It included a mix of political and educational activities, as well as a celebration of Lumad culture, arts, food and sports. This year's event was strategically focused on the destruction and militarization of indigenous schools in Mindanao.

Indigenous activists in the southern Philippines insist that the right to a free and culturally tailored education is fundamental to defending indigenous heritage and rights, which are often intimately tied to the protection of ancestral lands and resources. The government's failure to investigate crimes against Lumad schools has left the communities more vulnerable to further attacks and encroachments. ■

indigenous peoples and to create a task force dedicated to resolving indigenous disputes. It follows a probe by Indonesia's human rights commission (Komnas HAM) investigating abuses of indigenous peoples' customary land rights across the country. However, the task force on indigenous peoples' rights has since been delayed.

Thailand

Since the military seized power from the democratically elected government of Yingluck Shinawatra in May 2014, Thailand has been under the rule of General Prayut Chan-o-cha, the head of the country's armed forces. Amid crackdowns on independent media and the widespread repression of NGOs, the regime has attempted to validate its authority by appealing to a nationalist sense of 'Thainess' heavily associated with the central Thai ethnic identity and the royal lineage – a narrow interpretation that effectively excludes many minority communities, such as Thai-Lao Isan in the north-east and the Malay/Melayu-Muslim of the south, as well as dozens of indigenous peoples.

The regime's control over Thailand's civil and political life showed little sign of relaxing during 2015. A draft Constitution completed by the government's own constitutional drafting committee was rejected in September by the military-appointed National Reform Council – a development that was widely interpreted as a stratagem to further extend military rule. While all Thai citizens have been stripped of many fundamental democratic rights, the regime's policies have varying implications for the country's minorities and indigenous people.

Against this authoritarian backdrop, there have also been increasingly vocal calls from certain groups to make Buddhism the state religion in the next Constitution. While the connection between Buddhism and the Thai state has always been strong, with previous Constitutions stipulating the state's duty to support Buddhism, until now it has never been formally designated the country's official religion. However, while the new constitutional draft released in January 2016 fell short of designating Buddhism as the country's official religion, the emphasis in the 2007 Constitution on the state promoting understanding between Buddhism and other religions has shifted to the duty of the state to protect Buddhism from any threats – a significant change in language that could provide extremist Buddhist groups with greater leverage if approved.

Peace talks in the country's marginalized south, where the majority of the population belong to the ethnic Malay Muslim minority, were reignited this year after stalling with the Yingluck government in 2013 – a welcome development in the possible resolution of a decades-long conflict between the Thai state and ethnic Malay separatists in the region. Representatives of the military regime and Malay Muslim parties, now represented by the newly formed umbrella organization MARA Patani, met in Kuala Lumpur multiple times throughout the year. While the establishment of the MARA Patani umbrella group is significant, as it represents

the first time diverse groups have come together under one banner for negotiation, the talks have not yet passed the 'confidence building' stage, according to a statement issued by the group.

National policies have played an important role in deepening tensions in the south. Besides political marginalization and underdevelopment, the government has also exacerbated the conflict through decades of repressive policies that have aggressively promoted a narrow 'Thai' identity at the expense of local communities, with Malay Muslim residents experiencing discrimination in

Left: Kee Or, 104-year-old spiritual leader and grandfather of Karen human rights defender Porlajee 'Billy' Rakchongcharoen. *Emma Eastwood/MRG.*

areas such as language and religious education. These and other policies have helped contribute to the emergence of the region's violent separatist insurgency. Attacks continued throughout the year, though significantly reduced from previous years: from October 2014 to March 2015, according to the Internal Security Operations Command, the number of incidents reduced by more than 62 per cent and casualties by 46 per cent compared to the same period a year before. These included three consecutive days of bombings in Yala in May and the killing of a monk in Patani province in July in an IED (improvised explosive device) attack by suspected separatists targeting his convoy.

The military was implicated in further abuses during the year, including physical ill-treatment of suspected southern insurgents, with the local NGO Muslim Attorney Centre reporting 33 cases of torture allegations in 2015. Activists were also harassed, including 17 ethnic Malay Muslim students arrested arbitrarily in Narathiwat in April. Human rights violations by state security have been enabled by widespread impunity for perpetrators, with authorities regularly failing to prosecute soldiers implicated in incidents of harassment, torture or extra-judicial killings.

Meanwhile, in the north and north-east of Thailand, the military regime's plan to reduce supposed forest encroachment, also known as the 'return forest policy' of 2014, continued to have disastrous effects for minorities and indigenous peoples in the region. Minority Lao Isan farmers, such as the nine villagers convicted in Sakorn Nakorn in October for illegal trespass, have been driven off land they have accessed for decades; three of them were sentenced to between two and a half and three years' imprisonment. Prison sentences of between one and five years were also issued to 20 indigenous Pakayaw Karen for illegal logging in Mae Hong Song, despite the fact they were using wood to construct their traditional homes.

The sentencing and selective prosecution show an inconsistency in laws regarding land use and their implementation, particularly around indigenous communities. For example, reports emerged in June that the Department of National Parks (DNP) was pushing for a new national park law to allow tourism businesses to establish themselves in national parks, despite them being prohibited by current legislation – a development that could further undermine indigenous access. Yet in the same month, the National Reform Council approved a draft law on community land deeds that would permit forest dwellers who occupied areas before the creation of protected forests to remain in exchange for undertaking conservation responsibilities. Inconsistencies such as these leave communities in a legal vacuum.

Minorities and indigenous peoples living in conservation areas have frequently found themselves in conflict with the state's park rangers, who have been implicated in a range of human rights abuses, including the murder of local activists. Judicial investigations into these incidents are frequently inadequate. For instance, following the disappearance of Karen human rights defender Porlajee 'Billy' Rakchongcharoen in May 2014, after he was arrested by park officials on the pretext of illegally carrying wild honey – a traditional source of food within the community prohibited under Thai conservation law – police laid charges against the then-head of Kaeng Krachan national park, Chaiwat Limlikitaksorn, in January. However, preliminary investigations were still ongoing at the end of the year, with no convictions yet filed. In another case brought against Chaiwat by Billy's wife, the Supreme Court in September upheld two previous lower court rulings dismissing the case against Chaiwat for the illegal detention of Billy. In October, an appeals court again cleared Chaiwat of a murder of another Karen human rights defender – Tatkamol Ob-om – that took place in 2011. Also in October, the 104-year-old grandfather of Billy filed a case against Chaiwat for his role in burning their Karen village to the ground in 2011, giving the community hope that justice might be served in at least one of these cases.

Individual officials in the Thai authorities continued to be implicated as key players trafficking minority Muslim Rohingya from Burma and Bangladesh en route to

destinations such as Indonesia and Malaysia. In May, mass graves were found in Songkhla province, containing what appeared to be the bodies of more than 30 Rohingya who had died while being held in trafficking camps. In the aftermath dozens were charged with involvement in trafficking, including a senior military general, officers and local politicians. Major General Paween Pongsirin was assigned to investigate the case, but after uncovering a network that implicated even more senior officials, he feared for his life and fled to Australia, seeking asylum in December. He has expressed concerns about the likelihood of the rulings being compromised by pressure from powerful military officials and politicians.

Vietnam

The government's draft Law on Belief and Religion was speedily pushed through for approval in 2015, much to the worry of Vietnam's ethnic and religious minorities. Religion is tightly controlled in Vietnam, mostly through the Ordinance on Belief and Religion (2004) and its implementing Decree 92 (2013). But now the first national legislation regulating religion will go beyond these provisions, tightening the state's control over all forms of religious belief and practice. On 17 April, a draft of the law was sent to religious organizations for comments. Various religious organizations expressed concern about the draft, including the Interfaith Council of Vietnam, which noted that it entrenches bureaucratic obstacles to practising a faith and limits freedom of religion for the purposes of state control. The first articles of the draft espouse freedom of religion, but the remaining articles effectively limit the practice of religion according to the whims of the government, allowing it to 'intervene in the internal affairs and administration' of 'religious organizations'. The draft is set to be passed in 2016.

Changes were also made to the Penal Code in 2015. While reductions in the use of the death penalty were welcomed by human rights advocates, the changes generally increased restrictions on human rights – provisions the government has used to imprison numerous peaceful minority rights advocates or religious leaders in the name of national security. For example, Section 79, 'carrying out activities aimed at overthrowing the people's administration', revised as Section 109, now includes provisions that apply to those who may be preparing to commit such a crime. Section 79 was used to imprison a pastor of the unregistered Mennonite group informally known as the Cow-Shed Church, Duong Kim Khai, whose work included filing complaints against land seizures. He was released in August this year, after serving four years of a five-year sentence. Changes to the Penal Code are set to come into force by 1 July 2016, and will almost certainly continue to be used excessively against minorities.

In the meantime, Vietnam's minority and indigenous communities continue to suffer persecution by state authorities. Hundreds of indigenous people from the Central Highlands, collectively known as Montagnards, fled Vietnam during the year to seek asylum in Cambodia. Systematic religious and political persecution of this mostly Christian community is well documented by human rights groups, but denied by both the Vietnam and Cambodian governments. HRW released a report in 2015, drawing on interviews with Montagnard asylum seekers in Cambodia and Thailand to document official surveillance, harassment and abuse of community members for practising religious 'evil ways' and having politically 'autonomous thoughts'. Dozens were forcibly returned to Vietnam, with reports that some have subsequently gone missing from their villages.

When it is not actively persecuting its minority communities, the Vietnam government still tends to view its minority and indigenous populations from a paternalistic standpoint as 'primitive' and in need of more civilized practices. As a result, while the state has provided some services such as bilingual education and access to health care, these programmes are not always implemented in a culturally appropriate manner. For example, ethnic minority women report serious discrimination in government hospitals and health centres, with few medical practitioners speaking their language or being sensitive to cultural practices, such as those who request having their husbands in the birthing room.

Further, Vietnam's growing tourism industry has posed problems for the cultural rights of its minority and indigenous communities, including government control and interference in practices to maintain the interest of tourists. In her report to the UN HRC that was released in January of this year, the former Special Rapporteur in the field of cultural rights, Farida Shaheed, focused extensively on the tourism industry's impact on minorities. She notes how communities are asked 'to perform, rather than live their own cultures, either by artificially retaining specific aspects of cultural practices or modifying those practices to satisfy tourist demand, such as altering food or accommodation patterns, or foreshortening their customs'.

Vietnam's country report to the UN Committee on Economic, Social and Cultural Rights demonstrates its lack of respect for the cultural rights of minorities and indigenous peoples. Rather than allowing communities to maintain and develop their practices the way they see fit, the government details how its policies aim to 'preserve selectively' and 'phase out the obsolete', including 'superstition, tradition of votive papers and social evils'. For example, ethnic Hmong were recently sentenced to two years for practising reformed funeral practices that, though less costly, were condemned by authorities as an 'evil practice'.

The physical heritage of Vietnam's minorities and indigenous people is also under threat, religious buildings in particular. In southern Ho Chi Minh City, parishioners of the Thu Thiem Catholic Church were led by nuns from the Lovers of the Holy Cross convent to stage a rare protest in October against government plans to destroy their heritage school building. The nuns expressed how the building and its use is part of their cultural identity as a religious community. Similarly, the Buddhist Lien Tri Pagoda, located in an area in the city targeted for redevelopment, is currently facing the threat of destruction – a step presented by its chief monk as a measure intended to target them due to their status as an unregistered religious organization. By striking at the heart of a community's identity, the destruction of cultural heritage sends a message about the power of the authorities, a clear warning to the community against the assertion of other rights.

East Asia

Michael Caster

While the experiences of minority and indigenous communities in East Asia vary widely, many share a history of forced assimilation and the erosion of their traditional cultures. In Japan and Taiwan, for instance, the legacy of state discrimination and land grabbing has left indigenous peoples struggling to sustain their cultures. Besides access to ancestral territories, a crucial element in the survival of their traditions is their ability to maintain their languages, many of which are increasingly under threat. In this regard, official measures, such as the approval in November 2015 of a draft law to promote indigenous languages in Taiwan, are much needed steps by the state to reverse decades of decline. Nevertheless, despite successful activism from communities across the region, governments continue to undermine the vitality of minority and indigenous cultures through insensitive or inappropriate development. This is particularly the case in China, where large-scale urbanization programmes combine in regions such as Tibet and Xinjiang with a highly securitized attitude towards local residents. Indeed, in the ongoing conflict between the state and minority communities, cultural and religious practices are often actively repressed by the state – an approach that serves only to fuel further tensions.

China

With 55 officially recognized ethnic minorities, China has in the past pursued policies of 'coexistence' that have included subsidies, special cultural protections and support for minority language education in schools. Yet in practice, as demonstrated in the appropriation of minority cultures in so-called ethnic theme parks across the country, their customs and traditional practices are often commercialized or essentialized while underlying issues of discrimination remain unaddressed. For example, during the annual meetings of the National People's Congress,

China's legislature, state media is typically awash with images of smiling ethnic minority delegates in traditional costume – yet little if anything is said about their level of effective political participation.

Furthermore, since the mid 1990s, state policy has placed greater emphasis on cultural integration rather than coexistence, with some prominent academics arguing for a 'unitary' national identity where existing ethnic categories are subsumed within the dominant influence of the ethnic Han majority. These ideas are now shaping national policy, reflected in President Xi Jinping's emphasis on the importance of national unity and the concept of the 'China Dream', which is noticeably silent on the subject of ethnic autonomy and cultural rights. This raises real concerns over the future of autonomous ethnic minority culture in China.

These issues are especially evident in regions such as Inner Mongolia, Tibet and Xinjiang, where the state is engaged in a security crackdown against the local populations. While, as noted by the UN Committee Against Torture in October 2015, abuses include numerous reports of 'torture, death in custody, arbitrary detention and disappearance' of community members, many of the state's most repressive policies take the form of cultural and religious restrictions. The securitization of minority traditions and practices, besides fostering a climate of surveillance and the stifling of free expression, negatively affects targeted communities in every area of their lives. Frequently the repression or destruction of minority culture is a corollary of state-led development, such as top-down urbanization programmes that have devastated pastoralist livelihoods, architectural heritage and long-established neighbourhoods.

Xinjiang

In Xinjiang, repressive state policies continued throughout 2015 amid escalating violence in the region, with security crackdowns and intrusive restrictions on free expression, assembly and movement. In Hotan, for example, ordinances required Uyghurs to obtain official permission in order to visit relatives or seek medical treatment outside their village. Authorities in Ili stopped issuing passports and ordered that all Uyghur passports be handed over to the police, or be cancelled. Information on developments within the region remains difficult to access due to obstacles for independent journalists wishing to report on the region. In addition, the state has launched an aggressive assault on rights lawyers across China, including several Han lawyers who have attempted to highlight abusive treatment of Uyghurs. In December 2015, lawyer Pu Zhiqiang was found guilty and sentenced to a three-year suspended sentence for 'inciting ethnic hatred' and 'picking quarrels and provoking trouble' in relation to social media posts, including two from 2014 that were critical of government policy towards Uyghurs. Another lawyer, Wang Yu, was detained in July 2015 and, after six months of incommunicado detention, formally arrested on subversion charges in January 2016. She had represented Uyghur scholar Ilham Tohti, who was sentenced to life in prison in 2014 on separatism charges.

Uyghur citizens of other countries who visited China to visit family have reported intimidation, harassment and threats, including cases of Chinese authorities attempting to intimidate and threaten them to get them to spy on Uyghurs abroad. The Chinese government has also been able to exert pressure on other countries where Uyghurs have taken sanctuary, as suggested by the forced repatriation of 109 Uyghur refugees from Thailand in July 2015.

As in previous years, in the period leading up to and during Ramadan, religious rights in Xinjiang – Islam is a central part of Uyghur identity – were aggressively repressed. In April, a respected Uyghur imam was jailed along with 16 other defendants on security charges and sentenced to nine years in prison for preaching without a permit. Women in veils were denied entry to public hospitals, raids on mosques intensified and, in some areas, Uyghur storeowners reported that authorities forced them to sell alcohol and cigarettes, contrary to Islamic practice, under penalty of fine. Authorities also banned Uyghur officials and students from fasting during Ramadan and forced restaurants

Right: A young Uyghur woman in Kashgar, Xinjiang. *Sand and Tsunamis.*

to stay open, provoking widespread outrage. In September, reports emerged that Uyghurs in Hoten were being prohibited from giving their children Islamic names, which have strong cultural significance. A list of 22 forbidden names was disseminated, with residents reportedly threatened that children with those names could be barred from attending kindergarten and elementary schools.

A government white paper published by the official state press agency, Xinhua News Agency, in September praised urbanization policies for improving living standards and promoting inter-ethnic harmony in Xinjiang. Yet state-led redevelopment has been responsible for the destruction of Kashgar's old city, devastating its traditional architectural heritage and undermining local Uyghur identity. Anthropologist Jay Dautcher argues that Uyghur residential neighbourhoods, or *mehelle*, have been critical components in the production of Uyghur culture for hundreds of years. Traditional architecture and how residents socialize within the physical space is especially formative in the construction of gender identity.

Since 2011, Chinese authorities have been promoting a system of 'bilingual education', purportedly offering Uyghur pupils the opportunity to study in their mother language and Mandarin. However, the system has been criticized for in practice undermining Uyghur linguistic and cultural identity, with the majority of the curriculum focusing on 'patriotic education' that leaves a marginal role for Uyghur culture and history. Although the Law on Regional Autonomy stresses autonomy in education and culture, including literature, arts, news, film, television and the preservation of historical cultural heritage, in 2015 Uyghurs continue to see their linguistic and cultural autonomy eroded. In an article published after his 2014 imprisonment, Ilham Tohti explained that: 'In recent years, Uyghur fears of cultural and linguistic annihilation have been greatly exacerbated by a sharp contraction in Xinjiang's local-language publishing and cultural industries.'

Tibet

The Tibetan Autonomous Region (TAR) Party Secretary Chen Quanguo's 2014 exhortations advocating inter-ethnic marriages continued, despite concerns voiced by Tibetan writer Tsering Woeser that this amounts to 'an attempt to dissolve the Tibetan identity in the Han

Chinese culture'. In December, the former TAR governor, an ethnic Tibetan, Qiangba Puncog, countered that the government was not doing enough to tackle ethnic discrimination. Throughout the Tibetan plateau, numerous monks, nuns and laypeople were detained and sentenced, some on unspecified charges. At least seven self-immolations took place during 2015, bringing the total at the end of the year to 143 since 2009. As in the previous year, family members of monks who self-immolated have themselves been punished. While restrictions on the freedom of movement imposed since riots in Lhasa in 2008, which had impeded the ability of Tibetans to participate in cultural activities, were gradually lifted, many monks and nuns still faced impediments to movement or obtaining passports.

In July, Tenzin Delek Rinpoche, a respected Tibetan monk, died while serving a life sentence his supporters claim was in reprisal for his support of the Dalai Lama and promotion of Tibetan cultural institutions. The 65-year-old monk had been denied medical parole, despite being in poor health preceding his death, and when his family tried to visit the body they were repeatedly turned away. China's *Rules on the Handling of Deaths in Prison* requires the delivery of the bodies of ethnic minorities 'with respect to ethnic traditions'. But although Tibetan Buddhism has specific funeral prayers and burial rituals, the authorities refused to release Tenzin's body to his family and, when protest over this denial of cultural rights erupted, the police opened fire with live ammunition. In other cases of Tibetans who died in police custody, authorities have also refused to release the body to family members for traditional rites, such as with Lobsang Yeshi, a village leader and rights activist.

The year 2015 marked the 20th anniversary of the disappearance of the Panchen Lama, Gedhun Choekyi Nyima, who would have been 26 years old. On 17 May, the Tibetan government in exile released a statement recalling the 1995 recognition of the then 6-year-old and his subsequent disappearance by Chinese authorities three days later. Later the same year, Chinese officials appointed Gyaincain Norbu as the Panchen Lama, a move disregarded by many Tibetans and the Dalai Lama. Responding to concerns that the Chinese government would attempt to control his succession, in March the Dalai Lama stated that he might not reincarnate after his death. This would mean an end to the practice since the fifteenth century of recognizing the Dalai Lama as the reincarnation of Chenrezig, the Boddhisattva of Compassion. Emblematic of the lack of sensitivity and religious autonomy afforded Tibetan Buddhism, was the response of Zhu Weiqun, chairman of the Committee for Ethnic and Religious Affairs, a high-level committee within the central government, who stated that: 'The reincarnation of the Dalai Lama has to be endorsed by the central government, not by any other sides including the Dalai Lama himself.'

State-led urbanization, part of a long-term government policy to bring hundreds of thousands of pastoralists in the region into towns and cities, continued during the year. By forcing nomadic Tibetans off their ancestral lands, the programme is effectively erasing their ancient indigenous culture. Mining and dam projects across the Tibetan plateau have also fuelled protests. In Chamdo, road construction leading to a mining project threatening Mini Mountain, a local sacred mountain, reignited protests that had momentarily halted the mining project in 2014. Top-down redevelopment of Tibetan towns and cities is also another source of conflict. In December 2015, for instance, the Lhasa City government announced a policy of demolishing traditional Tibetan houses and replacing them with Chinese-style buildings. Some Tibetan families are even being required to contribute upwards of RMB 200,000 of their own funds to the construction, whether or not they object to the demolition of their existing homes.

Security measures that seek to limit participation in religious activities are especially intrusive. For example, government policy imposes quotas on the number of monks allowed in given monasteries, leading to the expulsion of more than 100 monks and nuns from their monasteries in Driru County in April and further expulsions in Tridu County in June. In advance of the Dalai Lama's 6 July birthday, authorities in the region also forbade public gatherings. In January 2016, authorities announced the indefinite extension of police presence and surveillance measures in Tibetan villages and monasteries, signalling that the state's intrusion into Tibetan cultural and religious freedoms could be extended indefinitely.

Inner Mongolia

Mongolians in 2015 experienced renewed conflicts with Chinese authorities over the loss of traditional grazing lands, an important part of their semi-nomadic culture and economic livelihood. The year began with a delegation of Mongolians filing complaints in Beijing over the ongoing loss of traditional lands, much of which had been taken by the army. Efforts to exploit Inner Mongolia's abundance of coal and other natural resources have often been seen as an assault on the traditional cultural practices of pastoral communities. Enghebatu Togochog, director of the Southern Mongolian Human Rights Information Center, spoke out saying, 'Mongolian herders are trying their best to defend their land, culture and way of life, but very little resources are available to them, and government policies are very hostile to the Mongolian way of life.' This perception has continued to spark protests and police crackdowns. In November, Odongerel, a Mongolian rights defender and leader of the protest movement, was detained for ten days for comments she made on WeChat, a popular mobile app. Meanwhile, well-known Mongolian rights defender Hada, despite having been released in 2014 after serving 15 years on separatism charges and a further four years of extra-judicial detention after his sentence ended, continued to be subjected to coercive measures and *de facto* detention throughout 2015. On Human Rights Day, 10 December, Hada's family went on hunger strike to protest his ongoing abuse and harassment.

