Freedom from hate

State of the World's Minorities and Indigenous Peoples 2014

minority rights group international

Events of 2013

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State of the World's Minorities and Indigenous Peoples 2014

Events of 2013

Front cover: Roma gather in Athens, Greece, demanding equal treatment and better living conditions. *Spirofoto/Demotix.*
Inside front cover: A woman from an occupational minority community in Somaliland. *Susan Schulman.*
Inside back cover: *Adivasi* woman and child, India. *Robert Wallis/Panos.*

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Edited by Peter Grant

Minority Rights Group International

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Foreword

Rita Izsák, UN Special Rapporteur on minority issues

Unfortunately, no country or society is completely free from hatred and it is often minorities who are the targets of that hate. But what are the causes of that hatred and how does it evolve from a thought or a viewpoint, to infect a whole society or result in acts of violence? This is an essential question that we must become better at answering if we are to effectively confront hatred in all its forms. My work reveals that, very often, hatred is constructed, fuelled, maintained and directed by certain individuals or groups against those individuals and communities who are different from themselves – different in their ethnicity, language or religion from the dominant majority – often for political reasons or due to long-standing and entrenched discrimination. Hateful messages may fall on particularly fertile ground where there are wider social, economic or political problems or divisions in society.

I have found that the root causes of hatred often lie beyond purely ethnic or religious difference. Such hatred very often stems from wider societal shortcomings, including the lack of access or unequal access to resources; partisan politics; corruption; and the reality or the perception of bias and favouritism along ethnic or religious lines, which can fuel distrust, suspicion and anger. This was made clear to me during some of my country visits, where I found evidence that such factors create the conditions under which the roots of tensions and hatred can emerge and take hold. I have also found that where inclusive governance, equality and human rights prevail and communities have placed trust in their leadership, there were fewer communal fractures and concerns about minority rights.

In my role as the United Nations Special Rapporteur on minority issues since 2011, I have received numerous complaints and letters from minority groups from all regions reporting allegations of hate-based human rights violations, including attacks against individuals, communities, their properties or places of worship. I have written letters to numerous governments, including among others, those of the Central African Republic, China, Czech Republic, Dominican Republic, Egypt, Ethiopia, France, Indonesia, Kyrgyzstan, Libya, Myanmar, the Netherlands, Pakistan, Sri Lanka, Sudan, Syria, the United States and Uzbekistan regarding concrete cases of threats, harassment, intimidation and attacks against ethnic, religious or linguistic minorities.

There have been intensive discussions within the United Nations system about the importance of prevention of mass atrocity crimes such as ethnic cleansing or genocide, and how to become better at spotting and responding to the early warning signs. The truth is that we have already failed if our attention is only captured by situations when people have already started attacking and killing each other. Governments, civil society and the international community must be alert to the warning signs much earlier: when the first words of hate speech are uttered, when media start to promote negative stereotypes, or once there is an atmosphere of discomfort and animosity when minorities exercise their right to use their language publicly or practise their religion. We must find ways to truly hear and understand the feelings and concerns of minority people, and not make quick or easy assumptions that minorities feel secure because of Constitutions and laws that codify minority rights on paper.

I have been genuinely shocked by my own recent exposure to hate speech with regard to the Black Pete figure in the Dutch 'Sinterklaas' celebration, a tradition which many believe perpetuates a negative stereotype and derogatory image of Africans and people of African descent. With several other mandate-holders, I had sent a letter to the government of the Netherlands raising concerns that many people consider aspects of this tradition to be racist and highly offensive. Shortly after the letter was made public, my Facebook page was flooded by hostile and intolerant messages that drowned out the moderate and concerned voices. Some people of African descent and others contacted me to tell me that the extreme and often racist social media reaction to their complaints had left them feeling fearful and anxious about repercussions – some decided to stay silent and no longer voice their legitimate concerns.

The above example and many others like it from different regions have clearly proved to me that there are legitimate grounds to limit freedom of speech when that speech includes,

is motivated by, or seeks to incite racial, religious or other forms of hatred. Some scholars take the view that the right to freedom of expression should be absolute. They refer to the fundamental nature of democracy and the social contract under which everyone has the right to express her or his views, suggesting that society should not permit the exclusion of any views, even if these are incompatible with democracy or offensive and inflammatory. These theories often fail to recognize the fundamental existence of structural inequalities in a society which make some more vulnerable, including to attack, whether physical or verbal.

It is hard to talk about upholding the values of democracy and equality if certain groups are completely excluded from participating in or shaping that democracy in practice. Equally, how can we talk about the pursuit of truth and justice if marginalized communities have no access to public platforms and communication channels, and have no possibilities to influence public opinion, or to seek and obtain justice? It would be grotesque to expect Roma communities in Europe to fight back on their own against the growing tide of hate speech pouring from public and mass media, from far-right groups and political parties, when Roma are almost completely excluded from mainstream media platforms and frequently lack any say in the

Below: A Roma girl studying at a school funded by the Roma Education Fund in Romania. *Bjoern Steinz/Panos.*

societies in which they live. The truth is that, where there are communities that are regarded as inferior in any society, their voices will also be treated as inferior, regardless of how loudly they shout and how valid their concerns.

I therefore greatly welcome this timely edition of Minority Rights Group International (MRG)'s annual report, which builds upon decades of their research, advocacy and publishing, and which will help to shed light on the real extent of the problem of hate speech and hate crimes as it exists worldwide. MRG's publication will create a better understanding among readers that hate speech and crimes are frequently targeted against those belonging to national, ethnic, religious and linguistic minorities. Like all of MRG's publications it provides extensive examples to make its case, but more than that, MRG and its many partners in all regions seek to deeply understand the challenges and causes as well as to propose solutions and strategies of prevention that can truly work in practice. In the pages of this publication you will find the kind of thoughtful and revealing analysis that can really make a difference, and which has helped to inform my own work to protect minority rights.

I believe that it is up to influential and non-minority people – including politicians, intellectuals, celebrities and ordinary people who are concerned about discrimination and hatred in their societies – to join marginalized and disadvantaged minorities in clearly demanding the principles of human rights, equality and human dignity for all. This coordinated fight must include legislative steps, but most importantly it requires swift and efficient social responses. If hate incidents are not tackled in time, those groups targeted will likely experience permanent injuries to their feelings of self-esteem and wider sense of belonging within their societies, making them even more marginalized. Another important threat is that without concerted action to confront hatred, majority communities themselves may gradually become desensitized, to the point where they begin to accept the hostility in their societies and the myth of ethnic, racial or religious inferiority of those targeted minority groups.

In order to identify hate speech and hate crimes at an early enough stage to prevent them, it is essential that dedicated institutional attention is in place. Such bodies as governmental departments, parliamentary committees for human rights, national human rights institutions and other executive, legislative and law enforcement bodies should be mandated to deal with minority issues and concerns, to consult with minority communities, and to respond to incidents of hate speech and hate crimes wherever they occur. Most importantly, it is essential to ensure the participation of minorities in these institutional bodies and at every stage of their work so that they can play an effective role in shaping important and necessary laws, policies or programmes to confront hatred. Perpetrators of hate crimes must not be allowed to act with impunity and the penalties imposed on them should be appropriate in order to discourage others from committing similar hate-based offences.

Perhaps most importantly, we must ensure that our public and private educational systems and school curricula provide the tools to educate children from an early age about the benefits of diversity and the contribution of minority communities to the histories, cultural heritage and economic and social progress of their countries. All children should grow up valuing the diversity around them and with messages of acceptance for all within society. I am often asked whether we ever truly confront hatred. As Nelson Mandela told us and demonstrated through his life:

'No one is born hating another person because of the colour of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.' ■

Hate crime: contexts and consequences

Barbara Perry

The problem of defining hate crime is a complex one. Simply put, it is a criminal offence that demonstrates bias towards the victim's group identity. Beyond that, however, there is little global consensus about how narrowly or broadly to cast the net. Indeed, outside of Europe and North America, there are only a few countries, such as Brazil, that recognize hate crime as a legal category. Consequently, states across the world have vastly different pieces of legislation, covering a wide array of different offences, protected categories and sentencing responses. Even within the European Union (EU), for example, some countries have no specific provisions on hate crime. Similarly, states vary on the nature of the legislation, ranging from sentencing enhancement to provisions against hate speech or genocide. Clearly, the legal framework for understanding and responding to hate crime is an uneven one.

Such legalistic definitions, however, say nothing about the power relations endemic to the act, particularly when targeted against minorities and indigenous peoples. It is more illuminating to adopt a sociological understanding of hate crime as 'acts of violence and intimidation, usually directed towards already stigmatized and marginalized groups. As such, it is a mechanism of power, intended to reaffirm the precarious hierarchies that characterize a given social order.'[1] This recognizes that hate crime is a systemic rather than an individual response to difference, embedded in a particular social and cultural context. It does not occur in a vacuum, but is rather an extension of widely circulating ideas about status, place and hierarchies within society. Hate crime in fact affects a wide array of communities, including LGBT (lesbian, gay, bisexual and transgender) groups and disabled people, though the emphasis in this chapter is only on the disadvantaged ethnic, national, religious, linguistic or cultural groups that are the focus of Minority Rights Group International's (MRG) work.

Hate crime against minorities and indigenous peoples, far from being an abnormal or fringe phenomenon, is often a product of their everyday marginalization. Violence perpetrated against these groups is often an attempt to maintain and communicate carefully crafted boundaries. Consequently, hate crimes are crimes like no other, shaped by hostility towards a group identity, not an individual. As a result, they have much more far-reaching implications for social stability and cohesion.

Emphasizing both violence and intimidation draws attention to the continuum of behaviours that can constitute hate crime. According to the legal definitions, hate crime involves an underlying violation of criminal law or some other statute. From a sociological perspective, however, this is not very satisfying. It neglects lawful acts – what might be called hate incidents – that nonetheless cause harm to the victim and his or her community. The literature on violence against women, for example, has long argued for a broader understanding of what constitutes violence, and indeed crime.

Thus, it is important to keep in mind that the violence to which we refer runs the gamut from verbal harassment to extreme physical acts such as assault, arson and murder. Clearly, not all incidents that fall within this definition will be 'crimes' from a legal perspective. Yet they do constitute serious social harms, regardless of their legal standing. By their very frequency and ubiquity, some of the most minor types of victimization – such as name calling and verbal harassment – can have the most damaging effects on minority and indigenous communities.

As the Organization for Security and Co-operation in Europe (OSCE) noted in 2012, hate crimes 'can escalate rapidly into broader social unrest, are often severely under-reported, and they can be exacerbated by or take place in a context of intolerant discourse'. This is clear not only in Europe, North America, Australia and New Zealand, where hate crime is a relatively well accepted concept, but across the world in regions where the term is rarely used or recognized. But while it is not identified as such in many nations, we can nonetheless understand diverse forms of political violence, sectarian violence, even violence associated with civil war as variants of bias-motivated attacks. Genocide or terrorism, for example, can also be understood as running on a continuum with hate crime. As a result, hate crime has important implications not only for the marginalized groups that are targeted, but also for broader national security.

Measuring hate crime: limits to our knowledge

One of the main challenges in tackling hate crime against minorities and indigenous peoples is its invisibility. For a range of reasons, incidents often remain unreported or are not classified as hate acts due to the reluctance of authorities to take allegations seriously. In many cases, the authorities can contribute to the problem through indifference or even hostility towards victims. This in turn may create a culture of impunity for perpetrators, enabling further attacks against vulnerable groups.

Even in countries where hate crime legislation is in place, law enforcement officials may be unaware or uninterested. In the United States, for example, where the legal concept of hate crime is fairly well established, it appears that few police departments are effective in identifying or investigating incidents. On the contrary, very few acknowledge hate crime when it occurs. For instance, in 2012 only 13 per cent of local law enforcement agencies submitted hate crime incident reports. This is exacerbated in countries with either no legal requirement or no established infrastructure to gather and report incidents of hate crime. Few countries outside of Europe, North America, Australia and New Zealand have such provisions. Even in Europe, however, there are limitations to data collection. According to the EU's Fundamental Rights Agency (FRA), only four EU member states (Finland, the Netherlands, Sweden and the United Kingdom) collect and publish comprehensive data on hate crime. A further nine member states record data on a range of hate crimes which they generally publish; and 14 member states collect limited data which they do not usually publish.

In addition to the limitations imposed by law enforcement agencies are those presented by trends in public under-reporting. In fact, some scholars argue that hate crimes are even more dramatically under-reported than other offences. The undocumented labourer, for example, may fear the repercussions of his or her status being revealed. In the context of widespread xenophobia, migrant workers in Greece, for instance, are already subject to what many perceive as excessive identity checks, accompanied by abusive language and behaviour. A man from Togo told Human Rights Watch researchers that:

'They stopped only the two of us even though there were lots of people passing by … After ten minutes they allowed us to go. I was … very, very, angry. But I cannot do anything. There were people passing, plenty of whites, and they stopped only the two of us. Why?'

The subsequent distrust of law enforcement agencies among immigrants, either on the basis of experiences within the host state or

Left: Afghan migrants in Greece.
Alfredo D'Amato/Panos.

in their country of origin, inhibits reporting. Given the often hostile relationships between state authorities and minority or indigenous communities, it is not surprising that victims of ethno-violence are sceptical about the willingness of police officers to respond to their victimization. Someone from Rio de Janeiro, for example, where police are thought to account for around 20 per cent of all homicides in the city, is unlikely to welcome any interaction with police either at home or in other countries. One 2009 EU-wide survey by the FRA found that around a third of Roma (33 per cent) and a quarter (24 per cent) of Turkish victims of assault cited 'negative attitude towards the police' as their reason for failing to register the crime. This stance appeared to be justified by the experiences of those who did: among those victims who did report to the police, more than half (54 per cent) of Roma described themselves as 'dissatisfied' with how their case was handled. This only serves to reinforce their vulnerability to future hate crime.

Permission to hate: the contexts for violence

Hate crimes are the product of a particular context that marginalizes and even demonizes minority and indigenous communities. To assume that this form of violence is an anomaly ignores the fact that it is simply one weapon within a broader cultural arsenal that bestows 'permission to hate'. Where state policy and practice, for example, send the signal that particular groups are not welcome, this can inform public sentiment and violence. This is readily apparent with respect to Muslims across the West in the post-9/11 era, where they have been subject to the stigmatizing effects of state action intended to control and contain the terrorist threat. Since the attacks, political and public figures have intensified their hostility towards Muslims. As the United Nations (UN) Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has noted: 'In the prevailing political and ideological context, even if these provisions do not explicitly target a particular community or religion, intellectual and media discourse focuses more and more on Islam and Muslims.'

Yet in the current context, with the growth of far-right groups and political parties across Europe, Muslims are not the only targets. Xenophobic rhetoric and policies also impact on Roma, immigrants and other minority groups. Extreme nationalism lends itself easily to these ideologies, particularly when members of majorities feel under threat. Greece's Golden Dawn party, Britain's English Defence League and Hungary's Jobbik have all exploited recent economic crises to garner violent supporters.

Popular mythologies concerning targeted minority and indigenous groups are also recreated through the media, where they are represented in ways that render them threatening and thus assailable. This is not restricted to countries in the global North. Growing xenophobia is also evident in South Africa, for example, where *Makwerekwere* – or black African migrants – are vilified and subsequently targeted for violence. Like Roma in Europe, African Americans in the United States or Lebanese in Australia, 'the *Makwerekwere* are regularly connected with crime, poverty, unemployment, disease and significant social costs in the media and by authorities whose declarations the media reproduce uncritically.'[2]

Political groups and media can both encourage and reflect social disdain towards these groups. National and international surveys probing attitudes towards newcomers or specific domestic communities reveal high rates of distrust, fear and hostility towards the same communities vilified by elites. Extremist parties may manage to avoid directly engaging in hate crime themselves while indirectly contributing to violence, as highlighted by Europol:

'Whereas right-wing extremist political parties are unlikely to orchestrate serious violent offences against Muslims, it is assessed that such events may incite certain participants to commit criminal offences. Arson attacks targeting, for example, halal butchers and mosques have been reported by a number of EU Member States.'[3]

When past grievances can be combined with contemporary ones, as in Ireland or Bosnia and

Herzegovina (BiH), the climate for hate is even stronger. This is especially evident in the most economically challenged states in Europe, where the emergence of vitriolic right-wing hate groups has clearly been a response to the dual threats of economic decline and rising immigration. Anti-Semitic violence, for example, has increased across Europe, driven by public perceptions that hold Jews responsible for the ongoing economic crisis. This violence has also been significantly affected by events abroad, the FRA notes, particularly the Palestinian–Israeli conflict in the Middle East, with anti-Zionist rhetoric presenting the conflict as 'embodying the struggle between good and evil, with Israeli Jews allocated the latter role'.[4] Similarly, Islamophobia is also a product of both domestic and international contexts. In the West, especially, it has been events like the 2001 terrorist attacks in the United States and other large-scale violent incidents in London and Madrid that have escalated both anti-Muslim sentiment and violence.

Gendered violence often comes to the fore as a particularly heinous expression of hatred and attempts to control populations. Thus, rape has become a common tool of aggression in the context of inter-ethnic violence and is rife in current conflicts such as in the Central African Republic (CAR), Chad, eastern Ethiopia, southern Nigeria and Somalia. The widespread rapes of women in BiH and Rwanda are readily recognized as strategies by which to terrorize the Muslim and Tutsi communities.

With respect to hate crime, specifically, covered Muslim women are subjected to widespread attacks in the West, as their visibility acts as a reminder of Islam. While male Muslim males are also targeted, some reports suggest that Muslim females are at elevated risk. For example, a 2006 survey of victims by the Australian Community Relations Commission on post-9/11 experiences of hate incidents towards Muslims and other minorities found that 50.4 per cent of the victims were female, whereas only 44.4 per cent were male: the remainder were either unrecorded or against institutions and buildings. Tell MAMA, a United Kingdom Muslim helpline, has recorded similar findings. In March 2013, it noted that Muslim women were targeted in 58 per cent of the 632 incidents reported during its first 12 months of operation.

Minority and indigenous communities often find themselves particularly at risk of hate crime during moments of political upheaval or instability. In many countries, ongoing ethnic conflict is the legacy of past colonialism and the failure to create a harmonious postcolonial consensus among different groups. East Timor, for example, was beset with communal and ethnic violence during Indonesia's postcolonial occupation, and again after the UN peacekeeping mission withdrew in 2005. The ongoing violence around the globe throughout the opening decade of the twenty-first century has 'revealed the incomplete reconciliation processes, ongoing processes of nation-building, and conflicting ethnic, social, and political identities'.[5]

Impacts: levels of harm

The impacts of hate crime are manifold and operate at multiple levels, in that the violence not only affects the individual victims, but also whole communities and by extension the nation itself. There is a strong body of evidence now that supports the contention that hate-motivated violence is more dramatic in both its physical and emotional harm than its non-bias-motivated counterparts. It typically results in greater physical injury as the perpetrator seeks to erase the identity of the victim. Similarly, the emotional and psychological effects – fear, anxiety, distrust, isolation – tend to be not only more severe, but also longer lasting. Moreover, there is also the risk that victims may experience secondary victimization as a result of their experience. This is particularly evident in the case of wartime and gang rapes. All too often, women who have been brutally attacked are subsequently shunned by the community.

A key distinguishing factor associated with hate crime is that it is a 'message' crime. That is, the intent is not simply to terrorize the immediate victim, but to instil fear among that victim's community. Hate-motivated violence emits a distinct warning to all members of the victim's community: step out of line, cross invisible boundaries, and you too could be lying on the ground, beaten and bloodied. Consequently, the individual fear noted above is thought to be accompanied by the collective fear of the victim's

cultural group, possibly even of other minority or indigenous communities likely to be victims. One recent study of community impacts of hate crime in the Canadian province of Ontario, for instance, has identified the wide-ranging effects on the 'vicarious' victims of hate crime. Many of these secondary effects in fact parallel those typically expressed by primary victims of hate crime – shock, anger, fear, a sense of inferiority and the internalization of violence. The violence therefore had a wider impact on the whole community, including behavioural change, with some Muslim women removing their veils to protect themselves from similar attacks.

Hate crime throws into question not only the victim's and the community's identity, but also national commitments to tolerance and inclusion. Speaking specifically of Native Americans over fifty years ago, legal scholar Felix Cohen noted that mistreatment – legal or extralegal – of minorities and indigenous peoples 'reflects the rise and fall of our democratic faith'. In other words, the persistence of hate crime is a challenge to democratic ideals. It reveals the fissures that characterize its host societies, laying bare the bigotry that is endemic in each. As such, it may very well be the case that bias-motivated violence is not just a precursor to greater intergroup tension, but also an indicator of underlying social and cultural tensions.

At the extreme, widespread targeted violence can have even more devastating effects, creating or exacerbating instability and even leading to a cycle of retaliatory violence. During 2013, for example, the Ouham province of the CAR was first the site of brutal attacks on Christian communities by the Muslim Séléka alliance, then reactive violence by anti-balaka Christian forces. The level of violence on both sides was devastating, and often involved forcing bystanders to watch as their neighbours and family members were slain in front of them.

Left unchecked, what we think of as hate crime also has the capacity to escalate to genocide. The two phenomena run along the same continuum. In recent memory, this has most clearly been the case in Rwanda, where state and media rhetoric set the stage for wholesale slaughter of entire Tutsi communities. In addition to vilifying Tutsis, politicians and media pundits alike explicitly called for the extermination of that group. What began as isolated attacks on individuals and small communities soon intensified to the level of mass executions.

Responding to hate crime

Traditionally, democratic governments introduce statutory measures to manage a perceived crisis. This is in line with an array of international standards intended to confront violence against minorities and indigenous peoples, among other groups. Paramount among these is the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Article 4 of which says that states should prohibit the dissemination of ideas 'based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin'. The European Commission on Racism and Intolerance (ECRI – a human rights body of the Council of Europe) has also called for criminalization of targeted violence. In 2008, the EU Framework Decision on Racist and Xenophobic Crime sought a common definition of hate crime/xenophobic violence across the EU. At the level of international courts, the European Court of Human Rights has held that states have positive obligations under the European Convention on Human Rights and Fundamental Freedoms to investigate the potential for racial motivation for crimes. In the landmark decision of *Nachova and Others v. Bulgaria* (2005), the Court held that the state has the responsibility to explore racist motives underlying violence by state actors; *Šečić v. Croatia* (2007) applied the same duty with respect to violence by citizens.

There may be both practical and symbolic value to developing hate crime legislation. Just as hate crime is an expressive act, so too is hate crime legislation an expressive statute. It sends a message to its intended audience about what is not tolerated and signals the willingness, at least in theory, of the state to protect victimized groups, including minorities and indigenous peoples. Thus, the majority of states have responded punitively, opting for harsher sentences where the crime in question is deemed to be motivated by bias. In the right context, with sufficient

political will and accompanied by other measures, legal instruments may be able to play a role in preventing and prosecuting hate crime.

There are a number of limitations to a solely legalistic approach, however. First, it can only be effective in identifying and recording hate crime if police are able and willing to do so. In many jurisdictions, as noted above, this is clearly not the case. What is encouraging, though, is the emergence of dedicated hate crime units within police services in some countries. Boston, Massachusetts, was the first American police department to introduce such a body (the Community Disorders Unit) in 1978. Most major American and Canadian cities now feature dedicated units and/or specially trained officers charged with investigating hate crime. Even where such units do not exist, there are nonetheless increasing opportunities for law enforcement to take up training modules in person or online, such as those offered by the OSCE, the Anti-Defamation League (ADL) and Stop Hate UK. The FRA's *Fundamental Rights Based Police Training: A Manual for Police-trainers*, for instance, offers a comprehensive training approach to policing, that seeks to:

'assist police academies in integrating human rights into police training, rather than relegating such training to an optional add-on. It focuses in particular on those rights that help engender trust in the police working in diverse societies: non-discrimination, dignity and life.'

Another limitation to a purely punitive approach is that harsher sentences do not necessarily make safer communities – in fact, they have the potential to be counterproductive. For instance, hate crime offenders who go to prison often find themselves among peers who will reinforce their racist or religious biases. Additionally, given that most hate crime involves relatively minor property offences, increasing the sentence may further embitter perpetrators and make them more hostile. Most offenders are youth, and especially young men who are responding to what they see as a threat – to their community, neighbourhood, way of life or self-esteem. Often, these threats are more imagined than real.

It has proven to be more effective, then, to challenge those myths, and to thus 'humanize' the victims and their communities. Incidents of hate crime can be taken as a starting point for education and healing rather than simply punishment. In short, community-based responses – both proactive and reactive – represent valuable complements to state-based initiatives. As stated in a 2013 FRA report: 'Tackling racist violence, discrimination and intolerance effectively requires both preventative and punitive action engaging law enforcement and other public authorities at all levels'. Thus, it is vital that non-governmental organizations (NGOs), like the ADL in the US, and rights organizations at the international level continue to intervene, alongside state-based initiatives. In a 2012 report on BiH, the OSCE provides a brief list of actions by which NGOs might challenge hate crimes:

- *'Working with governments to improve legislation;*
- *Monitoring and reporting incidents;*
- *Acting as a voice for victims of hate crimes, especially by serving as intermediaries with the authorities;*
- *Providing practical assistance to victims of hate crimes, such as legal advice, counselling and other services;*
- *Raising awareness about the existence of discrimination, intolerance and hate crimes; and*
- *Campaigning for action to meet the challenge of hate crimes.'*

Indeed, anti-hate initiatives are now appearing across the globe, their scope enhanced by ready access to the internet. Many NGOs engage, for example, in ongoing monitoring of hate incidents and hate groups. Many of these same bodies are actively engaged in providing a diverse array of victim support, including legal representation or advice, counselling services and mediation. Public awareness is enhanced by not-for-profits and government bodies alike, as with the Kick Racism out of Football campaign, or public service announcement campaigns.

School-based anti-hate programmes are especially widespread in North America and Europe. In the UK, the Crown Prosecution Service, National Union of Teachers and the

Anthony Walker Foundation have produced the *Schools Project: Racist and Religious Hate Crime* to counter hate crime and prejudice among youth. The scenarios and classroom activities are intended to initiate discussion, and to 'increase pupils' understanding of hate crime and prejudice and enable them to explore ways of challenging it'.

Recent work by Mark Walters and Carolyn Hoyle has also demonstrated the potential of restorative justice approaches to hate crime. In particular, their observations of a victim–offender mediation programme suggest that these can have some benefits, including reducing the negative emotional impacts of hate crime and stalling the recurrence or escalation of violence. However, such programmes remain relatively rare.

In light of the dramatic spread of right-wing extremism in Europe, an array of counter-extremism initiatives have been developed. The Exit programmes are illustrative cases. The first of these, Exit Deutschland, was founded in 2000. These programmes engage with ultra-right-wing activists, helping them to remove themselves from the organizations and 'develop new perspectives outside the right-wing environment'. They also offer ongoing guidance and advice around safety and social reintegration.

Where we are lacking both policies and research specific to hate crime is in countries outside of Europe, North America, Australia and New Zealand. While there is considerable research on targeted violence against minority and indigenous communities in other regions, the conceptual lens of hate crime is not always applied to these contexts. This is a pity, because there are important continuities between what is understood in the global North as 'hate crime' and what, in other contexts, might be recognized as ethnic conflict or political violence against minorities and indigenous communities. Moreover, the rich research on hate crime has a great deal to offer to our understanding of how even minor incidents of denigration and intimidation against minority and indigenous groups can have wider implications for their rights and protection. Indeed, the concept of hate crime is gaining ground in other regions.
In early 2014, there were protests in Delhi, India against the killing of a young man belonging to an indigenous community. The Delhi High Court issued a statement calling for hate crime legislation.

It goes without saying that when institutions such as the police and judiciary are actively hostile towards minorities and indigenous peoples, with hate crime ignored or even encouraged by the state itself, that counter-measures will be all the more challenging to put in place. Governments, instead of treating hate crime as an aberration, should question their own structures of power, and the situation of minority and indigenous groups within them.

Perhaps the first step towards a stronger global response to hate crime, then, is to recognize that hate crime is not an abnormality but a home-grown product, emerging out of specific social and cultural conditions. In Egypt under Mubarak, for example, where hate crime against religious minorities occurred against a backdrop of impunity and institutional indifference, violent incidents were routinely blamed on extremists. Yet in practice, much of it was driven by internal factors that remain largely in place, despite the significant political changes since 2011. Indeed, following such upheavals, an important step forward would be to institute truth, justice and reconciliation processes in order to confront the reality of hate crime, and give recognition to victims while at the same time making perpetrators answerable for their actions.

How countries choose to act on this knowledge, their willingness to take the necessary measures to change, could be a major test of their ability to become and then remain inclusive and multicultural states in the twenty-first century. ■

Endnotes

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Defining and diminishing hate speech

Susan Benesch

Hate speech is the special scourge of minorities and indigenous peoples: like a disease that afflicts only certain populations, it can cause some people to suffer greatly, while others remain unaware and unsympathetic. It gives rise to both psychological and physical harm, and affects a variety of minority and indigenous communities. For example, hate speech has recently been followed by violent attacks against Coptic Christians in Egypt, Muslims in Burma and immigrants in Greece. In those and other parts of the world, hate speech is thriving, nurtured by coinciding factors: economic hardship, large-scale migration, competition between groups for political power after the fall of repressive central regimes, and the ease of expressing hatred online.

The growth of hate speech has inspired alarm in diverse quarters, because it can cause or inspire serious harm in several ways. It directly affects its targets – the people it purports to describe – by frightening, offending, humiliating or denigrating them. This often has the secondary effect of silencing them, by means of fear. Speech can also harm indirectly (but no less severely) by inciting, or pitting members of one group of people against another. Hatred, discrimination and dehumanization are steps in a process that can lead to violence. In Kenya, for example, there is consensus that months of hate speech before the 2007 presidential election contributed to severe violence that broke out when the results were disputed. Since then Kenya has formed a new national agency, the National Cohesion and Integration Commission, charged with reducing hate speech, among its other duties.[1]

At the regional and international levels, too, there are new efforts to respond to hate speech. The Council of Europe will soon complete a two-year project called the 'No Hate Speech Movement', focused on youth and on what they read, write and hear online. Frank LaRue, the UN Special Rapporteur on freedom of opinion and expression, devoted his 2012 annual report to the 'increasingly visible' manifestations of hate speech. He noted several cases in which killings were linked to incitement, such as the murders of Ahmadiyya community leaders in Pakistan after a television broadcast in which two *maulanas* said the Ahmadiyya deserved to die; violence against members of the Catholic and Jewish communities in Venezuela after incitement against them; and incitement to racism in Israel against the Arab population in Israel, and against Jews in the occupied Palestinian territory.

Several converging reasons help to explain why hate speech is on the rise in so many countries – and also in the transnational virtual space of the internet. First, migration and refugee flows have established new minority communities at the same time as economic and political changes have increased the tendency to stigmatize them. In countries as varied as Greece, South Africa, Côte d'Ivoire and Japan, economic hardship is blamed on minorities, especially those who are viewed by some of the majority population as foreigners because their ancestors immigrated, even though the present-day members of minority groups are native-born. In other cases, political leaders scapegoat minorities to galvanize their supporters, or leaders of ethnic or religious groups jockey for political power by pitting their followers against one another.

Hate speech is disseminated by many means, including the traditional soapbox and bullhorn, graffiti, speeches recorded on CDs and digital communications. It is rife on the internet and social media because some feel free to express their hatred and anger there, even when they would not do so in similarly public settings offline. Online, hateful speakers encourage and incite one another, and cause extra pain to their targets, who are often now privy to hate speech that they would not have seen or heard if it were shared among haters offline, as was more common in the past.[2] Online platforms such as YouTube, Facebook and Twitter have contributed to 'a sudden and rapidly increasing wave of bigotry-spewing videos, hate-oriented affinity groups, racist online commentary, and images encouraging violence against the helpless and minorities – blacks, Asians, Latinos, gays, women, Muslims, Jews – across the Internet and around the world'.[3] On social media, in particular, civility can quickly disappear, and the most vicious speech becomes commonplace. An activist in Burma compared online spaces to toilet stalls where: 'people write whatever they want on the walls'.[4] Inflammatory falsehoods targeting minorities have also become a familiar feature online, where they are powerful

and difficult to refute. For example, in the case of Burma, graphic images of violence in the Central African Republic have been used to argue that Muslims are, as a group, given to savagery.