Taiwan

In Taiwan there are 16 officially recognized aboriginal tribes. The Taiwanese Constitution, Additional Article 10, requires the state to safeguard their status and political participation, as well as provide assistance for, among other things, indigenous culture, education, health, economic activity and land. Taiwan's aboriginal peoples also have guaranteed political representation, with a mandated 6 seats

Case study *by Michael Caster*

Challenging exclusion through cultural traditions: the struggle of Ainu feminists to end multiple discrimination in Japan

For centuries Japan's marginalized Ainu population, historically based in the north of the country and in particular the island of Hokkaido, have suffered forced assimilation and the repression of their unique way of life. Only recently have there been signs of a more positive attitude from authorities, including the formal recognition in 2008 of the community as indigenous. This has been followed by various public initiatives to showcase Ainu traditions and practices. In July 2015, the Cultural Affairs Agency of Japan announced plans for the construction of an Ainu museum in Shiraoi, Hokkaido, scheduled for completion by the 2020 Tokyo Olympic Games. The agency announced the museum as a core project in its plan to promote Ainu culture and history, in line with the Council for Ainu Policy Promotion's advocacy for the creation of such a symbolic space. Shiraoi village already hosts an Ainu cultural village, supervised by the Hokkaido Government Board of Education, with traditional Ainu artifects and daily cultural performances that attract 180,000 visitors a year – a figure the government hopes to increase to 1 million by 2020. Meanwhile, the only World Heritage site in Hokkaido is the Shiretoko Peninsula, which is designated as a natural

heritage site, and not a cultural heritage site to the consternation of Ainu rights defenders.

However, these initiatives alone may not necessarily improve Ainu livelihoods or address broader prejudice if they are not accompanied by fundamental changes to the way to the community is represented. Historically, the tourist industry in Hokkaido has been dominated by outsiders and has been criticized for reproducing stereotypes of Ainu primitiveness. At a national level, too, understanding of Ainu's history of discrimination and their situation today remains limited. In a series of textbooks approved in 2015, for example, references to the violent expropriation of Ainu land during the Meiji Period (1868–1912) were revised to imply the government had actually made efforts to protect Ainu.

Some Ainu rights defenders and scholars have also noted with concern that the localization of Ainu culture creates an inaccurate and essentialist notion of Ainu identity inextricably connected to Hokkaido, although the territory of Ainu Mosir, the Ainu name for their homeland, has never been clearly delineated. This has resulted in the alienation of Ainu living outside of Hokkaido: for example, they are ineligible to join the Hokkaido Ainu Association, the largest organization of its kind, and do not receive the rights and privileges of Ainu welfare measures. This means that, despite national recognition of Ainu as an indigenous people, at present Ainu living outside of Hokkaido are effectively denied such recognition and attendant rights. This has led to the creation of hierarchies within Ainu society, not only based on territory but also with regard to gender.

This can have a negative impact on the promotion and performance of Ainu cultural heritage. One area where Ainu efforts to achieve emancipation have challenged traditional prejudices and inspired cultural revival most starkly is through indigenous feminism, which has developed in distinct ways to mainstream Japanese feminism. Ainu feminists have accused Japanese feminists of disregarding the intersectional dimensions of race, class or ethnicity in their campaigning, while also challenging mainstream Ainu rights activism for privileging Ainu ethnic rights defence more broadly over gender empowerment issues.

Many Ainu women are involved in cultural revival activities, recovering traditional practices and performances in an effort to address both ethnic and gender discrimination. In Ainu culture, gendered spheres of labour have not necessarily been considered 'gender discrimination' because they were treated as part of a unique spiritual engagement between women and the natural world, which constituted an integral component of Ainu culture and feminine identity. Unlike mainstream Japanese feminism, which seeks to liberate Japanese women from traditional gendered spheres of production, Ainu feminism has embraced gendered cultural performances as empowerment. This is perhaps best demonstrated in traditional clothwork, as evidenced in research by Ainu scholar Ann-elise Lewallen.

Ainu clothwork is a form of both political and cultural performance. Embroidered or woven patterns convey deep narrative qualities ranging from expressing genealogy to communing with the natural and spirit world. Ainu women have organized community embroidery classes that have created platforms for the teaching and preservation of cultural performance but which also provide opportunities for Ainu women to negotiate what it means to be an Ainu woman in Japan today. Employing traditional motifs and oral histories, Ainu women are creating vehicles not only for the preservation of traditional Ainu cultural heritage but also for the creation of new identities and cultural practices.

Such practices have taken place within and beyond Hokkaido, reiterating the need to expand recognition of Ainu identity beyond localized geographies. It also points to the fact that mainstream feminism may not always recognize the specific issues at play within an indigenous community and may need to draw on indigenous feminist thinking. Ainu women are engaged in constructing hybrid cultural performances that draw on past tradition rather than simply reject it, while at the same time moving beyond certain practices such as woodcarving or clothwork that have become increasingly commodified by tourist villages. In this way, Ainu feminists are reaching for empowerment as both 'indigenous' and 'women' by embracing traditional cultural performances, but on their own terms. ■

within the 113-member Taiwanese legislature. Nevertheless, these communities continue to suffer the effects of decades of assimilationist policies and land seizures, disrupting and undermining their ability to maintain traditional practices such as hunting. Despite protracted attempts to develop a framework of political autonomy for Taiwan's aboriginal communities, drawn out over almost 15 years of discussions and multiple revisions of the proposed legislation, the latest draft again stalled in parliament during 2015 amid opposition both from representatives opposing its concessions and indigenous activists critical of its failure to provide full autonomy to its communities.

Taiwan lost its seat at the UN in 1971, when the People's Republic of China was recognized as the representative of China, and is now unable to ratify UN treaties. However, successive Taiwanese governments have stated their commitment to implementing international instruments such as the UN Declaration on the Rights of Indigenous Peoples and other relevant texts into domestic law. As such, 2015 marked the tenth anniversary of the passage of the Basic Law on Indigenous Peoples and the establishment of the Indigenous Television Network, in line with the requirement of the 1998 Aboriginal Education Law that there should be television programming devoted to indigenous culture and education.

Building on this existing legislation, in November 2015 the Legislative Yuan adopted a law designed to promote indigenous languages. Taiwan's Council of Indigenous Peoples, a ministry-level body that guides much of the government's indigenous policy, welcomed the law as an important step in protecting indigenous culture. The need to provide greater support is especially urgent when many of these languages are now under threat: according to UNESCO, 5 of the 42 indigenous languages and dialects spoken in Taiwan are considered critically endangered (just one step removed from extinction), one is deemed severely endangered and a further nine are vulnerable. The law provides that the central government will fund research and studies in indigenous languages and that public signs in indigenous areas will include the local language. Indigenous communities will also be able to communicate in their own language during government or legal proceedings. Following on from this, in January 2016 the government launched an ambitious five-year indigenous education programme to incorporate indigenous culture and language into curricula, provide indigenous students with additional support and establish tailored educational institutions.

Despite this limited legislative progress, concerns from previous years over the use of traditional indigenous lands for tourism and other purposes, as well as constraints on cultural practices in nationalized lands, persisted in 2015. Of particular concern in terms of preserving indigenous cultural heritage and economic livelihoods is the issue of hunting. In December, indigenous communities across Taiwan demonstrated against the conviction of Tama Talum, a 56-year-old indigenous Bunun man who was sentenced to three and a half years in prison for illegal weapons possession and poaching. For many indigenous communities in Taiwan, hunting is not only about butchering animals but also social performance and gender identity: it can amount to a spiritual communication. However, despite its relative importance in indigenous culture, Taiwanese law only permits non-commercial hunting conducted for public ceremonies approved by local governments. A 2013 Supreme Court decision, furthermore, established that indigenous men could only hunt with homemade rifles and ammunition, which are dangerous and ineffective. In January 2016, the Ministry of Interior announced the possibility of relaxing such regulations to allow aborigines to hunt during traditional festivals.

The cultural practices of Taiwan's aboriginal communities have also attracted increasing interest from outside the country. In July, for example, the US-based Discovery Channel announced it would be releasing a programme called *Taiwan's Tribal Treasure*, in close collaboration with the Council of Indigenous Peoples. Indigenous cultural heritage in Taiwan received further recognition in October when the World Monuments Fund announced it was including a 600-year-old ancestral Rukai village on its Monuments Watch list. Despite its significance in Rukai mythology, the village

was largely abandoned in 1974 when the village council voted to relocate closer to modern infrastructure. Its inclusion on the Watch List will highlight the importance of its fragile physical remains and the valuable intangible Rukai heritage associated with the site.

Oceania

Jacqui Zalcberg

The Oceania region is distinctive in that many of the smaller Pacific island states have a high proportion of indigenous peoples that form majority populations. At the same time, in other countries of the region such as Australia, New Caledonia (Kanaky) and New Zealand (Aotearoa), colonial settlement and immigration has reduced indigenous populations to a minority in their own lands. Though across the region as a whole the indigenous population remains sizeable, continued poverty and exclusion has eroded many aspects of their rich cultural heritage. This encompasses not only sites of cultural importance but also the continuity and promotion of intangible traditional practices, including the transmission of native languages whether as a means of communication or for cultural purposes.

The pressures facing indigenous peoples have been exacerbated by the destruction or degradation of local environments and eco-systems due to natural disasters and the effects of climate change: as many communities have close spiritual connections and complex social systems attached to the land, these pressures can disrupt cultural systems as well as livelihoods, food security and health. The year 2015 saw the beginning of an El Niño weather pattern, which forecasters fear could lead to a humanitarian crisis in the region.

Migration is also having an impact on oceanic indigenous cultures, as a high percentage of Pacific Islanders now live abroad or have moved from rural areas to cities. These processes can lead to significant upheaval and undermine traditional systems, though in many cases indigenous migrants have managed to maintain connections with their former villages and also developed new forms of cultural expression in urban and foreign contexts that nevertheless build on the traditions of their communities of origin. This can also provide the space for a creative negotiation of an individual's position within the community and how this links to other aspects of identity. Indigenous migrant women, for example, may be able to reinterpret their roles and mobilize against issues such as gender-based violence. Research indicates that Oceania, in particular the Pacific, has the highest levels of such violence in the world, with more than 60 per cent of women and girls having suffered violence inflicted by someone they know.

Right: Torres Strait Islanders at a cultural festival in Queensland, Australia. *John Skewes.*

Australia

Australia was considered by the UN HRC during 2015 for its second Universal Periodic Review. Many indigenous organizations contributed shadow reports to the process, highlighting the various challenges facing Aboriginal and Torres Strait Islander Australians across a range of issues. During the process, many states noted the positive development of the proposed 2017 referendum on indigenous recognition, providing Australians with the opportunity to vote on an amendment of the Constitution to formally recognize its first peoples. Nevertheless, the comments also highlighted the ongoing marginalization and exclusion of Aborigines and Torres Strait Islanders, as well as the disproportionate rates of indigenous incarceration.

Recent years have witnessed a remarkable indigenous cultural revival and renewed sense of identity. However, Australia's history of brutal colonialism, including the violent killing of Aborigines and Torres Strait Islanders by settlers, the forced displacement of communities from their lands and the impact of assimilationist policies on the so-called stolen generation, forcibly removed from their families, have irreversibly damaged their way of life. Furthermore, official policies still negatively affect Aboriginal and Torres Strait Islander peoples, their communities and cultures. Criminal justice

policies are contributing directly to higher rates of indigenous incarceration, compounded by the continued separation of indigenous families, purportedly on the basis of welfare concerns.

In the Northern Territory, since the commencement of the so-called Northern Territory Intervention in 2006, considerable resources have been allocated to the task of extending the reach of mainstream forms of policing and governance. However, this approach has eroded indigenous communities and led to elevated rates of incarceration. Indeed, indigenous peoples make up about 30 per cent of the Territory's residents but more than 80 per cent of its prison population.

Of particular concern in this regard during 2015 was the use of paperless arrest powers in the Northern Territory following the passing in 2014 of Section 133AB of the Police Administration Act (NT), allowing the police to detain a person in custody for up to four hours without a warrant if they suspect that person has committed, or is about to commit, an 'infringement notice offence'. Indigenous peoples and other advocates voiced concerns that these expanded powers were having a disproportionate impact on Aboriginal and Torres Strait Islander peoples in the Northern Territory, perpetuating the disproportionate levels of indigenous people in custody for minor offences, such as drunkenness, swearing or making too much noise. The paperless arrest laws were subsequently challenged on the grounds of discrimination before the High Court and in November, while stopping short of striking down the laws, the court did significantly curb the extent of their powers, insisting they be subject to the normal limits that apply to police arrest and detention to protect against arbitrary detention.

Two well publicized cases in 2015 highlighted the ongoing concern over Aboriginal deaths in custody: the death of Kumanjayi Langdon, a Warlpiri elder, who died in May alone in a Darwin police cell, after being locked up under the paperless arrest laws, and the initiation of a Coronial Inquest into the death of a young Aboriginal woman, Ms Dhu, in August 2014. Dhu died in agony from untreated septicaemia after being incarcerated in South Hedland police

station for not paying around AU$3,500 worth of fines. Both cases brought renewed public attention to the epidemic levels of Aboriginal incarceration in Australia. According to the Australian Institute of Criminology, indigenous imprisonment rates increased by 51.5 per cent between 2000 and 2010.

The problem is especially pronounced among the young, with Aboriginal and Torres Strait Islander youth 26 times more likely to be in detention than their non-indigenous peers. This disparity is particularly evident in Western Australia, where the incarceration rate for indigenous children is 52 times higher than the rate for non-indigenous children. This is in part due to the Criminal Code Act 1913 (WA), requiring magistrates to impose mandatory minimum sentences on young offenders in certain circumstances. Despite recommendations of the UN Committee on the Rights of the Child in 2012 to revise this practice, in 2014 the West Australian Legislative Assembly passed a bill extending the range of offences attracting a mandatory minimum sentence to include home burglaries. Nevertheless, indigenous communities have been developing community-led responses to address these challenges. For example, in the town of Bourke in New South Wales, community leaders are working with a local NGO on a trial project of 'justice reinvestment' that aims to identify community-based alternatives to prison to prevent marginalized youth from offending. To succeed, however, it is essential that the government support these initiatives.

Another major factor that could severely impact indigenous culture is the projected closure of specific remote communities, particularly in Western Australia. In September 2014, indigenous affairs minister Nigel Scullion announced that agreements had been reached with a number of states to transfer responsibility from the federal government for service provision in remote indigenous communities. In November 2014, following this announcement, the Premier of Western Australia, Colin Barnett, flagged that up to 150 remote Aboriginal communities in Western Australia might be closed, claiming that the social and health problems in many remote communities meant that the state could not provide them with essential services and the number of these communities should be reduced. In May 2015, the premier released the government's plan for the state's 274 remote communities. While no specific details were provided on how decisions would be made, the premier noted he expected a 'significant' number would close.

Australia continues to attract international criticism for its harsh immigration and asylum policies. During the review of its human rights practices at the UN HRC in Geneva, Australia received sustained criticism from delegates of other countries for a range of practices, including mandatory detention, the turning back of boats with asylum seekers found at sea and the removal of asylum seekers to offshore processing centres in other countries, such as Nauru and Papua New Guinea, where reports of human rights violations have been common. An independent review published in 2015 into detention conditions at the Nauru centre by former integrity minister Philip Moss found evidence of sexual and physical assaults on children and adults. The report concluded that many asylum seekers living in the detention centre were apprehensive about their personal safety and have privacy concerns. Some commentators have suggested that the harsh asylum policies, which enjoy wide popular support, are driven not only by border security but also by the legacy of exclusionary attitudes among white Australians towards non-Caucasian migrants as well as the indigenous population in general.

Nauru

Nauru is a parliamentary democracy, with 58 per cent of the population comprised of indigenous Nauruans while another 26 per cent identify as Pacific Islanders. Chinese (8 per cent) and European (8 per cent) minorities make up the remainder of the population. While the Constitution theoretically protects the rights and freedoms of Nauruan citizens, 2015 saw some significant setbacks with regard to the island nation's democratic space, including the passing of the Criminal Code (Amendment) Bill 2015. Allegedly developed to curb language that is 'threatening, abusive or insulting in nature and has the intention to stir up racial, religious or political hatred', critics accuse the government in practice of using the legislation to crack down on dissent. The government has used similar morality arguments to justify other repressive measures, including its attempt during the year to block Facebook, although refugee advocates have claimed the move was to prevent residents of its controversial asylum detention centre from speaking out about their conditions. Nauru has received widespread criticism for its involvement in Australia's offshore processing centres, including allegations of unreasonable delays in processing claims, harsh living conditions, violence and sexual abuse against asylum seekers.

Violence against women remains a key issue for Nauru. While a lack of readily available data makes conclusions difficult, there is a general perception that it is in fact increasing in frequency. While some new policy measures are being developed by the government to tackle this problem, it is difficult to assess the effectiveness of these measures in reducing violence against women. While traditionally Nauruan clans have been matrilineal, with property passing to female rather than male heirs and providing women with a measure of domestic influence, in practice many occupy a marginalized position within society – a situation reflected in the fact that the country has only had two elected female MPs.

The issue of sexual assault against women, in particular for the minorities who are now being settled in Nauru as refugees under Australia's resettlement policy, was highlighted by a high-profile case that came to light in October 2015, when a 23-year-old Somali refugee was sexually assaulted on Nauru. Known as Abyan, she allegedly became pregnant as a result of a sexual assault on the island and requested to travel to Australia, as abortion remains an illegal procedure on Nauru. But after spending five days in immigration detention in Australia, immigration minister Peter Dutton publicly stated that Abyan had decided not to proceed with the abortion and was sent back to Nauru, without the procedure having been carried out. Abyan denied that she had changed her mind, and her lawyers said she had simply asked for more time to make a decision. There have been calls for an independent commission into the handling of the case.

Case study *by Electra Babouri*

Sacred lands and seas: the lifeblood of Pacific cultures

With the highest proportion of indigenous peoples in traditional governance systems worldwide, cultural practices play an essential role in the Pacific by affirming and reinforcing the close interrelationship between eco-systems, humans and ways of life. As with indigenous populations elsewhere, Pacific communities do not distinguish between sites of cultural or natural importance: communal identities are closely interwoven with the surrounding land and sea, and the relationship with them is not one of ownership but interdependence, sustaining not only livelihoods but also the fabric of their society and beliefs. This is reflected in the way that many Pacific languages use similar words to describe culture, eco-systems and other aspects of their lives – a reflection of the rich interconnections their speakers perceive between them.

This respect for land and the environment is particularly evident in the Pacific's many sacred places. While these can manifest as man-made sites, such as *marae* in the Cook Islands, New Zealand and Tahiti or *malae* in Samoa – broadly speaking, a rectangular clearing traditionally used for community gatherings and ceremonial purposes – sacred sites are typically linked to elements of the natural landscape, from mountains and forests to reefs and oceans. These places are imbued with meaning by being bound to creation myths, kinship, migratory routes, initiation ceremonies, healing rituals, burial sites and other practices.

For example, the Fagaloa Bay on the Samoan island of Upolu, now a conservation zone, is of immense importance to the Tiavea

and Uafato communities who have traditionally managed the area, one of the most important biodiversity areas regionally, where the sacred *ifelele* tree can also be found. Continuing a 3,000-year history, the communities practise *Fa'a Samoa* (Samoan way of life) and related traditions, interrelating with everything animate and inanimate (*Va Tapuia*). The area is believed to be home to ancestral gods, with particular elements of the landscape symbolizing elements of their mythology.

Yet many sacred sites and seascapes are now facing various pressures, including the exploitation of their natural resources through logging of rainforests, mining and other development projects, such as the creation of roads and tourist resorts. In addition, a growing threat is that posed by climate change. Flash floods, storms, rising sea levels, increased temperatures and other environmental impacts are undermining the very eco-systems indigenous communities depend on – from soil and livestock to water sources and coral reefs. High tides and rising sea levels are already impacting low-lying islands and atolls by making them partially uninhabitable or altogether submerging them, as seen in Tuvalu, Kiribati, Vanuatu and the Carteret Islands in Papua New Guinea.

The region's islands are considered by many to be on the frontline of climate change, with certain Pacific Small Island Developing States such as Kiribati at risk of disappearing entirely. However, Oceania's indigenous communities are also at the forefront of efforts to safeguard irreplaceable natural resources and mitigate destruction, reflected in initiatives to conserve threatened habitats. For instance, the Wanang Conservation Area in Papua New Guinea, set up by a coalition of 10 indigenous rainforest-dwelling clans, won the 2015 Equator Prize for sustainable development. They are protecting 10,000 hectares of rainforest and have planted 280,000 plants on a 'forest dynamics plot' in order to study how their local environment is being affected by climate change. A research station is training community members to act as para-ecologists and research technicians.

While indigenous peoples' rights may be protected across the region by national legislation, customary rights frameworks and international norms, in practice indigenous lands and especially their sacred spaces remain under threat – a situation that undermines the fundamental identity of communities themselves. Recognizing the unique and synergistic relationship between indigenous peoples and their local environments, instead of marginalizing them from decision-making, would be an important step in improving environmental stewardship in the region. The alternative, however, is that they could become the collateral damage of climate change. ■

Vanuatu

Vanuatu experienced significant political instability during 2015. In a series of landmark court cases, 14 MPs were jailed for corruption, including Deputy Prime Minister Moana Carcasses. This led to the dissolution of parliament, with the country holding a general election in January 2016. This upheaval was compounded in March 2015 by the impacts of Cyclone Pam, one of the worst natural disasters in the country's history, causing widespread destruction. The World Heritage site of Chief Roi Mata's Domain, an important seventeenth-century cultural site spread out over the islands of Efate, Lelepa and Artok, was also substantially damaged.

Fortunately the cyclone, which left 75,000 in need of emergency shelter and devastated Vanuatu's food crops, incurred a surprisingly low death toll – 24 fatalities – a situation largely attributed to the design of traditional huts, known as '*nakamals*'. Lightweight, relatively flexible structures made of traditional materials such as bamboo, with low walls and roofs, they are able to withstand extreme weather better than other housing designs. Vanuatu was subsequently honoured in October on the International Day for Disaster Risk Reduction for its use of traditional knowledge in developing resilient community housing. UNESCO also announced that it would be funding a project to support the continued vitality of Vanuatu's *nakamal* tradition by researching the tangible and intangible heritage involved in their construction, with the aim of producing a handbook of best practices to support the use of indigenous building design across the Pacific region. Nevertheless, by the end of the year the effects of Cyclone Pam were still visible, due in part to significant financial shortfalls, with only a fraction of the needed funds provided by international donors.

Another unique form of cultural heritage widely practised in Vanuatu's archipelago is sand drawing, which has also been recognized on UNESCO's list of intangible cultural heritage. Besides its merits as a rich and striking art form, it is also an important medium of communication for the approximately 80 different language groups inhabiting Vanuatu. While these works are now popular as decoration and in tourist wares, their beauty reflects the complex myths and traditions represented within them – elements that could be threatened by increasing commercialization. ■

Europe

Boris Babin, Electra Babouri,
Shorena Kobaidze, Federica Prina
and Sara Vincini

Events affecting minorities in Europe during 2015 were dominated by violent attacks by religious extremists, including two major incidents in Paris that together killed almost 150 people, as well as a foiled attempted shooting on a train travelling from Amsterdam to Paris. The year also marked the emergence of a crisis that saw more than a million refugees and migrants enter the region, including a large proportion of Syrians displaced by the conflict. Amid fears of further attacks inspired by the militant group Islamic State in Iraq and al-Sham (ISIS), many governments have increasingly seen the swelling number of refugees as an issue of security rather than one of humanitarian protection.

These developments have impacted deeply not only on the treatment of refugees and migrants by many European countries, but also caused a shift in popular attitudes towards ethnic and religious minorities in general that has contributed to the rise of right-wing political organizations across the region. In Denmark, France and elsewhere, this increased popularity was reflected in significant gains in national elections in 2015, as well as a rise in hate speech and hate crime towards Muslim communities in particular. However, other parties with a broader racist or xenophobic message, such as Greece's Golden Dawn or Hungary's Jobbik, which secured more than a fifth of all votes in April elections, have also been able to exploit popular frustrations at the continuing financial crisis to achieve support for campaigns targeting immigrants, Jews, Roma and other minorities.

In this context, concerns around integration, assimilation and cultural difference have become increasingly divisive, reflected at times in suspicion and surveillance of minority spaces such as mosques as well as an increased focus on language, social values and other issues. While these concerns have shaped official policy, they have also driven hate crime and hate speech across Europe. Indeed, many community members have been targeted solely on the basis of identifiable markers, while places of worship, graveyards, cultural centres and other sites have also been attacked. However, while Muslims in many countries appear to be increasingly targeted, ethnic minorities of African or Asian origin, Roma and immigrant populations continue to experience high levels of verbal and physical assault.

France

France suffered two major attacks carried out by religious extremists during the year. On 7 January, an assault by armed gunmen on the offices of the satirical magazine *Charlie Hebdo* in Paris, allegedly in reprisal for publishing cartoons of the Prophet Muhammad, was followed by a series of other attacks that culminated in shootings at a Jewish supermarket in the city's eastern suburbs on 9 January. With a total of 17 people killed, the attacks were among the worst security incidents the country had experienced in several decades. While some of the subsequent public discussion focused on the exclusion of France's Muslim minority and the ghettoization of its immigrant population in marginalized suburban *banlieues*, the attacks also served to reinforce existing religious and ethnic divisions within French society.

These issues were brought into even sharper relief in November, when a series of coordinated suicide bombings and shootings targeting cafés, restaurants, a music venue and near the *Stade de France* stadium left 130 people dead and injured more than 350. In the wake of the attacks, France declared a state of emergency and imposed a range of provisions that greatly extended police powers to undertake searches, house arrests and other actions. Amid heightened security, hate crimes against Muslims rose sharply in the following days, with 32 incidents recorded by France's National Observatory of Islamophobia across the country within just one week. But while the attacks undoubtedly intensified negative attitudes towards the country's Muslim minority, the community has long faced worsening hostility and a widespread feeling that they are not fully part of French society.

Popular intolerance towards Islam and broader concerns about France's immigrant population, attitudes rooted in both ethnic and religious discrimination, have been reinforced by the rise of far-right political groups. While this trend has been apparent for a while, reflected in the unprecedented number of seats won by the far-right Front National (FN) in local elections in

Above: Muslim women in France. *Baba1948.*

2014, the attacks contributed to a further surge in votes for the party during the December regional elections.

Nevertheless, the fears expressed by the FN around assimilation, diversity and multiculturalism have long had currency within mainstream French society, resulting at times in incidents of hate speech and hate crime targeted at dress and other markers.

One incident, captured on film in the wake of the Paris attacks, involved a woman on a train in Paris insulting a Muslim man because she regarded his attire – a beard, a small cap and a *qarmis*, a long garment traditionally worn by Muslim men – as 'illegal' and 'offensive'. The French state has a long established principle of *laïcité*, loosely signifying the separation of the state from religion. This has been reflected in various state policies, including the controversial ban on face coverings in public that came into force from April 2011 – a stipulation that prevents Muslim women from wearing a full-face veil, the *burqa* or *niqab*, in public. This was preceded by the 2004 law banning conspicuous religious symbols at school, meaning female Muslim students were unable to wear a headscarf or *hijab* in class. Though not explicitly targeted at any one religion, in practice French Muslims, particularly girls, were most affected by the ban.

Though the ban has been justified by its supporters as a positive step to promote gender equality, arguing that many Muslim women wearing the *burqa* or *niqab* are coerced into doing so by other members of their community, others have argued that it has served to further isolate women in that situation who may be pressured into not appearing in public as a result. Furthermore, critics have argued that it has contributed to a broader climate of discrimination for Muslim women who wear face coverings, whether through choice or coercion. One example took place in December in Vénissieux, near Lyon, when the headmaster of the Jacques Brel secondary school reportedly asked a group of Muslim mothers to wait outside during a puppet show organized for their

children. Though the reason given was that they were wearing *hijab* and therefore were in breach of France's Charter for Secularity in School, the Charter in fact forbids only pupils from wearing religious symbols to school, while making an exception for accompanying parents and adults.

Another area that has proved divisive is diet, with many schools deciding during the year to stop offering pork-free menus in the name of *laïcité*. This approach, while receiving the support of some public officials – Jean-Paul Beneytou, mayor of the small town of Chilly-Mazarin, claims that it was simply a way to 'preserve public sector neutrality' – the effect has been to further segregate minority students. The families of Muslim and Jewish children who do not eat pork for religious reasons have complained when pork main dishes are featured on the menu, as their children are no longer offered a different option.

Social prejudice in France towards its Muslim minority has also shaped its response to the current refugee crisis in Europe, with thousands of refugees and asylum seekers from largely Islamic countries like Syria now seeking sanctuary in the country. This has led to increasing tensions in certain areas, particularly the coastal town of Calais, as some locals have set up vigilante groups that have reportedly carried out attacks on refugees. In early 2016, demolition works in the open-air, state-sanctioned Calais refugee camp dubbed 'the Jungle' commenced. Human rights organizations such as Amnesty International warned that this action risked making people already vulnerable to social and economic issues even more so. The camp's makeshift church and mosque were also razed to the ground, despite not being included in the original demolition plans, sparking anger and indignation among the camp's population.

Besides being the European country with the largest Muslim minority community, France is also home to approximately 500,000 Jewish people – the largest Jewish community in Europe. However, a significant number have been emigrating in recent years, partly in response to the perception that they are no longer welcome. While the attack on a kosher supermarket in eastern Paris shortly after the *Charlie Hebdo* shootings in January, where 15 Jewish people were held hostage and four were killed, was particularly extreme, hate crime and hate speech more generally has reportedly been on the rise. According to figures released by the Service de Protection de la Communauté Juive (SPCJ), anti-Semitic acts in France continued throughout 2015, including death threats, online hate speech and physical assaults on people wearing the *kippah* and other religious markers. They recorded 808 anti-Semitic acts during the year, although SPCJ also noted that many victims were hesitant to file complaints after others had recently been killed on account of their faith. Perhaps as a result of these incidents and of an increasingly widespread feeling of being 'unwelcome', approximately 8,000 French Jewish people migrated to Israel in 2015.

Another minority that struggles with social exclusion is France's Roma, who face discrimination in many areas of their lives, particularly housing. The European Roma Rights Centre (ERRC) reported in July that an average of 150 Roma were evicted by the French authorities every week during the first half of the year. Anti-Roma sentiment in France remains pervasive. During the year, several bus drivers in Montpellier declined to pick up Roma children on their way to school, for example, while in a small municipality near Paris, several newly enrolled Romanian Roma pupils were offered to be taught in a separate building away from any school. The right-wing mayor of Champlan refused to bury a two-month-old baby because of his Roma identity, reportedly stating that graveyards are 'for those who pay taxes'. The mayor of a neighbouring town stepped in and gave permission for the burial to take place there; he called his colleague's decision 'incomprehensible'.

Georgia

Preliminary results from Georgia's 2014 census, the first in more than a decade, were released during the year, showing that the country's population as at the beginning of 2015 was just 3.7 million, compared to a little below 4.4 million in 2002. Though the official figures are widely disputed, they nevertheless indicate that Georgia's population has been

Case study *by Annela Laaneots*

Estonia's Seto people host Finno-Ugric Capital of Culture in Obinitsa village

Seto are indigenous to the territories of what is now south-east Estonia and north-west Russia. But while in Russia Seto are recognized as a small indigenous people, in Estonia their status has not been formally recognized, despite their self-identification. With a total population of 12,000, of whom 2,000 live in Setomaa, their traditional territory, Seto have a unique identity sustained by their own language, heritage and identity. An example of this is Seto polyphonic '*leelo*' singing, a tradition included on the United Nations Educational, Scientific and Cultural Organization's global list of intangible cultural heritage and an important source of pride for the community.

The year 2015 was a remarkable one for Seto people as one of their cultural centres, the village of Obinitsa, held the title of Finno-Ugric Capital of Culture. This annual award was developed by the Youth Association of Finno-Ugric Peoples (MAFUN) with the aim of strengthening the common identity of Finno-Ugric peoples, to which Seto belong, raising awareness of kindred Finno-Ugric communities and languages, as well as stimulating local development in different Finno-Ugric regions. Loosely modelled after the European Capitals of Culture programme, it has been adapted to reflect Finno-Ugric realities. This means a focus on rural areas as the primary repositories of the living Finno-Ugric heritage.

As the Seto village of Obinitsa has a long history of collaboration with other Finno-Ugric peoples, the title was well-deserved. The central objective was to mutually learn and teach about different aspects of cultural heritage between communities: for

Below: Obinitsa's delegation in Petseri, Russian Federation. *Helju Majak.*

example, Seto masters taught representatives of other Finno-Ugric peoples the community's handicrafts, cooking, singing and dancing, while at the same time learning from their counterparts. These exchanges led to a number of new creative economy initiatives, including in the field of tourism development. During the year, over 60 cultural events – exhibitions, workshops, concerts, film festivals and much more – were held. A new art gallery and a Finno-Ugric flag square were opened. As a result, this tiny village of 168 residents hosted over 25,000 visitors.

In addition to holding traditional cultural events, Obinitsa became an arena to discuss a number of topics of central importance for Finno-Ugric communities, many of whom are facing a dramatic decline in the number of people who can speak their languages and the threat of assimilation into dominant cultures. A conference on ethno-futurism (an international movement with Estonian, including Seto, roots) and a Forum of Finno-Ugric Villages are just a few examples of how Obinitsa served as both a cultural and intellectual centre for the Finno-Ugric world. A key factor of Obinitsa's success as Finno-Ugric Capital of Culture was effective communication about the initiative both in Estonia and other Finno-Ugric countries and regions. This was accomplished through, for example, a multimedia website, an active social media presence, webcasts of video clips documenting nearly every programme event and a special Setomaa theme page on Estonia's most popular web portal.

While Obinitsa also faced a number of challenges during the year, such as mobilizing the entire village population and ensuring sufficient financing to support the year's ambitious programme, the end result was a remarkable success, and an inspiration both for Seto people and other kindred Finno-Ugric peoples. The initiative is an impressive example of how cultural heritage can be placed in the service of not only artistic and intellectual expression, but also further socio-economic development and broader recognition of an indigenous community. ■

shrinking. Demographic decline is not a new phenomenon in Georgia, however: in its early years of independence, a large number of Armenians, Greeks, Jews, Russians and other minorities left the country amid fears of rising ethno-nationalism, economic insecurity and the escalation of civil conflict in the breakaway regions of South Ossetia and then Abkhazia, now a *de facto* separatist republic. While many have left the country in the years since, emigration levels have been disproportionately high among minorities, meaning their representation within Georgia has declined markedly. Despite significant progress in certain areas, including a number of recent measures to support the full participation of minorities in public life, the country's history of division continues to be felt to this day, reflected in ongoing tensions over minority languages, religions and cultures. Religiously motivated violence and an inadequate response from law-enforcement agencies to address the problem have also persisted, despite efforts to promote integration.

As Georgia is a largely Orthodox Christian country, the Orthodox Church's resurgence since the end of Soviet rule has heavily influenced the development of Georgian nationalism. In addition to widespread popular support, the Church's position has also been strengthened through a 2002 agreement with the state that provides official recognition and a range of benefits that include tax relief, exemptions and a significant role in the country's education system. Minority religions, in contrast, are often seen as a threat to Georgian identity, particularly when a specific ethnicity is perceived to have ties with nearby countries – for example, the description of Georgian Muslims in some media outlets as 'Turks'. In some state schools, particularly in the autonomous republic of Adjara bordering Turkey, Muslim students have reportedly been stigmatized and even at times faced pressure to convert – a situation that, as described by the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) in its 2015 opinion, undermines the legal principle of the school as a 'neutral space where religious indoctrination, proselytism and forced assimilation are forbidden'.

As a separatist republic still lacking international recognition, language and identity are also strongly contested issues in Abkhazia, which declared independence from Georgia following its secession in the 1990s. In this context, ethnic Georgians living in the region are still marginalized from public life. This is especially evident in Gali, one of the most volatile areas near the border of Abkhazia, where officially only instruction in Abkhaz and Russian is permitted at the pre-school and primary level, meaning that Georgian language speakers are denied the right to receive education in their mother tongue. Some families have reportedly been forced to move to the Zugdidi region in western Georgia so that their children can attend Georgian schools.

While the Ministry of Culture and Monument Protection of Georgia and other government bodies have taken steps to protect important minority heritage sites such as mosques, as well as provide some support to contemporary cultural activities such as theatrical productions in minority languages, the contribution of Georgia's minority traditions to the country's heritage is often undervalued. Furthermore, while many religious and cultural monuments belonging to minorities are in need of immediate rehabilitation, recent research has suggested that less than 1 per cent of funding provided by cities and towns to religious organizations, including for the preservation of buildings, went to non-Orthodox groups. Furthermore, in parts of the country the construction of new places of worship by minority communities is still constrained by regulations and local resistance. During 2015, Muslims in Batumi, the capital of Adjara region, continued to be denied permission to build a second mosque in the city – an ongoing issue – obstructed by nationalist politicians who have attacked the proposal as a threat to Georgian identity. Other religious minorities, such as Catholics and Jehovah's Witnesses, have also experienced barriers in securing permission to construct churches or Kingdom Halls. These and other restrictions highlight the continued need, as emphasized by the FCNM Advisory Committee during the year, for authorities to promote the 'integration of society while fully valuing and respecting its ethnic, cultural, religious, and language diversity'.

Greece

Greece's protracted economic crisis, which showed little sign of abating during 2015, has fuelled the rise of far-right parties, such as Golden Dawn, with a strong anti-immigrant focus. In recent years, these organizations have exploited popular frustration and insecurity through xenophobic political rhetoric, in the process winning a significant portion of votes. Despite efforts to clamp down on its activities during the year – including the commencement of a trial in April of 69 Golden Dawn members on charges of participating in violence and criminality – Golden Dawn still managed to secure 7 per cent of votes and 18 seats in the September elections. The areas where Golden Dawn appeared to enjoy the most popularity were those most affected by Europe's refugee crisis, with at least 800,000 mostly Syrian refugees reaching Greece by sea. The islands of Kos and Lesbos, for example, which received a large influx of refugees in the first half of the year, saw votes for Golden Dawn almost double in September. The European Union's (EU) registration system on the islands has been criticized for implementing a tiered system that reportedly privileges Syrian nationals over refugees from other countries. Meanwhile Afghan families were reportedly receiving just one full meal a day and were allowed only one month's leave to stay in the country, compared to the six months granted to Syrians. This system, apparently designed on the assumption that other nationalities had weaker asylum claims than Syrian nationals, was reportedly leading to tensions between refugees from different countries. On a positive note, however, many islanders from Lesbos received worldwide praise for their humanitarian efforts in helping to rescue hundreds of refugees throughout the year and by giving them food and water. Petitions have been set up to nominate some of these residents as candidates for the Nobel Peace Prize.

Besides targeting migrants, Golden Dawn has a policy of physically and verbally attacking certain ethnic and religious groups, such as the country's Jewish minority. In October 2015, three Golden Dawn European Parliament members (MEPs) published a video online containing anti-Semitic and anti-migrant content, accusing the Merkel government in Germany of supporting a 'Zionist'

Case study *by Sara Vincini*

Using culture to break down stereotypes of Italy's Roma

Italy's Roma are among the country's poorest and most marginalized communities, with a long history of discrimination that has only intensified in recent years. A recent poll by the Pew Research Center found that as many as 85 per cent of Italians hold negative views towards Roma, reflected in high levels of hate crime and enduring stereotypes against the community.

Today it is estimated that around 180,000 Roma are in Italy, 35,000 of whom are forced to live in decrepit and dangerous camps at the edges of towns without access to sanitation, running water or other services. These settlements, besides being under constant threat of eviction by local authorities, have regularly been attacked by racist groups, with politicians themselves at times encouraging the violence. Following the announcement in March 2015 by Pope Francis of the 2016 Jubilee of Mercy in Rome – a major religious celebration expected to bring thousands of pilgrims and tourists to the capital – local authorities used the event as a pretext to carry out further forced evictions of Roma settlements, which tripled to an average of nine evictions per month. Far-right and xenophobic political parties in Italy – especially the Lega Nord (Northern League) – took to Italian TV and social media to campaign against Roma settlements, with Matteo Salvini, leader of the party, urging citizens to 'raze Roma camps with bulldozers'. This sparked vehement reactions from left-wing parties, which rejected Salvini's proposal and called for more effective and inclusive actions to integrate the Roma minority.

Below: Roma and non-Roma children perform a play in an Italian school about the history of Roma people. *21 Luglio*.

While strengthening legal protections for the community is an important step in improving the situation of Roma, cultural expression and interaction also have an important role in addressing popular attitudes and misconceptions about the community. As a result, some non-governmental organizations (NGOs) working on advocacy and social emancipation for Roma in Italy have developed programmes that explore the potential of the arts to engage different communities, break down barriers and enable those without a public platform to express themselves. Among other activities, the organization 21 Luglio previously developed a programme that seeks to address the barriers and discrimination that Roma frequently experience at school by bringing them together with non-Roma children to engage in dance and theatre – an accessible and effective way to bring different communities together. Another rights group, Romà Onlus, also works to empower Roma through teaching Roma history and customs to raise awareness among other Italians of the community's rich heritage. One project, for example, has focused on traditional Roma cuisine as a way of engaging non-Roma. Initiatives such as these can be powerful platforms to break down barriers and counter negative representations of Roma disseminated by media, right-wing politicians and racist groups. One of the challenges that Italy's Roma face is that, since they are widely ostracized, the community is largely segregated from other Italians – a fact that can enable harmful or misleading representations to take root. Cultural engagement, by raising awareness and promoting interaction, not only helps to undermine hate speech but can also enhance the community's sense of identity. ■

conspiracy against Europe. Anti-Semitism is not confined to Golden Dawn alone, however: the Coordination Forum for Countering anti-Semitism recorded several anti-Semitic incidents during 2015. Former Greek Finance Minister Yanis Varoufakis was depicted as a 'Jewish loan shark' in a cartoon that appeared in the Greek daily newspaper *Ta Nea*. In June, anti-Semitic graffiti warning that 'the Jews are murderers' appeared in Kavala and the town's Holocaust memorial was desecrated, while in October one of Athens' main Jewish cemeteries was vandalized with sprayed swastikas and insults against Jews. The anti-Semitic group Combat 18 Hellas later claimed responsibility for the attack by posting pictures on its website.

As is the case in many European countries, the estimated 265,000 Roma in Greece regularly experience marginalization and stigmatization. Although the government's National Strategy for Social Integration of Roma focuses on improving the integration and living conditions of Roma, the community still faces high levels of physical segregation, discrimination and negative stereotypes. In October 2015, after a two-year trial, charges against Roma couple Christos Salis and Eleftheria Dimopoulou – accused of stealing a 4-year-old child named Maria – were dropped, when the court ruled that evidence against the couple was inconclusive. This is a significant step forward in the struggle to debunk myths and stereotypes attached to the Roma minority, such as the one that accuses them of kidnapping children.

In May 2015, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, declared that 'Roma of Greece, while being for the vast majority Greek citizens, continue to face discrimination and remain economically and socially vulnerable.' The most concerning aspects are highlighted as being housing, social care and health services. As most Roma settlements are not connected to Greece's national power grid, it is impossible for Roma people to register with local authorities as they are unable to provide gas or electricity bills as proof of residence. For the same reason, Roma children living in informal camps are not able to complete primary

school education. A 2015 study conducted by Antigone, an anti-racism information centre in Thessaloniki, analysed the discrimination that can also take place within Roma communities: varying educational attainment, financial status, religious beliefs and cultural practices are said to be key contributing factors, with Roma women facing gender-based discrimination as well.

Russian Federation

Russia's annexation of Crimea in early 2014 and its subsequent support of pro-Russian separatists in eastern Ukraine has had considerable impact within Russia itself. To some extent, it has fragmented the Russian nationalist movement between pro-government and opposition groups, meaning that public events such as rallies have attracted fewer supporters than in previous years. Despite this, three 'Russian marches', as well as other nationalistic public events, were held on 4 November 2015, the Day of National Unity. And while public actions focusing on the conflict in Ukraine have generally decreased since 2014, Russian nationalists have intensified the military training of their recruits. Anti-extremism legislation also continued to be used during the course of the year to silence dissent on Russia's involvement in Ukraine. Among others, charges of incitement to ethnic hatred were brought against the director of Moscow's Library of Ukrainian Literature, Natalia Sharina, allegedly for disseminating 'anti-Russian propaganda', as well as against a shop assistant, an ethnic Russian, who had shared social media links to Ukrainian television programmes on the Ukrainian crisis.