The almost worldwide explosion in the use of social media is part of a larger change that is not exclusively worrisome: human communities – including members of minority and indigenous, as well as majority, communities – are speaking and listening to one another more than ever before. As United Nations High Commissioner for Human Rights Navi Pillay put it, when launching a two-year study on the prohibition of incitement to hatred in 2011:

'[T]he enriching variety of backgrounds merging in communities around the world physically or virtually through modern technology also presents a mounting challenge to States as they seek to promote and ensure mutual respect, social harmony, equal opportunity and fairness of treatment to all.' [5]

This technological merging of diverse communities can represent a new opportunity, as people are newly connected across traditional social boundaries – such as those between majority and minority groups – and learn to speak with one another in constructive ways that diminish mistrust and hatred. A small but growing set of efforts to counter hatred online has produced some new ideas and some cause for cautious optimism. They are described briefly below.

Existing law on hate speech

Paradoxically, in spite of the apparent rise in hate speech in many countries, and anxiety about it, there is no consensus on what the term 'hate speech' means, either in law or in common parlance; in the words of Kenan Malik, 'if you look at hate speech laws across the world, there is no consistency about what constitutes hate speech'.[6] This raises serious concerns for freedom of expression, since efforts to restrict hate speech can easily misfire because the term and related law are unclear. Hate speech laws have also been used to attack minorities instead of protecting them – for example, against Roma in Hungary, where anti-Roma hate speech is rife.

In general, hate speech is an expression that denigrates or stigmatizes a person or people based on their membership of a group that is usually but not always immutable, such as an ethnic or religious group. Sometimes other groups, defined by disability or sexual orientation, for example, are included. Speech may express or foment hatred on the basis of any defining feature of a minority or indigenous people, such as ethnicity or religion – and can also denigrate people for another 'failing', such as their gender or even their location, as in the case of migrants. When a group is doubly stigmatized in this way, it is known as intersectionality.

This leaves room for many variations, and for unanswered questions, such as: what is hate exactly, and to whose hate does the term 'hate speech' refer? The 'hate' in hate speech might identify the state of mind of the speaker, or the likely increase of hateful thoughts among a receptive audience, or the terrible and frightening feeling of being hated, on the part of the people whom the speech purports to describe. Indeed the English-language term 'hate speech' is relatively new in the literature, as well as scarce in law. It is nearly absent from the texts of Google's large archive of books published before 1980, but since then its use within the same archive has increased more than tenfold.[7]

Furthermore, the terms 'hate' or 'hatred', where they are defined at all in law, are usually construed narrowly. For instance, Canada's criminal code provision against the 'wilful promotion of hatred' must be 'construed as encompassing only the most severe and deeply felt form of opprobrium', the Canadian Supreme Court found in its landmark case of James Keegstra, a public school teacher who told his students that Jews were an evil people who had 'created the Holocaust to gain sympathy'.[8]

By itself, hatred cannot and must not be outlawed since it is a state of mind and is not always contemptible, as the legal scholar Robert Post notes with apt reference to *Leaves of Grass*, in which Walt Whitman exhorted his readers to 'hate tyrants', among other good advice. 'When the law seeks to suppress hate – and hence hate speech – it is not because hate *as such* ought to be proscribed,' Post argues. 'It is instead because the law is intolerant of hatred when it is expressed in particular circumstances. But what

are those circumstances?'[9]

A similar approach is to focus on the harms inflicted by hate speech, and point out which of those harms the law is intended to prevent. In a March 2014 decision in the case of *Sangathan v. Union of India*, the Supreme Court of India warned against defining hate speech in terms of subjective, individual offence, drawing attention instead to a different harmful consequence, that hate speech can prevent members of minority groups from participating fully in democracy:

'Hate speech is an effort to marginalise individuals based on their membership in a group. Using expression that exposes the group to hatred, hate speech seeks to delegitimise group members in the eyes of the majority, reducing their social standing and acceptance within society. Hate speech, therefore, rises beyond causing distress to individual group members. It can have a societal impact. Hate speech lays the groundwork for later, broad attacks on vulnerable that can range from discrimination, to ostracism, segregation, deportation, violence and, in the most extreme cases, to genocide. Hate speech also impacts a protected group's ability to respond to the substantive ideas under debate, thereby placing a serious barrier to their full participation in our democracy.' (sic)

The idea that hate speech damages democracies by silencing and politically disabling minorities was advanced by Jeremy Waldron in his 2012 book *The Harm in Hate Speech*. Although the United States is notable for its lack of law against hate speech as such – hateful speech is a US crime only if it is likely to lead directly to a serious harm such as 'imminent lawless action' – the book was widely discussed.

Some descriptions of hate speech define it by naming types of groups that may be targeted. The Council of Europe's definition of hate speech, for example, adopted in 1997, makes specific reference to Jews, migrants and minorities:

'[T]he term "hate speech" shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.'

Under nearly all definitions – confusingly to some – it is not hate speech to say or communicate 'I hate you' or that one hates a particular political candidate, a political party or its members. The term is widely misunderstood and differently interpreted, raising serious concerns for freedom of expression. During Kenya's 2013 electoral process, for example, it became common for politicians to accuse one another of hate speech: the accusation became a political weapon and, some argued, it suppressed debate during an election when it was more needed than ever. And in April 2014, a Kenyan government official said she had accused four human rights lawyers of hate speech and fomenting hatred – because they criticized the government's new policy of rounding up and deporting large numbers of Somalis. In other countries, such as Hungary and Rwanda, laws related to hate speech are used to suppress the grievances and political concerns of minorities and indigenous peoples.

Hate speech laws differ in part because most of them do not use the term 'hate speech' at all, referring instead to a variety of acts such as incitement and discrimination or, in Rwanda, the unique offence of 'ethnic divisionism' – and a variety of consequences of hate speech, including insult, offence, humiliation and degradation. Laws vary also along other vectors, including the intent of the speaker, the likely effect of the speech, and whether the speech calls for action of some kind. Bhikhu Parekh has illustrated the diversity of national laws with a set of examples:

'Britain bans abusive, insulting, and threatening speech. Denmark and Canada prohibit speech that is insulting and degrading; and India and Israel ban speech that incites racial and religious hatred and is likely to stir up hostility between groups. In the Netherlands, it is a criminal offence to express publicly views insulting to groups of persons. Australia prohibits speech that offends, insults, humiliates, or intimidates individuals or groups, and some of its states have laws banning racial vilification. Germany goes further, banning speech

that violates the dignity of an individual, implies that he or she is an inferior being, or maliciously degrades or defames a group.' [10]

Some countries have gradually amended their laws prohibiting hate speech, to encompass particular forms of it as they became more prevalent or to prevent misuse of the law. For example, the United Kingdom's Public Order Act of 1986 identified speech that is 'threatening, abusive, or insulting' as an offence if the speaker intended to stir up racial hatred with it, or if, 'having regard to the circumstances racial hatred is likely to be stirred up thereby'. The Act did not include hatred focused on national, religious or ethnic groups. To partially remedy this omission, the Racial and Religious Hatred Act of 2006 added hate speech against religious minorities. The Act was also amended in 2013, to remove the word 'insulting', after a civil society campaign against it. One of the campaigners called it 'a much-abused catch-all provision where the police could charge anyone for using trivial words that irritated them'.[11]

'Hate speech' as such is absent from international human rights treaties, which refer instead to offensive, inciting or discriminatory speech. The Universal Declaration of Human Rights holds in Article 7 that all are entitled to protection against discrimination in violation of the Declaration – and against 'any incitement to such discrimination'. International law codifies several forms of incitement as offences: incitement to genocide, to violence, to discrimination and to hostility. Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR) states that 'any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law'. This provision is somewhat unclear, since the distinctions between advocacy and incitement, and hatred and hostility are contested. Article 20 has been incorporated only partially, or not at all, into bodies of national law. The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) addresses hate speech most directly in its Article 4 condemning:

'all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form.'

In this regard, hate speech laws can be helpful in tackling impunity and in helping to establish social norms against certain types of speech and, more importantly, against certain types of harm. Such laws cannot be successful without the support of influential public figures, however, nor can they succeed unless it is clear which speech they prohibit and why.

To focus efforts to counter hate speech and to prevent one of its worst apparent consequences – violence – I have described a specific subcategory of hate speech, defined by its capacity to inspire or catalyse group violence, and have named this category 'dangerous speech'. Across a great variety of languages, countries and historical periods, such language exhibits characteristic patterns or 'hallmarks'. It frequently compares other human beings to pests or vermin, for example, suggesting that members of minority groups within a country are foreign or that they besmirch, taint or damage the majority group.

Most existing hate speech laws – including international, regional and national ones – are dangerously vague, in ways that are often used to restrict the freedom of speech of minorities, including preventing them from expressing legitimate grievances. Even David Matas, a vigorous proponent of criminalizing hate speech, writes that 'if anti-hate laws are vague, we should not have them. Vagueness would vitiate the laws, render them useless, and indeed threaten free speech unduly.'[12] Indeed, the hate speech provision in Canada's Human Rights Act was struck down in June 2013, though its criminal law provision against hate speech remains law. 'We don't want there to be a chill on speech that is controversial but not necessarily hateful,' Cara Zwibel of the Canadian Civil Liberties Association said when the Human Rights Act's hate speech clause was struck down.

'We felt that given the impact that it has on freedom of expression, and given that it hasn't really proven to be a very effective method for dealing with discrimination, that it shouldn't be on the books

anymore.… We really encourage countering hateful speech, rather than trying to censor it.' [13]

Counter speech and other alternatives to criminal law

New methods to diminish hate speech – or reduce its impact – without infringing on freedom of expression are emerging. Activists, journalists, clergy, lawyers and others have begun experimenting with such methods in a variety of countries. Technology plays a role in many of these efforts: just as new communications technologies are being used to amplify inflammatory hate speech, they can also be marshalled to prevent and counter it. New technologies are also being employed to detect where hate speech may signal an increased risk of mass violence.

To prevent mass violence, especially in societies at high risk, advocates have begun to experiment with media programming to render audiences less likely to become convinced by inflammatory speech, or to act on it. This is called 'inoculating' an audience, following the example of the non-governmental organization Radio la Benevolencija (RLB), which uses the term to refer to its own path-breaking work. RLB, based in Amsterdam and working in several central African countries, has collaborated with the social psychologist and genocide scholar Ervin Staub to develop 'knowledge tools' – guides on how to deal with an array of manipulative pressures that move individuals and whole societies to physical and mental harm, and how to resist such pressures. RLB delivers these tools in entertaining programmes such as a radio soap opera called *Musekeweya* (*New Dawn*),[14] which has become popular in Rwanda since its launch there in 2004. What particularly distinguishes *Musekeweya* from other soap operas in Rwanda (or indeed, elsewhere), according to RLB, is that it 'explicitly deals with the psychology of incitement to hate and violence that leads to mass conflict'. *Musekeweya*'s impact on its listeners was independently studied by a scholar, Elizabeth Levy Paluck, who described her effort as 'the first experimental evaluation of a radio program's impact on intergroup prejudice and conflict in a real world setting'. In her year-long study, Paluck found 'a pattern of norm and behavior change' and an increase in empathy, on the part of *Musekeweya* listeners, for other Rwandans.[15]

In another effort in Kenya in 2012, four episodes of a long-standing Kenyan television comedy/drama called *Vioja Mahakamani* (*Events in the Courtroom*) took up the topic of hate speech. In each of four episodes, a Kenyan (or group of Kenyans) stands accused either of making inflammatory hate speech (at a rally or on a printed flyer, for example) or of acting upon it, and the harms of hate speech are discussed as the case goes forward. The episodes' impact on audiences was independently evaluated by scholars who found that Kenyans who watched the episodes felt better able to identify and to resist incitement.

Inoculation against hate speech takes some time, and therefore should be conducted in advance (just like the more familiar kind of inoculation, against disease) before the risk of violence becomes acute. Especially (but not only, of course) during that acute stage, there is a second type of alternative method for diminishing the force or effectiveness of dangerous speech that I describe with the general term *counter speech* – or speech to refute hate speech or dangerous speech.

Counter speech may be effective at forestalling the effects of hate speech, including violence. There is some evidence of success when influential or prominent leaders publicly and unequivocally indicate that they disapprove of hate speech – or of violence itself – even though strong counter speech is relatively uncommon. In one example, Norwegian Prime Minister Jens Stoltenberg declared 'we will answer hatred with love' after Anders Breivik massacred 77 people, mostly teenagers, in 2011. After the killing of filmmaker Theo van Gogh in 2004, Amsterdam's mayor Job Cohen spoke out firmly against the angry anti-Muslim rhetoric and sentiment that followed. He 'initiated the peace script', as the *New York Times* later put it, for example by telling the people of his city, 'An Amsterdamer is murdered. You fight with the pen and, if necessary, in the court. But never take the law in your own hands.' In the days after van Gogh was killed, revenge attacks against Muslims happened elsewhere in the country, but not in Amsterdam.

According to scholarly research on why Hindu–

Above: Rohingya Muslims in Burma. *Christophe Reltien, EU/ECHO, Rakhine State, November 2013.*

Muslim riots and massacres have happened in India at some volatile times and places, but not in others, influential figures have been able to thwart violence by publicly withdrawing their support for it, even where extremist parties controlled relevant state governments.[16] Likewise the King of Denmark and Danish political leaders have been credited with helping to save the lives of nearly all of Denmark's Jews during the Holocaust, in part by consistently speaking of them as part of the same national community as other, non-Jewish Danes. 'I considered our own Jews to be Danish citizens,' King Christian was quoted as writing, in the Danish historian Bo Lidegaard's 2013 book *Countrymen*, 'and the Germans could not touch them. The prime minister shared my view and added that there could be no question about that.'

Counter speech can also be effective when it comes from a wide variety of sources, speaking in unison. Kenya produced an example of this in the weeks and months before its presidential election in March 2013, the country's first since inflammatory speech and severe violence accompanied the attempted election of 2007.

Thought leaders of all kinds called on Kenyans to forsake hatred and violence. Ecumenical groups of clerics appeared on billboards and on the radio, calling for peace. Graffiti artists covered walls and fences with anti-hate murals. Football stars recorded brief public service announcements, appealing directly to young men like themselves to remain calm. Amid this unprecedented volume of anti-hatred 'peace propaganda', the election went forward with only one episode of serious violence, by a local extremist group which tried to disrupt the election by attacking polling places in the city of Mombasa.

In Burma, an innovative counter speech campaign began in April 2014, after months in

which politicians, Buddhist monks and other influential leaders produced increasingly violent, vicious hate speech against Muslims. The '*panzagar*' or 'flower language' campaign is led by Nay Phone Latt, a blogger and free speech advocate in Burma who was arrested for reporting on anti-government protests in 2007 and sentenced to 20 years in prison. He was released after four years, and is now working with other human rights activists on Panzagar, which uses the symbol or meme of a person holding a flower in his or her mouth, to counter hate speech. The Panzagar message is being distributed in many ways: with a song, on flyers and on a page on Facebook, the social media platform that is overwhelmingly the most used in Burma. In an April 2014 interview with *The Irrawaddy* newspaper, Nay Phone Latt explained why he is now dedicating so much of his formidable energy to countering hate speech:

'If people hate each other, a place will not be safe to live. I worry about that most for our society. In some places, although they are not fighting, hate exists within their heart because they have poured poison into their heart for a long time [through hate speech]. It can explode in anytime.' ■

Endnotes

1 Kenya's National Cohesion and Integration Commission was first established by the National Cohesion and Integration Act of 2008, passed in the wake of the post-election violence of 2007–8, in which more than 1,000 people were killed and about 500,000 displaced. The Commission was made statutory by Kenya's new national Constitution, passed in 2010. For a description of other efforts to counter hate speech during Kenya's subsequent presidential election in 2013, see Susan Benesch, 'Countering dangerous speech to prevent mass violence during Kenya's 2013 elections', retrieved April 2014, http://voicesthatpoison.org/kenya-2013/.

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Gender-based hatred against minorities and indigenous peoples – impacts and ways forward

Nicole Girard

The genocide in Rwanda in 1994 shows the drastic consequences of a sustained hate campaign against a minority ethnic group, perpetuated widely by radio and print media. It was a campaign that specifically placed Tutsi women as targets of gender-based ethnic hate speech on behalf of extremists from the Hutu majority. The propaganda against Tutsi women was one of the most vicious aspects of the campaign, reducing Tutsi women to sexual objects with traitorous intent. Tutsi women were demonized and their vulnerability to sexual violence during the conflict was magnified. A reported 250,000 to 500,000 women were raped, with many murdered and mutilated; but many also lived to endure the social stigmatization of rape. The sexualized violence overwhelmingly affected Tutsi women and the ensuing pregnancies were endured exclusively by women.

This case illuminates the particular vulnerabilities of women from a minority or indigenous community to gendered ethnic hate speech and hate crimes. Minority and indigenous women can experience hate speech and hate crimes differently from their male counterparts, when the experience is compounded by hate that targets their identities as women.

Hate speech and hate crimes that target minority and indigenous women are present throughout the world. According to data released in 2013 by Tell MAMA, a United Kingdom (UK) organization that monitors hate speech and hate crimes against Muslims through a hotline, 58 per cent of the 632 reported incidents involved female victims and 75 per cent of the perpetrators were male. Unfortunately the acknowledgement of this link between gender, minority or indigenous status, hate speech and hate crimes is lacking in many policies and practices intended to curb these incidents, as well as in the prosecution of those responsible for gendered hate crimes.

Minority and indigenous women's experience of violence

Hate speech and hate crimes are both a cause and a symptom of discrimination and racism, whose manifestations range from slurs to violent killings, often interacting with gender discrimination and misogyny to target minority and indigenous women and girls. Hate speech and hate crimes are used to marginalize, vilify and silence the voices of minority and indigenous women, maintain the patriarchal status quo, legitimize violence against women from minority and indigenous communities, and perpetuate their marginalization.

Understanding minority and indigenous women's particular vulnerabilities to hate crimes rests on the concept of intersectional discrimination: discrimination is not one-dimensional, but rather can be based on a multitude of different axes of identity, such as gender, ethnicity, religion, language, class, sexual orientation, gender identity, health status, education or political views. The theory of intersectionality acknowledges how various forms of discrimination interact, shifting in different circumstances, compounding the experience, resulting in multiple levels of oppression.

Patriarchal social structures based on the principle of male domination and female subordination define our wider societies, and inform gender roles in many minority and indigenous communities as well. Often the same can be said of state policies and structures that privilege those from the majority community. But it is the distinctive interplay between ethnicity, religious affiliation or language with patriarchal norms and gender discrimination, and its impacts on minority and indigenous women, that are often overlooked in broad discussions of hate crimes, including that of sexual violence in armed conflict against minority and indigenous women and girls.

Hate speech and hate crimes can be understood as part of a continuum of violence, whereby different types of violence against minority and indigenous women are interrelated and part of intersecting structural, institutional, interpersonal and individual factors. Hate crimes and gender-related killings of minority and indigenous women cannot be seen in isolation from other forms of violence, such as domestic violence, but hate crimes are an extreme example of how violence is used to reinforce and assert social and patriarchal hierarchies, and perpetuate the marginalization of specific communities. Hate speech and hate crimes against minority and indigenous women are normative, facilitated

Above: Roma mother and child in Romania. *Bjoern Steinz/Panos.*

by complex private and public factors that make them particularly at risk of violence.

Femicide is an extreme form of gender-based violence that often targets women from socially and economically marginalized communities. In many cases, femicide can combine the killing of women on the basis of their ethnic *and* gender identity. Femicide of indigenous women has been rife in conflicts throughout South America, El Salvador, Guatemala and Mexico, marked in particular by the brutality of the murders, including torture and dismemberment. In Guatemala, femicide of indigenous women is rooted in colonial times, but increased in frequency and intensity during the decades-long armed conflict. The Commission for Historical Clarification, a truth and reconciliation commission created after the war, found that 88 per cent of those affected by violence during the war were indigenous Mayan women and girls targeted for gender-based violence, including femicide, with two girls killed for every boy. Perpetrators were mostly military and paramilitary personnel. Even after the conflict, Guatemala still has one of the highest rates of femicide in the region, with few perpetrators brought to justice and a culture of impunity being the prevailing norm.

While situations of armed conflict have in some cases given minority and indigenous women the chance to break out of traditional roles, it can also expose them to violence at the hands of state and non-state actors, including physical, sexual and psychological violence. Rape was used as a weapon of war against indigenous women in Guatemala's conflict, as well as against minority and indigenous women in other conflicts, including Bosnia and Herzegovina, Burundi, the Philippines and Indonesia, and is ongoing in Burma. Rape is used to punish and dehumanize women and symbolically defile the whole community, and emasculate men for not being able to protect 'their' women.

Displacement resulting from conflict further leaves minority and indigenous women open to hate crimes. In Somalia, for example, gender-based abuses are prevalent throughout the country, but have a disproportionate impact on displaced women from minority communities. Minority women who have fled fighting in south-central Somalia are raped and abused by

members of the police, army or other security service forces en route to camps for displaced people in Puntland. Within the camps the situation for minority women remains dire, as, according to the Independent Expert on the situation of human rights in Somalia in his August 2013 report, the 'victims of rape in IDP [internally displaced people] camps are generally minority clan origin', suffering in particular as they are without any protection that might be offered from majority clan systems. Police hail from majority clans and routinely fail to investigate allegations of rape, leaving minority women fearful to report incidents.

Hate crimes target minority and indigenous women as symbolic representatives of their communities. Women are perceived as the bearers of their people; cultural notions of propriety and sexual norms focus on women as the 'repositories' of traditional cultures. A woman's behaviour is thought to reflect on the community in general and the household specifically. Violence against women from within the community can result as well, with murders of women and girls in the name of honour as their activities, voluntary or otherwise, have been perceived to bring shame upon the household or wider community. While murder or attacks in the name of honour are not widely accepted as hate crimes, they are similarly violent with a 'message' – killing to control the conduct of women in the community.

Gender roles assigned to men also impact on hate against minority women. In India, the ideology behind the Hindu nationalist movement, *Hindutva*, has been accompanied by widespread attacks on the Muslim minority, including in Gujarat in 2002. *Hindutva* ideology portrayed Muslim men in aggressive roles, encouraging Hindu men to feel threats to their masculinity. It has been reported that in this instance of communal attack and others across India, bangles and saris, signs of femininity, were distributed to men who did not participate in the violence. It should be said that there were reports of Hindu women actively participating in violence against Muslim minority women in the Gujarat violence as well.

Hate pamphlets circulated at the time of the Gujarat violence made explicit reference to sexual victory over Muslim women as well as over Muslim men. Indeed, gendered hate crimes can target men for sexual violence as well, as the perpetrators seek to dominate and emasculate their male enemies. Cases of men raped during armed conflict go under-reported, as victims are afraid to be seen as gay or non-manly, fearing stigmatization from their families and society. A 2013 report by Human Rights Watch documented how sexual violence and rape has been used in Sri Lanka to torture both female and male suspected members of the Liberation Tigers of Tamil Eelam (LTTE), most of whom were from the Tamil minority, continuing after the end of the war in 2009 in both official and secret detention centres. Evidence from a London torture treatment centre in the late 1990s suggested that 20 per cent of Sri Lankan male victims had been sexually abused while in detention.

Hate discourse can hyper-sexualize women from a minority or indigenous community, stereotyping them as particularly fertile or promiscuous. Discriminatory stereotypes of Roma women, particularly evident in Romania and Bulgaria for example, characterize Roma women as having far too many children. During the 2002 parliamentary election campaign, the Slovak Social Democrat Party was in a controversial coalition with the xenophobic Slovak National Party; the latter party's leader made numerous anti-Roma statements, but even the leader of the Social Democrats, Robert Fico (who then became Prime Minister) stated that the 'irresponsible growth' of the number of Roma children needed to be 'actively controlled'. The Bulgarian Health Minister, in an interview with journalists in 2006, warned of consequences if the Roma birth rate was not limited.

Coercive, forced sterilization of minority and indigenous women has been documented throughout the world, often as part of state-sponsored eugenic programmes, as in the cases of Canada, the US and Sweden. Coercive sterilizations have been performed on Roma women in various European countries throughout the twentieth century, and have been reported as recently as 2007 in the Czech Republic. In the Rome Statute of the International Criminal Court, widespread and

systematic forced sterilization is recognized as a crime against humanity. Given the involuntary, coercive nature of forced sterilization, with evidence that the practice targets minority and indigenous women in a discriminatory manner, it can arguably be classed as a hate crime as well – albeit one carried out by the official machinery of a state.

The European Court of Human Rights reached its first ruling on a case of forced sterilization on 8 November 2011, in the case of *V.C. v. Slovakia*. The Court found that a Slovakian Roma woman had been the victim of coerced sterilization, in violation of Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (right to respect for private and family life) of the European Convention on Human Rights (ECHR). Shortly thereafter, on 12 June 2012 in the case of *N.B. v. Slovakia*, the Court issued a similar ruling where the forced sterilization of a Roma woman had violated Articles 8 and 13 of the ECHR. However, in neither of the cases did the Court find that the forced sterilization constituted discrimination under Article 14 of the ECHR, saying there was not sufficient evidence that the doctors had acted in bad faith that was intentionally racially motivated. Evidence was presented in court to the contrary, however, including an interview with the accused hospital's chief gynaecologist during which he made a series of very disparaging remarks about Roma.

Stereotypes about women from minority and indigenous communities can have damaging consequences. The *hijab* has come to be associated with all that is anti-Western and anti-feminist. Muslim women are characterized as oppressed and powerless victims, of which head or body coverings are just a reflection. In societies where Islam is a minority religion, Muslim women who wear the *hijab*, *niqab* or *burqa* are frequently targets of hate. Eighty per cent of the 'offline' anti-Muslim incidents surveyed by Tell MAMA in the UK involved victims wearing physical identifiers of their faith at the time of the attack. Such 'gendered othering' is not limited to people with extremist views. Mainstream public figures have also given voice to such attitudes, as reflected quite succinctly in the statement of the then UK Leader of the House of Commons, Jack Straw, in 2006, that the veil is 'such a visible statement of separation and of difference'.

Ironically, it seems that in some cases the stereotypes of repressed womanhood make Muslim women more vulnerable to attack. According to Fiyaz Mughal, director at Tell MAMA, at times when there are political discussions around head coverings, there is a higher frequency of Muslim women reporting hate crimes and hate speech against them. He adds, however: 'Now, whether this is because of a higher frequency of incidents or women feeling security in reporting in, this is not clear, however, there is a link that we see' (email interview). Similarly, in the province of Quebec, Canada, an 'alarming rise' in hate incidents against Muslim women was reported after the Quebec Values Charter was proposed in September 2013. This Charter seeks to prohibit public workers from wearing religious symbols, but the debate has centred mostly around the wearing of the *hijab*. The Quebec Collective Against Islamophobia reported a 300 per cent increase in reports of anti-Muslim attacks in the weeks following public debates on the Charter.

Women human rights defenders from minority and indigenous communities have been vocally and openly advocating for the realization of rights that challenge the traditional status quo and roles in society for both women and marginalized groups. Their gender, public presence and threat to sociocultural norms make them vulnerable to targeted hate speech and hate crimes. Women human rights defenders are at an increased risk of violence, gender-related killings and targeting of their children. Attacks and criticisms of women minority and indigenous rights defenders can take a decidedly racist and misogynist angle.

Rusudan Gotsiridze is both an ordained bishop and a human rights defender from Georgia, working to promote religious tolerance, gender equality and the rights of sexual minorities. She hails from the small Baptist Christian community in this majority Georgian Orthodox country. Her work defending minority rights, holding a position of religious power historically only the domain of men, and being a woman have exposed her to vicious hate speech:

'All the women who dare to step over the kitchen borders and see themselves as a part of the society become subject to psychological and moral pressure; additional pressure if she is protecting minority rights (especially the rights besides her own minority community) and triple pressure if she represents religious authority.'

Since women are breaking out of traditional roles to advocate for minority and indigenous rights, sometimes harms committed against them are perceived to be 'what she deserved' or are justified because of a perception that women embracing social change may be threatening the integrity of the wider community. Hate incidents against female minority activists are attempts to marginalize all minority and indigenous women's voices and power. Gotsiridze is clear though: 'This threefold role makes my message even more powerful and loud' (email interview).

Access to justice and reparation

Minority and indigenous women experience further threats and discrimination in their search for justice against perpetrators of hate speech and hate crimes. All across the world, justice systems fail to prosecute or punish perpetrators, including those responsible for mass human rights violations based on gender and ethnic or religious identity. Poverty, social exclusion, stigmatization, language barriers, and discrimination faced in hospitals, police stations and the courts, combine to make the struggle for justice even more difficult. Institutional weakness – such as deficiencies in investigation, prosecution and punishment – are the norm; threats, harassment and intimidation of those who report crimes are common.

For example, in 2006 the National Campaign on Dalit Human Rights conducted research in four Indian states on violence against Dalit women. Out of 500 Dalit women surveyed who had experienced violence, 40.2 per cent did not attempt to pursue any legal action and another 26.5 per cent were obstructed in their attempt to seek redress before they reached the police, while another 1.6 per cent of women obtained informal justice at the community level without involving the legal system. Troublingly, 17.4 per cent of women were also prevented from securing justice by police or by other official actors. This means that 85.7 per cent of cases of violence experienced by the Dalit women surveyed did not even enter the legal system and hence were not included in official data.

Similarly, as detailed in a 2013 MRG submission on India to the Committee on the Elimination of Discrimination against Women, Dalit women who manage to file a report with the police on cases of violence against them experience significant delays 'at every stage of the justice chain', as well as ill-treatment and insensitivity in filing and pursuing the case:

'Andal from Madurai district, who had approached the police for seeking justice against her dominant caste neighbour, was sent back for days by the police saying that they would enquire the matter. When she continued to go to the police station, she was abused as [a] filthy woman, and threatened by the Inspector of police that if she continued to come to the police station he would register [a] false case against her. Fearing police threatening and abuses, she decided not to take further action.'

The result is widespread impunity for crimes where impunity reigns and the victims do not receive justice or protection from the state. The effects are aptly summarized by the UN Secretary-General:

'Impunity for violence against women compounds the effects of such violence as a mechanism of control. When the State fails to hold the perpetrators accountable, impunity not only intensifies the subordination and powerlessness of the targets of violence, but also sends a message to society that male violence against women is both acceptable and inevitable. As a result, patterns of violent behaviour are normalized.'

Some progress has been made, particularly in South America, in implementing laws against femicide. In Guatemala, the 2008 Law against Femicide and Other Forms of Violence against Women 'incorporates a wide definition that acknowledges that femicide is committed by a person who, in the context of unequal power relations between men and women, puts to death a woman because she is a woman'.

However, femicides remain uninvestigated and unprosecuted, and indigenous women face difficulties accessing the justice system. Lorena Cabnal, an indigenous women's rights defender, has accused the state of having 'not made the necessary efforts to implement [the law] in the communities'. Guatemala does not disaggregate data on femicide by ethnicity, making it impossible to know exact numbers on how indigenous women are affected.

Women's experience of gendered hate crimes

Research suggests that hate crimes can have a greater negative impact on the victim than non-hate crimes. But what are the specific gender-related experiences of hate crime?

Femicide and rape used in conflict have the effect of terrorizing all women from a given community, especially if abuses are committed in front of family members, and its impacts are felt across the community. In some cases, as reported in the armed conflict in Burma, women face great stigmatization from their community as a result of being raped by soldiers, due to gender stereotypes of propriety. As a result, many are hesitant to speak out; husbands of rape victims may direct their anger at their wives through verbal and physical abuse. Women have been inclined to migrate and leave their villages to escape being ostracized.