While the Russian authorities have been repressive of minority and indigenous organizations in Crimea, as described in the Ukraine section, state officials have also cracked down on freedom of expression and assembly in Russia itself. For example, on the anniversary of the Tatars' defence of the Kazan Khanate before Ivan the Terrible's conquest in 1552, a commemorative event on 10 November in Russia's Republic of Tatarstan was partially disrupted as the demonstrators were prevented from congregating by the walls of Kazan's Kremlin, as is traditionally done. Two Tatar leaders were reportedly prevented from attending as their car was stopped by the police, allegedly for carrying narcotics. The demonstrators called for Tatarstan's sovereignty, education in Tatar language and the freeing of Rafis Kashapov, a community representative who received a three-year prison sentence in September for criticizing Russia's policies in Crimea and eastern Ukraine.

In March 2015 the United Nations (UN) Human Rights Committee adopted its 'Concluding observations on the seventh periodic report of the Russian Federation'. The Human Rights Committee expressed its concern at 'manifestations of Islamophobia and anti-Semitism as well as other racist and xenophobic acts', including attacks by Cossack patrols. According to data from the Moscow-based SOVA centre, between January and the end of November 2015 nine people were killed and 65 injured as a result of ethnically motivated violence – a reduction from 2014, however, when 27 people were killed and 123 people injured. Attacks have continued to target predominantly persons of 'non-Slavic appearance': Roma and people originating from the Caucasus, Central Asia and Africa.

Migration law continued to be hostile to migrants: complex regulations for registration and for obtaining work permits, and often the absence of a permanent address, tend to force migrants into a precarious position of illegality or semi-illegality. Problems with registration have affected even those who benefit from a visa-free regime with Russia, such as migrants from Kyrgyzstan, who make up the majority of Russia's migrants. Due to regulations introduced in 2014, migrants from these countries could not remain in Russia for more than 90 days in each 180-day period; many then resorted to crossing the border with a neighbouring country and then re-entering Russia. Violations of migration law were followed by periods in detention centres in extremely poor conditions, then deportation. There were instances of foreign children being deported from Russia without their parents, after they were separated from them during police raids.

Law enforcement officials have also undertaken ethnic profiling, resulting in persons of 'non-Slavic appearance' being disproportionately affected by identity checks, extortion of bribes, as well as harassment, arrests and physical violence. From January 2015, migrants wishing to obtain a work permit have been required to pass an extensive test on Russian language, history and civic rights (including questions on Crimea's 'unification' with Russia), as well as paying higher fees for permits and other documents. The bureaucratic and complex procedures of migration and refugee law have also contributed to the precarious living conditions of the numerous Ukrainian refugees fleeing the conflict in eastern Ukraine.

The right to freedom of religion of some minorities in Russia is at times restricted, through arbitrary application of legislation and discrimination by the government, judges and the police. Among others, those most affected are some Protestant and 'non-traditional' religious groups (such as Jehovah's Witnesses), given that their teachings are often regarded as a possible threat to stability. There have been instances of harassment of Muslim communities practising non-traditional forms of Islam, particularly in the North Caucasus. Some Muslims and members of other religious communities have been detained and tried on criminal charges of extremism.

The authorities continue to maintain tight control over the publication of any materials that are thought to contradict the government's official stance. In 2015 the federal authorities continued to update the Federal List of Extremist Materials: according to SOVA centre, it was updated 26 times in the first six months of 2015, with the addition of 305 items (from 2,562 to 2,867), at twice the rate of the first half of 2014. The banned materials were linked to subversion even when they did not seem to pose a threat to public order, as there is a lack of clear criteria on the classification of documents as extremist. The banned materials included religious texts, such as Islamic and Jehovah's Witnesses' literature.

Another way that the state exerts considerable control over civil society is through restrictions on the funding of Russian NGOs by foreign organizations, including those protecting minority and indigenous rights. Law No. 129-FZ (known as the law on 'undesirable' foreign organizations) was adopted on 23 May 2015: it targets foreign or international NGOs implementing 'undesirable' activities (representing a threat to the country's 'constitutional order, its defence potential or national security'). The law foresees the banning of organizations engaging in such activities and the prosecution of Russian activists or organizations involved with them, including those in receipt of their funding. The provisions thus threaten the funds of minority and indigenous organizations from foreign entities. Obstacles to international funding continue the trend of 2012 provisions that require Russian NGOs to register as 'foreign agents' when they receive funds from abroad and implement 'political activities'. For example, the organization Nuori Karjala (Young Karelia), which promoted the languages and cultures of the Finno-Ugric indigenous communities of the Republic of Karelia, was included by the Ministry of Justice in the register of 'foreign agents'. As a result the organization decided to cease activities in August 2015. The only non-Russian institution from which the organization had received funding was the UN, which had given a grant of US$10,000 for an education project.

Russia's indigenous communities continue to be marginalized and remain vulnerable to land rights violations due to the state's failure to designate specific 'territories of traditional nature use' (as foreseen by Russian law). There was limited consultation with indigenous peoples on matters of interest to their communities during the year and insufficient access to effective remedies in case of rights violations. In some cases, the judiciary has seemingly persecuted indigenous human rights defenders. For example, Evenk leader Sergey Nikiforov, who opposed gold mining in Evenk ancestral territories, was sentenced in September 2015 to five years in a penal colony for allegedly accepting a bribe. He had led the protests of the reindeer-herding Evenk community against gold mining in the Amur region, denouncing its effect on environmental conditions and the health of the local population.

Indigenous sacred sites, such as lakes and mountains associated with religious practices, have been violated for activities such as resource extraction and construction. For example, one such case led to damage, through mining activities, to the mountain of Karagai-Nash (Russian: Lysaya Gora) – a place of worship of the indigenous Shor people, located near the village of Kazas, in Kemerovo Oblast, in south-

west Siberia. The mining operations started in 2012 around the village, forcing most of the village's residents to relocate by 2014, leaving some missing or homeless. They were further denied access to a cemetery where their ancestors were buried, while the village was ultimately completely demolished.

Turkey

The year 2015 saw some signs of progress for minorities in Turkey, reflected in the election of a number of new members of parliament (MPs) from minority backgrounds, including the country's Armenian, Roma, Syriac and Yezidi communities, in general elections in June and November. However, significant challenges remain in terms of minority rights, as highlighted during the year in a report by Minority Rights Group International and the History Foundation of Turkey documenting the continued discrimination against minorities in education. Among other challenges, minority students face exclusionary curricula and the absence of mother-tongue instruction for many communities. Only children of Jewish and Christian families may apply to opt out of compulsory classes in Sunni Islam, but the process can be cumbersome and in many schools alternatives are not provided for them. They can still find themselves having to remain in religious instruction classes or, alternatively, having to wander around the school premises – making them vulnerable to taunts from pupils and even teachers.

In July, after a two-year ceasefire, the conflict that has lasted for decades and claimed over 40,000 lives between Turkey's security forces and the Kurdistan Workers' Party (PKK) resumed, bringing significant attacks and casualties on both sides. Responding to the renewed hostilities, the government banned Kurdish demonstrations and restricted access to related websites. Turkish authorities have launched a heavy security crackdown since the outbreak of the conflict, including the imposition of an extended curfew to allegedly contain PKK fighters in the predominantly Kurdish city of Cizre in September that left residents without electricity and with limited access to food, water and medical treatment.

Kurdish organizations, businesses and individuals have also reportedly been targeted by nationalists. Reacting against deadly attacks by the PKK on 6 and 8 September, offices belonging to the pro-Kurdish People's Democratic Party (HDP) in Ankara and the southern city of Alanya were torched. Elsewhere, too, the conflict reignited inter-communal tensions and led to a spate of attacks against Kurds. In Muğla, a Kurdish farmer was physically assaulted by locals and forced to kiss a statue of Ataturk, the founder of the modern Turkish state and an important nationalist figurehead, while in Istanbul a 21-year-old Kurdish man was reportedly stabbed to death by a gang who had overheard him speaking Kurdish on the phone.

In November, Tahir Elçi, a renowned Kurdish human rights lawyer and peace advocate, was murdered in the south-eastern city of Diyarbakir. An estimated 100,000 people attended his funeral, with his death seen as symbolizing a further setback for efforts to secure a peaceful resolution to the conflict. Elçi was killed while attempting to raise awareness about the cultural damage caused by fighting between Turkish and PKK forces in Sur, a historic district in Diyarbakir. Sur is predominantly home to Kurds and some Armenians, Assyrians and Yezidis, with a wealth of ancient and irreplaceable heritage that has been devastated in the conflict. With the violence intensifying in December, by early 2016 hundreds of shops had been destroyed and more than 30,000 residents forced to flee the area. While the government has promised it will rebuild the district, many locals are suspicious of its intentions as Sur had previously been earmarked for redevelopment, with the state's housing body undertaking demolition work in 2011 that was eventually halted due to strong local opposition. Critics fear that the Turkish authorities will use Sur's reconstruction as an opportunity to reshape the city in line with their economic and security agendas.

Conflict is not the only threat to Turkey's diverse cultural heritage, as development programmes such as the controversial Ilisu dam have undermined the way of life of many communities and resulted in evictions,

Right: Kurds at a mosque in Diyarbakir, Turkey. *Carpetblogger.*

displacement and resettlement. According to some reports, the dam could displace as many as 78,000 people, most of whom are Kurdish, and impact directly on another 30,000 nomadic people. One of the main sites to be affected is Hasankeyf, a largely Kurdish city with a rich heritage of ancient ruins and caves.

Another marginalized community in Turkey is its Alevi population, the country's largest religious minority, who subscribe to a distinct form of Islam that differs from that practised by the Sunni majority. An important milestone for the community came with the announcement in December of a range of expanded rights for Alevis, including legal recognition of *cemevis*, their houses of worship – a long-standing area of discrimination. This was preceded some months earlier by the visitation of an Alevi religious leader or *dede* to an Alevi prisoner in May – the first time an Alevi religious leader had been officially allowed to meet with a community member in jail. Despite this progress, however, problems persist, with reports in June of Alevi homes in the provinces of Elazığ and Kocaeli being daubed with paint. Behzat Hazır, head of the Elazığ Human Rights Association's (İHD) branch, called on people to remain calm as the tagging was intended to create 'an environment of fear and panic, making people anxious and deepening the religious discrimination'.

Land and property rights remain a significant barrier for religious minorities, a situation that has seen many important cultural heritage sites destroyed, appropriated or neglected. In Turkey's assessment for joining the EU, released in March, the European Commission called on the government to protect minority rights, including to 'allow the reopening of the Halki Greek Orthodox Seminary and lift all obstacles to its proper functioning', ensure that property and educational rights of the Greek minorities on Imbros and Tenedos were safeguarded, and resolve 'outstanding issues related to the restitution of land' belonging to Syriacs, a religious minority, including the Mor Gabriel monastery and other sites. In many cases, the appropriation of legal land deeds decades ago has left important minority sites vulnerable

to demolition or redevelopment. In May, for instance, the Kamp Armen orphanage – a site of great importance to the Armenian minority community and once a thriving cultural area before the state annulled the foundation's ownership of the land in 1983 – began to be demolished. However, after extensive protests and vigils brought the demolition to a halt, the landowner agreed to donate the site to the Gedikpaşa Armenian Protestant Church, which plans to rebuild it.

Turkey's Roma continue to suffer the effects of deep-seated social exclusion, commonly having to leave school early and work in the informal sector to help their families survive, leaving them unable to access public services. The community is frequently targeted with hate speech as well as physical violence. In January, for example, in the western city of Denizli, a 10-year-old Roma boy was killed by a landlord who accused him of theft, sparking clashes between locals and Roma. Discrimination also occurs at an official level. In July, an investigation was launched after police officers reportedly chanted discriminatory slogans during a street march in Keşan, in Edirne province. This followed multiple raids by hundreds of anti-riot police officers in a number of Roma neighbourhoods less than a fortnight before, in which 45 people were detained. The raids were criticized by Özcan Purçu, an MP of Roma origin, who accused police of using Roma neighbourhoods as 'training sites' and fuelling ethnic discrimination.

The Turkish authorities have made some efforts to support greater integration and better access to services for the Roma population, including a US$12 million fund to invest in relevant projects in Roma communities between 2014 and 2016. In February, the governor of the province of Edirne announced the establishment of an Ottoman army band, or *mehter*, made up of Roma musicians and the training of Roma children as *hafiz*, reciters of the *Qur'an* – an announcement welcomed by Roma representatives as an important source of recognition for the community. Nevertheless, far more systematic efforts are needed to address the marginalization of the community, particularly Roma women. Though gender-based violence is an acute problem for women in general in Turkey, as well as under-age marriage, these issues particularly affect girls and women from marginalized communities such as Roma. Uçan Süpürge, a Turkish women's rights organization, estimates that one in five of the Roma girls in an area north-west of Istanbul were married by the time they had turned 15.

These issues also affect refugee women and girls, who are especially vulnerable to exploitation due to war trauma and their financial dependency. Of the estimated 2.2 million Syrian refugees based in Turkey by the end of 2015, many face added disadvantage due to their belonging to minorities such as Syrian Kurds. Dom refugees, another ethnic minority group linked to the Roma with a distinct language, Domari, face particular discrimination due to entrenched prejudices and hostile media coverage of 'Syrian gypsies'. Refugees from the community have given accounts of harassment by both Turkish soldiers and other Syrian refugees. More generally, there is increased concern about the exploitation faced by the estimated 250,000 Syrian refugees working illegally in order to survive, lacking decent wages, employment rights and access to legal recourse.

Despite Turkey allowing access to its public school system, Human Rights Watch reported in November that over 400,000 Syrian refugee children mostly residing outside refugee camps are unable to attend school due to language barriers, issues with integration and a lack of resources to meet related costs such as travel.

Ukraine

Throughout 2015, Ukraine remained in a situation of protracted conflict, first triggered by the annexation of the Crimean peninsula by Russia in early 2014 and the subsequent military escalation by Russian-supported separatists and Russian troops in the Donetsk and Luhansk regions in eastern Ukraine. Following the Second Minsk Ceasefire Agreement on 11 February 2015, the frontline stabilized and the level of military operations reduced. Nevertheless, despite these negotiations, violence in the east of the country continued throughout the year. Furthermore, the agreement and subsequent talks failed to include essential minority rights protections in the parts of eastern Ukraine that are controlled by pro-Russian forces, nor address the ongoing humanitarian crisis in Crimea.

As a result of the conflict, more than 1.4 million civilians from eastern Ukraine and Crimea are now officially registered as internally displaced persons (IDPs). Around 750,000 IDPs are concentrated in non-occupied parts of Donetsk and Luhansk regions, meaning they are still in practice residing in the conflict zone but have registered to preserve their legal status and secure state aid. Though more than 100,000 are based in Kyiv city, and a sizeable number in other parts of central and, to a lesser extent, western Ukraine, the majority of the IDPs are based in eastern parts of the country. A large proportion of these IDPs originate from the Russian-speaking urban areas of eastern Ukraine and are now residing in Ukrainian-speaking territory, often in rural areas. For a long period, the Ukrainian government provided minimal assistance to IDPs, many of whom found themselves in an administrative limbo due to their uncertain legal status. However, following a veto by President Petro Poroshenko of proposed IDP legislation in November 2015, a revised law was passed by parliament in December 2015 and approved by Poroshenko in January 2016. Recognizing the long-term reality of internal displacement for these groups, the legislation was intended to provide better access to legal documentation and essential services to those who had fled the fighting.

The Ukrainian authorities tried to negotiate during the year with Russia on the enforcement of the International Convention on the Elimination of All Forms of Racial Discrimination in the conflict zone. In August 2015, the government lodged an interstate claim before the European Court on Human Rights (ECtHR) against Russia, alleging systematic violations of the rights of ethnic Ukrainians, minorities and indigenous people to freedom of religion, expression, peaceful assembly and association. According to the submission, there have been cases of disappearances and arbitrary arrests of members of the Crimean Tatar indigenous people as well as opposition activists. The Ukrainian government accuses armed groups controlled by Russia of torture and ill-treatment. This followed two earlier applications concerning Crimea and eastern Ukraine, lodged before the ECtHR by the Ukrainian government against Russia.

In other Ukrainian regions during the year there was little in the way of substantive change in relation to minority rights. State financing of media for traditional minorities in their own languages was in fact reduced during 2015, while a survey of the implementation of the Strategy of Defence and Integration for the Roma National Minority, adopted in 2013, suggested that there had so far been little in the way of concrete impact for the community. In these circumstances, the problems facing traditional minorities in frontier zones, such as Bulgarians, Gagauzes and Moldovans in Odessa, and Hungarians and Romanians in Transkarpatia, are ongoing. A positive step for minorities nevertheless took place in Transkarpatia, where the Ukrainian Party of Hungarians (UPH) participated successfully in local elections in October 2015. Though no special quota system was in place, UPH took eight seats (12.5 per cent of the total) on the regional council and secured a significant number of deputy places in the region.

Religious relations in Ukraine have also become a hostage of the conflict. After the election of the new Metropolitan in August 2014, the Ukrainian Orthodox Church (UOC) of the Moscow Patriarchate is increasingly perceived to be influenced by the Russian government. The other UOC of the Kyiv Patriarchate, as well as the Ukrainian Greek-Catholic Church, support Ukraine in the conflict, but now struggle to operate in the territories controlled by Russia. On the Ukrainian mainland, conflicts in local communities between followers of the different UOC Patriarchates have become more frequent since 2014. Tensions in traditional Muslim communities have also increased after the Spiritual Administration of Muslims of Crimea declared its public support in November 2014 for the Russian occupying authorities and against the Crimean Tatar *Mejlis* as well as other activists supporting the anti-Russian blockade.

Crimea

Since the forcible annexation of Crimean by Russian forces in 2014, the region – while legally remaining part of Ukrainian territory – has

been under the *de facto* control of the Russian authorities. The *de facto* authorities have initiated a clampdown on the Crimean Tatar population, which has long struggled for recognition as indigenous people in the region. The *Mejlis*, the representative body of the Crimean Tatars, which denounced the Russian annexation as illegal, has been virtually forced to stop its social and political activities given the pressure placed upon its members, who have faced intimidation, detention and charges of extremism. A variety of pro-Russian 'self-defence' militias have also intimidated Crimean Tatars and other people who tend to hold pro-Ukrainian views. There have been instances of abductions and disappearances, including of Crimean Tatars.

The *de facto* authorities have also cracked down on cultural gatherings by Crimean Tatars, especially commemorative events. This affected events that the *Mejlis* attempted to organize during the year, such as a traditional ceremony commemorating the deportation of Crimean Tatars on 18 May that was denied permission in 2015 on public safety grounds. Instead, the *de facto* authorities held their own event with loyal Crimean Tatar organizations. While other key celebrations were also cancelled, such as Crimean Tatar Flag Day in June, events initiated by Crimean Tatars but with a pro-Russia orientation were authorized.

All seven Ukrainian-medium schools that operated in Crimea at the time of the annexation have been closed; in other schools, Ukrainian classes were generally replaced with Russian language and literature. Some parents have reportedly been too intimidated to request instruction in Ukrainian. Provision has been made for education in Crimean Tatar, yet in practice the right to receive an education in this language has been restricted.

Aspects of Ukrainian cultural and religious identity have also been repressed in Crimea. As is the case with Crimean Tatar flags, the display of Ukrainian flags at events has led to interrogations, fines and prosecution for extremism. Activists of the Ukrainian Cultural Centre have also been arrested, fined and sentenced to community work. In February, the Museum of Ukrainian *Vyshivanka* (traditional Ukrainian embroidery) in Crimea was closed, and in March three people were fined for celebrating *Vyshivanka* Day, a date honouring traditional Ukrainian embroidery. An event on the 201st birthday of Ukrainian poet Taras Shevchenko, also in March, had to be held in the outskirts of Simferopol as permission for it to be held in the city centre was denied. There were instances of harassment against religious minorities too, such as the UOC, the Greek-Catholic Church and the Muslim community, including the seizure of places of worship. The *de facto* authorities have also targeted pro-Ukraine NGOs and silenced independent human rights organizations.

Since March 2014, Ukrainian channels in Crimea have been jammed and replaced with broadcasts originating from the Russian Federation. The Russia-controlled media has presented a highly skewed portrayal of the events in the peninsula, while websites providing independent information have at times been blocked. All Crimean Tatar media outlets but one – the newspaper *Yeni Dunya* – were forced to close down on 1 April 2015, as they could not re-register under Russian law (as required by the *de facto* authorities in April 2014). While Russian-language media outlets generally received new licences, Crimean Tatar-language media outlets – such as the news agency QHA, the television channel ATR, as well as the children's television channel Lale – were denied re-registration, despite repeated attempts. The denials were routinely linked to technicalities, leaving the media outlets no option but to close down to avoid facing substantial fines and criminal charges. Instances of harassment of minority media in Crimea include a raid on the Crimean Tatar television channel ATR on 26 January 2015 by an armed police unit that confiscated materials, as well as issuing warnings about broadcasting 'extremist' information.

Even before the Russian annexation, Crimean Tatars have long struggled to achieve formal status as an indigenous people. While Russia still does not recognize their claim, in March 2014 the Ukrainian parliament finally adopted a resolution designating Crimean Tatars as an indigenous people. However, Ukraine has subsequently failed to adopt the national legislation on indigenous peoples that was promised to Crimean Tatars. Even a draft bill, recognizing the non-numerous peoples of the Crimea, such as Crimean Karaites and Krymchaks, as indigenous peoples, fell short of being passed by the Ukrainian parliament in June 2015. ■

Middle East and North Africa

Miriam Puttick and Derek Verbakel

Events in the Middle East during the year were again dominated by the militant group *Daesh*, also known as Islamic State in Iraq and al-Sham (ISIS). Despite losing significant swathes of territory under its control in Iraq and Syria, ISIS nevertheless still controls large areas and subjects millions of civilians to a brutal rule of violence, threats and intimidation. Minorities in particular, such as Christians, Turkmen and Yezidis, have been targeted with human rights abuses including looting, house burning, torture, sexual assault and murder, in the process displacing entire communities from areas where they have lived for centuries. Besides staged executions, such as the release in February 2015 by the group of a filmed beheading of 21 Egyptian Copts in Libya, ISIS has also attracted wide publicity for its destruction of ancient heritage sites such as significant parts of United Nations Educational, Scientific and Cultural Organization (UNESCO)-listed Palmyra. However, this is only part of a much broader assault on churches, mosques and shrines belonging to religious and ethnic minorities that continued throughout the year.