As mentioned previously, cases of gendered hate crimes often do not go to court. Women report feeling angry at the injustices committed, and many do not have access to psychological or counselling services, especially those that are culturally appropriate. According to the experience of the director of Tell MAMA with Muslim women in the UK:

'The greatest impact is on self-esteem, particularly if the incidents happen over a long and sustained period of time. This self-esteem can impact on familial relations since if they mention such incidents to their husbands, some husbands isolate the female by suggesting that they will take on tasks for their wife to protect them from going out and hence the possibility of less frequency in such incidents. Sons are also affected and in some cases take on a sense of perceived attack on identity and with their mothers being affected, they seem to show higher levels of aggression. Girls in the family have a greater sense of personal grievance which is not outwardly voiced.' Email interview

Tell MAMA UK also suggests that women begin to more seriously question their role in the wider society, especially if they are first- or second-generation immigrants, and whether they belong.

Many fear retribution for reporting crimes, as they may have been threatened with further harm, or the attackers may still be free in the community. This may occur not only in the context of conflict, but also in situations where the rule of law is apparently strong, such as in Canada, where minority and indigenous community experiences of decades-long misconduct and abuse by the police have resulted in a profound distrust of authorities.

Addressing the gender aspect of hate

'One challenge we face is the need for deepening of reflection on, knowledge of and approaches to the multiple oppressions that women survivors of sexual violence face. Particular attention is required to the intersection of ethnic oppression or racism which coexist with the oppression on the basis of gender in the lives of women, who in addition live in conditions of extreme poverty.' Luz Méndez, Guatemala

Minority and indigenous women's experience of hate speech and hate crimes cannot be separated from their daily experience of discrimination, whether in the economic, political, cultural or social spheres. The effects of marginalization – ranging from poverty and lack of access to education or health services to exclusion from decision-making, displacement and domestic violence – interact with and compound the violence they face in their experience of hate crimes and hate speech.

Violence against women is now being prioritized as an issue at the international level, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Also known as the Istanbul Convention, this is the first legally binding international framework for preventing

Right: Indigenous women in Colombia. *Christian Escobar Mora/EPA.*

violence against women, protecting the rights of victims and ending impunity. It was opened for signature in 2011. Eight countries have ratified; ten are needed before it enters into force. The Convention calls for its provisions to be applied without discrimination, including on the basis of race, national or social origin, or as a national minority, migrant or refugee: if implemented, the Convention could serve as a mechanism for addressing underlying causes of gendered hate crimes against minorities.

At the UN level, there have been five resolutions adopted by the UN Security Council on Women, Peace and Security, binding on every UN Member State: Resolutions 1325, 1820, 1888, 1889 and 1960. The resolutions acknowledge the need to respect women's rights during conflict, participate in peace negotiations, condemn sexual violence in conflict and post-conflict contexts, and end impunity for sexual crimes. Within these resolutions, though, despite the fact that many have been informed by the experiences of minority and indigenous women and conflict, nothing is said specifically of their distinct experiences or needs.

While groundbreaking standards and norms continue to make their way into national and international norms and policies, local organizations are struggling to realize their principles in the lives of indigenous and minority women, in their work toward truth and reconciliation commissions, peace-building initiatives, supporting survivors of violence and bringing perpetrators to justice. In the ongoing peace negotiations in Colombia, for example, indigenous women are asserting their essential role in peace-building. As part of the 1325 localization project by the Global Network of Women Peace-builders, a network of indigenous women has been formed in Colombia to implement resolutions 1325 and 1820 at the local level. Their work so far has included drafting an indigenous women's action plan that includes a set of indicators to monitor implementation of Resolution 1325 in indigenous communities. As one participant at the indigenous localization workshop stated:

'It is not easy for us as women. Our commitment is to defend our culture, and our right to have territory and autonomy. That is why the authorities are opposed when we speak about our individual rights. But I believe that this will change. […] We must help ourselves to these resolutions in order to restore our balance.' María Márquez

Hate crimes and hate speech against minority and indigenous women are part of a wider structuring of societies that legitimize violence against women and discriminate against marginalized groups. Any efforts to address and eradicate gendered hate crimes must take a holistic approach that sees violence against women in both public and private arenas as symptomatic of patriarchal systems of power. Dismantling societal structures that privilege male power must go hand in hand with violence against women initiatives, peace-building and reconciliation, and post-conflict reconstruction, to address the true roots of gendered hate crimes. ■

The role of hate speech and hate crime in the escalation of identity conflict

Chris Chapman

The most extreme expression of hate crime is genocide and, as noted by Barbara Perry in the chapter 'Hate crime: contexts and consequences', in many cases hate crimes have been part of the process. The November 1938 Kristallnacht, a pogrom involving the destruction and looting of Jewish shops and synagogues, and the killing of at least 91 Jews in Germany and Austria, was a particularly striking example, being part of the process of steadily escalating violence that led to the Holocaust. As part of a dynamic of genocide, hate speech will often be a first stage in a process of identifying a community as the 'other'; in order to establish violence directed to a specific target as acceptable within a community, it is necessary to begin a process of identifying that target as not being protected by the usual social rules of behaviour.[1]

In situations of tension involving minorities or indigenous peoples, acts which have a heavy charge of cultural symbolism have the potential to trigger conflict if the underlying preconditions are already there, such as the revocation of language rights for a linguistic minority. Hate crimes can also include desecration of cultural, spiritual or historical heritage. In such cases, the intent may be the same as for attacks on civilians: to identify who are 'insiders' and 'outsiders', and reinforce a cycle of hatred and violence between them.

In some cases, it will be very clear that victims are being targeted on the basis of their ethnic or religious belonging. For example, during the recent explosion of violence in South Sudan, journalists reported that assailants from the Dinka ethnic group, Sudan's largest and historically dominant tribe, would ask '*incholdi?*' – literally, 'What is your name?' If the person could not reply due to ignorance of the language, they would be taken prisoner or killed.[2] However, it is also important to point out that within armed conflict, it will be extremely difficult to correctly assess the motivation behind individual acts of violence, even if they appear to be hate crimes. Acts of violence in conflict may have the sole intent of perpetuating the conflict, regardless of the identity of the victim. It then becomes difficult to assess whether participants are motivated by hate of the enemy, or by other factors, such as the desire to perpetuate a lucrative conflict economy. Incidents that appear to be motivated by hate also disguise the fact that individuals may take advantage of the fog of conflict to exact revenge as part of a personal vendetta with a neighbour or simply to seize property.[3]

From hate crime to mass violence – the conflict continuum

There is a distinction between hate crimes in the lead-up to conflict and war crimes committed against civilians on the basis of their ethnic or religious belonging within a conflict setting. There may be key differences between the two not only in terms of scale – pre-conflict hate crimes may target only one or a small number of people whereas war crimes can include massacres and even genocidal events – but also motivation. In the pre-conflict scenario, the intent may be to intimidate a section of the population, cowing them into seeing resistance as futile, provoking them into acts of retaliation, or wearing down moral and social inhibitions with regard to violence within the community. Acts committed in a conflict environment, on the other hand, may have a more immediate tactical goal.

However, in reality it is likely that these events will be part of a timeline in which it becomes difficult to discern exactly when peace-time ends and conflict begins, and vice versa. The power of language should not be underestimated in a conflict setting. Hate speech and hate crime can be used not just to exacerbate already existing tensions, but even to a certain extent to define how the battle lines are drawn. In the Central African Republic, for instance, there was no specific history of religious violence in that country; but after militia attacks and atrocities began, the respective communities were increasingly seen by the other side as complicit – hence reciprocated violence became increasingly widespread.

Hate-motivated acts of sexual violence committed in conflict – as documented in countries including Sudan, the Democratic Republic of the Congo, Colombia and Nepal – illustrate how blurred these lines can be. In some cases it may simply be about cementing in place the mechanics of hatred between both victims and perpetrators. Such acts are intended

to increase fear and submission within the targeted community or, alternatively, to provoke a response. They can also have the effect of dehumanizing perpetrators, increasing the cost of choosing not to participate or to withdraw. For child soldiers who are forced to commit atrocities against civilians, particularly in their own communities, it becomes more difficult for them to conceive of the possibility of defecting and attempting to reintegrate into society.

The continuum can also continue in the other direction, from conflict to peace-time, with continued incidents of hate crimes in the post-conflict environment – for example, in Northern Ireland or Bosnia and Herzegovina – reflecting insufficiently resolved tensions between communities. Because of the fragility of post-conflict settlements, there is a significant risk that hate crimes will tip the situation back into conflict – particularly given that the language of hate speech can remain in currency for years, even decades. In addition, peace agreements often fail to put in place adequate measures to tackle hate speech and crime, focusing rather on the make-up of political structures and division of material resources. Armed groups – the actors most capable of carrying out hate crimes – may be inadequately disarmed, partly because of the so-called 'security dilemma' – a lack of trust on both sides leads armed groups to do everything they can to retain weapons.[4] As a human rights activist noted of the Taif Accord in Lebanon:

'The Accord was not fully executed, such as the Abolition of Political Sectarianism, which greatly affects unrepresented minority groups. If minority groups had been involved, they may have pushed for a clear procedure on how to eliminate it, rather than a paragraph on aspirations and task delegation, in addition to advocating for a fixed time frame.… The procedures for the President, government and parliament were described in detail in the Accord, however, other vital articles, such as dissolving the militias and their disarmament, were mentioned with no definitive process for doing so. Most of the militias that were involved in the armed conflict are still operating, and even running for seats and appointed as ministers.'[5]

Combating hate speech and crime as a conflict prevention tool

How can hate crimes be combated with a view to preventing conflict from escalating? Ashutosh Varshney has argued for the crucial role of strong civic networks that reach across identity boundaries. He studied Hindu–Muslim relations at different times and locations in India to understand why, in similar conditions, violence occurred in some cases while in others it did not. He contrasts the cities of Calicut and Aligarh, which have similar religious demographics, and their very different reactions to the increasing inter-communal tensions that engulfed India between 1989 and 1992, particularly in the wake of the destruction of the Baburi Mosque in Ayodhya.

The Ayodhya controversy arose when Hindu nationalists proposed the destruction of a sixteenth-century mosque at the site and the construction of a temple to the god Rama, arguing that the mosque had been built on the ruins of an earlier temple. The Liberhan Commission, an inquiry ordered by government in the aftermath of the riots, found that without the involvement of the leadership of the Hindu nationalist Bharatiya Janata Party (BJP), as well as organizations at the local level such as the Rashtriya Swayamsevak Sangh, the mobilization and incitement that led to the destruction of the disputed structure would not have occurred. In Aligarh, once the disturbances spread, many people were killed in response to the Ayodhya crisis. On the other hand, Calicut remained riot-free, with politicians playing a key role in violence reduction.

Communal tensions did emerge in Calicut, but all political parties, including the Muslim League and BJP, supported the local administration's efforts to maintain law and order. The city-level peace committees, formed with the participation of political leaders, were the key tension-management device; in addition, neighbourhood-level peace committees emerged between trusting neighbours and neighbourhood-level leaders. Unfounded rumours circulated in the town that pigs had been thrown into mosques and temples attacked. Similar stories had led to riots in other Indian cities, but in Calicut, the peace committees and the press helped the

Above: Internally displaced people, mostly from Luo and Luhya groups, are relocated from a refugee camp in Kenya, 2008. *Jon Hrusa/EPA.*

administration squash rumours before they escalated into violence.[6]

However, political action alone might not have been sufficient to prevent violence: the actions at elite level were able to build on civic networks that reached across faith boundaries in the city, taking many forms. In Aligarh, relations between Hindu and Muslim politicians were too poor to allow such collaboration. But equally importantly – given that we are interested in the link between hate speech, hate crime and conflict – Varshney highlights the role of rumour-mongering and the media in provoking tensions. During the Ayodhya fallout in in Aligarh, false stories spread that Muslim doctors and other staff at a city hospital were killing Hindu patients. The Hindu nationalist press took these up unquestioningly and published them, sparking a wave of retaliatory killings of Muslims – which, by contrast, were not reported.

As Varshney indicates, a strong civic safety net will not exist in all situations: when this is lacking, other more immediate prevention mechanisms will be needed, including swift action when the first signs of escalating hate speech appear. In the case of the Ayodhya crisis, the Liberhan Commission found that the state's response was insufficient, even after widespread violence had broken out: 'The wanton violence against human life and property continued unabated and even at that late stage, the chief minister did not use the central forces which could have been swiftly deployed.'

It will also be essential at an early stage for respected community leaders to respond to hate speech with counter speech: messages of tolerance, information to counter rumours, or clear reminders of the consequences of hate crimes. The identity of those putting out the messages is crucial. On New Year's Day 2008, violence surrounding the disputed December 2007 elections in Kenya began to erupt between

Kalenjin, Kikuyu, Luo and some smaller communities. On 3 January, the government sent out the following text message to all Kenyans: 'The Government of Kenya advises that the sending of hate messages inciting violence is an offence that could result in prosecution.' However, as noted by the Chair of the Kenyan National Commission for Human Rights (KNCHR):

'the perceived leaders were critical and they can turn violence on and off like a switch especially at the early moments. It was instructive that in the 2008 violence neither side publicly and seriously went on a campaign against the violence – except condemning the other side's violence – leaving this task to civil society, religious leaders and the business community.'[7]

As a next step, to avoid a repeat of violence, victims will need to see some form of justice. In Kenya, the KNCHR Chairman denounced the fact that 'the authorities refused to prosecute or even investigate the authors of the statements despite clear legal provisions allowing them to do so'. In Kyrgyzstan, violence between Uzbek and Kyrgyz communities in May 2010 resulted in hundreds of deaths and an estimated 400,000 displaced: hate speech, particularly through print media, fanned the flames of the conflict. In the aftermath, the Kyrgyz justice system began a series of prosecutions. As revealed by Human Rights Watch research: 'While most victims of the June violence were ethnic Uzbek, most detainees – almost 85 per cent – were also ethnic Uzbek. Of 124 people detained on murder charges, 115 were Uzbek.' Investigations and trials were characterized by torture and intimidation of witnesses.

Such an approach can cause further harm to societies still healing. To allow victims and the relatives of victims to move on with their lives, justice must be seen to be impartial and fair. Legislation prohibiting discrimination and incitement to violence, incorporating effective and accessible enforcement mechanisms, may also be needed to help prevent a repeat flare-up of violence. Within such environments, too, where collective hurt exists on both sides and is deep-rooted, a sole focus on punitive justice may not be helpful; consideration should be given to processes that allow for expressions of remorse and apology, making public the facts about specific killings and other crimes, such as the locations of loved ones' remains. Legal and moral debates about the respective value of punitive and restorative justice with regard to large-scale crimes against humanity have not been definitively resolved; what is certain, however, is that context is everything and neither approach should be ruled out a priori.

Purely legalistic approaches to hate speech and crime in any case have a number of limitations; organizations which are banned are likely to come back under a different name. Hate speech needs to reach a relatively high degree of severity before legal action can be taken; the Rabat Plan of Action states that 'to establish severity as the underlying consideration behind the thresholds, the incitement to hatred must refer to the most severe and deeply felt form of opprobrium'. By the time this point is reached, inter-community relations are already breaking down. Applying a conflict prevention lens gives policymakers and decision-makers a whole new set of tools. Identity-based conflicts can only be sustainably managed with approaches such as conflict transformation, a multilayered, long-term paradigm which targets the elite, mid-level and grassroots levels of society by altering attitudes, promoting structures that bring communities together, and dismantling mechanisms of structural discrimination.[8] Where hate speech or hate crime has played a role, it will be particularly important to introduce human rights education into school curricula, and to develop a syllabus on the history and cultures of minorities and indigenous peoples (a process which is notoriously difficult in post-conflict settings and must be handled with great sensitivity). This kind of work demands a qualitative change in the mindset of international supporters of peace processes, who expect to see quick results – an expectation which is also expressed in the short time-frames of donor funding available for conflict resolution efforts.

Along similar lines, the Rabat Plan of Action recommends 'a plurality of policies, practices and measures nurturing social consciousness, tolerance and understanding' through a range of platforms, including media, education, and

religious and community leaders. Although radio has been misused to promote hatred, there are many positive examples of using radio for peace-building: for example Studio Ijambo in Burundi is staffed by both Tutsi and Hutu radio professionals, and aims to promote reconciliation, dialogue and collaboration among listeners. The role of women peacemakers from ethnic communities is also important to underline; for example, in South Sudan, women played an important role in keeping open channels of communication between communities when the Sudan People's Liberation Army split along ethnic lines.[9] In many communities, women are seen as playing an important role in the transmission of culture from generation to generation; they are therefore in a position to challenge notions of identity which are predicated on hatred of the other.

In conclusion, identity-based civil conflicts are qualitatively different from international conflicts, for example, in that grievances will divide individuals and communities who are in many cases living in close proximity. Conflicts may be cyclical and grievances are carried over from one generation to another, becoming entrenched in the popular imagination. Hate speech and hate crime exist in a mutually reinforcing relationship to such grievances, both drawing power from them and reinforcing them. Their reach and impact on the collective imagination of communities continues even after physical violence has ended, increasing the likelihood of repeat flare-ups. Decision-makers – both the national government and external actors offering their support – should consider the full panoply of tools at their disposal, and not take an attitude of short-termism. Whichever path is chosen – and most likely it will be a combination of approaches – the process of healing will be one of societal transformation. ■

Endnotes

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Using the law to protect against hate crimes

Lucy Claridge

Hate crimes occur, to a varying extent, in all countries. However, states' approaches in tackling hate crimes differ widely, both from state to state and across continents. Some states have legislation to protect against hate crimes, while others do not. Where legislation is in place, it may be thorough and effective, or inadequate; similarly its use may be inconsistent. This chapter aims to establish the extent to which legislation can and should provide an effective framework to protect against and respond to hate crime, drawing on some specific examples, as well as relevant international legal standards and jurisprudence.

What is a hate crime?

Hate crimes can be broadly defined as criminal acts motivated by intolerance towards a certain group in society. Hate crimes therefore comprise two elements:

i. First, a *criminal offence* must have taken place. In other words, an act must have been committed that constitutes an offence under ordinary criminal law. Criminal law varies from state to state, and not all states criminalize exactly the same kind of conduct. However, in general, there are certain violent acts which most states can be said to criminalize. Further, a hate crime is not one particular offence. It could be an act of intimidation, threats, property damage, assault, murder or any other criminal offence. The term 'hate crime' therefore describes a type of crime, rather than a specific offence within a penal code.
ii. The crime must have been committed with a *bias motive*. It is this element which differentiates hate crimes from ordinary crimes. The perpetrator of the crime will have intentionally chosen the target of the crime (whether an individual or a group, or even property associated with a group) because of a characteristic shared with others, for example, national or ethnic origin, religion or descent.

Why should the law protect against hate crimes?

Hate crimes, by their very definition, are aimed at intimidating the victim and his or her community on the basis of their personal characteristics or presumed community. They send a clear message to both the victim and those sharing the characteristics that they are being targeted. These effects can be multiplied where a community has historically been a victim of discrimination. It will come as no surprise, therefore, that it is the most marginalized communities, including minorities and indigenous peoples, who are disproportionately affected as victims of hate crimes. Therefore there is a particularly strong symbolic value to adopting and enforcing clear, robust legal standards on hate crimes.

Further, if hate crimes are treated like other crimes and are not recognized as a special category by the law, the response may not be adequate. As established in European Court of Human Rights (ECtHR) case law, when investigating violent incidents state authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events.[1] Those investigating a crime may fail to address allegations of bias motive, or judges may not hand down a sentence which reflects the severity of the crime. During the investigation of a hate crime, the victim may be accused of being at fault. Further, if hate crimes are not appropriately investigated or prosecuted and sufficient punishments handed down, this can send a clear message to other potential or actual victims that institutionalized discrimination will not change. All of this will in turn deter other hate crime victims from reporting similar offences. This further underlines the need for 'proportionate and dissuasive penalties' for such offences.[2]

International and regional legal standards on hate crimes

First, hate crimes undermine and threaten the right to equality and non-discrimination, a fundamental principle of international human rights law which features in most human rights instruments and state constitutions. Although hate crimes conducted by private individuals do not violate human rights standards by themselves, they are 'particularly destructive'[3] of fundamental human rights and demand a response from the authorities which, if not forthcoming, results

in a human rights violation. As a result, states should take steps to prevent, eliminate, prohibit, investigate and punish all acts and manifestations of discrimination and intolerance, including hate crimes.

The right to equality and non-discrimination is set out in the very first line of the UN Declaration on Human Rights (UDHR) and refers to the 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family', while Article 2 of the UDHR states: 'Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.' The International Covenant on Civil and Political Rights (ICCPR),[4] the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the International Covenant on Economic, Social and Cultural Rights[5] all require states to refrain from racial discrimination (including discrimination based on ethnicity or national origin) and to provide their residents with equal protection of all laws. In addition, Article 4 of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief requires states to 'prevent and eliminate discrimination on the grounds of religions' and to 'take all appropriate measures to combat intolerance on the grounds of religion'.

Regional human rights instruments also afford protection against discrimination. The American Declaration of the Rights and Duties of Man (the American Declaration) states: 'All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor'; the African Charter on Human and Peoples' Rights (African Charter) provides for the rights to non-discrimination and equality under Articles 2 and 3;[6] while Article 14 of the European Convention on Human Rights and Fundamental Freedoms (ECHR) protects against non-discrimination in relation to other ECHR rights, and Protocol 12 provides a stand-alone right to non-discrimination.[7]

Other rights which hate crimes may violate include the right to be free from torture or inhuman treatment, and the right to privacy. All of these rights and fundamental freedoms are enshrined in the UN international instruments including the UDHR and the ICCPR, as well as within the regional conventions such as the ECHR, African Charter and American Declaration. Further, the recently adopted Inter-American Convention against All Forms of Discrimination and Intolerance and Convention against Racism, Racial Discrimination, and Related Forms of Intolerance both refer to the 'surge in hate crimes motivated by gender, religion, sexual orientation, disability, and other social conditions',[8] specifically reaffirm the principles of equality and non-discrimination, and oblige states to prevent, eliminate, prohibit and punish all acts and manifestations of discrimination and intolerance, including hate crimes.

In addition to the protection afforded by these legal instruments, some go further and specifically call on states to criminalize certain acts and/or require states to adopt appropriate legislation to punish bias-motivated crimes. For example, Article 4 of CERD imposes an obligation on states to take 'immediate and positive measures'; while paragraph (a) requires that it should be an offence to 'disseminate ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin'.

The European Commission on Racism and Intolerance (ECRI) has also called for the criminalization of such acts in its General Policy Recommendations.[9] Meanwhile, the EU's Framework Decision on Combating Racism and Xenophobia recognizes the differences across the EU in laws dealing with racist and xenophobic behaviour, and different approaches to prohibitions on speech. It aims to establish a common criminal law approach, punishable in the same way in all the member states, and instructs them to take the necessary measures to ensure that racist and xenophobic motivation is considered an aggravating circumstance, or alternatively that such motivation may be taken into consideration by the courts in the determination of the penalties.[10]

Above: Roma children in Bosnia and Herzegovina. *Damir Sagolj/REUTERS.*

National legislation tackling hate crimes

The adoption of national criminal law to protect against hate crimes sends a clear signal to potential victims, perpetrators and society that hate crimes are not acceptable. The Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) has identified a number of factors which should feature in effective national legislation and which can be used as a guideline for drafting and analyzing such legislation.[11] Viewed from a minority rights perspective, these should include the following:

- Hate crime laws should include characteristics that are fundamental to a person's identity, such as religion, ethnicity or national origin, and these characteristics should be visible or readily known to the offender;
- Hate crime laws should protect victims who are associated or affiliated with persons or groups having protected characteristics;
- Further, hate crime laws should include offences where the offender was *mistaken* about the victim's identity;
- Hate crime laws should recognize social and historical patterns of discrimination;
- Sentences for hate crimes should be more severe than sentences for the same offences committed in their ordinary forms, to ensure just and fair redress and also have a dissuasive effect;
- Courts should be required to consider evidence of motivation, however they should not require a specific emotional state, such as 'hate' or 'hostility';
- Hate crime laws should recognize that offenders sometimes act with multiple motives; and
- Hate crime legislation should recognize that either people or property can be victims.

Since these criteria are only a regional guideline, the extent to which domestic legislation meets them varies throughout the world, as will be seen by the following examples.

Bosnia and Herzegovina (BiH)

Bosnian society is still recovering from violent conflict and therefore hate crimes are hugely detrimental to rebuilding social trust. The targets of hate crimes will not only be Bosniaks, Croats

and Serbs, but also minority and vulnerable groups, such as Roma and Jews. It is therefore a welcome development that BiH has become one of the many European states that has enacted legal provisions specifically to deal with bias-motivated crimes and incidents. BiH's complex constitutional framework means that these provisions are set out in legislation adopted at the state and entity levels.[12] Recent amendments to this legislation have ensured that it provides a clear definition of hatred which does not rely on an emotional state but recognizes that the perpetrator *believes* the victim belongs to a certain group in society (even if mistaken); incorporates a broad list of protected characteristics; and provides for aggravated forms of criminal offence where committed with a bias motivation. It also prohibits incitement to national, racial or religious hatred. The legislation is largely seen as positive with regard to protection against and responses towards hate crimes, but extensive monitoring by the OSCE has shown that there is still a need for police, lawyers and courts to start using the legislation appropriately and therefore overcome the societal prejudice which impedes access to justice.

South Africa

Despite a robust and exemplary Bill of Rights, to date South Africa has not enacted any legislation which protects against hate crimes related to intolerance of or discrimination against people on the basis of their ethnicity, gender, religion, nationality, sexual orientation or other forms of identity. Hate crimes occur frequently in South Africa, and reports of assaults which aim to 'correct' sexual orientation through rape are rife. Following years of pressure from human rights groups and a global petition signed by 170,000 people from 175 countries on change.org, significant steps have now been taken to rectify this position, with the recent announcement of a Policy Framework on Combating Hate Crimes, Hate Speech and Unfair Discrimination. According to the government, this framework:

'is a result of intense research into the development of legislation that will introduce the concept of hate crime to South African criminal law. It will make hate speech a crime and will provide for the development of measures to combat hate crimes, hate speech and unfair discrimination [and] seeks to introduce a further category of newly-defined hate crimes in instances where the conduct would otherwise constitute an offence and where there is evidence of a discriminatory motive on the basis of characteristics such as race, nationality, religion, sexual orientation and the like.'

At the time of writing, the Policy Framework will soon be presented to cabinet for approval, prior to a public consultation process. Given this, it is difficult to comment on the extent to which the eventually adopted legislation will meet the desired criteria set out above, and indeed the extent to which such legislation will be used in practice, given widespread societal attitudes (for instance towards sexual minorities), but the establishment of a policy is to be welcomed as an important move to recognize and protect the plight of the most marginalized.

India

Although India does not have specific hate crime legislation, it does have legislation which seeks to prevent 'atrocities' against its Scheduled Castes and Scheduled Tribes (essentially, India's most disadvantaged communities, Dalits and *Adivasis*, as recognized by its Constitution). The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 aims to curb and punish violence against Dalits and *Adivasis*. It lists a number of acts which would be considered atrocities, and therefore criminal acts, against those it seeks to protect, including acts which seek to cause injury, insult or humiliation, such as the forced consumption of noxious substances; systemic violence, for example through forced labour, denial of access to water or sexual abuse; and deprivation of property. The Act also creates Special Courts for the trial of such offences, and calls on states with high levels of caste violence to appoint qualified officers to monitor and maintain law and order. While such an attempt to address endemic discrimination against India's most marginalized communities is laudable, unfortunately it has not yet achieved the desired effect. Very few states have created separate Special Courts in accordance with the law, and there is very little will to either register

or investigate alleged offences under the Act, partly due to lack of awareness and partly due to discriminatory attitudes. In addition, using the law within the courts is often degrading to these communities, because of systemic bias within the judiciary. Moreover, hate crimes take place in India against other communities, for example Muslims are particularly at risk of hate incidents, and no legislation exists to specifically address these issues. In sum, this points to a need to significantly overhaul the implementation of the existing legislation, and consider enacting legislation to protect and respond to all hate crimes in India. This need has gained increasing recognition; in early 2014, the Delhi High Court called on the government to develop new hate crimes legislation.

Investigations and prosecution of human rights standards

To have a lasting effect on the ground, hate crime laws – as with all laws – need to be implemented. Legislation which is not used or respected by citizens, courts, lawyers, police and governments is undermined in terms of its value, as is respect for the rule of law. It follows that, when an allegation of a hate crime is made, it must be properly and thoroughly investigated and judiciously pursued through the courts. The efficacy of state investigation of hate crimes has been tested in various international cases where regional human rights mechanisms have sought to positively address the issue of hate crime legislation being ineffective or not applied in certain states. The resulting jurisprudence has established important standards which such investigations should meet and therefore regional bodies are helping to make these laws more meaningful in practice.

United Nations Committee on the Elimination of Racial Discrimination

The Committee on the Elimination of Racial Discrimination has adopted a robust stance in relation to state responsibility to investigate hate crimes. In *Dawas and Shava v. Denmark*,[13] the Committee considered an attack by a group of over 35 people on the house of Mahali Dawas, a refugee of Iraqi descent based in Denmark, who lived with his wife and eight children, all of whom are recognized refugees. Windows were broken, the front door damaged and two of the family members, including Dawas, were beaten. Other attackers outside the house shouted 'go home'.

In its analysis of the merits, the Committee stated that:

'[t]he issue before the Committee is whether the state party fulfilled its positive obligation to properly investigate and prosecute the assault suffered by the petitioners … having regard to its duty, under article 2 of the Convention, to take effective action against reported incidents of racial discrimination.'[14]

The Committee considered that in the present case 'enough elements warranted a thorough investigation by public authorities into the possible racist nature of the attack against the family',[15] that 'the investigation into the events was incomplete'[16] and concluded that the state failed 'to effectively protect the petitioners from an alleged act of racial discrimination, and to carry out an effective investigation, which consequently deprived the petitioners from their right to effective protection and remedies against the reported act of racial discrimination'.[17] Therefore, Article 6 and Article 2, paragraph 1 (d) of CERD were violated.

European Court of Human Rights

In a series of recent judgments, the ECtHR has held that states have positive obligations under the ECHR to investigate the potential racial motivation of crimes.

First, in the landmark decision of *Nachova and Others v. Bulgaria*,[18] the ECtHR's Grand Chamber considered the case of two Roma who had absconded from a military construction crew, and were shot and killed during an attempted arrest by a Major, and senior officer in charge, of the military police. After the shooting, the Major allegedly pointed a gun at a local resident and shouted 'You damn gypsies.' The Major claimed he had aimed at their feet in order not to cause a fatal injury. An autopsy showed one victim died of a chest wound, and was shot from the front, while the other was shot from behind. A preliminary investigation summarized that the Major had not committed any offence and the

matter should be closed. Finding a violation of the right to life, the right to an effective remedy, and the right to non-discrimination under the ECHR, the ECtHR held in particular that there was a duty to investigate possible racist motives behind acts of violence by state authorities, and that Bulgaria's failure to do so constituted a violation of the right to life (the procedural aspect to investigate) taken in conjunction with the non-discrimination provision set out in Article 14 of the ECHR. This represented a significant step forward in its explicit recognition that hate crimes require a criminal justice response proportionate to the harm caused. However, the ECtHR failed to find a violation of the *substantive* element of the right to life – that is, the negative obligation on the state not to deprive you of your life – which is not surprising given that it is very difficult to prove as a matter of human rights law that police or military have committed a hate crime.