Nevertheless, the challenges facing minorities and the survival of their rich cultural traditions are not confined to areas controlled by ISIS, nor are they wholly new. Indeed, the recent rise of violent extremism has been driven in part by longer-term factors, such as official discrimination, legal impunity and even state-led persecution that are evident in many countries across the region. Religious, ethnic and linguistic minorities have frequently faced restrictions on their ability to worship, to engage freely in cultural practices or even speak their native tongue – all symptoms of a wider climate of intolerance that threatens the region's rich diversity.

Egypt

Following the military-backed ousting of former President Mohamed Morsi in 2013 by General Abdel Fattah el-Sisi, subsequent elections in 2014 handed Sisi a landslide victory. While he enjoyed support among many Egyptians, including minorities, following the suppression of religious freedoms and civil rights during Morsi's presidency, Sisi's rule has itself been characterized by authoritarianism and widespread human rights abuses, including arbitrary arrests, torture and forced disappearances, particularly of perceived supporters of the now outlawed Muslim Brotherhood. While Sisi has publicly stated his commitment to combating religious extremism, throughout the year the government continued to restrict the beliefs and practices of many minorities. Though military operations against ISIS-affiliated insurgents in Sinai were escalated, the risk of targeted violence against religious minorities from other Egyptians – a threat long pre-dating the recent rise of the extremist group – remains high. Sisi's draconian policies have done little to resolve the underlying problem of inter-communal conflict and have arguably deepened divisions within Egyptian society.

This lack of progress is reflected in the situation of Egypt's sizeable Coptic Christian minority, long victims of discrimination and persecution, who to some extent have benefited from recent political reforms under Sisi. For example, Egypt's national elections in October 2015 saw Coptic Christians win 36 parliamentary seats, 6 per cent of the total – an unprecedented achievement that represents an important milestone for the community. This has been accompanied by Sisi's apparent efforts to engage the Coptic church leadership, highlighted by his historic attendance of Coptic Christmas Eve mass in January 2015 – the first time a head of state has done so – as well as his offering of personal condolences to Pope Tawadros II in February after 21 Egyptian Copts were killed by ISIS militants in Libya. Yet despite these conciliatory gestures, Coptic Egyptians remain marginalized by state institutions and face ongoing risks of sectarian violence.

One area where the state has failed in its protection of the community is the continued barriers to constructing houses of worship for non-Muslims, a legacy of Ottoman era legislation. Particularly in Upper Egypt, this has long contributed to the targeting of Coptic congregations and their religious practices. While authorities have reportedly objected less to church construction and renovations since Sisi took power, the community has still faced tremendous difficulties in securing official approval and support. In the village of al-Galaa, for example, after the reconstruction of a church was blocked by local Muslims, the Coptic community was forced amid rising sectarian tensions to agree to rebuild it without a bell or tower – a typical outcome of coercive reconciliation processes backed by local authorities. In the same week, police raided the Saint Youssef al-Bar prayer house near Maghagha, confiscating religious paraphernalia and accusing occupants of praying in a property illegally without official permission. In Abu Qurqas, police abruptly arrived and shut down reconstruction on part of a village church. These and other incidents have occurred despite Article 235 of the 2014 Constitution requiring the government to draft legislation regulating the building and renovating of churches to ensure that Christians are free to practise their religious rituals. For his part, in a speech in January 2016, Sisi lamented the failure of authorities to repair Coptic properties damaged in violent episodes during 2013, promising that 'by next year there won't be a single church or house that is not restored' – a claim met with scepticism by many.

Copts, their properties and places of worship also remain vulnerable to violent attacks. In January 2015, Orthodox, Catholic and Protestant leaders in Minya were forced to cancel Christmas celebrations after two policemen were gunned down while guarding a Coptic church. Later, during Holy Week in April, Easter celebrations were accompanied by heightened sectarian violence in Minya governorate. Copts, their churches and homes in Nasreya were left poorly protected by security personnel – a common occurrence – when attacked by angry villagers after a Coptic teacher and students were accused of insulting Islam after a video was circulated in which they reportedly ridiculed ISIS. Many attacks against the community are enabled by the failure of security forces to provide adequate protection.

While Coptic Christians face these difficulties despite their status as a recognized religion, other minorities lack even legal recognition. Article 64 of the 2014 Constitution, like its predecessors, guarantees freedom of religion only to the three 'Abrahamic faiths' – Christianity, Islam and Judaism – meaning that other groups, such as Bahá'i and Jehovah's Witnesses, are excluded. Bahá'i still face difficulties when seeking government-issued identification cards and are frequently subjected to public vilification. In December 2014, a public workshop was held by the Ministry of Religious Endowments to warn of the dangers of the spread of the Bahá'i faith in Egypt.

Though adherents of Islam, Shi'a Muslims in the Sunni-majority country are also marginalized and face widespread hostility for their beliefs. Their religious practices have often been presented as a threat to national security, leading to public vilification and official crackdowns – tendencies that continued in 2015. On 22 October, for example, the Ministry of Endowments announced the closure of Shi'a mosques to prevent Ashura celebrations. Despite being deemed a legitimate branch of Islam in 1959 by Al-Azhar, the country's most powerful religious institution, Egypt's current religious establishment considers Shi'a rituals to be in violation of the tenets of Islam. In November, for instance, the Grand Imam of Al-Azhar used a weekly television appearance to implore his audience to beware of Shi'a proselytizers.

Egypt's Jewish community, long marginalized, faced a further setback when an annual Jewish festival planned for 9–10 January was cancelled due to a ruling by the Alexandria Administrative Court. Though previously called off in 2012 and regularly opposed by locals, the event commemorated the birthday of the prominent nineteenth-century Rabbi Abu Hasira and attracted hundreds of Jews, including many from Israel, to visit his tomb. The Court's ruling deemed the festival contradictory to Islamic traditions and a violation of public order. Located in the Nile Delta village of Damanhour and added to Egypt's antiquities records by the Minister of Culture in 2001, the tomb was ordered to be struck from the list, obliging the government to notify the UNESCO World Heritage Committee as well. Other sites of important Jewish heritage also struggle with dereliction or disuse, with all of the estimated 12 synagogues in Cairo and Alexandria now reportedly closed or falling into disrepair due to lack of funds. The disappearance of Egypt's Jewish cultural heritage is all the more troubling

Left: Nubian women in Egypt. *Katie Hunt.*

for the fact that this once sizeable religious community, comprising as many as 80,000 in the late 1940s, now reportedly numbers only seven people, the majority elderly women.

Blasphemy accusations and related attacks remain a serious problem for Egypt's religious minorities, particularly Copts and Shi'a. Following 15 similar blasphemy cases earlier in the year for insulting Islam – a crime under the Egyptian Penal Code outlawing ridicule of the three Abrahamic faiths – in July, three Coptic men were arrested for distributing bags of dates containing messages proclaiming their 'Lord's' beneficence. Earlier, in a Beni Suef village at the end of May, a Coptic man was accused of posting cartoons offensive to the Prophet Muhammad on Facebook, resulting in more than ten Coptic homes being attacked with rocks and Molotov cocktails and the eventual forcible displacement of Coptic families from the village. In May a Shi'a dentist from Daqahlia governorate received a six-month prison sentence for contempt of religion after authorities found in his home books and other items supposedly used to perform Shi'a religious rituals. A week later, Shi'a cleric Taher al-Hashimy was arrested following a raid on his apartment where books and other items were confiscated by security forces. An atheist student was also given a three-year prison sentence in January for 'belittl[ing] the divine' through Facebook postings, an increasingly perilous activity.

Ethnic minorities also shared in a struggle for greater social acceptance and political representation. For Egypt's Nubian community, the October parliamentary elections carried particular significance. Due to a reconfiguration of decades-old electoral constituencies three months prior, New Nubia was assigned its own parliamentary seat, which in October was won by Yassine Abdel Sabour, the first Nubian MP in Egypt's new parliament. While viewed as a positive step, many Nubians expressed scepticism as to whether the most urgent issues facing the community would be addressed. During the construction of the Aswan High Dam in the 1960s, the government forcibly relocated Egyptian Nubians from their ancestral homeland where, as descendants of one of the world's oldest civilizations, fishing and farming had long been fundamental to their culture. Since displacement, the 'right to return' has remained their cardinal demand, coupled with calls to combat unemployment and improve deteriorating services. Abdel Sabour has stated he will push for the implementation of Articles 47 and 50 of the 2014 Constitution, which affirm the state's commitment to preserve the cultural identities and heritage of different groups.

Iraq

The situation of Iraq's minorities remained bleak throughout 2015 as fighting continued between the Iraqi government and allied forces, ISIS, and the Kurdish Peshmerga. While minorities have long suffered discrimination and the threat of targeted attacks, particularly since 2003, the rise of ISIS in 2014 has led to a dramatic deterioration in their situation. After the armed group's capture of Mosul in June 2014 and subsequent expansion into Tel Afar, Sinjar and the Ninewa Plains, entire minority populations were expelled from their historical homelands. In addition, minorities have been targeted for egregious human rights violations, including summary executions, kidnapping, rape, sexual slavery and forced conversion. Large numbers of Iraq's religious minorities, including Armenian and Chaldo-Assyrian Christians, Bahá'i, Kaka'i, Sabean Mandaeans, Shabak, Turkmen and Yezidis, remained displaced from their homes at year's end, living in either the Kurdistan region, the southern and central Iraqi governorates, or outside of the country.

In March 2015, a report released by the UN found that ISIS violations perpetrated against Yezidis may amount to crimes of genocide, as certain acts, including killings and the forcible transfer of members of the community, appear to have represented attempts to destroy the Yezidi minority. Mass graves containing the corpses of Yezidi men and women were discovered throughout the year. In the month of November 2015 alone, at least six mass graves were discovered in Sinjar after the area was retaken from ISIS control, one of which contained more than 120 bodies. At year's end, activists estimated the number of Yezidis still missing or in ISIS

captivity to be between 3,500 and 4,000. While male Yezidi children have been forced to convert to Islam, indoctrinated in ISIS ideology and trained to become fighters for the group, Yezidi women kidnapped by ISIS have been forced to convert to Islam and marry ISIS fighters, while others have been sold or given away as sex slaves, both in Iraq and Syria. ISIS has also targeted other minority women for kidnapping and sexual violence, including Christian and Shi'a women, albeit in smaller numbers. For example, on 13 March, ISIS reportedly killed nine Turkmen Shi'a women after they refused to marry ISIS fighters.

On several occasions, ISIS retaliated against minorities for engaging in cultural or religious practices deemed inconsistent with their puritanical ideology. For example, on 21 March the armed group abducted 56 Kurdish men for participating in celebrations of Nawroz, the Kurdish New Year, demanding ransom payments for their release. On 15 April, ISIS killed two Yezidi men in Mosul for exchanging greetings to mark the Yezidi New Year. ISIS also undertook a systematic assault on other religious minorities during the year. The UN documented at least 31 houses owned by Christians and destroyed by ISIS in the Mosul area from May to October. Representatives of the Turkmen community reported hundreds of kidnappings of men and women by ISIS during the year, as well as a massacre of Turkmen civilians in Mosul in August.

The proliferation of Shi'a militias and other paramilitary groups opposed to ISIS has itself contributed to deepening sectarianism. During the month of May, reports emerged that Shi'a militias had set up checkpoints in Diyala and were harassing and assaulting Kurdish drivers and passengers, culminating in the killing of three Kurdish drivers. The Turkmen community reported violations after an attack by the Kurdish Peshmerga on the city of Tuz Khurmatu, including burning and looting of Shi'a Turkmen-owned shops and the removal of Shi'a mourning flags and banners. According to Human Rights Watch, the situation in Tuz Khurmatu worsened after a car bombing in October, with clashes between armed groups drawing in civilians on all sides. Attacks such as these are not isolated incidents. Turkmen leaders have long complained of aggression from both the Iraqi and Kurdish authorities in Turkmen-majority areas, motivated by their desire to extend their control over those areas.

Left: Representatives of the Yezidis in Iraq make a plea for support during a meeting with European Parliament President Martin Schulz in April 2015. *European Union 2015 – European Parliament.*

Another devastating aspect of the conflict for minorities has been the systematic destruction of symbols of their cultural, intellectual and religious heritage, part of the ISIS strategy to eliminate all remnants of diversity in the areas they control. Since the group's takeover of Mosul in 2014, it has destroyed innumerable churches, mosques, shrines, graves and other religious and cultural sites. Throughout 2015, reports continued to emerge of the group looting and destroying mosques and churches in Mosul, in addition to numerous Kaka'i, Shabak and Yezidi shrines in Sinjar and the Ninewa Plains. After destroying an estimated 90 artifects from Mosul Museum in February, most of them linked to the Assyrian civilization, in March the group sparked international outrage and condemnation from the UN when it proceeded to destroy the ancient city of Hatra and the historical Assyrian capital of Nimrud. On 15 July, the group reportedly ordered staff at the University of Mosul to burn more than a thousand Master's and PhD dissertations authored by Christian, Shabak and Yezidi students.

These systematic attempts to destroy Iraq's diverse religious culture have had a deep psychological impact on its minorities and affected their perceptions of the possibility of rebuilding a future in Iraq. For some communities, the ISIS campaign is only the latest wave in a long history of forcible displacement and assimilatory cultural policies: for example, under decades of Ba'athist rule, non-Arab minorities, especially Kurds but also Assyrian Christians, Kaka'i and Yezidis, were either forced to identify as Arabs or expelled from their lands, while hundreds of their villages were systematically destroyed. Those displaced within Iraq and the Kurdish region also face multiple challenges to preserving their identity. For example, many minority families now living in the Kurdish region are unable to send their children to schools because of the language barrier and also reportedly face pressure to assimilate into Kurdish culture or support the political aims of the Kurdish parties. Assyrian Christians have also long complained of Kurdish restrictions on their political and cultural activities. In the southern governorates, too, Shabak have reported being prevented from taking part in religious rituals which they share with Shi'a Muslims.

Human rights groups now report that many minorities are resorting to emigration outside of Iraq as a permanent solution. Despite the fact that many areas that are home to minorities, such as Sinjar, have been recaptured from ISIS control, the numbers of minorities returning to their homes has remained modest. The reality of displacement could pose a threat to the future vitality of certain minority languages and cultures, especially those with a smaller number of adherents. For example, rights groups have warned that the Sabean Mandaean culture is at risk of extinction due to the mass emigration of community members, including religious leaders, and the difficulty of keeping religious rituals alive in host countries outside of Iraq. As more and more areas are recaptured from ISIS control, it remains to be seen whether the Iraqi and Kurdish governments will commit to addressing these grievances and making minorities full partners in building a more inclusive political order.

Israel/Palestine

Minorities in Israel and Palestine experienced continued hardship during 2015. Ahead of Israel's elections on 17 March subsequently won by Benjamin Netanyahu and his right-wing Likud Party, Netanyahu issued a much publicized warning that 'Arab voters are coming out in droves to the polls'. This reflected a broader atmosphere of racist incitement against Palestinians that played a critical part in the election's outcome. Nevertheless, the election was unprecedented in the inclusion of a major Palestinian party. Following a January Supreme Court ruling raising the minimum electoral threshold for parties to enter the Knesset, Palestinian citizens of Israel integrated their four main political parties into a Joint List with a common platform in order to achieve political representation. While, encouragingly, their political concerns gained significance in

Case study *by Joana Dabaj*

The struggle of Christian communities in the Middle East: an interview with Bishop Ghattas Hazim

Ghattas Hazim, Greek Orthodox Metropolitan of Baghdad, Kuwait and their dependencies, plays an important role in supporting Christian communities across the Persian Gulf (also known as the Arabian Gulf). Extending across Iraq, Kuwait, Oman and Saudi Arabia, the Orthodox presence was originally established in 1961. Today, however, the difficulties facing Christians in the region are increasingly acute, even in areas where they have long lived in relative stability. Hazim's own home city of Mhardeh in northern Syria, where for centuries tens of thousands of Christians resided, is now at the centre of the Syrian civil war.

Supporting the existence of Christian minorities in the Gulf region is no easy task, particularly with the rise of militant groups such as ISIS. According to the Bishop, more than 90 per cent of Orthodox Christians in Iraq have been displaced, leaving a much reduced community to maintain their historic presence and rich cultural traditions in the country. But the pressures facing Christian communities in Iraq are echoed in other countries too, and the recent rise of extremism is not the only challenge they face.

In Iraq, the Orthodox Church is allowed to own land, but in other Gulf countries it is denied property rights and its presence is dependent on the continued allowance of the state. As Hazim highlights, 'Our churches in the Gulf are not owned by us. As a result we are at the mercy of the landlord, since there are no rights for us to buy in our names.' Furthermore, the Orthodox Church is largely dependent financially on personal donations, and in some areas this source of revenue is increasingly under threat. The lack of fixed legal status for many Christians in the Gulf, such as migrant workers, reinforces the feeling of being a nomad even in one's country of residence. 'Everyone', says Hazim, 'feels they are in a transitory state and may have to move on at any moment.'

Despite the significant cultural contribution Christians have made in the region, Hazim now sees the Christian presence under threat as external migration, much of it forced, has increased. 'We feel there is a project to empty the Middle East of Christian people,' he says, arguing that certain groups are actively attempting to trigger population movements. To halt this, governments in the region must first of all support the agreement of a ceasefire in Syria to halt the violence. Providing adequate humanitarian assistance to those displaced by conflict is also essential in ensuring their survival and the eventual possibility of return. 'The current situation of families who fled their homes – our responsibility lies with providing them with shelter, food, water and medication. The needs are very high and we need to mobilize all organizations, NGOs [non-governmental organizations] and CBOs [community groups] to join these efforts.'

While forced migration is displacing whole communities, the physical destruction of churches, monasteries and shrines by extremists is destroying evidence of their long history in these countries. From Mosul and Nineva in Iraq to Aleppo and Damascus in Syria, the devastation of their unique Christian heritage is designed to permanently erase the identities of these communities. As Hazim highlights, the speed and scale of this assault means that Christians, like other threatened religious minorities in the region, need the full support of governments and the international communities. 'What is needed,' he concludes, 'is far greater than what we could ever provide.'

This article is based on an interview with Bishop Ghattas Hazim, conducted in January 2016 and translated from Arabic to English. ■

discourse surrounding the election, the Court's ruling also effectively forced the abandonment of their participation through multiple parties with diverse ideologies and agendas. Furthermore, though Palestinian citizens of Israel exercised voting rights, Palestinians living under Israeli rule in the occupied territories – unlike Israeli settlers living in their midst – remained without the right to vote. The grassroots 'Real Democracy' campaign, however, gave small numbers of Palestinians in the occupied territories the ability to vote through volunteer Israeli proxies.

In November, steps were taken by Prime Minister Netanyahu to use legislation to erode the rights of non-Jewish minorities in Israel by advancing the 'Nation-State' bill, which defines Israel as 'the nation-state of the Jewish people', not of its citizens, of whom around one-fifth are non-Jewish Palestinians. Similar ethno-nationalist concerns appeared to guide other official policies during the year, such as a parliamentary vote in June to extend a law that enables the government to refuse granting Israeli citizenship or residency status to Palestinians who are married to Israelis. In December, reports also emerged that the Education Ministry had banned a novel featuring an Arab–Jewish romance from being used in high schools on the basis that it threatened 'the identity and heritage of students in every sector.'

While Palestinians in Israel with recognized citizenship are still subjected to wide ranging discrimination in housing, social welfare, education, criminal justice and other areas of their lives, the difficulties facing Palestinians without Israeli citizenship in the Gaza Strip and the West Bank are even more acute – dispossession of land, restricted movement, prosecution by military courts and above all the pervasive threat of violence from security personnel or ultra-nationalist settlers. This was underlined by the death in July of 18-month old Ali Dawabsha, who was murdered along with three family members in a firebomb attack on their home by settlers.

A rise in violence between Israelis and Palestinians was sparked in Jerusalem on the eve of the Jewish New Year, Rosh Hashanah, in mid September when Israeli security forces entered the Al-Aqsa Mosque compound and clashed with Palestinian youths protesting increased arrivals of Jews to pray there. Sovereignty over the religious site, known as the Temple Mount in Judaism, is fiercely contested and of immense cultural importance to both Jews and Muslims. The Israeli government responded to the unrest by placing restrictions on Muslim access to the mosque, including a ban on men under the age of 45 who wish to pray there on Friday – a decision strongly criticized in a resolution adopted by UNESCO's board.

Violence subsequently spread throughout Israel and the occupied territories, with widespread confrontations between Israeli security forces and Palestinians, particularly in East Jerusalem and around Hebron. Near-daily attacks on Israeli security personnel and civilians took place, primarily in the form of stone throwing and stabbings, while systemic violence against Palestinians intensified, with an estimated 4,192 Palestinians – an average of 69 every day – shot by Israeli security forces from 1 October to 30 November. The same period saw 17 Israeli and 102 Palestinian fatalities. Human rights organizations raised concerns about attacks on Israeli civilians by Palestinians and excessive use of force by Israeli military and police, condemning repressive police acts and extra-judicial killings. Amid ongoing tensions, celebrations in Bethlehem, a cherished centre of cultural heritage for Palestinian Christians, were marred by clashes on Christmas Day between Israeli security and local youths.

Throughout the year, numerous attacks against Muslim and Christian holy sites were perpetrated by extremists in Israel and so-called 'price tag' incidents – acts of violence or arson perpetrated by settler youths in the occupied territories. In February, for instance, a Greek Orthodox seminary was set ablaze in Jerusalem, a day after a similar attack on a mosque near Bethlehem. In June, another fire left a church in the Galilee region containing fifth-century mosaics in ruins. Olive trees, an important symbol of Palestinian resilience and rootedness to the land as well as a vital source of livelihood, have also been targeted. In January alone, settlers reportedly uprooted or vandalized around 5,600 trees in the West Bank, representing 60 per cent of those attacked during the whole of 2014, and eventually capped the year by destroying 50 olive trees near Nablus.

While these and other incidents pose a direct threat to the survival of Palestinian heritage in the area, Palestinian cultural life remains vibrant. In 2015, Gaza held its first ever film festival. Focusing on human rights, it took place in the Shujaiyya neighbourhood, which remained badly damaged by heavy fighting and Israeli bombardment during the summer of 2014.