Two years later, the ECtHR reaffirmed and extended these principles to a different scenario involving non-state actors, in the case of *Šečić v. Croatia*.[19] The applicant, a Croatian national of Roma ethnicity, was violently attacked by a group of individuals. He was hospitalized with multiple rib fractures and suffered long-term psychological damage. His attackers were known to belong to a skinhead group who would engage over the following years in numerous attacks against Roma. The applicant filed a criminal complaint immediately after the attack and, over the ensuing years, provided further evidence to the police as to the identity of his attackers. However, the efforts undertaken by the authorities to identify and punish the attackers were very limited, and in fact the investigation was still open at the time of the ECtHR's judgment. Finding violations of the procedural aspect of the right to freedom from torture and inhuman or degrading treatment in conjunction with the right to non-discrimination, the ECtHR reiterated the emphatic condemnation of racism and racist crime already articulated in *Nachova*. The ECtHR made it clear that, when investigating violent incidents, state authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events. 'Treating racially induced violence and brutality on an equal footing with cases that have no racist overtones would be to turn a blind eye to the specific nature of acts that are *particularly destructive of fundamental rights*.'[20]

The ECtHR has confirmed these principles in subsequent cases[21] and, most recently, in the case of *Abdu v. Bulgaria*.[22] The applicant was a Sudanese national living in Bulgaria who, together with another Sudanese friend of his, was attacked by two Bulgarian skinheads when walking past a shopping centre. As a result of the fight, Abdu suffered a number of minor injuries. An investigation was launched but the prosecutor decided to dismiss the case, finding that the information transmitted by the police offered no evidence to establish that there had been racially motivated violence, a criminal offence in Bulgaria. The ensuing appeal was also dismissed. Observing that a number of national and international instances documented the rarity of criminal sanctions of racist acts in Bulgaria despite the increase of such violence, the Court declared a procedural violation of the right to freedom from torture and inhuman or degrading treatment, in conjunction with the right to non-discrimination. However, it is worth noting that the Court rejected the applicant's claim that the ineffective investigation was caused by the authorities' racial bias because the applicant had not substantiated his allegations through evidence of tendentious remarks or racist insults. This reaffirms the Court's finding in *Nachova*, that it is very difficult to prove as a matter of human rights law that the authorities were themselves guilty of discrimination in the context of a hate crime; it is much easier to prove that they failed in their positive obligations to investigate the hate motivation.

Inter-American jurisprudence

The Inter-American Commission on Human Rights (IACHR) has recently adopted a stance in its jurisprudence mirroring that of the ECtHR. In *Wallace de Almeida v. Brazil*,[23] a case concerning an 18-year-old black man serving as a professional soldier in the Brazilian Army who was murdered on 13 September 1998 by members of the military police, the IACHR relied on ECtHR

Right: Rio Negro resident in Guatemala. *James Rodriguez.*

case law – specifically the case of *Nachova and Others v. Bulgaria*[24] – in its analysis of the presumed violation of the right to equality before the law (Article 24 of the American Convention on Human Rights). The IACHR relied upon the obligation for states, under Article 2 of the ECHR, 'to conduct an effective investigation in cases where someone has been deprived of life' in developing its own standards:

'This obligation must be met without discrimination, as required under Article 14 of the Convention. When there are suspicions that racial attitudes led to a violent act, it is particularly important that an official investigation be conducted vigorously and impartially, considering the need to continuously reaffirm society's condemnation of racism, and to retain minorities' trust in the ability of the authorities to protect them from the threat of racial violence.' [25]

The IACHR insisted on the 'additional duty to take all reasonable steps to expose any racist motive and to establish whether any racial hatred or prejudice could have played a role in what happened',[26] but mitigated this statement declaring that:

'[i]t is acknowledged that proving the existence of racist motives is extremely difficult in practice. The respondent state's obligation to investigate any racist overtone in a violent act is an obligation to use its best efforts in a non-absolutist way.' [27]

In the end, the IACHR found a violation of Article 24 of the American Convention, in relation to the failure to protect the life of an individual belonging to a group considered vulnerable (of African descent, poor, living in a *favela*) – that is, the substantive, negative obligation on the state not to deprive a person of his life – and not in relation to the lack of thorough and effective investigation. The case clearly sets important legal standards for the investigation of hate crimes in the future, in particular since it seems to go further than the ECtHR in *Nachova*.[28]

The Inter-American Court of Human Rights (IACtHR) – a separate body from the IACHR, which can consider cases referred to it by the IACHR – has however been less progressive in the development of such rigorous standards of investigation. In *Río Negro Massacres v. Guatemala*, which concerned the early 1980s massacre of approximately 5,000 members of the Maya community of Rio Negro by Guatemalan military and paramilitaries, the IACtHR considered claims that:

'the failure to comply with [the] increased obligation to investigate and prosecute the acts of genocide and racism perpetrated against the community of Río Negro perpetuates the effects of the racial discrimination to which the members of the Maya Achí people were subjected.' [29]

Although the Court had the opportunity to analyze the relation between acts of violence and ethnic origin, it has not followed the approach adopted by the ECtHR and now the IACHR, which recognizes a specific obligation for states to investigate racial motivation in

crimes. The IACtHR instead confined itself to recalling its traditional jurisprudence on the obligation for states to investigate allegations of human rights violations. Unfortunately, this attitude does not allow it to take into consideration the specificity of acts of violence directed towards a particular category of individuals because of their very characteristics, such as ethnic or national origin, religious belief or sexual orientation. Currently, the IACtHR only recognizes the specific importance of the obligation to investigate in cases of massive violations of human rights. For example, in the case of the *Massacres of El Mozote and nearby places v. El Salvador*, the IACtHR declared that:

'the obligation to investigate, as a fundamental and conditioning element for the protection of certain violated rights, acquires a particular and determining importance and intensity in view of the severity of the crimes committed and the nature of the rights violated, as in cases of grave human rights violations that occur as part of a systematic pattern or practice applied or tolerated by the state or in contexts of massive, systematic or generalized attacks on any sector of the population, because the urgent need to prevent the repetition of such events depends, to a great extent, on avoiding their impunity and meeting the expectations of the victims and society as a whole to know the truth about what happened.' [30]

Clearly this is an area of the IACtHR's jurisprudence which would benefit from some further development, and the Court would do well to follow the approach of the IACHR, for example.

African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights (ACHPR) has considered several incidents of hate crime in its jurisprudence[31] and commented on state failure to adequately investigate such events, but has not yet established the same detailed standards as other regional and international mechanisms above. In *Kevin Mgwanga Gunme et al. v. Cameroon*,[32] the ACHPR considered allegations that individuals in South Cameroon – who were seeking self-determination – had been killed by the police either during violent suppression of peaceful demonstrations or in detention, and had also been ill-treated. The ACHPR found that, as the government did not deny the alleged violations, and had the opportunity to enquire into the alleged violations but did not conduct an investigation and provide redress for the victims, it failed to protect the rights of the alleged victims in accordance with Article 4 of the African Charter (the right to life). Although the ACHPR recognized that discriminatory practices had occurred, it did not look into the racial motivation behind the crimes, nor did it establish any standards in relation to the level of investigation that should be conducted where there is evidence of hate crimes. The ACHPR's approach to some extent reflects the lack of development of hate crime policies and legislation in Africa; as with the IACtHR, this area of the ACHPR's jurisprudence would benefit from some development in order to set valuable legal standards.

Conclusion

As demonstrated throughout this chapter, states' – and therefore regional – approaches in tackling hate crimes differ widely. While some states have legislation in place which is effective and enforced, others do not. In addition, while European countries and regional structures appear to have the most progressive approach towards tackling hate crime, this is an unfortunate phenomenon that minorities and indigenous peoples face throughout the world – including of course in that region. Hate crime legislation is imperfect, but opportunities to improve it increase as it evolves. Legislation and, in turn, jurisprudence of regional and international bodies, can – and should – provide an effective framework to protect against and respond to hate crime, and minority and indigenous rights activists and practitioners would do well to develop it. ■

Endnotes

1 See *Šečić v. Croatia*, application no. 40116/2002, judgment dated 31 May 2007.

2 The EU Framework Decision on Combating Racism and Xenophobia, 2008/913/JHA of 28 November 2008, Preamble, para. 5.

3 See *Šečić v. Croatia*, *op. cit*.

4 See Articles 2 and 26, which provide, respectively: 'Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status' and 'All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

5 See Article 2(2), which provides: 'The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

6 Article 2 states 'Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status'; while Article 3 provides '(1) Every individual shall be equal before the law and (2) Every individual shall be entitled to equal protection of the law.'

7 Article 14 states: 'The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'; Article 1 of Protocol 12 (which has not been ratified by all ECHR signatory states) provides: 'The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.'

8 Preambles to the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance, Ag/Res. 2805 (Xliii-O/13) and the Inter-American Convention against All Forms of Discrimination and Intolerance, Ag/Res. 2804 (Xliii-O/13).

9 See for example, ECRI General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination.

10 The EU Framework Decision on Combating Racism and Xenophobia, *op. cit*.

11 OSCE/ODIHR, *Hate Crime Laws: A Practical Guide*, Warsaw, OSCE, 2009, pp. 31–56.

12 Bosnia is split into two autonomous entities, the Federation of Bosnia and Herzegovina and the Republika Srpska; with a third region, the Brcko District, under local government. Criminal legislation has been enacted at both the state level and at the level of the entities/local government district and both have effect in the relevant area.

13 UN Committee on the Elimination of Racial Discrimination, Communication No. 46/2009, *Dawas and Shava v. Denmark*, 6 March 2012.

14 *Ibid.*, para. 7.2.

15 *Ibid.*, para. 7.4.

16 *Ibid.*, para. 7.5.

17 *Ibid.*, para. 7.5.

18 Application nos. 43577/98 and 43579/98, judgment by the Grand Chamber dated 6 July 2005.

19 Application no. 40116/2002, judgment dated 31 May 2007; see also *Bekos and Koutropoulos v. Greece*, 15250/02, judgment dated 13 December 2005.

20 *Ibid.*, para. 67, emphasis added.

21 See, for example, *Anguelova & Iliev v. Bulgaria*, application no. 55523/00, judgment dated 26 July 2007.

22 Application no. 26827/08, judgment dated 11 March 2014; at the time of writing, the judgment was not yet final and therefore open to a request for referral to the Grand Chamber under Article 43 of the ECHR.

23 IACHR, Report No. 26/09, Case 12.440, *Wallace de Almeida v. Brazil*, Admissibility and Merits, 20 March 2009.

24 The Inter-American Commission also referred in the footnotes to the cases *Menson et al. v. the United Kingdom* and *Shanaghan v. the United Kingdom.*

25 *Wallace de Almeida v. Brazil*, *op. cit.*, para. 139.

26 *Ibid.*, para. 140, emphasis added.

27 *Ibid.*

28 A few years before its decision in the *Wallace de Almeida* case, the IACHR had dealt with a very similar case, also regarding Brazil: *Jailton Neri Da Fonseca v. Brazil* (IACHR, Report No. 33/04, Case 11.634, Merits, 11 March 2004). In this case, the victim was a 14-year-old black child, also living in a *favela* in Rio de Janeiro, who had been murdered by military police officers. The IACHR had highlighted the link between racial discrimination and violence from the police forces in Brazil (paras. 35–38) but had also concluded that it 'does not have compelling evidence that the reason for the murder of Jailton Neri da Fonseca was his race' (para. 39).

29 IACtHR, *Case of the Rio Negro Massacres v. Guatemala*, judgment of 4 September 2012 on Preliminary objections, merits, reparations and costs, para. 231.

30 IACtHR, *Case of the Massacres of El Mozote and nearby places v. El Salvador*, judgment of 25 October 2012 on merits, reparations and costs, para. 244.

31 See for example, Communications 54/91-61/91-96/93-98/93-164/97-196/97-210/98, *Malawi African 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 v. Mauritania*, ACHPR, May 2000; Communications 27/89-46/91-49/91-99/93, *Organisation Mondiale contre la Torture, Association Internationale des Juristes Démocrates, Commission Internationale des Juristes, Union Interafricaine des Droits de l'Homme v. Rwanda*, ACHPR, October 1996; Communications 279/03-296/05, *Sudan Human Rights Organisation & Centre on Housing Rights and Evictions (COHRE) v. Sudan*, ACHPR, May 2009.

32 Communication 266/03, ACHPR, decision dated May 2009.

TUNISIA
MOROCCO
ALGERIA
LIBYA
EGYPT
Western Sahara
MAURITANIA
MALI
NIGER
ERITREA
SENEGAL
THE GAMBIA
GUINEA-BISSAU
GUINEA
CHAD
SUDAN
DJIBOUTI
BURKINA FASO
BENIN
SIERRA LEONE
TOGO
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CÔTE D'IVOIRE
GHANA
LIBERIA
CENTRAL AFRICAN REP.
SOUTH SUDAN
CAMEROON
SOMALIA
UGANDA
SAO TOME AND PRINCIPE
EQUAT. GUINEA
KENYA
GABON
REP. OF THE CONGO
RWANDA
BURUNDI
DEM. REP. OF THE CONGO
INDIAN OCEAN
TANZANIA
ANGOLA
MALAWI
ATLANTIC OCEAN
ZAMBIA
MOZAMBIQUE
ZIMBABWE
MADAGASCAR
NAMIBIA
BOTSWANA
SWAZILAND
LESOTHO
SOUTH AFRICA

Africa

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East Africa

Laura A. Young

East Africa and the Horn were characterized in 2013 by increasing concern over extremist activities, including violent attacks across the region. The threat of extremism has in some instances led regional governments to use the rhetoric of anti-terrorism as a justification for human rights violations against minority groups. In Kenya alone, since 2011, there have been more than 30 attacks on civilians that have led to the deaths of more than 75 people. The highest profile attack took place in September 2013 in Nairobi when Somalia-based al-Shabaab militants attacked a shopping centre. The group claimed that the attack was in retaliation for Kenya's military intervention against al-Shabaab in Somalia.

Recourse to the rhetoric of anti-terrorism has raised the spectre of hate speech in the region, an issue that has confronted minorities and indigenous peoples for many decades. The legal and policy framework in relation to hate speech and hate crimes has been rapidly evolving over the past decades in East Africa. In the aftermath of the Rwandan genocide, as well as other outbreaks of ethnic and religious targeting, several countries drafted legislation to prohibit ethnic and religious incitement. However, these laws have raised concerns about freedom of speech and have sometimes been used by states to target political opposition. Rwanda's law on Punishment of the Crime of Genocide Ideology is one of the most controversial in the region. The law was criticized for several years because of its broad sweep, chilling effect on legitimate speech and lengthy jail sentences. In 2013, the law was amended to reduce penalties and narrow the scope of punishable offences. However, it remains illegal in Rwanda to refer to ethnic groups directly, a prohibition that is very problematic for minorities and indigenous peoples who wish to advocate for their rights based on ethnic discrimination.

Land rights and participatory development continued to be a major concern for minority and indigenous groups in East Africa and the Horn, as large-scale development and natural resource exploitation projects moved ahead in multiple countries, including the Gibe III dam in Ethiopia, the Lamu Port project in Kenya, industrial-scale farming in South Sudan and Ethiopia, and oil exploration in Kenya and Uganda. (See *State of the World's Minorities and Indigenous Peoples 2013* for more on these projects.) The rhetoric of development can also have damaging impacts on communities in East Africa, similar to the consequences of hate speech. When communities who resist appropriation of their lands or natural resources are characterized as 'backward', 'anti-development' or 'unpatriotic' because they do not support government plans to alter their way of life and their environment, this opens them up to discrimination and backlash from other communities. This is often an issue for pastoralists and hunter-gatherer communities whose traditional livelihoods are described as being incompatible with modern African development.

Ethiopia

Prime Minister Hailemariam Desalegn completed his first year in office in August 2013 and continues to lead the government through the Ethiopian People's Revolutionary Democratic Front (EPRDF), an alliance of several regionally based political parties that together holds the vast majority of seats in the Ethiopian parliament. Desalegn has largely continued the policies of his predecessor Meles Zenawi, in the process reducing democratic space and increasing dissatisfaction among the country's diverse population. Repression of ethnic communities such as Oromo, seen to oppose the political dominance of the EPRDF, continued in 2013.

Members of the Muslim minority in Ethiopia engaged in nationwide demonstrations during 2013 over what was seen as increasing government interference in Islamic religious affairs. Protests were sparked by the arrests of several members of a committee nominated by the Muslim community to raise minority rights grievances with the Ethiopian government.

Although most demonstrations were reportedly peaceful during 2013, towards the end of the year the government increasingly cracked down on protesters, leading to allegations of excessive use of force by police and a number of deaths in the Oromia region in August. There have been concerns that the protest movement is being unfairly linked with Islamic extremists through government statements and state-run media reporting.

Ethiopia's long-running conflict with the Ogaden National Liberation Front continued, with government gains leading to enhanced potential for a peace deal. The Ogaden region is home primarily to ethnic Somalis, who are a cultural and religious minority in the country. Ogadenis are the largest Somali clan in the region, many of whose sub-clan groups straddle the borders with Kenya, Ethiopia and Somalia. Kenya is attempting to mediate the talks to bring an end to the decades-old conflict based on secessionist demands in the region.

Significant concerns about large-scale land appropriation affecting minority groups, primarily pastoralists and fisher peoples living in Ethiopia's Lower Omo Valley and in the Gambella region, also continued in 2013. Population displacements have been carried out by the Ethiopian military in order to clear land for development of the Gibe III dam and for agricultural plantations. Communities have reported widespread human rights violations during the resettlement programme. (See *State of the World's Minorities and Indigenous Peoples 2012* for more information on the Gibe III dam.)

In theory, the country's legislation offers protection against hate crime and hate speech. Ethiopia's 2004 Penal Code Art. 486(b) prohibits any act – including speech – that 'foments dissention, arouses hatred, or stirs up acts of violence or political, religious, or racial disturbances'. However, instead of protecting vulnerable groups, this legislation has been used to prosecute political opponents and members of ethnic minorities or out-groups, such as the Oromo community. There are also concerns that Ethiopia's anti-terrorism law has become a means of silencing minority and indigenous groups who raise human rights concerns. For instance, Ethiopia's minority Muslim population has been targeted under this law in the past few years.

Kenya

Kenya witnessed a number of major political and social events in 2013, all with important implications for the issues of hate speech and hate crimes in the nation. The year began in March 2013 with the first elections since the adoption of the 2010 Constitution. As a result of widespread hate speech and ethnic incitement during the previous election period in 2007, resulting in attacks and displacement for many minority and indigenous communities, there were major initiatives across the country to curb such behaviour in 2013. While the 2013 election was relatively peaceful, the September assault by al-Shabaab insurgents on the Westgate shopping mall in Nairobi resulted in numerous deaths and a backlash against the country's Somali minority.

Though violence and incitement are recurring problems for Kenya, endangering minority and indigenous communities and – at a broader level – national stability, the country has also developed a number of legal instruments that condemn and punish hate speech and hate crimes. Article 33(1) of the 2010 Constitution guarantees freedom of expression, but not when that expression constitutes incitement to violence, hate speech, or advocacy of hatred that (i) constitutes ethnic incitement, vilification of others or incitement to cause harm; or (ii) is based on any ground of discrimination. Similarly, Cap. 36, Section 96 of Kenya's Penal Code prohibits incitement to violence, specifically words or acts that are calculated 'to bring death or physical injury to any person or to any class, community or body of persons; or to lead to the damage or destruction of any property'. Finally, Section 13(1) of the National Cohesion and Integration Act states that:

'a person who [uses speech or an act] which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words or behavior commits an offence if such a person intends thereby to stir up ethnic hatred, or having regard to all the circumstances, ethnic hatred is likely to be stirred up.'

The legislative framework has been used by

minority groups to address what they viewed as harmful speech. The Kenyan NGO Muslims for Human Rights (MUHURI) brought a case of hate speech in 2012 against a politician who was accused of statements that could have incited violence between communities at the Coast; the case was ultimately dropped after the National Cohesion and Integrated Commission (NCIC) mediated and the speaker issued an apology. Another politician was also charged in 2012 with hate speech and suspended from his government post after calling Maasai thieves, stating that they were not welcome in the area, and encouraging their eviction and mass arrest. He ultimately apologized to the Maasai community after his remarks were widely condemned.

In advance of the 2013 elections, police and civilians were trained to monitor and record evidence of hate speech during campaigning, with a designated phone number established to report incidents. Despite being relatively peaceful, instances of hate speech were recorded by many organizations. The Umati project, established to monitor hate speech online during the election period, found that at least a quarter of the more than 5,600 online hate speech statements recorded were 'dangerous' because they contained 'a call to kill, to beat and/or to forcefully evict a particular group, or an individual because of their belonging to a particular group'. Although the project monitored hate speech targeting major ethnic groups (Arabs, Asians, Kalenjin, Kikuyu, Luhya, Luo, whites) and major religious groups (Christians, Hindus and Muslims), disaggregated data was not available. Moreover, data on hate speech against particularly vulnerable minority and indigenous groups in Kenya outside of the election period is not available. There are also ongoing challenges to translate these efforts into effective action against hate speech. The NCIC, for example, has been criticized for the small number of legal actions that have been launched so far against online perpetrators.

In May 2013, Kenya's Truth, Justice and Reconciliation Commission (TJRC) released its final report. The TJRC had a mandate to address historical marginalization of communities and land rights, as well as inter-ethnic conflict. In a positive development, the TJRC report contained an entire chapter on minorities, indigenous peoples and gross violations of human rights, as well as two chapters on ethnic conflicts. The TJRC discussed negative portrayals of minority communities including misrepresentations of the history of various communities in official documents, reference to communities in derogatory terms, and portrayals of indigenous peoples in particular as poor and backward. The TJRC also noted that colonial policies, such as ethnically defined territorial boundaries, 'magnified the differences between the various communities and regions, and stereotyped each community in a manner that would sow suspicion, hatred and the sense of otherness'. The TJRC highlighted the role of these representations not only in perpetuating the economic marginalization of some communities, but also in driving incidents of hate crime, such as the mutilation of genitalia of men from communities that do not practise circumcision.

In September 2013, the trial of Kenya's Deputy President, William Ruto, and his co-defendant Joshua arap Sang opened at the International Criminal Court. The case relates to the accused's role in the electoral violence in 2007–8. Specifically, Sang is accused of using his radio programme, which aired in the Kalenjin language, to incite violence against other ethnic communities perceived to be political opponents. The trial is ongoing.

Also in September 2013, al-Shabaab insurgents attacked the upscale Westgate shopping centre in Nairobi, killing more than 60 people. After the attack, the Somali and broader Muslim minority communities in Kenya called for tolerance and demanded that all Muslims should not be linked indiscriminately with al-Shabaab and violent incidents. The Kenyan-Somali community, which had been targeted in the past few years with threats to forcibly relocate thousands of urban refugees into camps in the far north of the country, expressed particular concerns about a backlash. Earlier in 2013, human rights groups reported that refugees were subjected to weeks of police abuses in advance of the planned relocation, including being called 'terrorists', though the government plan to move refugees to camps was ultimately stopped

by the Kenyan courts. Indeed, in the wake of the Westgate attack, Kenyan Somalis reported being subjected to excessive security checks and verbal abuse from passers-by, such as being called 'al-Shabaab'. Police harassment of Somalis and Muslims intensified again after Westgate, with documented instances of police abuse in Mombasa including round-ups, beatings, and death threats against those suspected of having connections with extremism.

More violence and ethnic killings in the Tana River region that had started the previous year spilt over into 2013. Pokomo and Orma communities continued the massacres in bloody revenge attacks in January 2013, with hate speech and rumour-mongering deemed one of the causes.

Indigenous peoples' land rights continued to be a major concern in Kenya. In particular, evictions of hunter-gatherer communities including Ogiek and Sengwer – by private land grabbers and by the government – continued during the year. Both communities took legal action, with the Sengwer filing a case in a domestic court in Kenya seeking recognition of their rights to their traditional lands. The Ogiek had previously filed numerous legal cases in Kenyan courts and ultimately brought a communication to the African Commission on Human and Peoples' Rights, with the assistance of Minority Rights Group (MRG), in 2009. In 2013, the Ogiek case was referred to the African Court of Human and Peoples' Rights, and the Court issued interim measures demanding that the Kenyan government cease any activities that would transfer Ogiek lands to private individuals and that would cause further destruction of the Mau forest, the Ogiek's ancestral territory. The case is a major test for indigenous rights in the region, and hearings are expected to commence in 2014. The Endorois community continued to advocate for implementation of a 2010 decision of the African Commission on Human and Peoples' Rights that recommended that the government compensate them for their eviction from and loss of access to their ancestral lands. However, there had been no significant steps towards implementation by the government before the end of 2013.

Case study

Defending land rights in the face of hate speech

In their efforts to secure their land rights, indigenous peoples regularly become the subject of hate speech and hate crimes. Like other human rights defenders and like many marginalized groups, when they speak out or take other action to defend their rights indigenous peoples find themselves charged with crimes such as incitement to violence, criminal trespass or hate speech. Recently, this issue has been a significant challenge for two of MRG's East African partners, the Ogiek People's Development Programme (OPDP) and the Pastoral Women's Council (PWC).

The Ogiek are a hunter-gatherer community whose traditional territory extends throughout the Mau Forest complex of the Rift Valley in Kenya. They have been dispossessed and displaced from their lands since the colonial era and today are fighting for their land rights at the African Court of Human and Peoples' Rights. For Ogiek families, many of whom have no paper title to the lands on which they reside, evictions and conflicts over access to land and the forest are a regular occurrence. Ogiek are regularly charged with criminal trespass when they attempt to access the forest or land on which they have built homes. In addition, OPDP staff members report that Kenyan officials, whether from the police or local government, often use derogatory language in their interactions with Ogiek communities. During a recent eviction in the Njoro District near the city of Nakuru, OPDP staff described how local police described the Ogiek as 'being used to squatting on other people's lands' and as being a 'poor' community. The latter comment is

Case study continued

reminiscent of an earlier era in which the Ogiek were widely known as Ndorobo, a derogatory term meaning people who have no wealth in livestock. OPDP staff reported that when community leaders raised the issue of the case at the African Court, they were threatened with incitement and were told that any community member who tries to bring up the African Court case or describes the area as Ogiek land should be arrested.

The effect of this type of speech from government officials is very damaging. First, it undermines the protections that anti-incitement laws and anti-hate speech legislation were meant to provide, by using threats of arrest for incitement to intimidate those with legitimate human rights grievances. It also provides a type of official sanction for violence against a particular community, such as the Ogiek, suggesting that their defence of their rights and recourse to the courts should be met with violence.

PWC has faced similar challenges in its work defending the land rights of Maasai pastoralists in Tanzania, particularly Maasai women. PWC is a community-based organization working in northern Tanzania and implementing local projects in rural Ngorongoro and Longido districts. Ngorongoro is a leading area for tourism in Tanzania; however, most tourism activities are dominated by private foreign companies with very limited benefit to the indigenous communities. According to PWC

staff members, the organization works with both men and women and sees the impact of hate speech and discrimination across the community when Maasai attempt to advocate for their land rights. Derogatory speech about Maasai from government officials and other communities creates an enabling environment for arrests and harassment. PWC staff report that, during the course of a land rights case against a well-known safari company, community members were threatened with arrest for criminal trespass when they engaged in their traditional livelihood of grazing cattle. Ultimately five Maasai were indeed arrested, although they were found not guilty of trespass because ownership of the land where they were found was the subject of a legal dispute.

Maasai women in particular face double discrimination, because of their membership in an indigenous group and their status as women in a patriarchal society. This double discrimination makes them more vulnerable to hate speech and hate crimes – they may be targeted by men in their community as well as by those outside the community. Women human rights defenders in patriarchal cultures are regularly accused by members of their own community of 'inciting' women to reject their culture and may be subjected to physical and sexual violence in retaliation for their advocacy. As described by PWC, arrests of community members in the Ngorongoro region are often accompanied by police harassment, including physical violence, and can be particularly severe for women. In a recent incident near Sukenya Farm that was documented by PWC human rights monitors, a Maasai woman was detained along with several men. When she did not perform the physical humiliation that was ordered by the police, she was beaten in front of the entire group of men – a particularly degrading experience. ■

Left: Maasai women in Tanzania. ***Caroline Penn/Panos.***

Somalia

The new Somali government gained increasing international diplomatic recognition during 2013, and also continued efforts to gain control over the diverse nation. Military operations against al-Shabaab militants continued, with implications elsewhere in the region, including the attack on the Westgate shopping mall in Nairobi in September (see Kenya section). In November 2013, the mandate of the African Union Mission in Somalia (AMISOM) was extended for another year. Despite calls by the government and international allies for inclusiveness and respect for diversity, there were reports of localized conflicts leading to evictions of minority communities from their lands, particularly in Middle and Lower Shabelle regions.

The continuing weakness of the centralized government of Somalia has meant that clan-based governance and security structures remain hugely important. For minority groups such as Bantu and others, the clan system offers little protection or opportunity, and instead has led to exclusion from mainstream social and political life. Hate speech against minority communities, focused on their appearance and different customs, has enhanced their vulnerability to attacks and other forms of discrimination. In testimony given to MRG, Somali minority interviewees reported hate speech deriving from prejudice and a historical legacy of slavery. Several members of Bantu and occupational minority groups spoke of being routinely insulted with derogatory language and name-calling.

The fight against al-Shabaab also resulted in the ousting of the group from its stronghold in the port city of Kismayo, in Somalia's Jubaland. Subsequent elections and political negotiations led to the declaration of Ahmed Mohamed Islam as president of the Jubaland region. The region is home to diverse ethnic communities, including populations of Somali Bajuni, Bantu, Boni, Boran, Galjeel and several other groups. Many of these communities are sedentary farmers, in contrast to the majority nomadic pastoralist Somalis. It is not yet clear whether this federalist creation, which has divided opinion, will allow these minority groups, many of whom have long been excluded from mainstream political life in Somalia, greater recognition.

South Sudan

South Sudan erupted into civil conflict at the end of 2013 after a year in which hate speech and ethnically targeted violence continued to escalate against a backdrop of increasing political tensions. Around 355,000 civilians had been internally displaced by January 2014, according to the Mission for South Sudan (UNMISS), with an additional 78,000 having fled across the border into Kenya, Uganda, Ethiopia and Sudan. Minorities and indigenous peoples often are most vulnerable during periods of conflict and regularly make up higher proportions of displaced people. Many Sudanese Nuba communities, for example, were already residing in refugee camps in South Sudan after fleeing from South Kordofan in Sudan. Since the conflict in South Sudan erupted in late 2013, the situation of Nuba communities has become even more desperate as they are caught in the crossfire between South Sudan factions and also are targeted by government forces from Khartoum.

Many groups, including UNMISS, warned that the prevalence of hate speech and inter-ethnic conflict over the past year indicated that South Sudan is at high risk of mass atrocities. Indeed, accusations of incitement to ethnic violence have been a regular feature of the conflict, leading the African Union to state that it would 'take appropriate measures, including targeted sanctions, against all those who incite violence, including along ethnic lines'.

South Sudan's domestic law prohibits hate speech and incitement to violence, such as the publication of information that could incite public disorder or cause offence to persons of a certain ethnic group or tribe, with potential penalties of 1 to 20 years' imprisonment. However, despite UNMISS recommendations that '[h]ate speech and incitement to violence on the grounds of ethnic origin should also be publicly condemned and prosecuted', hate speech has continued to be widely practised. A particularly volatile area is Jonglei State, where inter-ethnic conflict has been a feature of life since South Sudan's independence. A recent UNMISS report highlighted the fact that '[w]idespread stereotyping, the creation and use of "enemy" images, [and] hate speech amounting to incitement to violence have also exacerbated the conflicts. This has included messaging about wiping out communities or removing them from their lands.' UNMISS noted that hate speech had particularly targeted the Murle in Jonglei. In 2013, Murle communities were subjected to revenge attacks by Lou Nuer militias, after Murle youth had been accused of attacks on Lou Nuer communities several months earlier. The continuing actions of the Yau Yau militia, associated with the Murle community, led to a government crackdown and brutal disarmament campaign in Jonglei in 2013. The army occupied the town of Boma in Jonglei, leading to significant concerns among minority groups that they would be forced off their land and subject to other human rights abuses. At the close of 2013, control of Jonglei's regional capital Bor was in dispute, and thousands of civilians were sheltering in the UN compound in the city.

Above: Murle women sit beside an abandoned tractor near their shelter in Pibor, South Sudan. *REUTERS/Andreea Campeanu.*

Participatory research *by Paul Oleyo Longony*

The impact of violence on communities in Boma Sub-County, South Sudan

This research is the result of a month-long participatory research study undertaken by the Boma Development Initiative, funded by MRG with support from CAFOD.