The Arabic language, spoken by Palestinians and many Mizrahim (Jews originating from the Middle East and North Africa), has remained intrinsic to the culture and identity of both groups. Since the state's founding in 1948, Arab – including Jewish-Arab – culture and music has been widely censured and suppressed in Israeli society, but for the first time ever, in summer 2015, a Mizrahi Arabic-language song topped the music charts in Israel. While more and more young Arab Jews are now exploring their cultural heritage, Mizrahi culture remains widely denigrated, as evidenced before the March election when openly racist remarks were made about the community by several prominent Ashkenazi (Jews originating from Central or Eastern Europe) leftists. The erasure of Palestinian cultural heritage continued with the removal of Arabic from street signs in Be'er al-Sabe/Be'er Sheva, home to tens of thousands of Palestinian citizens of Israel, and in East Jerusalem where, as tensions mounted in October, the city council approved new Hebrew street names as part of ongoing efforts to assert control over Palestinian neighbourhoods.

Further efforts to dislocate Palestinians from their land came in various forms. Protection and relative impunity granted to settlers by Israeli authorities alongside continuous settlement expansion – over 900 new settlement housing units were approved in July – means destruction and expropriation of Palestinian property is set to continue. A rare victory was won in January, however, when the High Court of Justice indefinitely halted construction of a section of Israel's separation barrier through the ancient agricultural terraces of the UNESCO-recognized West Bank village of Battir. The barrier has more broadly harmed Palestinian cultural rights and heritage by not only isolating and in some cases damaging archaeological sites as well as the natural environment, but also by annexing large swathes of Palestinian land, restricting access to holy sites and threatening the very existence of affected villages.

Also in the West Bank, Bedouin continuously faced pressure by authorities pushing them off their ancestral land in Area C, where Israel retains exclusive control over security, planning and construction, while communities inside Israel also continued to face home demolitions and dispossession of their traditional semi-nomadic lifestyle, particularly in Naqab/Negev desert villages 'unrecognized' by Israel as legal. A significant Supreme Court ruling in May denied Bedouin indigenous land rights, solidifying legal justification for future expropriation of Palestinian land within Israel and the West Bank. By failing to acknowledge the distinct historical and cultural heritage of the Bedouin, the court failed to recognize the Al-Uqbi family's ownership of a large plot of land including the 'unrecognized' village of Al-Araqib, bulldozed for the 92nd time by the end of 2015. Earlier, in May, the Israeli Supreme Court also approved a state plan to demolish the 'unrecognized' village Umm al-Hieran, to evict its residents and in its place build a new Jewish town, and at the end of November the government approved a plan for five new settlements that threaten to displace thousands more Bedouin. However, in early 2016, when the government declared intentions to develop a town over the ruins of a depopulated Palestinian village, members of Israel's Druze community, intended to be the new inhabitants and having themselves historically faced state confiscation of land, widely rejected the proposal.

Libya

Several years after the 2011 uprising that toppled former dictator Muammar Al-Gaddafi, Libya's political landscape remains fractured. The power vacuum that emerged after the fall of Gaddafi has led to the proliferation of armed groups, each fighting for pockets of control across the country. Conflict escalated into open warfare in mid 2014 and led to the establishment of two rival governments in Tobruk and Tripoli, the former with international recognition and backed by armed militias under the 'Operation Dignity' alliance, and the latter backed by 'Libya Dawn' militias. The continuation of fighting throughout 2015 saw a further deterioration of the human rights situation, as armed groups carried out violations including kidnappings, arbitrary detentions, torture and unlawful executions with impunity. With the signing of an agreement between the two ruling factions in December 2015 to establish a unity government, Libya's future stability hinges upon the new government's ability to establish an inclusive and functional political system. This includes taking measures to end legacies of exclusion and discrimination against Libya's minority groups.

The state of prolonged conflict afflicting Libya has allowed extremist groups, including militias loyal to ISIS, to carve out an increasing presence in parts of the country. This has created a dangerous situation for religious minorities living in the country. On 15 February 2015, a video released by an ISIS-affiliated group – depicting the massacre of 21 Coptic Christians, mostly Egyptian nationals, on a beach on Libya's northern coast – sent shockwaves through the region. An estimated 800,000–900,000 Egyptian nationals were working in Libya at the time, but numerous reports of kidnapping of Egyptian Copts in late 2014 and early 2015 began to create a climate of fear. News of the February massacre caused at least 33,000 Egyptians to return home and prompted the Egyptian government to launch retaliatory airstrikes.

On 19 April 2015, another video was released showing the beheadings and shooting of 28 Ethiopian and Eritrean Christians. On 3 June 2015, a further 86 Eritrean Christians were kidnapped south of Tripoli. Their whereabouts are still unknown. Incidents such as these illustrate the heightened vulnerability faced by sub-Saharan African migrants in Libya, who can be easily targeted by militias due to their ethnicity, undocumented status or religion. Amnesty International has documented widespread abuses against migrants, asylum-seekers and refugees in Libya, ranging from threats, physical assaults and theft to abduction, torture and killing. Female migrants are particularly prone to sexual exploitation.

There are fears that the increased presence of ISIS-affiliated groups in Libya could lead to attacks on historical and religious sites, in attempts to emulate the campaign of destruction unleashed by the group in Iraq and Syria. There have already been numerous reports of attacks on Sufi shrines, graves, and celebrations since 2011. On 23 April 2015, militants bombed the ancient Al-Quds mosque in Tripoli, a mosque frequented by Sufis.

Black migrants and Libyans alike have also been targeted by rebels due to the perception that they fought on Gaddafi's side in the uprising, based on claims that he used African mercenaries during the conflict. Following the stationing of government forces in the town of Tawergha in 2011, rebel forces retaliated against the town, forcing more than 30,000 residents to flee and leaving it a ghost town. Ever since, the majority of Tawerghans have been forced to live in displacement camps scattered across the country, and face ongoing harassment. The UN documented multiple cases of abduction of Tawerghan internally displaced people (IDPs) in March and April 2015 after their identities were discovered at checkpoints. In March, eight civilians were reportedly killed when Libyan warplanes bombed a Tawerghan IDP camp. However, in a positive development at the end of the year, the Misrata–Tawergha Joint Committee adopted a Road Map Document providing for the reconstruction of Tawergha and the voluntary return of its residents to their homes. Nevertheless, at the time of writing concrete progress on the principles outlined in the document had yet to be seen.

Amid the upheaval that has characterized Libya's tumultuous transition, the country's main ethnic minorities have become more active and begun to assert an independent voice after decades of marginalization under the Gaddafi regime. This includes Tuaregs, who are nomadic pastoralist tribes living along Libya's western border, and black African Tebu tribes inhabiting southern Libya. Nevertheless, relations between minorities have at times turned violent. In the southern town of Awbari, where Tuareg and Tebu live side by side, conflict that began in September 2014 culminated in the displacement of 18,500 people, most of whom were women, children and the elderly. The conflict has been driven by disputes between Tebu and Tuareg militias, who overlap in Awbari, over oil and water resources, as well as control of the lucrative smuggling trade in arms, drugs and migrants. In July, a week of

Case study *by Miriam Puttick*

Increasing recognition for Libya's Imazhigen

While Libya's fledgling democracy has struggled to establish a stable transition from Gaddafi's dictatorship, there have nevertheless been some positive developments for the country's minority and indigenous communities, specifically in terms of securing recognition of their distinct cultural identity and language rights. This is particularly the case for the Imazighen (Berbers; singular Amazigh), long marginalized under the Gaddafi regime. For decades, the existence of the Imazighen as a distinct indigenous group was denied: the Tamazight language could not be taught in schools, children could not be registered with non-Arab names and books written in Tamazight were destroyed.

Since the fall of Gaddafi, bolstered by Amazigh activism, there has been a revival in use of the language as schools offering Tamazight lessons have been established, language textbooks have been printed and Tamazight media outlets have flourished. A law passed in 2013 recognized the Tamazight, Tuareg and Tebu languages and upheld the right of minorities to receive education in their mother tongue as a voluntary option. In August 2015, the first democratic elections for the Amazigh Supreme Council were held, and a body formed equally of men and women was created.

The challenge of Amazigh leaders remains securing recognition for their rights at the national and societal level, including by ensuring that the future Constitution includes Tamazight as an official language. Imazighen have already boycotted the Constitutional Drafting Committee, followed recently by Tuaregs and Tebu, due to what they see as the assembly's exclusionary approach and lack of commitment to minority rights. ■

clashes between Tuareg and Tebu in the town of Sebha left over 40 people dead. According to the Internal Displacement Monitoring Centre (IDMC), there are also 4,800 IDPs in protracted displacement who have been unable to return to their homes since the January 2014 clashes between the Tebu and Awlad Suleiman tribe, who may have been re-displaced during the renewed conflict. Although a ceasefire negotiated with the help of Qatar in November promises to end fighting and provide for the return of displaced people to Awbari, sporadic clashes have continued to erupt.

Syria

Syria's diverse ethnic and religious minorities include Alawites, Christians, Druze, Ismailis, Kurds, Turkmen, Twelver Shi'a and Yezidis. Since the outbreak of armed conflict in 2011, Syria's minorities have suffered alongside the majority Sunni Muslim population from spiralling violence and the humanitarian crisis caused by the war. While government forces have deliberately and indiscriminately targeted densely populated areas, leading to devastating civilian death tolls and the destruction of vital infrastructure including hospitals and schools, armed groups fighting against the government have also targeted civilians and obstructed humanitarian aid flows. Hundreds of civilians have also been killed or injured in international coalition airstrikes against ISIS. As of October 2015, more than 250,000 people had been killed in the conflict, of which nearly half were civilians. Over 4 million Syrians have been made refugees, while a further 7.5 million are internally displaced.

Targeted attacks against minorities were not a central part of the conflict in its early stages, although certain minorities may have been more exposed to violence. For example, due to their concentration in urban centres such as Aleppo, Damascus and Homs, which have been the scene of intense fighting, a large number of Syria's Christians have fled the country. However, many argue that the actions of the government led by President Bashar Al-Assad escalated the sectarian dimensions of the conflict, leading to indiscriminate attacks against civilians on the basis of their identity and perceived association with the government or the opposition. The increased involvement of international actors in Syria, including Saudi Arabia and Iran, has further amplified these tensions. The launching of Russian airstrikes in support of the Assad government, a key development in 2015, has also led to shockingly high civilian casualty levels, leading rights groups to criticize Russia's apparent targeting of residential areas in which no military targets were present. Turkmen community representatives also accused Russia of targeting Turkmen civilians in an attempt to ethnically cleanse their community from the north-west of the country.

Minorities have been caught in the middle of this sectarian climate and their loyalties are divided. While many have sided with the Assad government, viewing it as the only viable guarantor of their security, other members of minorities have been vocal members of the opposition. Minority activists have been arbitrarily arrested, detained incommunicado and tortured in Assad's prisons alongside their Sunni Muslim counterparts. Some minority detainees have reported being subjected to particularly harsh treatment by interrogators on account of their identity, in addition to religious and ethnic slurs.

Since 2014, the rising power of extremist armed groups and their expansion into increasingly large swathes of the country has meant that minorities are increasingly prone to grave human rights violations from militants. Groups such as ISIS and Jabhat Al-Nusra have imposed a reign of terror on minorities in the areas they control, suppressing freedom of religion and singling them out for attack, while imposing harsh punishments on all those who oppose their control. Moreover, they have systematically destroyed innumerable historical and religious sites in an attempt to destroy all traces of minority cultural heritage.

Syria's Christians have faced kidnappings of their religious leaders throughout the conflict, while some of their towns have been consumed by fighting between government and anti-government forces. The advance of ISIS into further Christian-majority areas in 2015 led to an upsurge in kidnappings and other violations. On 23 February, ISIS attacked 35 Assyrian Christian villages along the Khabour River in the north-eastern Al-Hasakah governorate. According to Assyrian news outlets, the armed group kidnapped 253 Assyrians, including many women and children, caused an estimated 3,000 to flee the area and destroyed 11 churches. Although the villages were subsequently recaptured from ISIS, very few Assyrian Christians returned. On 23 September, ISIS released a video showing the execution of three Assyrian Christian men kidnapped in February. As of December 2015, 105 still remained in captivity. On 6 August, ISIS captured the town of Qaryatain, near Homs, kidnapping at least 230 civilians, including dozens of Assyrian Christians. ISIS later released a charter for the town's Christian inhabitants, imposing *jizya* (tribute) payments and restricting their rights to religious expression.

Anti-government armed groups have reserved some of their most vicious treatment for Alawites and other Shi'a minorities, due to their perceived association with the Assad government. Towards the end of March, Jabhat Al-Nusra and Free Syrian Army forces took control of Busra Al-Sham in Daraa governorate. Killings and kidnappings of Shi'a civilians were documented in the previous months, while Shi'a married to Sunnis were threatened with death or sexual violence once the town fell. On 31 March, ISIS attacked Mabouja in Hama governorate, a town with a large Ismaili population, killing an estimated 46 civilians and abducting 50 others, including 10 Ismailis. In April, Jabhat Al-Nusra and other armed groups attacked the predominantly Alawite village of Ishtabraq in Idlib Governorate, killing civilians as they fled and blowing up Alawite shrines. After capturing the city of Deir Ez-Zour in May, ISIS carried out public executions of Alawite and Shi'a men accused of fighting for the government.

Syria's Druze population, concentrated in the southern governorate of Suweida as well as Idlib, has largely avoided openly taking sides in the conflict. Most have been reluctant to enlist in Assad's army, fearing they would be sent to fight on distant battlefronts and risk creating tensions with their Sunni neighbours. The community's increasingly vocal resistance to conscription throughout 2015 has left it at loggerheads with the government, while opening it to attack by

anti-government armed groups. On 10 June, Jabhat Al-Nusra fighters killed 30 Druze in the village of Qalba Loza, Idlib governorate. Inhabitants of the village had previously faced pressures by the armed group to renounce their faith. Militants also destroyed shrines and dug up Druze graves.

As in Iraq, the course of the conflict in Syria has involved the widespread destruction of places of worship and other sites of cultural heritage. While the demolition of large sections of Palmyra, a UNESCO World Heritage Site, by ISIS between May and October attracted international condemnation, it was only part of a wider assault by militants on heritage that has seen the destruction of countless places of worship, statues and other artifects associated with religious minorities. These have also provided the group with an important source of revenue, with some reports suggesting that illegal trade in antiquities was the second-largest source of finance for ISIS after oil, reaching volumes of over US$100 million a year. Nevertheless, despite the notoriety ISIS has created through these acts, the Syrian Network for Human Rights reported during the year that government forces were in fact responsible for the majority of attacks on houses of worship. By the end of April 2015, of the 63 targeted churches documented by the monitoring group, 40 were attacked by government forces compared to 14 by ISIS, Jabhat al-Nusra and other extremist organizations, as well as another 14 by armed opposition groups. Moreover, as early as June 2013 the group recorded that government forces had already attacked 1,451 mosques, of which 348 were completely destroyed.

Yemen

Yemen's conflict escalated further during 2015, with devastating consequences for its civilian population. In the wake of significant advances during 2014 by rebel Houthi forces, culminating in the capture of the capital Sana'a in September, President Abd-Rabbu Mansour Hadi resigned in January 2015 before fleeing south in February to Aden. An international coalition led by Saudi Arabia subsequently launched 'Operation Decisive Storm' at the end of March in support of Hadi, including aerial bombings and an extended blockade that prevented essential food, medicine and fuel supplies from entering the country. Amid widespread allegations of human rights abuses and violations of international humanitarian law by all parties to the conflict, Yemen has been consumed by a major humanitarian crisis. Between March and the end of the year there were over 6,000 deaths and 28,000 injuries, with more than 2.5 million people internally displaced and an estimated 21.2 million Yemenis – more than four-fifths of the population – in need of humanitarian assistance.

The Houthi movement, rooted in long-standing grievances about the perceived socio-economic marginalization of Yemen's underdeveloped north, is named after the late Hussein Al Houthi, a former member of parliament who subsequently led the insurgency against the government at the beginning of what became known as the Saada war before his death in 2004. While conflict has been ongoing, the group's activities escalated in 2011 and in ensuing years forces gained control over large swathes of the country. While the Houthi rebellion has presented its grievances as primarily political rather than religious, the fact that the large majority of its members are Zaidi Shi'a, fighting against a Sunni-dominated government, has meant the conflict has taken on increasingly sectarian dimensions. This has been exacerbated by the military involvement of Saudi Arabia, and its hostility towards Iran. As a result, in areas such as Sana'a where different Muslim groups previously coexisted with relatively little friction, sectarian tensions within communities have reportedly become more common.

The conflict has also resulted in the damage and destruction of significant cultural sites and heritage in Yemen, including those connected to minority communities, such as the 1,200-year-old Al-Hadi mosque in Saada, the oldest Shi'a centre of learning on the Arabian Peninsula, which was struck by coalition airstrikes in May. In June the Director-General of UNESCO, Irina Bokova, condemned coalition airstrikes for repeatedly striking cultural heritage sites, and on 22 July UNESCO announced an emergency plan to safeguard the country's unique cultural heritage from damage caused by fighting, shelling and bombing.

Case study *by Kat Eghdamian*

Jordan: experiences of Syria's Christian and Druze refugees

Of the more than 4 million Syrians internationally displaced by the crisis, little is known about the fate of religious minorities among the refugee population. This is of growing concern since the Syrian conflict is increasingly being waged across sectarian lines, directly influencing the experiences of displaced Syrians both within and outside its borders. Due to the lack of reliable figures on the number of Syrian refugees from different religious communities, it is unclear exactly how many religious minorities have been displaced by the conflict, though unofficial estimates based on the country's pre-conflict population equates to hundreds of thousands of people.

A recent study, published by the UCL Migration Unit, on the situation of Syrian Christian and Syrian Druze refugees living in urban centres across Jordan found that religious minorities face specific vulnerabilities and challenges in displacement. For instance, out of fear of targeted attacks, many are not entering refugee camps or registering with UN agencies. Instead, a large proportion choose to live in private homes or gather together in religious buildings such as monasteries, restricting their access to humanitarian services and protection. With rent prices rising with the influx of refugees, many are forced to move to the peripheries of cities.

For those who remain in Jordan and do not make the journey onward to Europe and elsewhere, many face social exclusion, stigmatization and discrimination. In particular, Syrian Christian and Syrian Druze refugees are regularly subjected to verbal and physical harassment, including being called *kafir* (infidel) and refused service at local supermarkets. In turn, the children of these families face bullying at school and compulsory religious training in Islam, while women have reported being questioned by neighbours and other refugees as to why they are not veiled.

Despite initial hopes of return to their homeland, many now feel there is no home to return to. Syrian neighbourhoods that were previously well known as Christian havens or clusters for Druze communities have either been razed to the ground or remain battlegrounds between different sides of the conflict. From the castle of Krak des Chevaliers in Homs to the ancient Saint Elian Monastery near Qaryatain founded over 1,500 years ago, many of the physical sites associated with ancient Christianity are being destroyed. In this context, the importance of maintaining religious freedom and cultural heritage is more important than ever, with minority refugees playing a vital role as carriers and preservers of their traditions.

Although religious communities, such as churches, offer extra support and help to these refugees, many express despair about their plight in Jordan and the prospects for the future. Recognizing the need to maintain their culture, local religious communities are offering language and culture classes for Syrian Christian refugees – a great source of support and familiarity. However, for Syrian Druze refugees, there appear to be few or no religious or cultural support networks directly available. Many also lamented the discrimination they experienced in their host communities as a result of misunderstandings about their religious beliefs.

As Jordan continues to host over 600,000 Syrian refugees, there is a need to ensure the divisions causing the displacement into the country do not continue to brew discontent and conflict within its borders. Targeted strategies are urgently required to support tolerance and religious freedom among refugee population. Indeed, the treatment of Syria's religious minorities will have wider implications, beyond security concerns, for the future of religious diversity and cultural heritage in the Middle East. ■

Extremist groups such as Al Qaeda in the Arabian Peninsula (AQAP) and Islamic State (IS) in Yemen have also exploited rising insecurity to expand their influence in the south, where, alongside other acts of destruction, AQAP militants reportedly left the 800-year-old tomb of Sufi scholar Sufyan bin Abdullah in Lahij in ruins. Mosques in Sana'a frequented by Houthi supporters were also targeted by IS bomb attacks throughout the year, including an attack on 20 March in which at least 137 people were killed in a series of coordinated attacks on Shi'a mosques in the capital. This incident was followed by similar attacks throughout the year, including a suicide bombing in September that reportedly left at least 25 people dead. In July IS also claimed responsibility for a car bomb in Sana'a striking a Dawoodi Ismaili mosque, in reprisal for what the group claimed was Ismaili support for the Houthis. Similar incidents have occurred in the south of the country, including the demolition of an empty Catholic church in Aden by suspected militants in December.

The conflict has also placed increasing pressure on Yemen's Jewish community. The ancient community, numbering as many as 50,000 in the 1940s, has now shrunk to a few dozen, who face widespread hostility from large sections of Yemeni society, due in part to the conflation of the Jewish faith with Zionism. For many within the community, fears of attack have also intensified since the Houthi takeover. Due to fear of harassment, Jews have tended to conceal visible markers of their identity in public, such as sidelocks, and have been confined to practising religious rituals in the privacy of their homes. The unique cultural traditions for which the community has historically been renowned in Yemen and further afield, such as metalworking and, in particular, the handcrafting of silver jewellery, are close to disappearing. In this context, many of those remaining now wish to leave the country. In March 2016, reports emerged that the Israeli government had secretly airlifted 17 Yemeni Jews out of the country, leaving just 50 community members in Yemen.

Left: Yemeni Jews. *BBC World Service.*

Anti-Israeli sentiment has also driven the persecution of Bahá'i, who number around 1,000 people in Yemen. On January 2015, a formal indictment was issued against Hamed Kamal bin Haydara, a Bahá'i Yemeni, accusing him of being an Iranian citizen working on behalf of the Israeli government – a common accusation levelled at members of the community due to the location of the Bahá'i World Centre in the cities of 'Akká and Haifa in Israel. The charges come following more than a year in detention without trial following Haydara's arrest in December 2013, during which he has reportedly been subjected to sustained torture by prison guards.

Ethnic discrimination is also entrenched within Yemeni society. As the conflict has intensified, the situation of Yemen's Muhamasheen – 'marginalized ones' in Arabic – has become even more precarious. A visible minority commonly believed to be of African descent and also known pejoratively as *Akhdam* ('servants'), their lives have long been characterized by deep-seated poverty and exclusion. Having largely made their homes in shantytowns on the outskirts of urban centres, many Muhamasheen were concentrated in the cities worst affected by the conflict. Aden, Saada and Taiz had especially large numbers of Muhamasheen, who became internally displaced when coalition airstrikes began pounding their neighbourhoods in those cities in March and April.

In the absence of access to tribal or other informal networks of patronage, with the deepening humanitarian crisis Muhamasheen have struggled to access basic services or other support mechanisms. While the risk for all civilians is high, the experience of displacement for Muhamasheen has differed considerably from that of other Yemenis, with community members facing discrimination and in some cases even denial of access to aid distribution. Displaced Muhamasheen have been forced to find shelter on open ground or in disused buildings. Activists and community members have also reported young girls being coerced into early marriages to support their families, as well as the forcible recruitment of boys to fight for various armed groups. ■

Peoples under Threat 2016

Mark Lattimer

Over 20 years after the Rwandan and Bosnian genocides, the *Peoples under Threat* index demonstrates both the improved capacity of the international community to predict mass killing and its inability to prevent it. Meanwhile, those facing ethnic, religious or political persecution in their home countries are acting with their feet. The United Nations (UN) refugee agency's 'population of concern', which includes refugees, asylum-seekers and internally displaced persons (IDPs), rose to nearly 60 million last year, having tripled in the past decade.

The *Peoples under Threat* index identifies those country situations around the world where communities face the greatest risk of genocide, mass killing or systematic violent repression. Based on current indicators from authoritative sources (see box), *Peoples under Threat* has been compiled every year since 2005 to provide early warning of potential future mass atrocities.

Last year, *Peoples under Threat* highlighted 17 situations with pressing risks, comprising states either at the top of the index or those rising swiftly up it. It is estimated that those accounted for the vast majority of civilians subsequently killed last year – and for over three-quarters of the global refugee population.

Rising threats

The global refugee crisis in 2015 was a direct manifestation of the persecution faced by communities in those states at the top of the *Peoples under Threat* table. That the crisis is far from over is indicated by rising threats in an expanding range of countries in 2016.

Some of the most vulnerable communities are those newly displaced, whose precarious situation is exacerbated by lack of basic services or protection. In Iraq, for example, the population of IDPs has now exceeded 3.3 million, including a large proportion of religious minorities, but the UN's humanitarian response plan is less than one-quarter funded. South Sudan has over 1.6 million IDP victims of a devastating ethnic war, but just over a quarter of the funding required for the crisis response plan has been received. Jordan has warned that the massive Zaatari refugee camp near the Syrian border is unsustainable, and Kenyan authorities are threatening to close down Dadaab camp near the Somali border, the largest refugee camp in the world with a population of some 330,000, including a high proportion of Somalian minority Bantu.

The international failure to address these situations makes further mass population movements inevitable. Meanwhile, the situation in the two most significant refugee embarkation points for Europe, Libya and Turkey, is rapidly deteriorating.

The Middle East and Africa again dominate the list of states that have risen most prominently in the table this year, but the spread of peoples under threat is expanding, both as the conflicts involving Boko Haram and Islamic State of Iraq and al-Sham (ISIS) affect more states and as the risk of reactivating old conflicts increases. ISIS affiliates (not including Boko Haram) are now active in some 15 countries from Algeria to the Philippines. In most states ISIS-affiliated forces remain small or their connection to the self-declared ISIS caliphate is tenuous. In many cases, pledging allegiance is effectively a re-branding exercise by existing militant groups attracted by ISIS' profile and international support network. Given the limited capacity of many of the armed groups concerned, their survival typically depends on extortion and smuggling activities, and on the classic asymmetrical strategy of provoking a disproportionate response from the state. For the general population, and particularly religious and ethnic communities, the risk of mass abuses needs to be understood not just in terms of atrocities perpetrated by extremist opposition groups but also the violent reaction by government forces. The wider threat, then, derives both from the reactivation of a series of dormant grievances and highly disparate struggles, and from the potentially disproportionate response of the state. Both these factors are central to the situation in a number of major risers in the index this year.

Despite successes in pushing back ISIS and regaining territory in the centre and west of the country, **Iraq** has climbed again in the *Peoples under Threat* table to be this year's most prominent riser. Two specific threats in 2016 face a population already exhibiting a high level of vulnerability, with over 3.3 million IDPs and more than 8 million requiring humanitarian assistance. A long-planned assault on Iraq's

Major risers since 2015

Rank	Rise in rank	Country	Groups	Total
3	+2	Iraq	Shi'a, Sunnis, Kurds, Turkmen, Christians, Mandaeans, Yezidis, Shabak, Faili Kurds, Bahá'í, Palestinians	20.92
6	+3	South Sudan	Murle, Nuer, Dinka, Anuak, Jie, Kachipo	20.13
12	+5	Libya	Black Libyans, Sub-Saharan migrants, Tebu, Berbers	17.39
15	+6	Ukraine	Tatars, Krymchak and Karaites in Crimea; Russians, Hungarians, Moldovans and other national minorities	15.05
18	+2	Egypt	Copts, Shi'a, Bahá'í; Nubians, Bedouin	13.83
22	+2	Burundi	Hutu, Tutsi, Batwa	13.55
23	+3	Equatorial Guinea	Bubi, Annobon Islanders	13.07
27	+7	Algeria	Berbers, Saharawi	12.24
32	+12	North Korea	Political/social targets, religious minorities	11.61
34	+18	Turkey	Kurds, Alevis, Roma, Armenians and other Christians	11.58
38	+10	Venezuela	Indigenous peoples, Afro-descendants	10.73
39	+7	Azerbaijan	Armenians	10.71
43	+10	Cameroon	'Westerners', Southerners	10.47
53	New entry	El Salvador	Political/social targets	9.98
66	New entry	Mozambique	Northerners	8.93

second city of Mosul, an ISIS stronghold, may create a further 500,000 to 1 million IDPs. Other recent battles over urban centres in Iraq have seen escalating violence from ISIS in an attempt to retain control and high civilian casualty rates from indiscriminate bombardment by the Iraqi Security Forces. Second, the remobilization of the Shi'a militias, with both governmental and religious backing, and the return of Moqtada Al-Sadr to the national political stage, have made further sectarian violence almost inevitable.

The fact that **South Sudan** has climbed further in the critical reaches of the *Peoples under Threat* table, despite another peace agreement concluded in August, demonstrates the lack of good faith exhibited by both the main parties to the conflict, destabilization by neighbouring Sudan and the ethnic character of the violence. Tens of thousands are believed to have been killed since the dispute began between President Salva Kiir and his former deputy, Riek Machar, pitching their respective Dinka and Nuer communities against each other, but the fact that there is not even a proper accounting of the dead is an indication of how bad things have become. The conflict has left a quarter of the population in acute food insecurity, with 40,000 facing starvation.

With two rival parliaments, an array of competing militias and tribal forces, and a rapidly expanding branch of ISIS, **Libya** shows few signs of escaping the mantle of a failed state, despite the agreement to establish a government of national unity. Both the ethnic cleansing perpetrated during the Libyan uprising in 2011 and more recent cases of religious persecution – including the extra-judicial execution of over 50 Christians in February and April 2015 – establishes a worrying track record. It is clear that the 2011 NATO intervention in Libya set two dangerous precedents for Libya's new rulers: refusing to account for civilian casualties and appearing to tolerate widespread militia abuses. Libya is one of the highest climbers in the *Peoples under Threat* index this year.

Ukraine has jumped another six places this year. Announcing the effective annexation of Crimea in March 2014, Russian President Vladimir Putin professed great respect for people of all ethnic groups living in Crimea and committed to political and legislative action to restore the rights of Crimean Tatars and 'clear their good name'. Two years later the Russian government suspended the Crimean Tatars' representative council on trumped up charges of extremism. But the instrumentalization of minority issues had the most devastating consequences in the east of Ukraine, where Russian-backed separatists are waging a war against Ukrainian government forces and paramilitaries that has resulted in over 2,500 civilian deaths (many of them from indiscriminate rocket attacks from both sides), caused over 2.5 million to flee their homes and laid waste to many urban centres in Donetsk and Luhansk.

The downing of a Russian passenger jet over Sinai in **Egypt** in October 2015 brought global attention to the local ISIS offshoot, formerly known as Ansar Beit al-Maqdis. In fact, Ansar had been engaged in attacks against both Egyptian and Israeli targets since 2011, seeking to recruit North Sinai Bedouin embittered by poverty and marginalization. As President Sisi consolidates his hold on power, official harassment of journalists and human rights defenders has increased and accountability for the August 2013 killing in Cairo of over 1,000 Muslim Brotherhood demonstrators is off the agenda. There appear to be few constraints on the use of force in today's Egypt and the country moves two places up the index.

The demographic features **Burundi** shares with Rwanda, and its own terrible history of ethnic mass killing, led international observers to fear the worst last year when violence escalated in the run-up to presidential elections in July. Pierre Nkurunziza was re-elected with a disputed 69 per cent of the vote, but his move to continue in power for an unconstitutional third term brought angry protests. The situation is significantly different from Rwanda in 1994, not least because of the absence of a major armed insurgency. But over 250,000 have fled the country, targeted killings have been reported (including by government forces) and Burundi's nightmare is a return to the horrors of 1972 and 1993.

The re-election of President Teodoro Obiang Nguema in **Equatorial Guinea** in April 2016 with 94 per cent of the vote means that he is entering his 37th year in power, the longest period in power of any sitting head of state worldwide. His grip on the country was aided by mass arrests of opposition activists before the election. But the slide in oil prices has hit the economy badly, unemployment is rising and Obiang and his family have been pursued in both the US and French courts for corruption. Obiang's coup in 1979 followed a period of mass bloodshed that resulted in over a quarter of the population fleeing their homes.

Algeria has risen seven places in the table this year, reflecting both communal conflict between Arab and Mozabite (Amazigh) communities in Ghardaia and continued clashes between the Algerian army and Islamist groups. Al-Qaeda in the Islamic Maghreb, Jund al-Khalifa and other such groups evolved from a splinter faction of the old Groupe Islamique Armé, a principal in Algeria's civil war. They command little popular support, but the civil war was sufficiently recent (ending in 2002) and the violence sufficiently terrible (up to 150,000 deaths) that any indication of a return to the practices of the '*sale guerre*' is a potent threat. Armed Islamists based in Algeria claimed responsibility for the Bamako hotel attack in neighbouring Mali in November 2015.

As **North Korea** sinks further into international isolation, the risk to its people grows. The staging of nuclear tests and rising tensions with South Korea have captured the headlines, but the country remains remarkably opaque to external scrutiny. Comprehensive evidence is yet to emerge concerning the state of North Korea's people, including its many religious minorities, its impoverished rural population and the 100,000 detained in the prison camp system. China's increasingly critical relationship with Pyongyang boosts the potential for some form of change, but with it the risks.

The position of **Turkey** as the foremost host of refugees from the Syrian conflict – and venue for the first World Humanitarian Summit – has drawn international attention away from its own deadly civil war. Hostilities between the Turkish government and the Kurdistan Workers' Party (PKK) escalated dramatically from mid 2015, triggered by devastating ISIS suicide bombings in Suruc and Ankara in which each side accused the other of being complicit. By the end of the year, Kurdish militants had declared

Peoples most under threat – highest rated countries 2016

Rank	Country	Group	Total
1	Syria	Political targets, Shi'a/Alawites, Christians, Kurds, Palestinians	27.03
2	Somalia	Minorities incl. Bantu, Benadiri and 'caste' groups (Gabooye etc.); clan members at risk in fighting incl. Hawiye, Darod, etc.	23.28
3	Iraq	Shi'a, Sunnis, Kurds, Turkmen, Christians, Mandaeans, Yezidis, Shabak, Faili Kurds, Bahá'í, Palestinians	20.92
4	Sudan	Fur, Zaghawa, Massalit and others in Darfur; Ngok Dinka, Nuba, Beja	20.63
5	Afghanistan	Hazara, Pashtun, Tajiks, Uzbeks, Turkmen, Baluchis, Kuchis	20.27
6	South Sudan	Murle, Nuer, Dinka, Anuak, Jie, Kachipo	20.13
7	Dem. Rep. of the Congo	Hema and Lendu, Hutu, Luba, Lunda, Tutsi/Banyamulenge, Batwa/Bambuti, other groups	19.37
8	Pakistan	Shi'a (incl. Hazara), Ahmadis, Hindus, Christians and other religious minorities; Baluchis, Mohhajirs, Pashtun, Sindhis	18.65
9	Burma/ Myanmar	Kachin, Karenni, Karen, Mons, Rakhine, Rohingyas, Shan, Chin (Zomis), Wa	18.16
10	Central African Republic	Muslims, Christians; Kaba (Sara), Mboum, Mbororo, Gula, Aka	18.02

autonomy in a number of districts in Sirnak, Mardin and Diyarbakir, and Turkish armed forces were subjecting Kurdish-majority towns to military assault with tanks, helicopters and fighter jets. Meanwhile the Peoples' Democratic Party (HDP), which had fared well enough in June elections to deny the ruling Justice and Development Party (AKP) an absolute majority, was subjected to heavy repression, effectively denying much of Turkey's Kurdish population a democratic voice.

Political intimidation, including the imprisonment of human rights and opposition activists and tight controls on freedom of expression, continues in **Azerbaijan**. But the biggest risk for mass killing is the rising tension over the disputed region of Nagorno-Karabakh. The rise in hostilities between Azerbaijani forces and Armenian-backed separatists in Karabakh in April 2016 led to the worst violence for 20 years.

El Salvador is a new entrant to the index at number 53. Because *Peoples under Threat* is specifically designed to measure the threat of genocide or mass political killing, the indicators are slow to pick up the risk of violence from crime, even if it is extensive. But in the case of Mexico – which remains just outside the 70 states listed in the index – and El Salvador in particular, criminal violence has reached an unprecedented intensity. El Salvador suffered 6,000 murders last year, giving it the highest murder rate in the world. Although much of the violence is clearly drug and gang related, evidence of official complicity in the killing is now growing in both countries.

Sporadic violence after the RENAMO opposition rejected the result of the 2014 elections in **Mozambique** escalated in 2016 with armed attacks in provincial centres. RENAMO is not the military force it was during Mozambique's civil war, when it was backed by apartheid South Africa. But many communities in the north and centre of the country have long complained of marginalization. In April 2016 the

office of the UN High Commissioner for Human Rights raised the alarm about reported summary executions and other human rights violations by the Mozambican army, as well as abuses by RENAMO fighters. The worst violence has hit Tete province, but it is spreading.

Peoples at greatest risk

While a significant rise in the index provides early indication of threats in the future, the mass killing of civilians is already under way in the 13 states at the top of the table.

The agony of **Syria** goes on as a partial 'cessation of hostilities' agreed in February 2016 continues to break down. The formal entry into the conflict of the US and the international coalition against ISIS in September 2014, and of Russia a year later, have not brought a resolution any closer. Instead, deaths have escalated, passing a quarter of a million by August 2015. The vast majority of civilian casualties are caused not by ISIS but through indiscriminate bombardment by Syrian and Russian aircraft, including the continued use by the Syrian air force of barrel bombs in contravention of UN Security Council resolution 2139. Christians and other minorities, historically subject to repression under the Syrian government, now find themselves largely confined to government-held areas. Meanwhile, the Kurdish-held cantons in northern Syria, the closest to a functioning democracy the country possesses, are threatened by powerful enemies: to the south by ISIS and to the north by Turkey.

A new offensive by al-Shabaab rebels early in 2016, and the extension of attacks in Kenya, keep **Somalia** in second place in the table. Plans by the Kenya government to close down the huge Dadaab refugee camp near the Somali border place in question the safety of the camp's 330,000 residents, including a significant proportion from the Bantu minority. Meanwhile, Somali political leaders with UN backing have agreed plans for 2016 elections, not on the basis of universal suffrage but according to a power-sharing arrangement. Under the 4.5 formula, the main clan groupings divide representatives equally between them while the country's minorities together only have half a share, limited to some 11 per cent - long a source of concern for human rights activists, who argue that the actual proportion of minorities in the population is far higher.

The government of **Sudan** has made waging war on its own people the defining feature of its approach to governance. For over three decades, first in what is now South Sudan, then in Darfur and more recently in South Kordofan and Blue Nile states, Sudanese armed forces have perpetrated attacks on civilian targets. Opposition armed groups also continue to mount attacks, but such blatant official disregard for the principle of distinction is partly sustained and legitimated by an ideology of Arab superiority and an approach to African or 'black' tribes of barely concealed racism.

Fourteen years after the Sun City peace accords, the **Democratic Republic of Congo** appears to have settled into a permanent state of low-intensity conflict. Bloody clashes between Bantu militias and Batwa in Katanga, attacks by the Lord's Resistance Army in the far north, raids by rival Mai-Mai militias and rebels of the Rwandan Democratic Liberation Forces of Rwanda (FDLR) in the Kivus and the continued threat from former M23 rebels are just some of the factors that leave large parts of the Congolese population, particularly in the east, living in fear. Ethnic or tribal factors underpin many of the struggles, but they are also driven by local resource competition, cross-border conflicts and their own circular logic of violence.

The wholesale division of the **Central African Republic** along religious lines has seen a decrease in the worst of the violence between Christian 'anti-*balaka*' militias and Muslim ex-*Séléka* rebels. Muslim communities still living in the capital Bangui or in areas controlled by anti-*balaka* are largely confined to enclaves guarded by UN or French peacekeepers, who themselves face accusations of sexual abuse. Presidential elections passed off peacefully in early 2016 but land disputes between Muslim pastoralists and Christian farmers in the centre and north of the country will be challenging to resolve, as will claims for autonomy in the north-east.

Civilian casualties rose again in **Afghanistan** in 2015, according to the UN, with 3,545 killed and nearly 7,500 recorded injured. The Taliban and other opposition forces continue to be responsible for the majority of civilian

deaths (over 60 per cent) but civilian casualties attributable to pro-government forces are rising, both in absolute terms and as a proportion of total killing. Most occurred in the context of ground engagements or aerial operations, including the US attack on a Médecins sans Frontières hospital in Kunduz in October 2015 which killed 42. (Despite the long-anticipated end of the NATO International Security Assistance Force mission at the close of 2014, some 22,000 US troops remained in the country, either under the terms of a bilateral security agreement or as part of the new NATO support mission). The Taliban insurgency has always been a movement with national political ambitions, but one rooted in Pashtun communities and with strong sectarian tendencies. In 2015 there was a rise in Taliban and ISIS attacks on Shi'a Hazara in central Afghanistan, in the context of land disputes between Sunni Kuchi pastoralists and Hazara.

Targeted attacks against Shi'a in **Pakistan** continue, not just in Baluchistan but across the country, although not at the rate of some previous years. For example, 43 Ismailis were killed in a bus attack in Karachi in May 2015. Demonstrations by both Shi'a and Christians against the government's failure to halt the attacks on their communities by Sunni extremist groups have brought limited results. Pashtun communities in Khyber Pakhtunkhwa and the Federally Administered Tribal Areas remain at risk from the continuing Taliban insurgency, both from military operations and from attacks on health workers. Meanwhile, conflict has also escalated in Baluchistan, with civilians killed by both Baluch rebels and by security forces.

With Aung San Suu Kyi now installed as *de facto* leader, democratic forces are in the ascendant in **Myanmar**. But the political struggle over national power has yet to deliver benefits to the third of the population that constitutes the country's minorities or ethnic nationalities. Armed conflict continues in Kachin and Shan states and neither the National League for Democracy nor Myanmar's generals appear prepared to take action against the violent Islamophobia preached by Buddhist politicians and activists. On the contrary, new laws restricting freedom of religion were passed by the parliament, and international pressure to address the plight of the Muslim Rohingya was largely snubbed.

The weight of the indicators in the *Peoples under Threat* index assesses internal factors within a state conducive to mass killing. But in some states high in the table, one or more of the principal threats comes from abroad. This is the case with **Yemen**, where an international coalition led by Saudi Arabia, and supported by the US, UK and France, has launched intensive and often indiscriminate air strikes against urban centres controlled by al-Houthi rebels or forces loyal to former president Ali Abdullah Saleh. Since his successor, Abd-Rabbu Mansour Hadi, fled the country in March 2015, over 3,000 civilians have been killed in the course of attacks by different parties to the conflict, including by the Houthis, ISIS and other rebel forces, or by Saudi Arabia and the international coalition. ■

Additional research by Vincenzo Mazzone, Gabriela Matercikova and Talip Alkhayer.

How is *Peoples under Threat* calculated?

Since the genocide in Rwanda in 1994, our ability to identify those situations most likely to lead to genocide or mass killing has improved. A number of comparative studies of the factors preceding historic episodes of political mass killing had been undertaken since the 1970s, but it was not until the 1990s that researchers pioneered quantitative longtitudinal analysis of a wide range of such factors, enabling the testing of different causal hypotheses. This research enabled the identification of those preconditions that were most likely to lead to genocide and political mass murder (politicide).

Minority Rights Group International has drawn on these research findings to construct the *Peoples under Threat* table, although responsibility for the final table is exclusively our own. *Peoples under Threat* is specifically designed to identify the risk of genocide, mass killing or other systematic violent repression, unlike most other early warning tools. Its primary application is civilian protection.

Indicators of conflict are included in the table's construction, however, as most, although not all, episodes of mass ethnic or religious killing occur during armed conflicts. War provides the state of emergency, domestic mobilization and justification, international cover, and in some cases the military and logistic capacity, that enable massacres to be carried out. Some massacres, however, occur in peacetime, or may accompany armed conflict from its inception, presenting a problem to risk models that focus exclusively on current conflicts. In addition, severe and even violent repression of minorities may occur for years before the onset of armed conflict provides the catalyst for larger scale killing.

The statistical indicators used all relate to the state. The state is the basic unit of enquiry, rather than particular ethnic or religious groups at risk, as governments or militias connected to the government are responsible for most cases of genocidal violence. Formally, the state will reserve to itself the monopoly over the legitimate means of violence, so that where non-state actors are responsible for widespread or continued killing, it usually occurs with either the complicity of the state or in a 'failed state' situation where the rule of law has disintegrated. Certain characteristics at the level of the state will greatly increase the likelihood of atrocity, including habituation to illegal violence among the armed forces or police, prevailing impunity for human rights violations, official tolerance or encouragement of hate speech against particular groups, and in extreme cases, prior experience of mass killing. Egregious episodes of mass killing targeted principally at one group have also seen other groups deliberately decimated or destroyed.

However, some groups may experience higher levels of discrimination and be at greater risk than others in any given state. Minority Rights Group International has identified those groups in each state which we believe to be under most threat. (This does not mean that other groups or indeed the general population may not also be at some risk.) It should be noted that although these groups are most often minorities, in some cases ethnic or religious majorities will also be at risk and in relevant cases are therefore also listed in the table. In some cases, all the groups in the country are at risk of ethnic or sectarian killing.