In December 2013, a confrontation between Dinka and Nuer soldiers quickly escalated into a major civil conflict between President Salva Kiir Mayardit and former Vice-President Riek Machar. The ensuing violence, which has taken on a strongly ethnic dimension, has resulted in thousands of deaths and widespread displacement. Even before this latest outbreak, however, communities of ethnic Murle in Boma and Pibor have been exposed to the continuous threat of human rights abuses, including arson, physical attacks and sexual assault.

Between February and March 2014, the Boma Development Initiative dispatched a research team, headed by Paul Oleyo Longony, to a number of villages in Boma Sub-County to assess the impact of continued violence on local communities. The research focused on developing a comprehensive picture of the situation for residents by drawing on testimonies from a wide variety of stakeholders, both male and female and

Participatory research continued

spanning a range of different age groups. Despite ongoing security issues during the research, the team was able to conduct interviews with approximately 40 people and informal discussions with many more. These inform this summary situation report.

The primary focus of the study was the impact of violence and hate speech on the fabric of communities. The findings highlighted that, beyond the immediate impacts, protracted instability in the area has also undermined many other aspects of everyday life, including basic governance. In particular, local information-sharing and decision-making structures are currently in a state of near collapse. The regular practice of cattle rustling by armed militias from other ethnic groups in the area exposes communities to a constant threat of property loss and even death.

Another side effect of insecurity in the area is that many villages in Boma lack access to essential services – a fact that may drive local residents to flee and discourage others from returning to resume their lives. Education has been disrupted as many school children, as well as their teachers, have had to flee the area for their protection. Educational facilities were also looted during fighting between the Yau Yau militia, a Murle insurgent group, and the Sudan People's Liberation Army (SPLA).

Health care, too, is almost non-existent. In the past Boma only had one rural hospital, which served almost the whole of Greater Pibor and neighbouring Eastern Equatoria. However, after fighting erupted between the army and the Yau Yau militia in early 2013, all the facilities in the hospital were destroyed and the wards burned down, with staff evacuated to Juba. Food supplies are another challenge due to the presence of many armed soldiers. As a result, hunger and malnutrition are widespread.

Clean water is another ongoing concern in the area for communities in Boma. Often supplies are collected from stagnant ponds and in some cases communities have moved to other areas in search of water for human and animal consumption. This means that cattle rustling may take place between different ethnic groups during the dry season, sustained by the proliferation of small arms in the region.

An important first step in addressing the ongoing dynamics of violence and insecurity is to identify the main drivers of conflict in the Boma region. Respondents highlighted a number of factors perpetuating inter-ethnic conflict in the area:

- *Water access:* Inadequate water supply triggers conflict among cattle herders and their neighbours.
- *Grazing land*: During the dry season, most pastoralists seek out green swamp areas for their livestock. In the process, they may come into contact with herders from other ethnic communities – and this is when raiding often occurs.
- *Theft and seizure of property*: many young people traditionally consider raiding animals as a means of generating wealth for their families.
- *Outside conflict*: External tensions between ethnic groups and hate speech in the media, reinforced by local politicians, can also exacerbate insecurity in the region and lead to further conflict.

Addressing these issues requires a variety of different measures. A central issue is the mediation of peace between the different armed groups, including the Yau Yau militia and the rebel forces of Machar, active in the area. Restoring security is essential for community members to resume farming and other essential livelihoods. This should include the full commitment of the SPLA to respect human rights and avoid abuses of any kind, as well as halt the supply of small arms to individuals in the area. At the same time, this needs to be accompanied by the restoration of basic services such as health and education, as well as the urgent supply of humanitarian assistance to alleviate the current gaps in food and other resources. Ultimately, however, there must also be an emphasis on long-term and transformative solutions to improve the situation of minority communities in the region, particularly their participation in government at both the state and national levels. ■

Uganda

During 2013 Uganda's political situation remained relatively unchanged, with Yoweri Museveni still in power and Uganda contributing troops to peacekeeping efforts in Somalia. Oil finds in the country remained a major issue, with ongoing concerns about management of the oil sector and the impacts on communities.

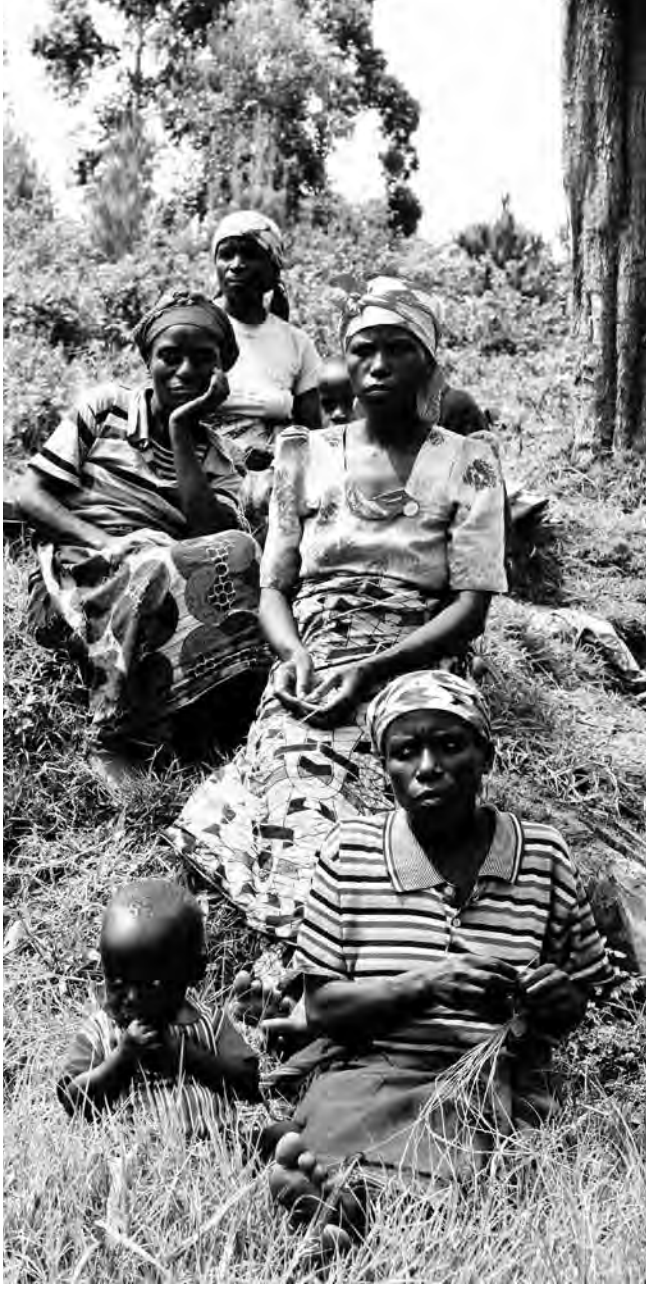
Uganda's ethnic minority groups and indigenous peoples, such as Batwa, Karamajong, Nubians, Ugandan Asians and others, have reported for many years that they are targets of hate speech and hate crimes on the basis of their culture and ethnicity. Ugandan Batwa are regularly portrayed as poachers or destroyers of the Ugandan forests, despite their long history of stewardship. Such stereotypes are used by state actors and neighbouring communities to justify evictions of Batwa from their traditional lands. Batwa women in Uganda are the subject of multiple stereotypes, including the myth that having sex with a Mutwa woman can cure certain ailments, including HIV.

Uganda's Penal Code prohibits 'promotion of sectarianism' which can be interpreted as a prohibition of hate speech. According to section 41(1), a person engages in the prohibited action when that individual:

'prints, publishes, makes or utters any statement or does any act which is likely to (a) degrade, revile or expose to hatred or contempt; (b) create alienation or despondency of; (c) raise discontent or disaffection among; or (d) promote, in any other way, feelings of ill will or hostility among or against, any group or body of persons on account of religion, tribe or ethnic or regional origin commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.'

However, Ugandan laws that could curb denigrating speech and other discriminatory practices are often in practice not being used to protect minority and indigenous rights.

With limited avenues for legal redress, Ugandan minority and indigenous communities have adopted other avenues of recourse. Batwa communities in Uganda have created drama programmes that highlight common stereotypes about Batwa and work to counteract them. For example, several international partners worked with Batwa in Kabale district of Uganda to create an educational play and video called *Neitwe Tury'abantu*, or 'We are People Too' in an attempt to dispel the stereotype of Batwa as sub-human.



Above: Batwa women in Uganda. *Emma Eastwood/MRG.*

Case study

Legislating against and countering hate speech in East Africa

East Africa and the Horn has been one of the most volatile regions in the world in recent years. Several states have passed legislation that addresses hate speech, trying to clamp down on incitement to violence, but according to Article 19's Director for Kenya and Eastern Africa, Henry Maina, these laws often end up punishing minorities instead of protecting them. He discusses some of the challenges in implementing these measures and urges a more holistic view in order to effectively address hate speech in the region.

How has legislation on hate speech in the region evolved over the past few years?
Most countries in the region are signatories to the International Covenant on Civil and Political Rights (ICCPR) which requires them to prohibit incitement to violence, hatred or discrimination. State understanding of this prohibition has simply been equated to criminalization, without understanding the effect that this could have. Most legal provisions in the region have been borrowed from ICCPR Articles 19 and 20, but they tend not to take a holistic approach. This can have negative effects on minority and indigenous groups who need the protection most. For example, Uganda and Rwanda have introduced aspects of sectarianism into their laws, a concept which is not well-defined. They make sectarianism equivalent to advocacy – any group of people that begins organizing and advocating for their rights is accused of sectarianism. Also, because these criminal laws often were written long ago, no one envisioned incitement based on linguistic minority status, gender or disability. For example, incitement against Asians in East Africa is rarely dealt with under these laws. In Kenya, we monitor only incitement related to the large ethnic groups, such as Luos, Kalenjin and Kikuyus, but no one is thinking that this is more than just about the politically powerful ethnic groups. There are many other grounds of discrimination that are not being looked at – the intersection of gender and ethnicity, for example.

Is legislation on hate speech and incitement used effectively to protect minority groups?
I can't say so definitively. When you think through these processes, countries primarily see their role as prohibiting incitement, but they do not see their obligation going beyond that; they don't see the protection angle. This is because the very nature of these laws in the region, and everywhere, does not include a clear understanding of what hate speech is. Accordingly, it can be defined in the way that the state authorities want. It's not effectively protecting the groups that are targeted by such dangerous speech. There is too high a risk of the state and majority groups joining hands in punishing so-called hate speech, then minority and indigenous groups suffer doubly.

Laws are necessary but they should be refined so as to deal with multiple grounds of incitement – it's not just what the Convention on the Elimination of All Forms of Racial Discrimination (CERD) or the ICCPR says, but it needs to go beyond these instruments and develop more clarity in the East African context about what exactly constitutes incitement to violence, discrimination and, ultimately, incitement to genocide. Criminal law is not always the best solution – we can't wait for these things to happen and then punish the perpetrators, because the results of incitement to genocide can never be repaired. At Article 19 what we've done is to get involved with the Office of the High Commissioner for Human Rights (OHCHR) process on Article 20, so as to continually make the important links between opportunities for expression and stopping incitement and hate speech.

What role do you think the press and other institutions play in countering hate speech in relation to minority and indigenous groups?

Article 19 has developed a document called the Camden Principles where we clearly specified the role that different actors ought to play in a context that is susceptible to incitement. An example is that if two people were to fight here in Mathare (a slum in Nairobi), and these two persons happen to be of different ethnicities, there is a high likelihood that if the press reported the story of the fight, those ethnic groups would immediately be mobilized to revenge attacks. So under these principles the media is cautioned on when to ascribe ethnic identities or gender identities in their stories, unless it is critically necessary to the coverage, because of the high risk of incitement.

Other institutions also have important roles to play. In volatile contexts, there also need to be opportunities for people to be heard, especially minority groups, instead of speech being suppressed totally. We also need to think about what else needs to be done in schools, workplaces and other contexts that help us appreciate 'the other'; this is not something that the law can necessarily do. The OHCHR has developed the Rabat Plan of Action, which goes beyond criminal law with other strategies. We need to work with the judiciary, schools, faith institutions and the private sector – all sectors of society. There needs to be an alliance between mainstream and marginalized groups to protect freedom of expression for all groups.

Along those lines, different United Nations mandate holders should all work together on freedom of expression as a cross-cutting issue. We must push intergovernmental and regional human rights bodies such as the African Commission, especially its Working Group on Indigenous Groups and Populations for example, to address freedom of expression as an issue that impacts minority and indigenous rights. Otherwise we end up punishing minority and indigenous groups for expression via the laws that were meant to protect them. ■

Southern Africa

Brilliant Mhlanga and Inga Thiemann

Hate speech and hate crime remain difficult issues in Southern Africa, where the legacies of colonialism and apartheid embedded concepts of racial difference and tribalism. In 2013 South Africa took steps towards identifying hate crime as a legal offence, but it remains to be seen how well this will be implemented in practice. Most other Southern African countries still lack specific hate crime legislation and only have laws addressing racially motivated crimes.

San communities throughout Southern Africa face continued discrimination in education, land rights and cultural practices. In Botswana, for instance, following their eviction from their ancestral lands in the Kalahari, displaced communities struggle to access livelihoods and suffer a range of health challenges, including HIV. However, San also achieved some milestones in 2013. San representatives attended the Southern African Development Community (SADC) Civil Society Forum and raised their concerns. As a result the summit's final communiqué contains a section on indigenous rights as well as provisions for change, including a call for support of the 2012 Gobabis Declaration of the San Peoples.

Namibia

Land rights and official recognition of traditional authorities remained the most contested issues for minority and indigenous communities in Namibia in 2013. The communal lands of San and Himba are under continuous threat of encroachment by larger or more powerful groups, despite a prohibition against the erection of fences within communal land areas under the Communal Land Reform Act.

In 2013, a large number of cattle herders moved into the N#a Jaqna Conservancy area and fenced off land. This unlawful land grabbing has affected the San community's ability to access

Above: San women dancers in South Africa. *James Oatway/Panos.*

veld food, which plays a vital part in providing food security, particularly to the !Kung San in this area. Ongoing drought has forced many cattle farmers to search for additional grazing areas as available grazing in communal areas has reduced dramatically. This scarcity has been amplified by local elites fencing off areas in other regions for their own purposes.

Following his visit to Namibia in October 2012, James Anaya, the UN Special Rapporteur on the rights of indigenous peoples released a report in April 2013 which highlighted the Namibian government's failure to halt the invasion of San lands. However, on 10 June 2013, the authorities stepped in: Inspector-General Sebastian Ndeitunga of the Namibian police condemned the illegal fencing taking place at the N#a Jaqna Conservancy and ordered the removal of the fences. The following month some fences were removed, and in August the High Court ordered court documents to be served on a group of 32 farmers, following a suit by the N#a Jaqna Conservancy Committee.

Indigenous peoples in Namibia also raised their concerns regarding their access to political participation. San and Himba communities have felt excluded from decision-making

processes at local and national levels due to their ethnic identities. Himba leaders continue to be marginalized as many of their leaders have not been acknowledged as official traditional leaders. The Namibian government has so far neither recognized all legitimate indigenous authorities selected through traditional decision-making processes, nor ensured their adequate representation at local and national levels.

Both Himba and San children also continue to face discrimination at school. Besides not being allowed to wear traditional clothes, they are not taught in their mother tongue. As a result, San and Himba lag behind in educational attainment in comparison with other groups. As noted by the Special Rapporteur, only 7 per cent of San children are enrolled at the junior secondary level, and less than 1 per cent in senior secondary schools. Limited health education, coupled with poverty and lack of access to traditional resources, also continues to affect the health of these indigenous groups.

The Namibian legislation does not include specific provisions on hate crimes or hate speech. Ethnically motivated types of hate crime are covered under the Racial Discrimination Prohibition Amendment Act 1998, although its application is both inconsistent and limited in scope. Deputy Minister of Mines and Energy Willem Isaack used tribally abusive language against police officers in the Berseba region while attending an unauthorized event by a tribal group that has been ruled not to be the authentic authority of Berseba. There have been investigations into the case and he may be charged under the Act. The UN Committee on the Elimination of Racial Discrimination had previously urged the Namibian government to take firm action against stigmatizing language, especially by politicians.

There have also been some incidents of potentially inflammatory language against white Namibians. Groups sang the controversial 'Kill the Boer' at the inauguration of the Okahao Baobab National Heritage Site in May. Among the visitors at the event was Founding President Sam Nujoma; human rights groups have previously gathered other examples of hate speech by Nujoma supporters.

Hate crime has also been perpetrated by white Namibians against black Namibians. In June, a young black man was beaten up severely after having been refused entrance to a bar on grounds of his skin colour. This caused a debate about racism and hate crime in Namibia, prompting Prime Minister Hage Geingob to state that white racists within the country should 'pack up and go'. Geingob was criticized by the NGO NamRights and some national newspapers for condemning white against black racism but staying silent about other ethnically motivated attacks, as well as for ignoring the right to a fair trial.

South Africa

In the year of the centenary anniversary of the infamous 1913 Land Act, which excluded the

Case study *by Peter Grant*

Addressing the vulnerability of South Africa's migrant communities

South Africa's relative wealth and economic opportunities have for many years attracted migrants from other countries in the region, such as Zimbabwe, Lesotho and Mozambique, to live and work in the country. However, the outbreak of anti-migrant riots in 2008, beginning in Johannesburg and spreading to other cities across the country, left at least 62 people dead and highlighted the ongoing stigmatization that foreign residents face. Attacks against migrants have continued, though on a smaller scale, including a number of apparently targeted killings of Somalis during 2013. In this context, the organization People Suffering Oppression and Poverty (PASSOP) has set up a range of initiatives, including anti-xenophobia help desks, to address the rights gaps and exclusion that underline the vulnerabilities of South Africa's migrants. Braam Hanekom, Director of PASSOP, talked to MRG about the organization's work to support the integration of these communities.

What are the main obstacles to integration that migrant communities face in South Africa?
Refugees, asylum seekers and immigrants are exposed to hardships, discrimination and violence. In South Africa they are often treated as second-class citizens, denied access to justice and refused even their most basic rights. This group of undocumented immigrants is acutely under-represented in labour unions, civil society and community activism efforts, and not represented at all politically. They often live in desperate conditions, making them among the most easily and widely exploited individuals in South Africa, and are often made the victims of targeted hate crimes and xenophobic aggression.

Do you think that hate crime against migrants has reduced since 2008 or is much of it simply not acknowledged?
It is unfortunate that it takes incidents like the 2008 riots or the 2009 attacks to bring attention to the plight of migrant communities in South Africa. Hate crimes aren't always so overt as these well-publicized incidents; they are often much less sensational or even unreported and, as such, often go unnoticed by much of South Africa. Even those that are reported are sometimes brushed under the rug by those in a position to affect change. It is every person's right to safety and dignity in this country and it is a shame that these incidents are often ignored. It is difficult to quantify how many isolated incidents take place because many go unreported. This is part of the impetus behind opening the help desks in at-risk communities. We hope these desks will provide a safe space where victims of xenophobia and hate crimes can report these incidents and begin a dialogue to work towards peace.

What do you think is driving this phenomenon?
At PASSOP, we believe that it is a lack of understanding and dialogue that provides a toxic environment where hate crimes and discrimination are more likely to occur. Stereotypes about different nationalities unfairly paint migrants with a broadly negative brush. These stereotypes are further perpetuated by the media and when the only press about a certain group is bad press, whether or not it is rooted in fact, these negative attitudes towards these groups begin to permeate society. In order to combat these stereotypes, we aim to open channels of conversation to spread a better understanding of migrant communities. It is important that migrants are represented accurately and given a chance to prove themselves without being pre-judged based on faulty media representations. The lack of access to health care,

education and labour adds to these negative stereotypes. If they [migrants] are provided with access to these basic rights, they will be better situated to change their circumstances and break these negative stereotypes.

What is PASSOP's approach to improving the situation of migrant communities in the country?

Our goal is to create and strengthen networks of communication, dialogue and interchange to promote peace, understanding and justice in local communities. Our mission is to empower communities to stand up and express their beliefs, needs and fears freely, and access the rights they are entitled to. PASSOP believes that this can be achieved through basic rights education, activism, integration and community participation. We directly assist individuals by offering paralegal advice on documentation issues, the asylum-seeker process and labour disputes. We also assist with CV building and job placement. More broadly, we aid the immigrant community by holding integration events and workshops to promote dialogue and understanding between different nationalities and immigrant communities. We also have a number of branches directly embedded within the communities of De Doorns, Masiphumele and Imizamo Yethu. These branches help to promote integration and to monitor the area for xenophobic activities and provide a safe space for victims to report incidents.

What have been the results of your work?

PASSOP continues to provide a voice for migrants who often find themselves unrepresented otherwise. We have made great strides towards increased understanding and dialogue between South African and migrant communities. We will continue to create spaces for these dialogues in the future until hate crimes and discrimination are a thing of the past. We hope to garner more funding so we may expand our projects and increase the number of migrants we are able to interact with each day. ■

black population from ownership of 87 per cent of the country, land rights and land distribution remain contested issues in South Africa. After the end of apartheid, white commercial farmers owned almost 70 per cent of the agricultural land and leased an additional 19 per cent. The African National Congress (ANC) promised the redistribution of 30 per cent of white-owned agricultural land and the restitution of land lost due to discriminatory legislation by 1999. The policy put in place worked on the basis of a 'willing seller, willing buyer' (WSWB) principle, but white land-owners were reluctant to sell to the state. The government's aim of redistributing 30 per cent of farmland by 1999 failed, with less than a third of this target reached. Nonetheless, the South African government resisted calls for expropriation without compensation, and instead replaced WSWB with expropriation through 'just and equitable' compensation, as is sanctioned by the South African Constitution.

On 23 May 2013, the Restitution of Land Rights Amendment Bill was published for public comment. The bill gives those who missed out on the last land claims bill in 1998 the opportunity to file for compensation. The bill applies to everyone who was dispossessed after June 1913 due to ethnic discrimination, provided they were not paid 'just or equitable' compensation. Contrary to the 2011 land reform green paper, the new bill includes an exception for the Khoi and San communities, who were dispossessed before the 1913 cut-off. The importance of this was emphasized by the rural development and land reform minister, Gugile Nkwinti, who stated that 'the Khoi and San people were the first lines of defending the land when the country was invaded by colonialists'. He also claimed that their exclusion from the land claim process had not been deliberate, but 'systemic'. The National Assembly passed the bill in February 2014.

With regard to hate speech, South Africa witnessed both positive and negative developments in 2013. In September the South African government announced plans to introduce a draft policy framework on combating hate crimes and hate speech, following concerns about a rise in hate crimes in South Africa. Up to this point, South African law did not provide specifically for hate crime

offences. This is partly due to an approach of treating crimes simply as criminal offences, regardless of the intentions behind them. During discussions around the draft policy framework, the Hate Crimes Working Group, along with other civil society organizations, noted that it had identified 450 hate crimes in five provinces since 2005, including 150 incidents against foreign nationals.

White South Africans, particularly farmers, have stated that violent attacks against them are motivated by ethnicity. Following the erosion of their privilege, white South Africans from the Afrikaaner community feel vulnerable, both as whites and as a linguistic group. Indeed, there has been an increase in poverty among some white South Africans, including Afrikaaners, which is visible for example in the emergence of white slums. However, this change is obscured by the fact that – on average – white South African households still benefit from an annual income six times higher than that of black households in the country.

Sexual violence in general is an issue that affects many women in South Africa. This includes the practice of '*thwala*' bride abductions, a deliberate misinterpretation of tribal customs in which Zulu women in remote areas are abducted, raped and forced into marriages in exchange for cattle given to their families. Often authorities dismiss complaints as they consider it a cultural practice or a domestic issue. In April 2013, Zulu King Goodwill Zwelithini openly spoke out against violence against women in the KwaZulu-Natal province and urged other traditional leaders to do the same and encourage cooperation with the police.

Zimbabwe

Political reform in Zimbabwe has been slow and insufficient, despite a new draft constitution and the implementation of the Global Political Agreement, which was signed in 2008. One positive step in 2013, however, was the amendment to the Zimbabwean Constitution recognizing 16 different languages as official languages. The Constitution also requires the state to promote and advance the use of all Zimbabwean languages. Commentators have applauded the development, but warn that legal change alone is insufficient without effective implementation. However, Minister for Education, Sport, Arts and Culture David Coltart stated that his department had already initiated a programme launching textbooks in various marginalized indigenous languages at primary school level.

Minister Coltart also consulted with various San community leaders on San education. The community leaders told Coltart that they wanted the Tshwao language to be included in the school curriculum among other minority languages. They equally called on the government to assist them in sending their children to school. This stands in stark contrast to claims made by President Robert Mugabe that San were resisting efforts to school their children. Mugabe talked of the need to 'acculturate' the San, rather than finding solutions that accommodate both San traditions and education.

Education is not the only challenge San are facing. Some San communities are struggling with food insecurity as laws banning hunting forced them to trade in their lives as hunter-gatherers for subsistence farming. However, most of them neither possess cattle or tools nor have the training to farm successfully, as they have been excluded from the government's 2009 farm mechanization programme. Some San elders have asked for readmission to the Hwange National Park to return to a life as hunter-gatherers, as the government seems to be unable or unwilling to aid San communities to become self-sufficient.

There are also issues of police harassment and wrongful accusations of entire villages. For example, in 2013 San communities living next to Hwange National Park were held responsible for the killing of elephants through cyanide poisoning in the park. Whereas it is not impossible that economic desperation drove some members of the San community to aid poachers, the government has failed to produce evidence against individual suspects and instead targeted the entire San community with blanket accusations.

San also lack political representation, despite attempts by San elders and local human rights activists to support their own councillors, MPs and chiefs to represent them. There is a tendency among government officials to blame those who

came before them for the San's situation – or, alternatively, to blame San themselves. There is little sign that the Zimbabwean government is taking any meaningful steps to improve the situation of San communities. Instead, there have been allegations that the ruling Zanu-PF party is trying to intimidate San representatives.

The Ndebele minority continues to be marginalized with regard to political representation. The government has been accused of neglecting Matabeleland, a Ndebele-dominated region that is one of the most underdeveloped areas in the country. Companies have also reportedly been bringing in Shona workers from outside Matabeleland to work in the region, even though there are sufficient numbers of skilled workers already there. In April, a number of youths were arrested for demonstrating against the 'tribal employment tendencies' of employers who bussed in labourers from outside the region to work on a local labour project. The Co-Minister in the Organ for National Healing and Reconciliation denounced their arrest and confirmed that local employment opportunities were being given to others for politically motivated reasons based on tribal affiliation.

Reflecting the ongoing marginalization of Ndebele, there were a number of incidents of discrimination and violence against them during 2013. In February, three police officers in Bulawayo East allegedly verbally abused an employee of a sports bar for playing Ndebele music and subsequently tried to close the investigation into the matter. Furthermore, in September a man was struck on the head with a brick in a bar fight for speaking Ndebele – he later died in the hospital.

Members of the Zanu-PF party also engaged in hate speech against white Zimbabweans through public speeches and government-controlled newspapers, radio and television stations, scapegoating them for the country's problems. Following the forcible seizure of their lands, generally without compensation, some farmers had to accept settlements leaving them with 5 to 10 per cent of the value of their investments. As a result there is a significant number of elderly, impoverished former farmers.

Central and West Africa

Paige Wilhite Jennings

Inter-religious violence was on the rise in the region in 2013. The ousting of President François Bozizé of the Central African Republic (CAR) by Muslim rebels from the marginalized north-east led to widespread violence between Christians and Muslims and warnings of possible genocide.

In Mali, the return home of Tuareg fighters, heavily armed by and integrated into Libyan leader Muammar Gaddafi's security forces before his ousting and death in 2011, coupled with the presence of foreign-armed extremist groups in Malian territory, fuelled the advance of rebel forces in early 2012. That advance in turn prompted a military coup and ultimately a French-led military intervention in January 2013. The ongoing conflict raised tensions in the rest of the Sahel, still recovering from the effects of severe drought and food shortages in 2012. Weak governance and regional differences contributed to increased violence in Nigeria, this time by the Islamist group Boko Haram.

In the face of conflict across the region, some countries took steps to promote tolerance between ethnic and religious groups. In others, however, provisions against incitement of hatred or violence were at times used to suppress dissent: these included Burundi, Chad, the Republic of Congo and Rwanda.

Another theme repeated across the region involved the challenges faced by marginalized nomadic pastoralist minorities forced to compete with settled farming communities for use of land, for instance in Burkina Faso, Cameroon, Chad, Mali and Niger. Concerns remained in a range of countries including Burundi, Cameroon, the CAR, the Democratic Republic of the Congo (DRC), the Republic of Congo and Rwanda about the situation of indigenous forest-dwelling groups.

Case study *by Peter Grant*

Using radio as a tool for peace in Burundi

Studio Ijambo was launched in 1995 by the organization Search for Common Ground (SFCG) in the wake of the genocide in Rwanda. Like its neighbour, Burundi was struggling with significant inter-ethnic violence of its own. The aim of the programme was to establish an alternative platform to promote dialogue and tolerance through the radio, in contrast to the hate speech and incitement spread by radio stations such as the notorious Mille Collines in Rwanda. Nearly 20 years on, the programme is still running – and it is now being used as a model for initiatives across the region.

Importantly, the programme provides an alternative platform for different stakeholders, such as civil society representatives, to meet and debate on key issues. 'First,' explains Floride Ahitungiye, Director of Programmes at SFCG in Burundi, 'Studio Ijambo analyzes the context of the existing conflict between different groups – for example, political leaders, young people within the parties, residents and repatriates – then it plans its interventions, such as a debate or roundtable, identifying interested participants or experts in the field. The format Studio Ijambo chooses depends on the subject – it can be an interactive radio programme, a broadcast, a pamphlet, a soap opera, a sketch. These different formats encourage different participants in the media to engage and contribute to the reduction of violence and hate through positive discussion. Beyond this, they also aim to influence decision-makers at national and local level.'

The programme has produced a number of high-profile successes, including a debate between different political leaders. 'At the end of this programme, they committed to creating a reunification commission in order to prepare themselves for the 2015 elections. Right afterwards, the other parties asked for similar programmes to be produced and broadcast for them as well.' Ahitungiye also highlights the positive transformation of the country's news coverage, including the growth of programmes and broadcasts on justice and human rights. 'In Burundi,' she says, 'the media landscape has changed thanks to these initiatives.'

Similar programmes have also been implemented by SFCG in neighbouring countries across the region, demonstrating that the principles of an open and inclusive media arena can also be effectively adapted elsewhere. SFCG's partner programmes in the DRC have also used radio to promote constructive messages about the resolution of the conflict, using songs and other innovative methods. When ethnic tensions rose in the border town of Goma in July 2012, for example, resulting in a number of attacks against Rwandans in the area, SFCG quickly developed a series of 'spot messages' that promoted social harmony and cohesion.

Although she recognizes the potential problems that new technologies can create, particularly the internet, Ahitungiye is hopeful about the opportunities that will open up, allowing SFCG's approach to be adapted for other media. 'I'm optimistic. There are challenges linked to diversification of the media, both audiovisual and printed or online newspapers – it is important to remember the risk of politicization of the media. But the internet can also play an important role in the promotion of tolerance and inter-ethnic reconciliation. For example, people from Burundi living abroad can follow the radio broadcasts through websites such as Facebook and absorb the messages – this will help us move towards peace and reconciliation.' ■

Despite pressure from the African Union (AU) Regional Task Force deployed against it, the Lord's Resistance Army (LRA) continued killing and abducting civilians in remote border areas of the CAR and the DRC. At the end of October 2013, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that 353,000 people remained displaced in LRA-affected areas in the CAR, the DRC and South Sudan.

In developments elsewhere, police in Burundi reportedly killed at least nine members of a Christian group following a young woman known as 'Zebiya', by opening fire on a crowd of worshippers at a hillside in Businde, Gahombo commune in March. In Senegal in February, a special court was opened to bring former Chadian President Hissène Habré to justice on charges of crimes against humanity, war crimes and torture from 1982 to 1990. The NGO Human Rights Watch published a 714-page report documenting violations under Habré, including the systematic targeting of particular ethnic groups such as the Hadjaraï and, later, the Zaghawa.

Central African Republic

Past years have seen chronic instability in the CAR. Border regions faced spillover conflict from neighbouring countries including Chad, Sudan and the DRC, while in the north in particular, marginalized nomadic pastoralists, including Mbororo (known also as Fulɓe, Peul, Fula or Fulani), clashed with local farmers over water and grazing rights for their livestock. In some areas their herds were frequently preyed upon by armed bandits. Nevertheless, historically the country's Christian and Muslim populations – comprising around 80 per cent and 15 per cent of the population respectively – have coexisted in peace, despite armed insurgencies in previous years that included Muslim pastoralists and other groups, driven by marginalization, insecurity and inequitable sharing of resources.

At the close of 2012, a coalition ('Séléka') of rebel groups launched a joint military offensive in the north against the forces of then President François Bozizé. Bozizé, a member of the country's largest ethnic group, the Gbaya, had reportedly relied increasingly on family and ethnic ties to consolidate his influence since taking power in a military coup ten years earlier. For their part, the Séléka rebels came mainly from ethnic groups in the north of the country, unified loosely by their opposition to Bozizé and their Muslim faith. Some reportedly came from neighbouring Chad and Sudan.

The rebels advanced rapidly, and in January the government was forced to sign an accord with them. Brokered in Libreville under the auspices of the Economic Community of Central African States, it laid the groundwork for a ceasefire and a three-year power-sharing arrangement. However, it quickly broke down, and in March the rebel alliance took the capital Bangui and ousted Bozizé.

Analysts agree that the Séléka rebellion did not arise around issues of religion. However, as it advanced southwards Séléka looted and burned villages, committing murder and rape – abuses which were often reportedly motivated by religious and ethnic identity. Christians were particularly targeted, although in several instances members of traditionally forest-dwelling communities were also singled out for attack.

Bozizé's security forces reportedly committed violations of human rights and humanitarian law while trying to halt the rebel advance. As the situation deteriorated, both sides were reported to use increasingly hostile rhetoric. President Bozizé publicly claimed that the rebels were 'mercenary terrorists,' while a government spokesperson accused them of being backed by foreign Islamic extremists and seeking to 'make another Mali' in the CAR. The use of charged rhetoric helped to politicize the question of ethnicity and exacerbate rifts between groups. Some Muslim leaders in Bangui, for instance, criticized the authorities for giving citizens the erroneous impression that they were facing a 'war of religion'. At the same time, pro-government youths set up roadblocks in Bangui, and Séléka reportedly accused state officials of arming them and encouraging them to attack suspected rebel sympathizers.

After taking Bangui, Séléka leader Michel Djotodia, from the Gula tribe of Muslim pastoralists and a former head of the 2007 north-eastern insurgency, installed himself as interim President. He was later confirmed in the post by a transitional government. In the absence of

Above: A child collecting firewood walks along a flooded road in a Muslim district of Bangui, Central African Republic. *James Oatway/Panos.*

a civilian administration or functioning security forces to counter ongoing Séléka abuses, and in the face of Séléka's refusal to disarm and disband, law and order quickly broke down. Though its victims at times included Muslims, the UN Secretary-General and others noted that Séléka raids and attacks continued to particularly target non-Muslims. In the security vacuum, civilians turned to self-defence. Christian communities set up or activated existing 'anti-balaka' (anti-machete) groups to protect their areas from attack and to oust the now 'ex-Séléka', particularly its foreign fighters, seen as invaders. For their part, some Chadian and Sudanese ex-Séléka sought support among those who shared a common language with them – the CAR's Arabic-speaking Muslim minority. As with the Séléka during its advance, the prevailing climate of violence allowed existing prejudices against ethnic minorities to be acted out with impunity. In numerous instances and locations, anti-balaka militias targeted members of the Muslim pastoralist minority, including Mbororo, for attack.

Hate speech urging revenge against Muslims, in online forums and in the media, gained prominence. In this volatile context, it became easier for members of both communities to regard the other group as collectively responsible for individual acts of violence. Anti-balaka militias began to target not just ex-Séléka combatants, but those believed to be aiding them – and then Muslims in general. In Ouham province, north of Bangui, on 6 September militia carried out coordinated attacks on ex-Séléka forces and Muslim communities around the provincial capital, Bossangoa. Human Rights Watch reported that they massacred several hundred people; survivors said that during the attack they used violently extremist rhetoric, including threats to wipe out all Muslims. In response, ex-Séléka launched its own revenge attacks on Christian communities. There were also reports of ex-Séléka groups distributing weapons to civilian Muslims. In early December, after the UN Security Council authorized a new deployment of French and African troops to use all appropriate measures to protect civilians,

house-to-house inter-communal violence in Bangui reportedly caused a large number of deaths, primarily of Christian men, in two days. Reports varied, with the UN citing a figure of over 600 dead and Amnesty International reporting between 800 and 1,200 killed. Widespread targeted sexual violence against women and children, torture and other abuses were also reported, with further atrocities in the countryside. By year's end, over 935,000 people had been internally displaced and an additional 75,000 had fled to neighbouring countries. According to UN sources around 2.2 million people, close to half the population, needed humanitarian assistance.

Local authorities and international troops were unable to impose law and order in the face of escalating violence, including continuing abuses by ex-Séléka and anti-balaka armed groups alongside, increasingly, inter-communal attacks involving civilians. Particularly following Djotodia's resignation on 10 January 2014 and the withdrawal of many ex-Séléka troops, the violence was increasingly directed against the country's Muslim minority.

In the context of the CAR's weak rule of law, localized acts of violence and hate speech have both rapidly escalated insecurity in the country, with some observers fearing a potential genocide. Recognizing the role that inflammatory rhetoric has played in fuelling the violence, the Forum of Religious Leaders and individual religious leaders have continuously countered it with calls for tolerance and peace. Similarly, in December UN Secretary-General Ban Ki-moon issued a peace message in French and the local language, Sango, on local television and radio. However, so far these efforts have been unable to alleviate the violence. Over time, initiatives like the International Commission of Inquiry, mandated to investigate abuses by all parties, can provide victims with a peaceful way of seeking justice. However, this can only happen if the state, with international help, can ensure the security of minority members and protect them from further attacks.

Democratic Republic of the Congo

In the DRC, over three decades of neglect and abuse under former dictator Mobutu Sese Seko left a weak state geared towards predation and extraction of profit from the nation's prodigious natural wealth rather than care of its citizens. With up to 250 ethnic groups and a tradition of clientelism, political manipulation of ethnicity to maintain the balance of power was a common, if complex, phenomenon. Recent history has been shaped largely by events in the Great Lakes: after the Rwandan genocide in 1994, Hutu extremist perpetrators were among hundreds of thousands of Hutu refugees who fled to eastern DRC to escape the advance of the Uganda-based Tutsi force which assumed power in Rwanda.

Hutu extremists carried on attacking Tutsis in the region from bases in the DRC, and in 1997 Rwanda invaded the DRC to dislodge them. Other neighbouring countries joined the conflict, driven in part by the prospect of profit from the region's mineral resources. What followed was 'Africa's World War', lasting over a decade and ultimately involving nine African nations.

In recent years the DRC has seen ongoing conflict between armed groups, some of them local and some formed with the backing of other countries, despite the presence from 2000 of a succession of UN peacekeeping missions. At the end of 2013, nearly 500,000 DRC citizens remained refugees, while an estimated 2.7 million were internally displaced.

A significant number of the latter had been displaced repeatedly and often for protracted periods due to cyclic violence, including ethnic violence, in the region over nearly two decades. In areas such as Masisi, North Kivu, these struggles have at times pitted Banyarwanda people of Rwandan ancestry (both Hutu and Tutsi), perceived as 'foreign' by some, against militias from groups claiming a longer history in the local area. One such militia is the primarily Hunde Alliance of Patriots for a Free and Sovereign Congo (APCLS), which in February and March reportedly forced at least 3,000 people to flee their homes in Kitchanga town by attacking members of the Banyarwanda community there.

In eastern DRC grave abuses of human rights and humanitarian law – including ethnically motivated attacks on civilians – have continued. Those responsible included the largely ethnic

Tutsi Mouvement du 23 mars (M23) rebel group. DRC security forces deployed against it; and smaller armed groups took advantage of the vacuum left by the army's focus on the M23 to seize control of resource-rich areas.

M23 emerged in April 2012 with the mutiny within DRC army ranks of a group of mainly ethnic Tutsis. Fighting between the M23 mutineers and the army was particularly fierce, and both sides were accused of abuses against the civilian population. After factional fighting within the group, M23 leader Bosco Ntaganda surrendered to International Criminal Court custody in March. Proceedings against him, for crimes against humanity and war crimes in 2002–3 while leader of another armed group, were set to begin in 2014.

The M23 continued fighting under different leaders. The UN Stabilization Mission in the DRC (MONUSCO) deployed a 3,000-strong African-led Intervention Brigade against it around the city of Goma in August; NGOs and others expressed concern at the potential human rights and humanitarian ramifications of heightened UN military involvement. UN and DRC army forces made successive gains and, in early November, the M23 admitted defeat. A peace deal was signed in December.

M23 had been reported, including by the UN, to have received financial and other support from Rwanda; some sources indicated that international pressure on the Rwandan government and the subsequent withdrawal of this support was a key factor in its defeat. However, a UN Independent Expert's report at year's end was said to indicate that some M23 elements may have resumed recruitment and other activities in Rwanda and Uganda. In December, DRC troops reportedly killed dozens of armed youths who attacked official buildings in Kinshasa, reportedly out of anger at what they claimed were President Kabila's overly close ties to Rwanda.

More than 40 armed groups operate in eastern DRC, including the predominantly Hutu Forces Démocratiques de Libération du Rwanda (FDLR), the leaders and members of which include some perpetrators of the 1994 genocide of Tutsis in Rwanda. The FDLR has continued to be accused of ethnically oriented violence and other abuses; in October authorities and UN representatives suggested that it, and the group Allied Democratic Forces (ADF), would be the army's new focus.

Like the FDLR and the APCLS, many of the armed groups in eastern DRC are allied with specific ethnic groups, giving an inter-ethnic dimension to their conflict with the DRC army and with each other. They have reportedly committed serious abuses of human rights and violations of international humanitarian law; and are reported to target people whom they suspect, due to their ethnicity, of supporting their opponents.

For instance, in resource-rich areas of South Kivu and Katanga provinces, the army clashed with groups including Raia Mutomboki, displacing tens of thousands. Raia Mutomboki ('angry citizens' in Swahili), nominally formed to protect locals from the FDLR, has been accused of avoiding confrontation with FDLR combatants, instead targeting their dependents and other ethnic Hutu civilians.

Sexual violence has been an egregious feature of the DRC conflict. In spite of increasing domestic and international scrutiny it is still widespread, and to date very few alleged perpetrators have been brought to justice. In its 2013 review of the DRC the UN Committee on the Elimination of Discrimination against Women raised particular concerns about the situation of indigenous women, particularly Batwa, around gender-based violence, land rights, access to public services and involvement in decision-making.

In December, the UN reported that a number of armed groups in North and South Kivu had expressed willingness to negotiate a peace. Also in December the government adopted an emergency programme for North Kivu, including humanitarian support, justice and intercommunal reconciliation.

West Africa

Cameroon

Cameroon was formed in 1961 from two former

Above: Mbororo man in Cameroon. *Peter Hessel.*

colonies, one British and one French; since independence it has had two presidents. The current one, Paul Biya, took office in 1982, introducing multi-party politics several years later. It is religiously and ethnically diverse: minority and indigenous groups include forest-dwellers, such as Ba'Aka in the south, and nomadic pastoralist Mbororo in the north. In 2013 Cameroon saw a number of cross-border incidents from Boko Haram in Nigeria and Séléka in the CAR. At year's end there were more than 100,000 refugees and asylum seekers in the country, primarily from the CAR, Nigeria and Chad.

Forest-dwelling groups and nomadic Mbororo pastoralists faced continued difficulties, particularly over issues around rights to land and resources. Ba'Aka and other indigenous groups were among the communities threatened by the expansion of logging, agro-industry, mining and natural protected areas into their customary lands. In January a group of NGOs petitioned the UN Committee on the Elimination of Racial Discrimination to review Cameroon's proposed reforms to its Forest Code, which they claimed failed to protect the land rights of indigenous groups in particular. In an effort to make their voices heard more effectively in discussions about logging, conservation and related issues, some Ba'Aka continued efforts such as participatory mapping of forest resource use.

Nomadic pastoralist Mbororo communities in the north-west continued to face problems with access to land for their herds, particularly in the face of expansions to cattle ranching, agro-industry and protected nature reserves. They continued to accuse land-owners of seizing traditional grazing lands and other abuses. As part of a larger land reform, consultations opened with civil society groups around the text of a draft Pastoral Code developed with support from

the UN Food and Agriculture Organization (FAO). The code would reportedly recognize Mbororos' right to lands they have been using and ease procedures for obtaining titles. It would include provisions for community pastures, demarcated corridors for herders to move their stock, designated watering sites and mechanisms for resolving disputes.

Ahead of legislative elections in April, Mbororo and traditional forest-dwelling groups as well as members of the Montagnard minorities (also known as *kirdi*, a derogatory term that has been adopted as a marker of ethnic and religious pride) from the northern highlands reportedly criticized political parties for not honouring previous commitments to field minority candidates. They urged the President, who has the right to appoint some legislators, to name minority representatives. The UN Independent Expert on minority issues visited Cameroon in August. While recognizing the government's efforts to protect minority rights, she emphasized that important steps are still required on behalf of both forest-dwellers and Mbororo pastoralists, particularly around issues of poverty and land rights.

Following on from the UN Human Rights Council's Universal Periodic Review of Cameroon, in June the UN High Commissioner for Human Rights conducted her first visit to the country to investigate issues including violence against women, harmful traditional practices and the vulnerability of indigenous peoples in the face of large-scale agro-business.

Côte d'Ivoire

Côte d'Ivoire has over 60 ethnic groups, with complex linguistic and cultural interrelationships. The north of the country, largely Muslim, has seen several uprisings in protest at perceived marginalization by largely southern governments, while since the mid-1990s, the term 'Ivoirité' has been used in some political discourse to denote 'genuine' belonging to Côte d'Ivoire and to cast doubt upon the nationality of many northerners. Presidential elections in 2010, the first in a decade, saw the use of xenophobic campaign language by supporters of President Laurent Gbagbo, a southerner, against those of his northern opponent Alassane Ouattara. This language played on the perception among some of the public of northerners as 'foreigners' descended from economic migrants drawn by the country's wealth. Despite this, Ouattara won the 2010 elections, though Gbagbo's refusal to accept the results led to armed conflict before Ouattara was able to become President.

In 2013, tensions between supporters of Ouattara and those of former President Gbagbo continued, with some ongoing incidents of violence motivated apparently by identity and, by extension, perceived party affiliation. Although both sides committed serious human rights abuses during the post-electoral conflict of 2010–11, justice has been applied unequally: at year's end all of those brought to justice for crimes committed during this period were Gbagbo supporters. For his part, Laurent Gbagbo is being held by the International Criminal Court (ICC) on four counts of crimes against humanity, including murder and sexual violence. His wife Simone and a militia leader, Charles Blé Goudé, also face ICC charges.

To date the ICC has pursued a 'sequential' approach, investigating the Gbagbo side first before beginning on Ouattara's: this has provoked criticism that it is perpetuating the perception of one-sided justice and tacitly enabling the Ouattara government to prosecute only its political opponents. This disparity, the entrenchment of ethnocentric politics and ongoing abuses and attacks formed serious obstacles to reconciliation.

Another obstacle is land. Throughout Côte d'Ivoire, and particularly in the west, land is increasingly scarce, in part due to population increases. Political manipulation of the divisions mentioned above between those who are 'native' to the region and those who are not have linked competition for resources with questions of identity. Conflict over land, like politics, is being drawn along cultural and religious lines.

The west saw high levels of displacement during the 2010–11 conflict. Some returnees to the area, in large part Gbagbo supporters of Guéré ethnicity, claimed that their land had been occupied by non-locals, who typically supported Ouattara; in many cases, the latter maintain that they acquired the land legitimately. Tensions around land have led some residents to occupy

Case study

Taking steps to promote peace and reconciliation in West Africa

Though much of this chapter makes grim reading, there are concrete grounds for hope in the region. In Sierra Leone, where around 60 per cent of the population is believed to be Muslim and another 20 to 30 per cent Christian, ethnicity played a role in over a decade of war. Religion, however, reportedly did not. Sierra Leone, according to the UN Special Rapporteur on freedom of religion or belief, boasts a truly enviable climate of tolerance of religious diversity. In a region where strife between Christians and Muslims is common in country after country, the Special Rapporteur found an unusual level of cooperation, fostered in schools, through the media and by the country's Inter-religious Council, a nation-wide NGO. The Council has played an important role in responding, alongside public officials, to two recent cases of conflict between people of different religions.

While Burkina Faso, with more than 60 ethnic groups and four major religions, is notably tolerant, as highlighted by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism following a 2013 country visit, its civil society and authorities are sensitive to potential spillover of conflict from neighbours such as Côte d'Ivoire and Mali. Burkina Faso has not seen internal armed conflict or acts of terrorism due in large part, according to analysts, to its long history of interfaith and inter-ethnic tolerance; however, it is not relying solely on tradition to maintain peace.

In April 2011 the government adopted a national strategy, developed by the human rights ministry, for promoting a culture of peace among different groups. It has also taken steps to address tensions between herders and farmers over land usage that cause strife across the region. In January 2012 the human rights ministry published a *Handbook for Preventing and Managing Farmer–Herder Conflicts*, followed by joint workshops for farmers and herders in the country's 13 regions focusing on land regulation, protection of nomadic paths and sustainable use of natural resources. Community leaders and local and regional officials also take part in the workshops, which aim to reduce conflict by increasing understanding of rules protecting both farmers and herders. It is hoped that taking steps like jointly agreeing the boundaries of corridors for moving livestock will also help to prevent clashes.

Niger, sharing borders with both Mali and Nigeria, has like Burkina Faso guarded rigorously against any spillover of conflict. While it has some similarities with Mali, there are important differences. Although Niger's Tuareg have suffered marginalization in the past, many of them live interspersed alongside other ethnicities throughout the country and have a long history of coexistence with these other groups. Though Niger does have a history of armed Tuareg rebellion, violent separatism has not taken hold to the extent seen in Mali.

In Mali, the state response to Tuareg unrest was security-oriented. In Niger, however, the authorities have reportedly taken some steps to address Tuareg claims of exclusion. Niger currently has a northern Tuareg Prime Minister. Decentralization has given Tuareg access to positions in local administrations. Finally, though there is still a long way to go before their grievances are fully addressed, the peace process with former Tuareg rebels in Niger has placed more of an emphasis on socio-economic reintegration, poverty reduction and inclusion.

Cooperation between the state and former Tuareg rebels in areas of mutual benefit, for example joint efforts in demining, has also helped to improve relations, though some issues remain. These examples demonstrate how some national governments and communities are countering threats to peace. Though their efforts rarely make headlines in the way that inter-ethnic and inter-religious conflicts do, they offer a blueprint for positive steps towards an end to communal strife across the region. ■

protected government forests, contributing to deforestation; security forces forcibly expelled some occupiers in 2013.

In 2013 concern continued about reports of serious human rights violations, including sexual and gender-based violence, attributed to security forces, as well as abuses by other armed groups. In the west, traditional hunters known as *dozos*, allied with Ouattara's administration, were also accused of numerous human rights violations, often against perceived government opponents, in the course of security duties in 2013.

However, there were some positive steps taken to address the widespread climate of impunity for human rights abuses. In April, 33 soldiers were tried by a military court for violations against civilians committed after the post-electoral crisis period. Two soldiers received prison sentences. In July 2012 soldiers, pro-Ouattara militias and civilians attacked a camp of internally displaced people at Nahibly, leaving at least 11 dead and forcing thousands more to flee. The camp's residents were largely ethnic Guéré, who had been forced to flee their homes by Ouattara supporters during the post-electoral crisis. A judicial investigation into the massacre continued in 2013.

Another positive development was a reported decrease in the overall use of hate speech in the national media, according to the UN country office. In August the government also reformed parts of the nationality law, as well as the law on land tenure, both issues that have been central to the country's protracted violence and political instability. While positive, however, these measures will need to be supported by strong political commitment from the government if the underlying causes of inter-ethnic grievances are to be addressed. In late November the UN High Commissioner for Refugees (UNHCR) reported over 16,000 voluntary refugee returns to western Côte d'Ivoire from Liberia, though another 58,000 remain in Liberia.

Guinea

Following independence from France in 1958, Guinea was ruled by successive dictatorships. Its first leader was from the Malinké ethnic group, comprising 30 per cent of the population; no one from the largest ethnic group, the Peuhl

(40 per cent of the population) has ever led the country. In 2010, Guineans had their first real opportunity to choose their leader: in that contest Alpha Condé, a Malinké, narrowly defeated his main opponent, a Peuhl, leading to intercommunal violence.

Elections to choose the first National Assembly in five years, thereby completing the transition to civilian rule begun with presidential polls in 2010, were announced for May 2013. This led to increased tensions between the government of President Condé and the opposition, which accuses the former of illegitimacy and discrimination against its own ethnic Peuhl base.

Intermarriage between ethnic groups in Guinea is common, and many Guineans have mixed ancestry. Ethnic divisions, which have sharpened in recent years, appear to be rooted in competition for public resources and have been further exacerbated by political elections. A protest march over the electoral process led to clashes between Peuhl and Malinké in the capital Conakry in February and March. At least five people were killed in incidents that at times involved security forces.

Religious and other leaders called for calm.

Above: Tuareg men walk past some shops in Mali. *Petterik Wiggers/Panos.*

The political parties signed a joint declaration of non-violence in April, committing to peaceful means for resolving disputes. However, after more demonstrations in May, some of which led to ethnic violence in which at least a dozen people were killed and scores injured, including by security forces, the polls were postponed. Amid ongoing tensions, in July the UN Human Rights Council passed a resolution calling for peace and condemning all incitement to ethnic or racial hatred. Elections went off peacefully in September; however delays in issuing results led to accusations from the opposition of potential fraud.

In other developments, in July, violent intercommunal clashes between members of the Guerze and Konianke minority ethnic groups in N'Nzérékoré and Beyla districts reportedly killed over 50 people, with over 150 more injured. The clashes were believed to have begun after a dispute in which two Guerze killed a Konianke they accused of theft. Mosques and churches were attacked during three days of violence.

Finally, several serving government ministers were indicted on charges of murder, rape and other crimes in the context of the 2009 stadium massacre in Conakry. Human rights activists welcomed the charges as an important step for justice and an end to impunity in the country, but expressed concerns that the accused remained in their high-level posts. The indictments centre around an incident that took place following the death in 2008 of dictator Lansana Conté, a member of the Soussou minority. A group of primarily Malinké army officers took power by military coup, promising elections but then announcing their leader's intention to run. In September 2009, a peaceful opposition protest in Conakry stadium was brutally dispersed by security forces and militia. In several days of violence, at least 150 people were killed and scores of women raped. The majority of victims were reported to be Peuhl.

Mali

Mali is 90 per cent Muslim; its two largest minority groups are the 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. Some members

of the Tuareg population in particular have been engaged in low-level conflict with the government for decades in the pursuit of a separate Tuareg state, Azawad. These demands have been reinforced by political marginalization and poverty in the north, resulting in rebellions in the 1990s and mid-2000s.

With the fall of Muammar Gaddafi in Libya in 2011, armed Malian Tuareg among his fighters returned home, giving new impetus to the separatist movement, which launched an offensive in early 2012. The Tuareg were joined by largely foreign Islamist extremist groups. The latter increasingly dominated as the offensive advanced south, eventually covering two-thirds of Mali's territory.

These groups had been accused of serious abuses including unlawful killings, the recruitment of children and sexual violence. Militants had imposed *Sharia* law, with public floggings, amputations and executions in areas under their control. Malian security forces had also been accused of violations of human rights and humanitarian law, including arbitrary detention, ill-treatment, torture, extrajudicial executions and enforced disappearances.

In January 2013, Mali's interim President requested that France intervene. The French-led counter-offensive was reported as broadly successful in dislodging the jihadist groups and over the next few months took back contested areas and re-imposed state control. However, in a disturbing trend, Tuareg and Arabs, perceived due to their ethnicity as having been likely supporters of the rebels, were at times targeted with violence by both security forces and pro-government self-defence militias, leading many of them to flee their homes. The violence exacerbated divisions between ethnic groups caused in part by competition for control of limited resources: for example, nomadic herder groups found themselves cut off from traditional migratory grazing routes as their movements were restricted by fear of attack from the army or self-defence militias.

In March the UN reported that inflammatory messages in the media had helped to stigmatize Peuhl, Tuareg and Arab ethnic groups, creating a climate for targeted attacks against them. A Dialogue and Reconciliation Commission was created to help restore peace and security, and the authorities used national radio to broadcast messages of reconciliation. The government was encouraged to consider creating a monitoring mechanism to detect the incitement of hate and violence in the media, and to punish those responsible. A Minister for National Reconciliation and the Development of the Northern Regions was also appointed. For their part, Tuareg separatists were at times accused of expelling other ethnic groups from areas under their control, apparently due to their perceived support for the government.

In June, the government and Tuareg groups signed the Ouagadougou Agreement, providing for confinement of combatants to designated areas as part of the peace process and their relinquishing of power to Malian state forces. However, it was not implemented in areas such as Kidal, where both Tuareg separatists and the security forces were accused of violations as they battled for control. Peaceful presidential elections commenced in July, and President Ibrahim Boubacar Keita was installed in September 2013. Legislative elections were held in November, in spite of minor protests in parts of the north. At year's end some violence, including sporadic suicide and other attacks by militant groups and fighting in Kidal between Tuareg separatists and security forces, continued. According to UNHCR, there were nearly 183,000 Malian refugees in neighbouring countries and over 353,000 internally displaced in mid-2013. Most were believed to be Tuareg or Arabs, afraid to return due to the risk of ethnicity-based reprisal attacks by the army or militias, although numbers fell during the course of the year as some returned.

Nigeria

The year 2013 saw a continued disparity between conditions in the south and the relatively less developed north, where conflict between Christian and Muslim communities over issues such as land, local administration and religion has since 2009 been deepened by violence from the armed Islamist group Boko Haram. According to analysts, its attacks are motivated by local political and economic matters as well as by religion. Boko Haram reportedly issued video messages in which it used ethnic conflict in other parts of northern Nigeria, such as

conflict between settled farmers and nomadic ethnic Fulani herders, in Plateau State, to justify its activities. Boko Haram suicide targets included security force installations; numerous churches were bombed or attacked by gunmen. In past years, the group had targeted schools, but according to reports only when they were unoccupied. From early 2013, however, that tactic changed. In another internet video posting, a Boko Haram leader reportedly claimed the shift was in retaliation for security force targeting of Islamist schools in its crackdown on perceived militants. In one incident in September, at least 40 students at an agricultural college in Yobe state were killed by gunmen. Amnesty International reported in October that at least 70 teachers as well as numerous students had been killed, and many more injured, in targeted attacks in 2013; Boko Haram reportedly claimed responsibility for many of these. Boko Haram has also been accused of widespread abductions of women and children, as well as sexual abuse of women and girls and use of children in hostilities.

In May the authorities declared a state of emergency in the north-eastern states of Borno, Yobe and Adamawa. A military offensive, which included airstrikes by Nigerian planes targeting alleged Boko Haram camps, caused thousands to flee their homes. Many youth joined militias with the aim of dislodging Boko Haram from their neighbourhoods in Maiduguri, the capital of Borno state, or preventing Boko Haram militants displaced by the military offensive from returning to them. Militias reportedly joined members of the military-police Joint Task Force (JTF) at checkpoints in different areas of Borno state to assist in identifying potential Boko Haram militants. The activities of this 'civilian JTF' militia reportedly led in turn to Boko Haram retaliations against militias' communities.

Nigerian security forces were accused of widespread violations, including during security sweeps of nearby communities following Boko Haram attacks. In some instances survivors reported that soldiers accused villagers of collaborating with Boko Haram militants, before killing them and burning their houses.

In April, security forces clashed with Boko Haram near the town of Baga in Borno state, then carried out a house-to-house raid on the town. Satellite images analysed by Human Rights Watch revealed massive destruction. According to reports, between 180 and 200 residents were killed.

Amnesty International reported that during the first six months of 2013, at least 950 people died in JTF detention, while others were 'disappeared'. In August the ICC prosecutor indicated that there was reason to believe that Boko Haram had committed crimes against humanity in northern Nigeria since July 2009; the persistence of violations by security forces during its counter-offensive against Boko Haram, as described above, has led some analysts to call for their inclusion in the ICC probe. In November the authorities extended the state of emergency for another six months. ■

Alaska (US)
CANADA
UNITED STATES
NORTH PACIFIC
ATLANTIC OCEAN
Hawaiian Islands (US)
MEXICO
CUBA
HAITI
DOMINICAN REP.
Puerto Rico (US)
BELIZE
JAMAICA
GUATEMALA
HONDURAS
EL SALVADOR
NICARAGUA
COSTA RICA
VENEZUELA
PANAMA
GUYANA
Guyane (Fr.)
COLOMBIA
SURINAM
ECUADOR
PERU
BRAZIL
BOLIVIA
PARAGUAY
SOUTH PACIFIC
CHILE
URUGUAY
ARGENTINA

Americas

Antonio Cicioni, Phyllis Gerstenfeld,
Janet Oropeza Eng, Cecilia Toledo,
Natalia Torres

North America

Phyllis Gerstenfeld and Janet Oropeza Eng

The context for minorities and indigenous peoples varies considerably across North America, with each country shaped by its particular history. In the case of Mexico, indigenous communities faced ongoing issues during 2013 relating to land rights and resource extraction. Negative stereotypes and broader patterns of discrimination remain, impacting on livelihoods and excluding many from basic services such as health care. In the United States, this is also a particularly pressing issue for minorities and indigenous groups. The government implemented a number of reforms during the year with the aim of extending health care access, though these led to considerable resistance and were a major factor in the temporary shutdown of the federal government in October. Migration from other countries to the United States, including Mexico, also remained a divisive subject. While some states adopted measures during the year to improve protections for migrant workers in the country, others took steps to increase their restrictions.

The countries in the region have also developed distinct responses to tackle incitement and hate crime against minorities and indigenous groups. In Mexico, the focus within the law has been primarily on tackling discrimination through a range of national and local level legislation. Nevertheless, in reality many indigenous peoples remain marginalized, and community activists continued to be vulnerable to intimidation and targeted killings during the year. In the United States, while reporting mechanisms are in place, there is still considerable uncertainty about the true incidence of hate crime due to under-reporting. Hate speech also remains a divisive subject as freedom of speech is constitutionally protected, meaning that incidents are generally only prosecutable if there is a clear threat of imminent physical violence. The proposed introduction of a review in early 2014 on hate speech and ways to address it attracted criticism from commentators who viewed it as an encroachment on free expression. This tension is also evident in Canada, though Canadian law has stronger restrictions on hate speech. While a controversial section of the country's Human Rights Act addressing online hate speech was repealed in June, the court in a separate ruling during the year upheld the basic principles of hate speech regulations. However, across the region some of the most innovative measures to curb discriminatory language against minorities and indigenous peoples came from NGOs and civil society, including online users monitoring hate speech and countering negative stereotypes with positive representations and awareness raising.

Mexico

Mexico's justice system continues to be defined by widespread impunity for military forces and inadequate protection for victims of abuses from state and non-state actors, including human rights activists. Judicial reforms dating back to 2008 have still only been implemented in a fraction of the country's 32 states. The new Victims Law, enacted in January to strengthen protections for victims of crime, reportedly remained unimplemented as of the end of the year. Similarly, the Protection Mechanism for Human Rights Defenders, passed in 2012, was undermined by lack of resources. In addition to these shortcomings, indigenous peoples are hampered in their search for access to justice by language barriers and limited translation services.