The overall measure is based on a basket of ten indicators. These include indicators of democracy or good governance from the World Bank; conflict data from the Heidelberg Institute for International Conflict Research and the Center for Systemic Peace; data on the flight of refugees, internally displaced persons and other populations of concern from the UN High Commissioner for Refugees; indicators of group division or elite factionalization from the Fund for Peace and the Carnegie Endowment for International Peace; the US State Failure Task Force data on prior genocides and politicides; and the country credit risk classification published by the Organization for Economic Cooperation and Development (as a proxy for trade openness). For citations and further information, see the notes to the table. For a fuller discussion of the methodology, see *State of the World's Minorities 2006*.

Based on current indicators from authoritative sources, *Peoples under Threat* seeks to identify those groups or peoples most under threat in 2015. ■

Peoples under Threat 2016

Country	Group	Conflict indicators			Indicators of population flight/group division			Democracy/governance indicators				Total
		A. Self-determination conflicts	B. Major armed conflict	C. Prior genocide/politicide	D. Flight of refugees and IDPs	E. Legacy of vengeance – group grievance	F. Rise of factionalized elites	G. Voice and accountability	H. Political stability	I. Rule of law	J. OECD country risk classification	
Syria	Political targets, Shi'a/Alawites, Christians, Kurds, Palestinians	5	2	1	0.6446	10.0	9.9	-1.800	-2.757	-1.339	7	27.03
Somalia	Minorities incl. Bantu, Benadiri and 'caste' groups (Gabooye etc.); clan members at risk in fighting incl. Hawiye, Darod, etc.	4	2	1	0.2139	9.5	10.0	-2.134	-2.488	-2.389	7	23.28
Iraq	Shi'a, Sunnis, Kurds, Turkmen, Christians, Mandaeans, Yezidis, Shabak, Faili Kurds, Bahá'í, Palestinians	5	2	1	0.1232	10.0	9.6	-1.208	-2.472	-1.364	7	20.92
Sudan	Fur, Zaghawa, Massalit and others in Darfur; Ngok Dinka, Nuba, Beja	5	2	1	0.0765	9.7	9.8	-1.734	-2.356	-1.145	7	20.63
Afghanistan	Hazara, Pashtun, Tajiks, Uzbeks, Turkmen, Baluchis, Kuchis	4	2	1	0.1210	8.9	9.3	-1.162	-2.458	-1.534	7	20.27
South Sudan	Murle, Nuer, Dinka, Anuak, Jie, Kachipo	0	2	1	0.2058	10.0	10.0	-1.520	-2.538	-1.800	7	20.13
Dem. Rep. of the Congo	Hema and Lendu, Hutu, Luba, Lunda, Tutsi/Banyamulenge, Batwa/ Bambuti, other groups	4	2	1	0.0313	9.5	9.5	-1.312	-2.274	-1.430	7	19.37
Pakistan	Shi'a (incl. Hazara), Ahmadis, Hindus, Christians and other religious minorities; Baluchis, Mohhajirs, Pashtun, Sindhis	5	2	1	0.0117	10.0	9.2	-0.742	-2.436	-0.780	7	18.65
Burma/ Myanmar	Kachin, Karenni, Karen, Mons, Rakhine, Rohingyas, Shan, Chin (Zomis), Wa	5	2	1	0.0165	9.7	8.3	-1.393	-1.063	-1.166	7	18.16
Central African Republic	Muslims, Christians; Kaba (Sara), Mboum, Mbororo, Gula, Aka	0	2	0	0.2050	9.6	10.0	-1.423	-2.673	-1.733	7	18.02
Yemen	Zaydi Shi'a, Sunni tribes, al-Muhamasheen, Southerners	5	2	0	0.0477	9.4	9.4	-1.336	-2.527	-1.171	7	18.02
Libya	Black Libyans, Sub-Saharan migrants, Tebu, Berbers	4	2	0	0.0708	7.8	9.1	-1.147	-2.324	-1.523	7	17.39
Nigeria	Ibo, Ijaw, Ogoni, Yoruba, Hausa (Muslims) and Christians in the North	5	2	1	0.0092	9.9	9.8	-0.647	-2.106	-1.084	5	17.34
Ethiopia	Anuak, Afars, Oromo, Somalis, smaller minorities	5	1	1	0.0016	8.5	8.6	-1.256	-1.240	-0.420	7	15.91
Ukraine	Tatars, Krymchak and Karaites in Crimea; Russians, Hungarians, Moldovans and other national minorities	5	2	0	0.0384	7.0	8.0	-0.080	-1.929	-0.787	7	15.05
Iran	Arabs, Azeris, Bahá'í, Baluchis, Kurds, Turkomen	4	0	1	0.0016	8.5	9.4	-1.572	-0.908	-1.033	7	14.89
State of Palestine	Gazans, Bedouin	5	1	0	0.0224	9.7	8.1	-0.848	-1.986	-0.444	7	14.59
Egypt	Copts, Shi'a, Bahá'í; Nubians, Bedouin	5	1	0	0.0003	8.7	9.0	-1.193	-1.582	-0.602	6	13.83
Russian Federation	Chechens, Ingush and others in North Caucasus; indigenous northern peoples, Roma, Jews	5	1	1	0.0007	9.3	8.1	-1.042	-0.840	-0.711	4	13.75
Mali	Tuareg, Arabs, Maure, and others in the north	4	2	0	0.0165	7.6	4.9	-0.199	-1.738	-0.651	7	13.71
Zimbabwe	Ndebele, Europeans, political/ social targets	2	0	1	0.0048	7.8	9.7	-1.277	-0.648	-1.422	7	13.69
Burundi	Hutu, Tutsi, Batwa	0	1	1	0.0433	8.0	7.9	-1.019	-0.894	-0.934	7	13.55

Peoples under Threat 2016

Country	Group	Conflict indicators			Indicators of population flight/group division			Democracy/governance indicators				Total
		A. Self-determination conflicts	B. Major armed conflict	C. Prior genocide/politicide	D. Flight of refugees and IDPs	E. Legacy of vengeance – group grievance	F. Rise of factionalized elites	G. Voice and accountability	H. Political stability	I. Rule of law	J. OECD country risk classification	
Equatorial Guinea	Bubi, Annobon Islanders	1	0	1	0.0003	6.3	8.2	-1.981	-0.390	-1.403	7	13.07
Philippines	Indigenous peoples, Moros (Muslims), Chinese	5	2	1	0.0046	8.3	8.0	0.128	-0.703	-0.328	3	12.54
Lebanon	Druze, Maronite Christians, Palestinians, Shi'a, Sunnis	2	1	0	0.0015	8.6	9.3	-0.417	-1.721	-0.759	7	12.52
Chad	'Black African' groups, Arabs, Southerners	2	0	0	0.0062	8.2	9.5	-1.327	-1.533	-1.116	7	12.36
Algeria	Berbers, Saharawi	2	1	1	0.0002	8.2	7.7	-0.929	-1.171	-0.733	4	12.24
Sri Lanka	Tamils, Muslims	4	0	1	0.0091	9.3	9.1	-0.718	-0.251	-0.150	6	12.03
China	Tibetans, Uyghurs, Mongols, Hui, religious minorities	5	1	1	0.0002	8.3	7.2	-1.544	-0.463	-0.334	2	11.93
Eritrea	Afars, Saho, Tigre, religious minorities	0	0	0	0.0849	6.1	8.1	-2.039	-0.759	-1.463	7	11.85
Uganda	Acholi, Karamojong, Basongora, Batwa	2	0	1	0.0050	8.7	8.9	-0.562	-0.929	-0.389	6	11.61
North Korea	Political/social targets, religious minorities	0	0	0	0.0001	6.3	8.5	-2.134	-1.093	-1.537	7	11.61
Colombia	Political/social targets, Afro-descendants, indigenous peoples	2	2	0	0.1425	8.0	7.6	-0.097	-1.121	-0.341	4	11.58
Turkey	Kurds, Alevis, Roma, Armenians and other Christians	5	2	0	0.0009	9.0	7.3	-0.322	-1.059	0.037	4	11.58
Angola	Bakongo, Cabindans, Ovimbundu, Pastoralists, San and Kwisi	2	0	1	0.0031	7.3	7.2	-1.138	-0.273	-1.097	5	11.08
Kenya	Borana, Kalenjin, Kikuyu, Luyha, Luo, Muslims, Turkana, Endorois, Masai, Ogiek, other indigenous groups	2	1	0	0.0003	9.0	8.9	-0.158	-1.269	-0.451	6	10.86
Bosnia and Herzegovina	Croats, Bosniac Muslims, Serbs, Roma	2	0	1	0.0427	7.1	8.7	-0.093	-0.063	-0.204	7	10.80
Venezuela	Indigenous peoples, Afro-descendants	0	0	0	0.0005	7.3	8.1	-1.066	-0.825	-1.890	7	10.73
Azerbaijan	Armenians	4	0	0	0.0654	6.4	7.9	-1.439	-0.502	-0.607	5	10.71
Guinea	Fulani (Peul), Malinke	0	0	0	0.0027	8.7	9.6	-0.891	-0.931	-1.376	7	10.65
Thailand	Chinese, Malay-Muslims, Northern Hill Tribes	5	1	0	0.0000	8.5	10.0	-0.845	-0.908	-0.151	3	10.61
Tajikistan	Uzbeks, Pamiris, Russians	1	0	0	0.0002	7.3	8.4	-1.440	-0.678	-0.962	7	10.57
Cameroon	'Westerners', Southerners	2	0	0	0.0042	8.1	9.1	-0.996	-0.945	-0.871	6	10.47
Kosovo	Serbs, Roma/Ashkali/Egyptians, Bosniaks, Turks, Gorani	4	0	0	0.0362	8.1	8.0	-0.229	-0.336	-0.480	7	10.47
Cote d'Ivoire	Northern Mande (Dioula), Senoufo, Bete, newly-settled groups	3	0	0	0.0049	8.7	9.1	-0.523	-1.014	-0.609	6	10.41
Cambodia	Cham, Vietnamese, indigenous hill tribes (Khmer Leou)	0	0	1	0.0008	7.4	8.2	-1.082	-0.040	-0.925	6	10.41
Niger	Djerema-songhai, Hausa, Tuaregs	2	0	0	0.0061	7.5	8.9	-0.245	-1.267	-0.690	7	10.38
Kyrgyzstan	Uzbeks, Russians	2	0	0	0.0007	8.4	8.0	-0.533	-0.785	-0.936	7	10.37
Uzbekistan	Tajiks, Islamic political groups, religious minorities, Karakalpaks, Russians	1	0	0	0.0002	7.6	8.8	-1.888	-0.232	-1.082	6	10.19
Djibouti	Afars	1	0	0	0.0016	6.6	7.3	-1.405	-0.717	-0.845	7	10.18

Peoples under Threat 2016

Country	Group	Conflict indicators			Indicators of population flight/group division			Democracy/governance indicators				Total
		A. Self-determination conflicts	B. Major armed conflict	C. Prior genocide/politicide	D. Flight of refugees and IDPs	E. Legacy of vengeance – group grievance	F. Rise of factionalized elites	G. Voice and accountability	H. Political stability	I. Rule of law	J. OECD country risk classification	
Guinea Bissau	Balanta, Fula (Fulani), Manjaco, Mandinga, Papel, Ejamat (Felupe), Jola (Diola), Susu, Cape Verdeans	0	0	0	0.0019	5.7	9.6	-1.040	-0.742	-1.357	7	10.08
Vietnam	Montagnards (Degar), other highland peoples, religious minorities	2	0	1	0.0034	6.5	6.9	-1.339	-0.003	-0.311	5	10.05
El Salvador	Political/social targets	0	2	1	0.0054	6.3	4.3	0.126	-0.149	-0.518	5	9.98
Rwanda	Hutu, Tutsi, Batwa	0	0	1	0.0082	8.8	8.0	-1.126	-0.100	0.080	6	9.78
Haiti	Political/social targets	0	0	0	0.0080	6.7	9.1	-0.845	-0.611	-1.194	7	9.74
Laos	Hmong, other highland peoples	2	0	0	0.0011	6.3	8.3	-1.650	0.460	-0.706	7	9.72
Turkmenistan	Uzbeks, Russians, Kazakhs, religious minorities	0	0	0	0.0003	7.1	7.8	-2.222	0.075	-1.331	6	9.71
Bangladesh	Ahmadiyya, Hindus, other religious minorities; Chittagong Hill Tribes	3	0	0	0.0002	8.4	9.6	-0.472	-0.876	-0.720	5	9.70
Serbia	Bosniaks, Ethnic Albanians, Croats, Roma	2	0	1	0.0362	8.1	8.0	0.229	0.179	-0.158	6	9.55
Nepal	Madheshis (Terai), Dalits, Janajati, linguistic minorities	2	0	0	0.0005	9.1	8.3	-0.443	-0.704	-0.677	6	9.48
Mauritania	Haratins ('Black Moors'), Kewri	0	0	0	0.0101	6.9	8.8	-0.914	-0.581	-0.819	7	9.41
Moldova	Trans-Dniester Slavs	4	0	0	0.0011	6.5	7.8	-0.023	-0.101	-0.273	7	9.17
Georgia	Adzhars, Abkhazians, South Ossetians	4	0	0	0.0699	7.8	9.1	0.226	-0.233	0.202	6	9.07
Belarus	Poles	0	0	0	0.0006	6.8	8.3	-1.446	0.124	-0.813	7	9.04
Congo (Rep.)	Lari, M'Boshi, Aka	1	0	0	0.0041	6.6	6.7	-1.078	-0.289	-1.071	6	8.95
Mozambique	Northerners	2	0	0	0.0001	5.9	6.9	-0.227	-0.351	-0.840	7	8.93
India	Assamese, Bodos, Nagas, Tripuras, other Adivasis; Kashmiris, Sikhs, Muslims, Dalits	5	1	0	0.0000	8.3	7.3	0.422	-0.961	-0.089	3	8.85
Indonesia	Acehnese, Chinese, Dayaks, Madurese, Papuans, religious minorities	4	0	1	0.0001	7.3	7.0	0.130	-0.369	-0.346	3	8.84
Guatemala	Indigenous peoples, Garifuna	0	0	1	0.0017	7.9	6.0	-0.370	-0.642	-0.986	4	8.83
Ecuador	Afro-descendants, Indigenous peoples	2	0	0	0.0004	7.8	8.2	-0.265	-0.010	-1.050	6	8.75

Notes to Table

Sources of the indicators are as follows:

- *Conflict indicators*: The base data used was from the Heidelberg Institute for International Conflict Research (Conflict Barometer 2015, Heidelberg, HIIK, 2016), Minority Rights Group International, and the Center for Systemic Peace ('Major Episodes of Political Violence 1946-2014' (Center for Systemic Peace, 2015). Self-determination/autonomy conflicts in 2015 were ranked on a scale of 0-5 as follows: 5=ongoing armed conflict; 4=contained armed conflict; 3=settled armed conflict; 2=militant politics; 1=conventional politics. Major armed conflicts were classified as 2=ongoing in late 2015; 1=emerging from conflict since 2011 or ongoing conflict with deaths under 1,000.
- *Prior genocide or politicide*: Harff, US Political Instability Task Force (formerly State Failure Task Force). 1=one or more episodes since 1945, updated using MRG data.
- *Indicators of Flight and Group Division*: Data for the flight of refugees and IDPs comes from UN High Commissioner for Refugees, total population of concern by country of origin, Mid-Year Trends 2015, as a proportion of total country population at the same date (population figures from UN DESA. Group division indicators are from the Fragile States Index, Fund for Peace and the Carnegie Endowment for International Peace, 2015.
- *Democracy/Governance Indicators*: Annual Governance Indicators, World Bank, 2015.
- *OECD country risk classification*: Organisation for Economic Cooperation and Development, 'Country Risk Classifications of the Participants to the Arrangement on Officially Supported Export Credits', January 2016.

Data for Kosovo include some indicators relating to Serbia. Data for the State of Palestine include some indicators relating to both Israel/Palestine; data relating to Palestinian refugees include those under the UNHCR mandate only. Indicators were rebased as necessary to give an approximate equal weighting to the five categories above, with the exception of the prior geno-/politicide indicator. As a dichotomous variable this received a lesser weighting to avoid too great a distortion to the final ranking. Resulting values were then summed.

The full formula is:

$(A/2) + (Bx1.25) + (Cx2) + (Dx10) + (E+F)/6 + (G+H+I)/-1 + (Jx0.625)$

Reference

Who are minorities?

Minorities of concern to MRG are disadvantaged ethnic, national, religious, linguistic or cultural groups who are smaller in number than the rest of the population and who may wish to maintain and develop their identity. MRG also works with indigenous peoples.

Other groups who may suffer discrimination are of concern to MRG, which condemns discrimination on any ground. However, the specific mission of MRG is to secure the rights of minorities and indigenous peoples around the world and to improve cooperation between communities.

Selected abbreviations

African Charter – African Charter on Human and Peoples' Rights
ACHPR – African Commission on Human and Peoples' Rights
AU – African Union
CERD – Committee for the Elimination of Racial Discrimination
CESCR – Committee on Economic, Social and Cultural Rights
ECHR – European Convention on Human Rights
ECtHR – European Court of Human Rights
FCNM – Framework Convention on the Protection of National Minorities
HRW – Human Rights Watch
IACHR – Inter-American Commission on Human Rights
IACtHR – Inter-American Court of Human Rights
ICC – International Criminal Court
ICCPR – International Covenant on Civl and Political Rights
ICESCR – International Covenant on Economic, Social and Cultural Rights
IDMC – Internal Displacement Monitoring Centre
IDPs – Internally displaced persons
NGO – Non-Government Organization
OHCHR – Office of the High Commissioner for Human Rights
OSCE – Organisation for Security and Co-operation in Europe
UN – United Nations
UNDP – United Nations Development Programme
UNDRIP UN Declaration on the Rights of Indigenous Peoples
UNEP – UN Environmental Programme
UNESCO – UN Educational, Scientific and Cultural Organization
UNHCR – UN High Commissioner for Refugees

Credits and acknowledgements

Boris Babin (*Europe – Ukraine*), **Electra Babouri** (*Europe – Turkey and case study on Pacific sacred sites*), **Michael Caster** (*East Asia*), **Lucy Claridge** (*Protecting the right to culture for minorities and indigenous peoples: an overview of international case law* with Alexandra Xanthaki), **Joana Dabaj** (*case study interview with Bishop Ghattas Hazim*), **Shikha Dilawri** (*South Asia – Pakistan*), **Kat Eghdamian** (*case study on Syrian refugees in Jordan*), **Nicole Girard** (*Southeast Asia – Cambodia, Thailand and Vietnam; South Asia – Bangladesh, India and case study on Hazara in Afghanistan; Minority and indigenous women's right to culture: Identity, gender and opportunities for empowerment*), **Mariah Grant** (*North America*), **Alfredo Gutierrez Carrizo** (*South America*), **Amina Haleem** (*East Africa, Southern Africa – South Africa and case study on Tajikistan*), **Paul Havemann** (*Lessons from indigenous knowledge and culture: learning to live in harmony with nature in an age of ecocide*), **Hanna Hindstrom** (*Southeast Asia – Burma/Myanmar, Indonesia and case study on Lumads in Philippines; South Asia - Nepal*), **Paige Wilhite Jennings** (*West and Central Africa*), **Shorena Kobaidze** (*Europe – Georgia*), **Annela Laaneots** (*case study on Seto in Estonia*), **Mark Lattimer** (*Peoples under Threat*), **Farah Mihlar (***South Asia – Sri Lanka*), **Genna Naccache** (*Afro-Peruvian case study*), **Janet Oropeza Eng** (*Central America*), **Keikantse E. Phele** (*Southern Africa – Namibia and case study on Wayeyi in Botswana*), **Federica Prina** (*Europe – Russia, with additional inputs on Ukraine*), **Miriam Puttick** (*Middle East and North Africa – Iraq, Libya and Syria*), **Katya Quinn-Judge** (*Central Asia*), **Fahmida Rehman** (additional research for *Delivering minority and indigenous rights in practice: The underrated potential of culture and why we ignore it at our peril*), **Mechtild Rössler** (*The changing landscape of*

indigenous heritage protection), **Carolyn Stephens** (*South America*), **Claire Thomas** (*Delivering minority and indigenous rights in practice: The underrated potential of culture and why we ignore it at our peril*), **Derek Verbakel** (*Middle East and North Africa – Egypt, Israel/Palestine and Yemen*), **Sara Vincini** *(Europe – France, Greece and case study on Roma in Italy),* **Alexandra Xanthaki** (*Cultural rights and their implications for minority and indigenous communities; Protecting the right to culture for minorities and indigenous peoples: an overview of international case law* with Lucy Claridge) and **Jacqui Zalcberg** (*Oceania*).

With thanks to **Carl Soderbergh** for considerable editorial input, **Jasmin Qureshi** for production coordination and picture research, **Talip Alkhayer, Ana Bolanos**, **Amina Haleem**, **Gabriela Materkihova**, **Vincenzo Mazzone**, **Genna Naccache**, **Fahmida Rahman** and **Sara Vincini** for all their wonderful research support, **Sophie Richmond** for copy editing, **Jacqui Lewis** for proofreading and **Tom Carpenter** for design. In addition to the MRG staff who gave their feedback on earlier drafts, we would like to thank all the anonymous reviewers who provided invaluable feedback on the first drafts. We would also like to thank **Oliver Loode** for his helpful input. **Edmond Moukala** (Focal Point for matters related to indigenous peoples and Chief of Africa Unit – World Heritage Centre, UNESCO) provided much appreciated assistance. Many thanks as well to **Andrew Fagan** for his comments.

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 minorities 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.

Discover us online:

MRG website
Visit our website for news, publications and more information about MRG's work:
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

minority rights group international

State of the World's Minorities and Indigenous Peoples 2016

Events of 2015

The unique cultures of minorities and indigenous peoples worldwide – spanning a wide variety of customs and practices – are under threat. This year's edition of *State of the World's Minorities and Indigenous Peoples* highlights the impact of land dispossession, forced assimilation and other forms of discrimination on the most fundamental aspects of their identity, including language, art, traditional knowledge and spirituality.
But while the effects of this attrition can be devastating, minority and indigenous cultures have also been critical in strengthening communities and providing activists with a platform to fight for their rights. As this volume illustrates, ensuring that the cultural freedoms of minorities and indigenous peoples are protected is essential if their other rights are also to be respected.

ISBN 978-1-907919-80-0