These deficits particularly affect Mexico's indigenous population, who faced ongoing violations of their land and consultation rights during the year by large-scale development or resource exploitation projects in their territories. This included, during 2013, continued resistance to the La Parota dam in Guerrero State. The hydroelectricity project would, if implemented, result in land expropriation and the displacement of indigenous communities. Other indigenous protests included the opposition of Nahua and Totonaca indigenous groups in Zautla, Puebla to a mining project and the movement of Yaqui against the construction of an aqueduct in Sonora without prior consultation that could threaten their water access.

Indigenous peoples and activists continued to be threatened or murdered for defending their rights. In July, the body of Heron Luciano Sixto López, an indigenous rights activist, was found after he was abducted from his office. In May, eight members of the indigenous rights group Unidad Popular were kidnapped: three of them were tortured and executed, while the rest escaped and went into hiding. Both crimes highlighted the real challenges that indigenous peoples face in advocating for their rights.

This vulnerability to targeted violence occurs against a backdrop of entrenched discrimination. This is despite the fact that Mexico has a relatively well-developed anti-discrimination framework. At the country level, this includes a Law for the Prevention and Elimination of Discrimination, enacted in 2003. It prohibits racially offensive messages and images in mass media, and discriminatory practices in general. It also mandates the creation of the National Council for the Prevention of Discrimination as a federal agency in charge of preventing and eliminating discrimination, as well as formulating and promoting public policies for equal access to opportunities for all. At the local level, the majority of provinces in Mexico now have specific laws and institutions to address discrimination. Though fairly new, these are playing a major role in combating discrimination and placing the issue on the public agenda. For example, the Council for the Prevention and Eradication of Discrimination in Mexico City has taken a very active role in sensitizing citizens through media campaigns about practices and behaviours that can be considered discriminatory. It has also investigated complaints of discrimination submitted by minority and indigenous groups.

Despite the existence of these laws and institutions, indigenous peoples still face institutional discrimination in many areas of life, including access to basic services. This was reflected in an incident in October when Irma López, a Mazatec indigenous pregnant woman, went to a clinic in the Mexican province of Oaxaca. Despite being in labour, she was denied medical care and had her baby in the clinic's garden. The same month, Susana Hernández, of the indigenous Tzotzil community in the province of Chiapas, died after childbirth in what has been reported as a case of negligence. Both examples are part of a pattern in which indigenous women are denied the full exercise of their right to health or exposed to institutional violence from public institutions. This discrimination extends into other areas as well, such as access to justice and education. This included, in November, a reported incident involving a junior high school student in Mexico City who was subjected to sustained bullying and humiliation on the basis of her indigenous background by her schoolmates. The victim claimed that authorities had been slow to take action after she lodged a complaint to the Public Ministry.

Indigenous women are especially vulnerable to negative stereotypes based on their dress, language or livelihoods. In November, Ali Roxox, an indigenous PhD student from Guatemala, was kicked out of a bakery in San Cristóbal de las Casas in the Mexican province of Chiapas. The employees assumed that she was a street vendor simply because of her indigenous origin. Another case towards the end of the year involved the local congresswoman of the Democratic Revolution Party complaining that she had been denied access to the restrooms by Congress staff because of her indigenous origin. This discrimination is an important enabling factor in the exposure of indigenous people, particularly women, to violence. It also has the effect of reinforcing their marginalization. This was reflected in the announcement in August by the director of the public agency in charge of adoptions in the Mexican province of Chihuahua that 91 per cent of people wishing to adopt were not willing to take a child with indigenous features – yet 95 per cent of the children available for adoption had these characteristics. This situation makes the placement and adoption of indigenous children extremely challenging.

United States of America

A number of issues affecting minority and indigenous communities dominated political and media discussions during 2013. Perhaps foremost among these was the implementation of the 2010 Affordable Care Act (ACA) – the legislation dubbed 'Obamacare' by its opponents after President Barack Obama, its sponsor – with

significant portions of it coming into effect in late 2013. Repeated efforts by its opponents in the United States House of Representatives to repeal the law were a leading factor in a two-week shutdown of the federal government in October. One purpose of the ACA was to provide better health care for the poor and uninsured, helping to reduce health care disparities that adversely affect minorities. According to a 2013 report by the Centers for Disease Control, ethnic minorities in the United States suffer disproportionately from a number of health-related problems, including infant mortality and premature death. Because the ACA began to take effect only at the end of the year, it is too early to assess the law's impact on minority and indigenous health in the country.

Another issue that received considerable attention during the year – if little resulting political action – was immigration. According to a 2013 survey by the Public Religion Research Institute, a majority of people in the United States – both Democrats and Republicans – favour improving the path to citizenship for immigrants currently in the country. Efforts at new legislation have received some bipartisan support in Congress. At least one expert has asserted that because political and media rhetoric can inspire hate crimes, the improved public attitude towards immigrants might explain an apparent decline in the incidence of reported hate crimes against Latinos. By the end of 2013, however, despite public support and President Obama's strong urging, Congress had not yet undertaken meaningful efforts at reform and immigration continued to be a source of division. This was reflected in a surge in immigration legislation during the year, with 43 states passing laws on various related issues such as identification checks and access to benefits for undocumented residents. While some took positive steps to improve protections, however, others imposed tighter restrictions. Nearly 2 million people had thus far been deported since Obama took power in 2008 – the highest under any administration. Many of those accused of being in the United States illegally are held in detention centres run by for-profit companies, and federal law mandates that the beds in these facilities be kept full.

Right: Honduran immigrants in the United States. *Piotr Malecki/Panos.*

In other areas, the criminal justice system's disparate treatment of minorities also attracted significant coverage in 2013. People of colour are treated more harshly within every aspect of the criminal justice system, from police contacts to sentencing. 'Zero-tolerance' policies in schools often result in a large number of minority and disabled students being channelled into the juvenile justice system, while drug sentencing guidelines can lead to harsher punishments for minority offenders. In 2010, Congress passed the Fair Sentencing Act to reduce the large (100:1) disparity in sentencing requirements for powder versus crack cocaine: this had had an adverse impact on people of colour, who were disproportionately likely to be accused of possessing or selling crack cocaine. In 2013, a federal appeals court held that sentencing under the old guidelines was unconstitutional under the Equal Protection Clause and also ordered that the new rules be applied retroactively. Furthermore, Obama commuted the sentences of eight federal prisoners in 2013 who had already served very long terms for possessing crack cocaine.

In particular, the existence in many states of 'stand your ground' laws, which allow people to use deadly force in self-defence even if they could have safely retreated from the situation, have also been criticized for their potential bias against ethnic minorities. During the summer of 2013 George Zimmerman, a Floridian of mixed ethnicity, was tried for the killing the previous year of an unarmed African American teenager, Trayvon Martin. Many critics claimed that Zimmerman's actions were motivated by a racist assumption that Martin was dangerous merely because of his ethnicity. In July, although in the end his defence did not rely on the 'stand your ground' doctrine, Zimmerman was found not guilty of second-degree murder and manslaughter. Although the federal government considered hate crime charges against Zimmerman, by the end of 2013 such charges seemed unlikely. However, the case played a major part in the United States Commission on Civil Rights voting in June to launch an inquiry into the possible bias of these laws.

Finally, the proposed Keystone XL oil pipeline to carry oil across Canada and the United States triggered a range of objections on environmental and safety grounds in 2013. In January, the members of 25 US Native American tribes and Canadian First Nations signed a treaty of mutual support in opposition to the pipeline. Of particular concern is the fact that the pipeline would pass near or through the lands of numerous indigenous communities in both countries.

Minority groups in the United States, such as Jews, African Americans and immigrants, are also regularly vilified by extremist organizations. The apparent rise in the number of hate groups in the United States in recent years, documented by the Southern Poverty Law Center, may be partly driven by broader social and political forces in the country, including the poor economy. Another likely factor, however, was the re-election of the country's first African American president in 2012, combined with the shrinking share of the white population. According to a 2013 census report, ethnic minorities currently make up about half of the children under five years old in the United States. Non-Latino whites are expected to become a minority by 2043. These shifts – the result of immigration as well as differential birth rates – have created anxieties among some sections of the white population of

a loss of power in the future.

But while hate group membership appears to have increased in recent years, relatively few hate crime offenders belong to extremist groups: in fact, most offenders are little different from other people in terms of background and beliefs. The extent to which the rise in the number of hate groups is mirrored by an increase in hate activity is unclear. A report issued by the Federal Bureau of Investigation in 2013 even suggested that hate crimes in the United States had actually decreased nearly 29 per cent between 2000 and 2012.

However, police data is problematic in a number of respects. For many years, researchers have been claiming that law enforcement data represents only a small portion of the hate crimes committed in the United States, largely because few incidents are reported to the police – though the true extent is unknown and estimates have varied. In 2013, however, the Bureau of Justice Statistics (BJS) released a report analysing hate crime data obtained from the National Crime Victimization Survey. According to this survey, which relies on direct questioning of people in the United States rather than on police reports, between 2007 and 2011 an average of nearly 260,000 hate crime victimizations occurred every year in the United States. More than 50 per cent of incidents were motivated by race, 30 per cent by ethnicity and a little over 20 per cent by religion. A little less than 20 per cent included gender as a motive. (As offences may have more than one motive, the total exceeds 100 per cent). By contrast, the FBI reported fewer than 10,000 hate crimes in each of those years. This suggests, of course, that fewer than one in 25 hate crimes are recorded by police in the United States.

There are a number of reasons why this disparity between actual and reported incidents might exist. According to the BJS survey, the most common explanation given by victims for failing to report the crime was that they felt the police would not or could not provide support. This is a troubling finding, but it is unclear if it is a reflection of poor relationships between law enforcement and minority communities or represents a more general lack of confidence in the police. Other reasons for failure to report, documented by researchers elsewhere, include reluctance by undocumented residents to contact police; embarrassment over victimization; fear of retaliation; and a lack of knowledge about the law.

Even when victims report a hate crime, law enforcement might not record it as such due to bias, inadequate training, lack of interest, the absence of a specialized bias crime unit, a desire to avoid additional investigation or the belief that a conviction is unlikely – which is in fact the case. According to a 2013 report by the California Attorney General, for example, 930 hate crimes were recorded by police the previous year. Of these, only 158 were eventually prosecuted as hate crimes and just 49 hate crime convictions had been obtained at the time of the report's publication. Among other things, these data suggest that while many states, such as California, have now had hate crime legislation on the books for over 30 years, there has been little or no improvement in conviction rates. Most likely this stems from the often impossible task of proving an offender's motive beyond a reasonable doubt. However, lack of convictions may also contribute to the reluctance of victims to report these crimes.

Hate crimes can usually – although not always – be prosecuted under state law, though laws vary a great deal from state to state and local enforcement patterns likely differ even more. In 2009, after years of congressional debate, the Shepard–Byrd Hate Crime Prevention Act became law. This law makes a bias-motivated offence a federal crime. By October 2013, a total of 44 people had been convicted under this law. It remains unclear how frequently the Department of Justice will seek to use the federal law, and whether it intends to focus on particular offences, victims or locations. The federal government has also taken action in certain cases where local authorities have appeared to be negligent in their responsibilities to hate crime victims. In one instance, in Suffolk County, New York, hate crimes against immigrants were common and in 2008 an Ecuadorian man was murdered by a group of high school students. A federal investigation of the police department ensued, culminating in a conclusion that local police had not adequately responded to hate crimes. In late 2013, a settlement was reached, giving the United States Department of Justice

oversight over the local police.

Federal hate crime prosecutions and convictions in 2013 represented a variety of types of offences. For example, in Tennessee, two white men were convicted in December of burning a cross on the lawn of an interracial family. In Washington, a man received a 40-month sentence for severely beating a Sikh cab driver whom he mistakenly thought was Muslim. And in Texas, federal hate crime charges were filed against a white man who punched a 79-year-old black man and filmed footage of the incident, apparently as part of the so-called 'knockout' game.

Hate crimes against minorities in educational settings also gained attention during 2013. In November, four students at San Jose State University in California were suspended from school and charged with hate crimes against their African American room-mate. The four had evidently engaged in systematic racist bullying, including name-calling, hanging Confederate and Nazi images on the walls, and clamping a bicycle lock around the victim's neck. As a result of this incident, the California Assembly created a committee on campus climate, charged with investigating and improving diversity conditions at the state's public institutions of higher education. Bias-motivated incidents, such as racist remarks or graffiti, were also reported on a number of college campuses in other states during the year.

The protection of freedom of speech in the First Amendment of the US Constitution means that restrictions on expression, including hate speech, continue to be resisted. Legal actions against hate speech have typically focused on incidents where the verbal abuse is deemed as a prelude or incitement to imminent physical violence. This makes legal action especially difficult in the context of social media, where platforms such as Facebook, YouTube and Twitter are regularly used to post and disseminate hateful and denigrating content. When in April 2014 Senator Edward Markey introduced the Hate Crime Reporting Act of 2014 to require the National Telecommunications and Information Administration 'to update a report on the role of telecommunications, including the Internet, in the commission of hate crimes' and 'include any recommendations, consistent with the First Amendment to the Constitution of the United States … appropriate and necessary to address' these issues, some activists attacked the legislation for its perceived encroachment on free speech.

Nevertheless, hate speech directed at ethnic and religious minorities and indigenous communities, as well as other marginalized groups, remains a visible part of the online landscape. According to a report released in 2013 by the Simon Wiesenthal Center, for example, many thousands of posts were made by people using bias-laden account names or hashtags. A map produced by students of Humboldt State University, using data on racist and other bias-motivated tweets, also illustrated the geographical sources of biased tweets in the United States. The map suggests not only that hate is widespread, but also that certain geographic areas are more likely to express hatred against particular groups.

While the First Amendment to the United States Constitution prohibits most government interference with internet speech, private companies are free to regulate the content that is posted on their platforms. Doing so is problematic for the companies, however, in part because of the volume of material that gets posted, and in part because regulation leaves them open to complaints of censorship. Some companies, such as Twitter and Tumblr, resist hate speech regulations because they are hesitant to block the free flow of ideas. Facebook and YouTube already have policies restricting hate speech, but it is unclear how well those policies are applied. Furthermore, these policies are in need of frequent adjustments.

However, social media users have also developed positive non-legal responses to counter online hate speech. For instance, one Twitter user, YesYoureRacist, retweets racist messages, especially those that contain the phrase 'I'm not a racist but …' Anti-bias organizations such as the Anti-Defamation League and the Simon Wiesenthal Center maintain very active social media presences and have tens of thousands of followers. The Southern Poverty Law Center, for example, had almost 150,000 'likes' in May 2014 on Facebook, and publishes a Teaching Tolerance blog (www.tolerance.org) with materials and activities for educators.

Case study *by Phyllis Gerstenfeld*

Drawing the line between hate speech and freedom of expression in Canada

Like the United States, Canada is a diverse, multi-ethnic society with a history of violence against and oppression of indigenous people, but its hate crime laws are still relatively new and evolving. One important difference between the United States and Canada, however, is that Canadian law has stronger measures against hate speech – that is, about offensive words or images that would not otherwise constitute a criminal offence. In the United States, the Supreme Court has adopted a restrictive approach to fundamental rights limitations, so unless the speech incites violence and is likely to give rise to imminent violence, it is unlikely that a case will be brought. In Canada, by contrast, hate speech may be penalized under other circumstances – though whether particular instances of speech meet the legal criteria for a criminal offence is not always certain.

In April 2013, for example, police refused to file hate crime charges against the Muslim Council of Calgary after it allegedly posted articles on its website accusing Jews of immorality and of plotting to destroy religion, provoking complaints from a local Jewish organization. Calgary police concluded that the articles – which were later removed from the website – were not hate crimes. As the case demonstrates, punishing hate speech raises complex definitional and policy problems. The application and limits of Canadian hate speech codes still appear somewhat unclear.

Furthermore, Canadian hate speech restrictions have been contentious. The debate centres primarily on the same issue that has received considerable attention in the United States and elsewhere: how to protect freedom of speech while discouraging the potentially negative effects of biased speech. This was particularly evident in the case of Section 13 of Canada's Human Rights Act, which includes a provision against the posting on the internet of 'any matter that is likely to expose a person or persons to hatred or contempt'. In June 2013, a bill repealing Section 13 was passed in the Senate, meaning that from June 2014 it will be officially annulled. However, in January 2014 a Federal Court of Appeal ruling found that Section 13 was not unconstitutional and did not violate free

speech – a judgment that could see the law reinstated in future by another government.

Aside from the debate on Section 13, the Canadian Supreme Court upheld the principles of hate speech restrictions in another case from 2013 – in this instance, the application of the provincial hate speech code against an anti-gay activist in Saskatchewan. In doing so, the Court concluded that hate speech restrictions address an important problem and are proportionate to the harmful effects of hate speech. The Court also pointed out that hate speech tends to silence the target group and therefore hate speech itself diminishes freedom of expression. ■

Above: A man from the Dene First Nation in Canada. ***Ami Vitale/Panos.***

Central America

Janet Oropeza Eng and Cecilia Toledo

Indigenous groups and ethnic minorities in Central America still experience significant social and economic inequalities in health, education and political participation as a result of deep-seated structural discrimination. Violence has often played a major role in creating and maintaining these problems, particularly for indigenous women. This includes attacks and intimidation targeting those seeking change. In countries across the region, human rights defenders defending the land rights of minorities and indigenous groups have been killed, injured or threatened as a result of their actions.

Collective and individual rights for indigenous and minority groups are still a long way from fulfilment in Central America. This plays an important role in reinforcing vulnerabilities, including the high risk of violence towards indigenous women. In particular, land entitlement and effective access to natural resources are ongoing issues of concern for indigenous peoples. Private companies operating development projects, mostly large-scale mining and hydroelectric schemes, are in fact benefiting from legal conditions that ensure that lands are secured through expropriation in the name of the 'national interest', rather than consultation. Some countries in the region have established or are considering moratoriums on mining licences to allow mining companies, government officials and indigenous organizations the chance to find a way forward – though so far success in this area has been limited. Conflicting interests between different parties have increased the risk of social conflict, threatening governance and realization of indigenous and minority rights.

The UN Convention on the Elimination of All Forms of Racial Discrimination and the American Convention on Human Rights are two treaties relevant to combating discrimination in

Case study *by Livia Saccardi*

Using street theatre to tackle discrimination in the Dominican Republic

'They do not accept us. In Haiti we are not Haitians. In the Dominican Republic we are not Dominicans. So where are we from?'

'She told me that my parents were foreigners, and she did not want to give me my papers. After one week I went back there and I told her that my parents are not foreigners and that if she is a Dominican, then so are my parents.'

This is what two young women in the Dominican Republic, both members of the country's Haitian minority, said when interviewed for the documentary film *Say My Name*. Dominico-Haitians represent a substantial minority of up to a million people and form a distinct ethnic group. But although many Dominicans have Haitian ancestors and connections, anti-Haitian xenophobia is rife – and the state, despite their considerable contributions to the country, still considers them 'in transit'. Yet only a few government officials acknowledge the existence of this prejudice: in general, authorities claim there is no discrimination.

In this challenging context, beginning in 2010, MRG partnered with a local organization, Movimiento De Mujeres Dominico Haitiana (MUDHA), to challenge commonly held racist attitudes and stereotypes through drama and theatre. This provided an opportunity to engage ordinary members of the majority community in debates about diversity, difference, discrimination, equality and justice. MUDHA, having recruited a theatre troupe with a mix of Dominico-Haitian and Dominican actors, then developed the focus of the play through research. This involved spending time with the minority community – talking with different community members, cleaning a local children's playing area, organizing baseball games – to identify the main challenges for the Dominico-Haitian population. Through this approach, it became clear that the main obstacle confronting them was the absence of official recognition, citizenship and identity documentation.

Their situation was then dramatized in their play to allow the actors to express these issues vividly to a wider audience. 'The programme defied racism. It allowed Haitian people to say in public "I am here. I am like this…"', said one community member working with MUDHA. Through engaging storylines, mixing humour and tragedy, the performance communicated the discrimination that young minority members had experienced to a wider audience. Though the group faced some challenges, especially in engaging the majority population, the final results greatly exceeded the original targets. Street theatre enabled

MUDHA to reach out to new audiences and draw them in emotionally with the story. Rosa Lidia Yan, one of the actors, says:

'We are trying to raise awareness in our own community and the general public. In our play we are expressing our difficulties in getting identity papers and difficulties with discrimination.… The theatre is a help, it gives support to people supporting those that have problems with their documentation not to give up their fight, to continue defending their rights. Because if we do not defend our rights, nobody else will do it!'

This was echoed by Sirana Dolis, acting head of MUDHA, who said:

'We know that the fight will be long and maybe I will not see it [the end] but my grandchildren and great-grandchildren here in the Dominican Republic, they can say their grandmother fought for this.' ■

Above: Participants in MRG's Street Theatre programme put on a performance in the Dominican Republic. *MUDHA/MRG.*

the region. The latter expresses in Article 13 that:

'any propaganda for war and any advocacy of national, racial, or religious hatred that constitutes incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, colour, religion, language, or national origin shall be considered offenses punishable by law'.

Catalina Botero, the Special Rapporteur for freedom of expression of the Inter-American Commission on Human Rights (IACHR), has stated that 'any harmful expression promoting racial hatred, discrimination, violence and intolerance that often precede crimes against humanity should be considered as hate speech and therefore ruled by law'. Most Central American countries have formally acknowledged in their constitutions the prohibition against discrimination on the grounds of nationality, ethnicity, religion, gender, sexual preference, disability and language. Guatemala, El Salvador and Nicaragua, for example, have amended their criminal codes to include hate speech as a crime based on ethnicity that may lead to genocide. Honduras is the first country in the region to penalize hate crimes on the ground of gender, sexual orientation and ethnicity, and make advances towards classifying hate crime as an independent crime. Costa Rica has also adopted secondary laws aimed at preventing discrimination on different grounds, including regulations on coverage in the mass media of specific ethnic groups.

Guatemala

With more than 14 million people, Guatemala is one of the most populous countries in Central America. It is also a multicultural society with a large number of indigenous groups and Afro-descendant communities. Despite a slow economic recovery, unequal distribution has meant that Guatemala remains one of the poorest countries in the region. This impacts disproportionately on the country's indigenous population, particularly women, who suffer markedly lower developmental outcomes in health care, nutrition and education. While literacy rates for non-indigenous young males

in urban areas are 97 per cent, for example, for young indigenous women in rural areas the rates fall to just 68 per cent.

Guatemala continues to struggle with the legacy of its recent history of political violence, particularly towards indigenous peoples, with limited justice for the many victims of human rights abuses during the decades-long civil war. Indigenous women were especially vulnerable to rape and torture, comprising 88 per cent of all those targeted with gender-based violence during the conflict, and continue to experience high rates of violence and discrimination. During the year, some steps have been taken by the government to address impunity and limited access to justice by indigenous women and girls, including the creation of specialized tribunals against femicide in the departments of Chiquimula, Quetzaltenango, Huehuetenango and Alta Verapaz.

The year 2013 began with the announcement in January that cases would be opened against former President José Efraín Ríos Montt, together with retired General José Mauricio Rodríguez Sánchez, for genocide and crimes against humanity, targeting indigenous peoples, during Ríos Montt's tenure between March 1982 and August 1983. The trials started in March and the testimonies of 90 Maya Ixil survivors helped to demonstrate that armed forces implemented a strategy of eradication of Maya Ixil people, who were considered by the government to be linked to the *guerrillas.* Techniques aiming to destroy the 'internal enemy', such as militarization, massacres and scorched earth policies, resulted in the killing of 1,771 Maya Ixil people, the forced displacement of 29,000 people from their ancestral lands and sexual violence perpetrated against women and girls. On 10 May, Ríos Montt was convicted on these charges – the first time a former head of state has been successfully prosecuted in a domestic court for genocide. Ten days later, however, this decision was annulled by the Constitutional Court. It was subsequently announced that the retrial would not begin until January 2015, leaving victims without access to justice.

In July, a break-in occurred at the office of the UN Special Rapporteur on the right to freedom of opinion and expression, Frank La Rue, with computers and other documentation stolen by the unknown perpetrators. La Rue is a Guatemalan labour and human rights lawyer. The incident highlighted the ongoing challenges facing human rights groups in the country. A further high-profile case involved Irma Alicia Velásquez Nimatuj, an indigenous K'iche' activist who has extensively researched the impact of violence and discrimination during the civil war. During the year, following the publication of a critical article, she was publicly denounced by the head of the Foundation against Terrorism, Ricardo Méndez.

Indigenous peoples are still demanding the state's formal recognition of their right to their ancestral lands and natural resources, including their right to determine their own forms of development and their right to free, prior and informed consent. Land rights continue to be a source of violence and social tensions, with the UN reporting 1,336 cases of ongoing land disputes in 2013. Extractive industries in the country have had a particularly damaging effect on communities. Following the end of an extended moratorium on mining licences in the country, hundreds of exploration and exploitation licences for metals mining have been issued, with reports of misleading or inadequate consultation with communities. During the year, indigenous activists protesting mining and hydroelectric projects in their areas continued to be harassed and intimidated for their activities.

Media coverage in Guatemala has been accused of actively encouraging violence. In October 2013, NGO representatives presented details on the current human rights situation at a hearing of the IACHR. Among other issues, the petitioners accused the media of actively conducting a hate campaign against rights defenders, using offensive names like 'lowlifes', 'terrorists' and 'parasites', which they felt reached the level of incitement to violence against them – reinforced by remarks from government officials appearing to condone these attacks. As a result, according to the petitioners, over 600 attacks had occurred against defenders between January and October 2013, an increase of 40 per cent compared to 2012.

Honduras

Elections in Honduras on 24 November brought Juan Orlando Hernández to power as the country's President. Despite limited political support – Hernández secured less than 37 per cent of the votes – the new administration's emphasis on increased militarization has troubling implications for human rights protections. However, even before Hernández's election, a law was adopted in August allowing for the creation of a military police force to perform public order tasks, such as conducting arrests, controlling violence or handling conflicts. Security is a serious issue in Honduras, where homicide rates are the highest in the world. Discrimination and marginalization are also ongoing challenges, particularly for the country's indigenous and Afro-descendant populations. Both continue to suffer social exclusion, poverty and intimidation. The Garifuna community, for example, has some of the highest rates of HIV in the country, placing them in a situation of particular vulnerability.

In 2013, the Congress adopted legislation granting itself the power to remove judges and the country's attorney general, undermining judicial independence and weakening an already compromised justice system. This could impact on indigenous groups and Afro-descendants experiencing abuses relating to land disputes, which persisted during the year, particularly in the Bajo Aguán region. The conflict there has its origin in a 1992 agrarian reform that allowed communal lands to be sold to individuals. Afro-descendant and indigenous leaders who denounce these land rights violations have been repeatedly threatened or killed by state and non-state representatives.

In July, for example, military personnel shot the indigenous Lenca leader Tomás García dead and injured his son while they were taking part in a non-violent demonstration against a planned hydroelectric project in Lenca ancestral lands. Other indigenous members opposing the project suffered threats as well. The IACHR urged the Honduras government to prosecute the perpetrators of these crimes and ensure the security of indigenous Lenca leaders. In September, the indigenous activist, Berta Cáceres, who led the opposition to a hydroelectric project, was charged with the illegal possession of a weapon and for participating in protests. These charges were denounced as motivated by a desire on the part of state authorities to stop her activism. By the end of the year, her trial had not been held.

The Garifuna community are particularly exposed to discrimination and human rights violations. Against a backdrop of entrenched discrimination, violence against Garifuna members also persisted. For example, in July 2013, two Garifuna members were killed with extreme brutality. In November 2013, Amnesty International sent a public letter to all presidential candidates highlighting the various structural challenges that Garifuna members face. These include inadequate access to public services and decision-making processes, the absence of justice regarding crimes and abuses against the Garifuna, and the weak enforcement of the right to free, prior and informed consent. It called for greater protections for both Garifuna and indigenous communities from rights violations by state officials and non-state actors.

These incidents highlight how issues such as land rights and broader discrimination against minority and indigenous groups in Honduras contribute to violence against them. There were some positive signs of progress as well during the year, however, such as the granting of ownership deeds by the government to five Miskito indigenous groups. As a result, the Miskito indigenous community now owns approximately 7 per cent of the country's land. With this measure, the government ended a conflict that lasted over 40 years and involved a large number of violent deaths.

At the beginning of the year, the first Public Policy and National Action Plan for Human Rights was approved. It mandates each ministry to consider the realization, promotion and enforcement of human rights in their planning and budgeting. This plan is expected to be continued by the government elected in November. If properly implemented, this plan could guarantee and promote the rights of indigenous peoples and Afro-descendants, which to date have not been protected. In February, the Penal Code was also amended to

prohibit incitement of discrimination publicly or through the media for a variety of criteria, including ethnicity or origin, nationality, language and religion.

South America

Antonio Cicioni and Natalia Torres

Despite significant economic growth and investment in the region, indigenous peoples and minorities such as Afro-descendant communities continue to experience disproportionate levels of poverty and marginalization. In many cases, development driven by governments and multinationals in areas such as infrastructure, energy and mining is having a direct impact on these groups. Across the region, groups continued to be exposed to displacement and violence in relation to land and natural resource access, with protesters silenced, imprisoned or even killed. In some cases, such as Brazil or Peru, these incidents have been enabled by broader public policies. In the case of Colombia, insecurity and militarization in indigenous areas has also contributed to targeted attacks on local residents.

Indigenous and Afro-descendant groups in South America still struggle with the legacy of colonialism, including racist denigration. In Brazil, despite the country's stated inclusiveness, historical discrimination is still strongly felt today, with stereotypes reinforcing these inequalities. In some countries, the media may also perpetuate the invisibility of certain groups by, for example, presenting them humorously or excluding them from soap operas, television programmes and other mainstream platforms – a major element in what has been described in Brazil as a 'dictatorship of whiteness'. Importantly, however, the region is also seeing a political shift in favour of anti-discrimination. Argentina and Bolivia, for example, are actively recognizing the role of indigenous culture. While these steps are being resisted in some quarters, including sections of the media – such as a November 2013 opinion piece in one of Brazil's most influential newspapers which opposed the introduction of quotas for Afro-descendants in the federal parliament as 'electoral apartheid' – they could reduce the vulnerability and rights gaps that underpin acts of violence and denigrating language against the most marginalized groups.

Bolivia

Bolivia has the highest proportion of indigenous people in the Americas, amounting to 35 per cent of the total population in the 2012 national census. In 2005 the country elected the first indigenous President in the region, Evo Morales, and since then has pursued a sustained policy of 'decolonization' to deliver systematic improvements to the situation of indigenous peoples and minorities. Nevertheless, Bolivia's long history of colonial violence and discrimination continues to affect these groups.

A number of progressive measures have been taken by the government to overcome the root causes of discrimination. Government offices have been created, including the Vice-Ministry of Decolonization, as well as the National Committee against Racism and All Forms of Discrimination. The National Committee had its first ordinary session in October 2013. The departmental committees are essential for the implementation of the 17 different programmes that compose the current national strategy, with several activities undertaken during 2013. These included courses on decolonization for public servants, involving more than 600 participants during 2013. Training sessions were also provided to members of the judiciary and other authorities in response to long-standing criticisms of systematic racism within many public bodies. During the July 2013 'Plurinational Symposium for Decolonization and Depatriarchalization of the Justice System', a high-ranking official said that 'to move from a colonial [system of] justice to a plural one lies in including historically excluded peoples, making judicial processes more efficient, and generating norms that respect Bolivia's diverse cultural realities'.

The government has also been active in promoting positive representations of the indigenous population and their place in the

Above: An Afro-Bolivian woman dances during a carnival parade in Bolivia. *David Mercado/REUTERS.*

country, particularly through education. This included, in 2013, the launching of an academic network of racism studies and publications on related topics, such as the liberation struggles of indigenous peoples during colonial rule and the Afro-Bolivian community. In May, 14,000 students participated in a 'Plurinational Day against Racism and All Forms of Discrimination', while in September on-the-spot assessments were conducted in hundreds of schools across the country to assess the practical implementation of anti-discrimination legislation. There were also a number of other events and activities recognizing the cultural and historical contribution of indigenous peoples and minorities, including the construction of monuments commemorating female and male anti-colonial leaders, a campaign to revive the traditional Andean 'Christmas' and a celebration of Afro-Bolivian music. While these activities have been launched through the initiative of the state, there has been a progressively stronger uptake from civil society and local communities.

These efforts have been underpinned by a number of anti-discrimination laws. In 2007, Bolivia became the first country to introduce the United Nations Declaration on the Rights of Indigenous Peoples into local law. The new Constitution, formally approved in 2009, provides for the development of a comprehensive legal framework. One of the most prominent laws is the 2010 Law against Racism and All Forms of Discrimination, also known as Law 045, which criminalizes a range of racist or discriminatory actions, including violent incitement and the dissemination of racist or discriminatory material through media and other means. This legal instrument was welcomed among indigenous communities and came after years of advocacy by NGOs and the UN Committee on the Elimination of Racial Discrimination. It has been publicly commended by UN representatives since its approval. Following its passing, Article 281 of the Bolivian Penal Code was also amended to include hate speech.

However, the country is still some distance from achieving its ambitious 2025 target of 'zero racism and discrimination'. Between January and October 2013, the Vice-Ministry

of Decolonization accepted 135 complaints about racism or discrimination, though 22 were subsequently dismissed; 15 were based on cultural identity and 14 on geographical precedence. However, Law 045 has given greater visibility to these issues. While few complaints were registered before its passing, since then numbers have grown to an average of around 12 each month and the government has started to publish monthly reports. Nevertheless, despite giving greater visibility to these issues, no one has yet been convicted as a result of Law 045, even though hundreds of formal complaints have been lodged. Officials have argued that the problem resides not in the law itself but in deeper shortcomings within the justice system. A case in early 2014, when a passer-by who attacked and racially vilified a young journalist in the city of Santa Cruz de la Sierra was subsequently released without charge, was cited in an article by the Inter Press Service as an illustration of the law's lack of practical implementation.

At the same time, notwithstanding its limited effect so far, Law 045 has also attracted criticism for its inclusion of fines and prison sentences of up to five years for media and journalists charged with spreading or endorsing racist and discriminatory material. For instance, following their coverage of a speech by Morales in 2012, three media outlets were accused of inciting racism and discrimination in a move condemned by Article 19 as 'an illegitimate attempt to restrict freedom of expression'. Another journalist accused by authorities of disseminating racist material in late 2012, Marianela Montenegro, also claimed that the government was launching a politically motivated campaign against her.

Accusations of hate speech have also extended into the Bolivian political arena during the year, with the government accusing a leading opposition figure of discriminatory language in October after he called Morales a 'tenant in the presidential palace'. The Minister of Communication said that this expression 'denotes that the grandchildren of the Spanish conquerors have always considered indigenous peoples as tenants in their own land'. Incidents such as these remain highly divisive, suggesting that Bolivia's programme of 'decolonization' remains an ongoing process.

Brazil

Brazil's huge population – nearly 200 million – is largely made up of Afro- and Euro-descendants, with indigenous peoples and Japanese-descendants also forming sizable communities, though both under 1 per cent. According to the 2010 national census, 50.7 per cent of Brazilians identify themselves as *preto* (purely Afro-descendant) and *pardo* (mixed-race). The majority of these are descended from the estimated 3.7 million people imported from Africa to Brazil as slaves. Though Brazil only abolished slavery in 1888, making it the last country in the Americas to do so, widespread intermarriage between different groups and the lack of formal segregation in the post-abolition era has meant that it was subsequently presented as a 'racial democracy' without discrimination based on ethnicity. However, beginning in the 1970s, the *Movimento Negro* or Black Movement began to condemn 'racial democracy' as a false concept.

Indeed, this representation has been increasingly questioned by critics in recent years, who have highlighted the ongoing reality of discrimination and repression experienced by particular ethnic groups. The severe inequities faced by Afro-descendants are reflected in every area of their lives, from health and education to employment and wealth. Average incomes for black households are just 43 per cent those of white households, for example, while average life expectancy for Afro-Brazilians is almost seven years less than for white people. According to the National Network for Social Monitoring and Health of the Black Population, black women are even given less anaesthesia during normal childbirth. Half of all Afro-Brazilians are also illiterate, with 40 per cent not having completed elementary school. Politically, too, black people remain heavily under-represented. Out of 81 senators, only one self-identifies as black; just one of the 38 members of President Dilma Rousseff's cabinet is black.

Nevertheless, there has been some evidence of progress. The Supreme Court President is, for the first time, a black person. A large proportion of the 30 million Brazilians who have left poverty over the past decade are black. Most importantly, more and more Afro-Brazilians are going to court

about racism and winning settlements. There are more signs of ongoing cultural change: on the agenda of an employees' strike that stopped banks in October 2013, one of the demands of trade unions was the allocation of at least 20 per cent of vacancies to black employees. These are signs of a broader re-evaluation of racism in Brazil and a growing commitment to addressing its underlying causes.

Brazil has also begun to roll out a range of initiatives to combat discrimination in the labour market. Since 2012, for example, public universities have been obliged to set aside half of their places for public high school students, largely aiming to benefit blacks. In November 2013, Rousseff presented a bill for introducing a 20 per cent quota for Afro-descendants in the federal public administration. Similar measures have also been taken up by some states, sometimes with even higher quotas. Parliament is currently discussing a 33 per cent quota for blacks in the lower chamber, a provision that would initially last for two decades.

In spite of these measures, what commentators have described as a 'dictatorship of whiteness' persists in Brazil, evident in literature, television programmes, magazine stands and even store window displays. This cultural dominance is especially pervasive in mass media. Activists and researchers have repeatedly criticized the roles assigned to blacks in television shows and soap operas, arguing that they reinforce established stereotypes that marginalize or silence them. Until 2013, when the Afro-Brazilian journalist Maria Júlia Coutinho was appointed to the role, one of the largest TV stations in Brazil, Rede Globo, had never featured a black TV personality presenting the weather. This widespread and systematic exclusion is why the main theme of the 2013 National Conference for Racial Equality in November was equality and representation in mass media.

This bias is especially evident in the fashion and beauty industry. In the north-eastern state of Bahia – considered the centre of Brazil's African-oriented culture – the organizers of the Miss Bahia 2013 beauty contest were criticized for fielding only two black women out of a total of 30 participants. While one of the black contenders was subsequently crowned the winner, the incident was seen as another example of the routine under-representation of black women. In November, Rio Fashion Week's representatives, following previous controversies and protests led by the NGO Educafro, reportedly signed an agreement to ensure that a minimum of 10 per cent black models were included in the event. Other incidents during the year also highlighted the continued marginalization of black women from mainstream fashion platforms.

Although until 1951 there was no formal recognition of discrimination in its law, Brazil has more recently developed a legal framework to tackle the issue. In 1988, a new Constitution finally included different clauses related to racial discrimination, making it a crime subject to penal law, while also establishing state protection for indigenous and Afro-Brazilian cultures. Law 7716 on racism was passed the following year, criminalizing a range of discriminatory practices. In 1997, the law was extended by parliament to include racist hate speech.

Despite this, however, hate speech remains widespread as a result of the continued marginalization of the Afro-Brazilian population. Numerous reported cases during 2013 illustrated the regular occurrence of discrimination or abuse in a variety of everyday contexts, including stores, shopping malls, restaurants and supermarkets. A number of incidents of online hate speech also gained attention during the year. One of the most controversial cases was a racist advert with a photo of two black children on an online shopping website, offering 'blacks for sale' for less than a dollar. Troublingly, some incidents were allegedly carried out by staff and personnel in institutional locations such as hospitals and schools. In March, a political uproar also ensued when the federal House of Representatives elected a right-wing member, Marco Feliciano, as President of the Human Rights and Minorities' Commission. He had tweeted derogatory statements about Africa, among other denigrating remarks. According to the Commission website, Feliciano no longer holds the position.

A number of high-profile violent incidents occurred during the year. These included, in March, the beating of a young Afro-Brazilian

girl in Brasilia by other girls for being black. The case attracted much media coverage and shortly afterwards the city government created the *Disque Racismo* (Dial Racism) hotline. The service received hundreds of calls within the first fortnight of its operation. In April, a 71-year-old black man was beaten into a coma by a suspected neo-Nazi group, who assaulted him while he worked as a car guard. He died of his injuries two months later. In October, another elderly Afro-Brazilian was killed by a policeman after an argument in a bar where he allegedly objected to the other's use of a racist description of him. These cases highlight the ongoing reality of discrimination that the non-white population experiences, despite many positive measures in recent years.

Indigenous peoples also continued to struggle against entrenched discrimination during 2013. Many groups have found themselves on the frontline of Brazil's rapid development, including the expansion of farmland into community territory. In May, following pressure from interest groups, the government announced that it would widen decision-making over the demarcation of ancestral lands to involve agricultural representatives – a move denounced by indigenous activists as undermining their land rights. Later that month, the eviction by police of a group of indigenous Terena from a ranch in the western Mato Grosso do Sul state, recognized as part of their ancestral territory in a 2010 court ruling, ended with the death of one protester. Following their reoccupation of the land, another protester was injured by unidentified gunmen. Tensions between farmers and indigenous groups continued throughout the year. At the year's end, both sides were reportedly dissatisfied with the government's attempts to broker an agreement.

In addition to the ongoing destruction of tribal forests by illegal loggers, indigenous groups have also been impacted by government-led development programmes such as the controversial Belo Monte dam. In May, following local demonstrations at the site, a number of journalists covering the protests were reportedly expelled from the area. However, in October a regional federal court – the first of its kind in the country – put construction on the project on hold, announcing that a new environmental permit would not be issued until the project satisfied certain environmental criteria. However, the ruling was overturned five days later.

Quilombola also struggled to secure their land rights in the face of encroachments by a bauxite mining company. In Rio de Janeiro, ahead of preparations for the 2014 World Cup, demonstrators calling for the protection of a small indigenous museum next to

Case study

Countering racism in South American football

It is well known how enthusiastic South Americans are when it comes to football. However, while the region has attracted positive attention for the passion and commitment it invests in the game, this image has also been tarnished by incidents of racism. As in other regions, South American stadiums are places where hate speech and xenophobia have become all too apparent. In many ways, this development is an unwelcome consequence of two positive phenomena – the increasing importance of regional rather than national tournaments, and more frequent migration of players within the region. With Brazil set to host the World Cup in June and July 2014, the pressure to transform negative attitudes within the game towards minorities has become even more acute.

The Fédération Internationale de Football Association (FIFA) took action to reduce hate speech in stadiums in 2013 with its 'Resolution to Fight against Racism and Discrimination', released in May. The document calls for football organizations around the globe to adopt a range of measures, including: the design of an action plan to fight racism; the appointment

of a national Officer against Racism to assist referees and public authorities; and the implementation of a severe and strict framework of sanctions to prevent discriminatory actions. Nevertheless, FIFA itself attracted criticism after it announced that a pair of white actors would be hosting the ceremonial Final Draw of the Cup – a move that was seen by some as a snub to the two black actors originally suggested by a Brazilian TV network.

Nevertheless, Brazil and FIFA have agreed that the 19th World Cup will be 'the Cup against Racism'. The tournament is an unmatched opportunity in terms of global reach, and President Dilma Rousseff of Brazil has made it clear that it is her goal to use it to spread a message of fraternity, promoting peace and countering racism. The Brazilian Football Association determined, among other measures, that during the 2014 Championship all referees would wear a badge on their shirts with the message 'We are all equals'.

Some initiatives have emerged from local clubs. Brazil's Gremio, for example, has launched large campaigns based on FIFA's plan. In Gremio's case, a key element was the participation of Zé Roberto – a hero of the club and the national team – telling audiences about his own story of discrimination because of his skin colour. However, as an incident in March 2014 illustrated, the process of transformation among fans is still a slow one. The club was fined US$35,000 after supporters subjected a defender playing for Internacional to racist abuse.

Brazil is hardly the only country where racism is evident among football supporters. The Peruvian Football Association established a set of preventive measures and sanctions in 2013. For example, at the beginning of every match the audience will be informed about the preventive measures. In case of any racist incidents, the referee will warn the public. If the incidents continue, matches will be stopped. Nevertheless, problems have persisted, as demonstrated in early 2014 when an Afro-Brazilian player for Belo Horizonte's Cruzeiro was insulted by Cusco's Real Garcilaso supporters: every time he touched the ball, monkey-like shouts would come from the benches. The South American Football Association opened an investigation and announced sanctions for the Peruvian team.

Uruguay has also developed a set of responses to address hate speech relating to football. After supporters of Danubio, from Montevideo, shouted out racist songs against an Afro-Colombian player of rival River Plate, the former received a fine – the first sanction against a club for racism in the history of Uruguayan football. In another case relating to Uruguay, it was a referee who insulted an Afro-descendant player who refused to leave the field after having been sent off. The match was suspended, and the referee is being prosecuted. Cases like these demonstrate how entrenched racism is among certain sections of the football world – but also a growing commitment among players, fans and officials to root these attitudes out from the game. ■

Maracanã football stadium were forcibly expelled by police. Land and resource conflicts have often pitted indigenous peoples against farmers, developers, illegal loggers and other groups. In June, the Indigenous Missionary Council announced that rising numbers of indigenous people had been killed since 2002, with 452 deaths between 2002 and 2010, compared to 167 between 1995 and 2002.

Colombia

Colombia's long history of internal conflict between the government and the Revolutionary Armed Forces of Colombia (FARC) continued in 2013, impacting disproportionately on minorities. A 2013 study by the organization Consultoría para los Derechos Humanos y el Desplazamiento (CODHES) reported that there were approximately 52,000 Afro-Colombians

displaced during the previous year, amounting to more than 20 per cent of the total number of displaced in the country in 2012.

Afro-Colombians have experienced long-standing poverty and marginalization in the country. Average incomes are just a third of those earned by white Colombians, for example, while as many as 60 per cent of Afro-Colombians do not have access to basic health care. This makes them especially vulnerable in a context of protracted insecurity.

Activists who have advocated for basic rights or political participation for their communities have regularly been targeted. Demetrio López Cardenas, an Afro-Colombian political leader in La Caucana, who had received death threats when he ran for a position on the community council, was assassinated in February 2013. He had reported his case to the Attorney's Office in August 2012, and the prosecutor immediately asked for a risk assessment and for protective measures to be put in place. However, no steps had been taken to implement this request by the time he was shot. Like López, many other Afro-Colombian activists have been assassinated for their involvement in rights issues.

The country's indigenous population, comprising 3.4 per cent of the national population, were also excluded from basic rights and access to ancestral lands during the year. Like many Afro-Colombian communities, indigenous groups have frequently been targeted due to their location in areas with valuable natural resources. In March, the Colombia National Indigenous Organization (ONIC) and the Andean Coordinating Body of Indigenous Organizations presented a report to the Inter-American Human Rights Commission (IACHR) highlighting the vulnerability and marginalization of indigenous peoples in the country, with 65 out of 102 communities at risk of cultural or physical extinction. Many smaller groups have also been displaced as a result of the conflict. These included, in March, the reported displacement of 227 people among the Awá community in southern Colombia as a result of military operations. Two Awá community leaders were also assassinated during the same period. Other indigenous groups, such as the Nasa Sath Tama Kiwe de Caldono community, reported rights abuses and violence as a result of increasing militarization in their area. In October, Amnesty International reported that large numbers of indigenous protesters had been injured by security forces during demonstrations and that there had also been threats of 'social cleansing' from paramilitary forces.

In 2013, Colombia's Constitutional Court set an important precedent, which has had regional repercussions (for example, it has already been referred to Peru's Ombudsman). It gave an emphatic warning to a university in Bogotá because one of its professors had used racist language towards an Afro-descendant student. The student had submitted a complaint, arguing that his right to equality, dignity and education had been violated repeatedly. The professor used expressions of common parlance that equate Afro-descendants with slaves, sometimes even as he watched the student with mocking laughter (the young man was the only Afro-descendant in his class). The Court determined that no such expression could be used in Colombian classrooms, and ordered the university to avoid the repetition of these actions and to organize an event to celebrate Afro-Colombian culture and its contribution to the country. The Court asserted that educators using such language are 'acting cruelly', and that they are also violating the constitutional rights to education and to equality. Furthermore the Court considered that such expressions reinforce racist stereotypes, whereas education should be central to preventing and combating racism and xenophobia.

Colombia's national Law 1482, better known as the Anti-Discrimination Law, specifically criminalizes acts of discrimination based on characteristics including ethnicity and xenophobia. It also establishes the legal basis on which hate speech and hate crime are combated, protecting the rights of those subjected to racist or ethnic discrimination. Enacted in 2011, it has met with strong resistance from conservative groups and two lawsuits claiming it violates constitutional rights. In 2013, the Constitutional Court struck down one of these lawsuits, which disputed the constitutionality of the Anti-Discrimination Law on the grounds that indigenous and Afro-descendant groups had not been consulted sufficiently. The Court ruled that,

in this case, prior consultation with marginalized communities was not required because the law is intended to protect society as a whole. The other lawsuit attacked the regulation from a different angle, pointing out that it is unconstitutional to incarcerate people for expressing their ideological, religious or moral opinions. This motion against the Anti-Discrimination Law was supported by Colombia's Inspector General, who requested the Court to repeal the law because of its violation of the rights to free expression and religious freedom. In this second case, the Court declined to issue a definitive ruling.

A number of cases involving Law 1482 occurred during 2013 in Cartagena – one of the few large cities with an Afro-descendant majority in Colombia – in the courts. This included, in August, an official from the city's government being charged following accusations of hate speech for posting denigrating comments on his Twitter account. The case has received considerable media coverage and is being led in the courts by black community leaders. Other court cases involved incidents earlier in the year concerning verbal abuse and physical aggression against a black community activist at the airport, and a researcher belonging to the national university in a supermarket. However, at least one commentator has argued that a major reason these cases reached this level was because of the public profile of the victims or the attacker, meaning that they represented only a small portion of actual incidents.

In the context of Colombia's current insecurity and weak rule of law, systematic political and social reform is needed to provide the country's minorities and indigenous communities with protection from violence and rights abuses. This means addressing the root causes of the displacement and assassinations that Afro-Colombians and indigenous peoples continue to experience. Despite the ongoing challenges, there were some signs of progress during the year in strengthening the rights of these groups. In February, for example, a judge suspended mining operations in approximately 50,000 acres of indigenous lands due to the company's insufficient consultation with local communities. The same month, a controversial eco-tourism project was put on hold following a court ruling on similar grounds. In May, Colombia also recognized 'the national and cultural interest' of indigenous sacred land – an important step in protecting customary territories from development such as mining. These measures, if extended and successfully enforced, could play an important role in preventing future violence against minorities and indigenous groups.

Peru

Around 80 per cent of Peru's 30 million inhabitants identify themselves as either Amerindian or *mestizo* (mixed). The relative centrality of *mestizo* and Andean indigenous culture has resulted in a number of significant social movements and even political ideologies. Although the white minority still holds a disproportionate share of political and economic power, Peru's Amerindian community has been able to benefit from the country's recent extraordinary economic growth.

The Afro-Peruvian minority is less fortunate. A 2013 study conducted by the United Nations Development Programme concluded that Afro-Peruvians have experienced economic stagnation, with no important reduction of poverty standards during the recent years of fast growth. The challenges facing Afro-descendants in Peru are heightened by their invisibility. For example, the name of the government office created in 2001 to safeguard the interests of minority and indigenous groups, the National Commission for Andean and Amazonian Communities, does not mention the Afro-descendant community despite this group being included in its remit. While the Constitution also contains a number of provisions for Amerindian communities, endowing them with legal status and rights to identity, autonomous administration of their land and communal work, no article of the Basic Law refers to Afro-Peruvians. There are in fact few specific references to Afro-Peruvians in the whole of Peru's legislation.

Many isolated indigenous groups also face ongoing insecurity and rights abuses relating to resource extraction on their ancestral lands. The government has announced plans to strengthen the protection of special reserves from encroachment, but photographs in an internal report reportedly documented extensive illegal

clearings linked to gas concessions. In March, the UN's Committee on the Elimination of Racial Discrimination called for an immediate halt to the expansion of the Camisea gas project into Nahua-Nanti territory. Survival International also reported that seismic testing had been conducted by a Colombian-Canadian company in the north of the country in an area that is home to uncontacted indigenous people. The 2011 'prior consultation law', requiring government consultations with indigenous peoples before beginning development or extraction projects in their area, was also rolled back to exempt Quechua-speaking communities from its protections. A lawsuit was filed by a Peruvian rights organization in August against the Energy Minister and the company responsible for the Camisea project to halt work on the concession.

Minority and indigenous groups continue to experience discrimination. This was reflected in the results of the First National Survey on Human Rights, released by the Ministry of Justice in December 2013. The survey found that while on average 40 per cent of the people polled reported that their right not to be discriminated against was not usually respected, in the case of indigenous communities this perception rose to 57 per cent, while for the Afro-Peruvian population it reached as much as 64 per cent. There are a number of legal measures in place in Peru focusing specifically on discrimination in areas such as employment and education. In 2013, Peru also passed Law 30096 on Informatics Crimes, which in its Article 323 punishes anyone who, by themselves or through third parties, 'discriminates against one or more persons or group of persons or incites or promotes publicly discriminatory acts' motivated by racism, religion and other characteristics, via the internet. In addition, some measures are

Left: An indigenous Andean dancer performs during Day of the Dead celebrations in Peru. *Enrique Castro-Mendivil/REUTERS.*

being consolidated at the local level: between 2011 and 2013, more than ten municipalities enacted regulations to counteract discriminatory offences. Given how recently they have come into force, there is little information available on their implementation.

According to the last Ombudsman Office's Report on the Fight against Discrimination, 52 complaints about discrimination were submitted in Peru in 2012, with a further 17 incidents recorded between January and March 2013. One example was a case that took place in 2012 involving an Afro-Peruvian student at a tertiary school in Callao city, who was subjected to constant verbal abuse by one of his teachers, with other students subsequently joining in. Discriminatory language also continued to feature in the media. Lundu, a renowned NGO that advocates for Afro-Peruvian rights, launched in 2013 its Observatory against Racism, an initiative to monitor discriminatory attitudes and hate speech in national media. For the first trimester alone, the Observatory found 400 violating news pieces, 80 per cent of them related to sports newscasts. Lundu was also involved in a legal case against a television station over a programme that mocked the Afro-Peruvian community. After three years of litigation, it won the case – the first time the Peruvian government has penalized a media outlet for racism.

During 2013, the national Ombudsman's Office also played an active role in the fight against discrimination and racism. Besides processing and resolving complaints, although it has no sanctioning power, it launched a number of initiatives. One example is the Race against Discrimination, with more than 6,000 participants. The Ministry of Culture also launched an online platform, Warning against Racism, aiming to provide information and to promote interaction on issues related to ethnic and racial discrimination. The website provides tools to empower citizens and generates updated statistics on acts of ethnic and racial discrimination that occur in Peru. The resulting information is intended to influence the formulation and design of public policies in the immediate future. The Ministry of Culture has implemented other initiatives, such as the translation of the Law on Water Resources into five indigenous languages and the release of a handbook for police stations in Quechua, the most widely spoken of indigenous languages. In December 2013, the Ministry of Justice and Human Rights also launched the National Commission against Discrimination, in collaboration with other ministries. The Commission monitors developments and advises the national executive branch on public policies on equality and non-discrimination. Initiatives such as these aim to address the different structural causes of discrimination in Peru. ■

RUSSIA
KAZAKHSTAN
MONGOLIA
UZBEKISTAN
TURKMENISTAN
KYRGYZSTAN
TAJIKISTAN
AFGHANIS-
TAN
Jammu and
Kashmir
CHINA
PAKISTAN
TIBET
NEPAL
BHUTAN
BANGLADESH
INDIA
BURMA
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THAILAND
VIETNAM
CAMBODIA
JAPAN
NORTH
KOREA
SOUTH
KOREA
TAIWAN
Hong Kong
PHILIPPINES
Andaman
and
Nicobar
Islands
SRI LANKA
MALDIVES
BRUNEI
MALAYSIA
SINGAPORE
Borneo
Sulawesi
Sumatra
I N D O N E S I A
TIMOR-LESTE
Java
PAPUA NEW
GUINEA
Bougainville
SOLOMON ISLANDS
Wallis and
Futuna (FR.)
FIJI ISLANDS
French Polynesia (FR.)
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AUSTRALIA
NEW ZEALAND
P A C I F I C
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Asia and Oceania

Dawood Ahmed, Nicole Girard,
Hanna Hindstrom, Gabriel Lafitte,
Katya Quinn-Judge, Jacqui Zalcberg

Central Asia

Katya Quinn-Judge

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

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

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

Kazakhstan

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

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

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

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

Officials did, however, level several high-profile charges of 'inciting religious hatred' in 2013. In March, human rights activist Aleksandr Kharlamov was charged with 'inciting religious discord' after publishing a series of atheistic posts on a social network, and sent for forced psychiatric evaluation. The charge carries a possible sentence of up to seven years in jail. Some observers have claimed that the charges are retaliation for publications on law enforcement abuses and corruption in the court system. In a May 2013 press release on Kharlamov's case, Human Rights Watch noted that they had 'repeatedly called on Kazakh authorities to amend or repeal the charge of "inciting social, national, clan, racial, or religious discord or enmity"… as this provision is vague, broad, and criminalizes behavior and speech protected under international human rights law.' In July, Bolat Amirov, an observant Sunni Muslim and former employee of the state prosecutor's office who claimed he left disillusioned with corruption, was also charged with incitement for lending an acquaintance several DVDs on the study of Islam. This was the second attempt to charge Amirov, after a court determined in 2012 that the disks contained no incriminating material.

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

Kyrgyzstan

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

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

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

Numerous chronologies of the violence of 2010 have suggested that heated rhetoric in the months leading up to the conflict played a significant role in pitting Uzbeks and Kyrgyz against one another. Kyrgyz-language newspapers published several anti-Uzbek editorials, including one that famously recommended that Uzbeks be expelled from Kyrgyzstan to allow impoverished ethnic Kyrgyz to take over their land. At the other end of the spectrum, leaders of the country's Uzbek National Cultural Center were rumoured to have called for an autonomous Uzbek region within Kyrgyzstan, but it has been suggested that these remarks were purposefully distorted by certain leaders of the Kyrgyz community.

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

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

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

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

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

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

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

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

Tajikistan

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

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

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

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

Outspoken critics of Tajikistan's government experience regular harassment by state organs, according to numerous domestic and international human rights groups. Those who criticize the government's policies towards ethnic minorities are no exception. Salim Shamsiddinov, head of the Uzbek minority society in Khatlon, disappeared in March 2013 after he appealed to the Uzbek minority to support an opposition candidate in the then-upcoming presidential election. In July, authorities claimed that a drowned body they had recovered was Shamsiddinov's, and that it bore no signs of violence. His family has since denied that the body is his.

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

Uzbekistan

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

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

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

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

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

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

Case study

Using the internet to pre-empt hate speech in Kyrgyzstan

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

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

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

Case study continued

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

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

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

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

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

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

South Asia

Dawood Ahmed and Nicole Girard

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

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

Afghanistan

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

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

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

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

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

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

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

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

Unfortunately, uncertainties concerning human rights monitoring and transitional justice do not bode well. The highly respected Afghan Independent Human Rights Commission (AIHRC) was largely suspended for 18 months due to numerous unfilled vacancies among its commissioners. After pressure from donors, President Hamid Karzai filled the posts in June 2013, although without consulting civil society. Several of the five appointees had little human rights experience or had criticized basic human rights concepts. Moreover, the AIHRC's groundbreaking 800-page report on war crimes and crimes against humanity remained unpublished, despite having been completed several years ago.

Bangladesh

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

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

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

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

The Special Rapporteur on violence against women made an official visit to the country in May. In her concluding press statement, Rashida Manjoo made note of the rights of women from indigenous groups in Chittagong and Rangamati, and the violence suffered by indigenous women, particularly as a result of gaps in implementation of the 1997 Peace Accord and continued militarization in the Chittagong Hill Tracts (CHT). The CHT is home to the indigenous Jumma or Pahari peoples, and the Peace Accord legally established their customary rights, including rights to land, traditional governance structures and demilitarization. In addition, the Land Commission Act of 2001 was intended to solve disputes between Bengali settlers and indigenous peoples dispossessed from their lands through the creation of a Land Commission. To date, however, it has not resolved a single case. In 2013, a CHT Land Disputes Resolution Commission Act (Amendment) Bill was drafted in order to remedy contradictory provisions in the Land Act. The cabinet approved the amendment in June, but the end of the year did not see a parliamentary adoption of the bill. Bengali settlers continued to protest the proposed amendment. Meanwhile, attacks and land grabbing continued in the CHT: in August, arson attacks by settlers in the Taindong area of Matiranga sub-district resulted in 12 persons injured, 34 burned houses, two damaged Buddhist temples, 259 looted homes and 2,000 families fleeing across the border. Locals say the Bangladesh authorities did not do enough to prevent the attacks or stop them once they had started.

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

India

As India entered the run-up to its general

Case study *by Livia Saccardi*

Action against untouchability in Bangladesh

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

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

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

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

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

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

You have been involved in campaigning for an anti-discrimination law that could be approved by the current parliament. Could you please explain what this involves*?*
Yes, since 2011 I have been working to support the development of anti-discrimination legislation in Bangladesh, with the support of MRG. As a result, the

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

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

Could you please highlight its main strengths?

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

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

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

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

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

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

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

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

In June, the Asian Centre for Human Rights urged the National Human Rights Commission (NHRC) to recall cases pending with the Manipur Human Rights Commission, which was described as 'defunct', as the positions of the chairperson and other members have been vacant for years. Manipur is a state in north-east India with large indigenous populations, such as Naga and Kuki, which has experienced heavy militarization for decades with little redress for extrajudicial violence. By October, the NHRC announced that it is sending a team to investigate complaints of violations committed by armed forces and rebels against civilians. Manipur NGOs have called for a Special Investigation Team to probe the more than 1,500 cases that are currently pending in the Supreme Court.

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

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

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

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

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

Participatory research *by Sajjad Hassan*

Understanding the dynamic of communal riots against Muslims in Muzaffarnagar and Shamli districts, Uttar Pradesh, India

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

Context – Muzaffarnagar and Shamli districts before the riots

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

This case study looks at the drivers and

Participatory research continued

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

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

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

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

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

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

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

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

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

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

This was even acknowledged among the Jat community:

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

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

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

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

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

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

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

Impacts of the riots on the lives of minority members

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

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

As of April 2014, an overwhelming majority of poor labouring families remain displaced. A large number are living in makeshift camps in deplorable conditions: many children died during the cold months. Life in these camps is characterized by insecurity, with little support from the state government, which is actively seeking to shut down the camps.

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

Education is another area where the impact has been severe.

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

The challenge of return

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

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

Victims also informed us how their livelihoods have been impacted.

Participatory research continued

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

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

Moving towards reconciliation

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

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

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

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

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

'Those responsible for the violence are roaming about freely. The police know who they are, but are not arresting them. This gives the Jats the opportunity to put pressure on us to withdraw cases. We must have the assurance of security. Without that how will we survive?' Muslim, male, February 2014

Muslim villagers also highlighted the need for positive shared dialogue:

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

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

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

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

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

April, the Supreme Court issued a notice to the central government and the Election Commission of India, advising that there should be stronger regulations on the use of hate speech and incitement to violence by elected representatives. This request is complicated, however, by immunity provisions for parliamentarians, bestowing freedom of speech for anything said in parliament or in a court of law. Continued attacks on minorities also renewed calls in support of a draft anti-communal violence bill. Continuing on provisions made from a similar draft bill in 2011 that stalled in parliament, the new draft bill seeks to protect minorities against violent attacks and imposes duties on the central and state government to prevent and control violence. NGOs in Madhya Pradesh welcomed the bill, as there is no strong central law to protect minorities against violence, ensure reparations for victims or hold perpetrators, especially politicians, accountable for their role in violence. By December, the Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2013 was passed by the cabinet and was pending approval in the parliament.

Nepal

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

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

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

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

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

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

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

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

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

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

Pakistan

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

Many of the most violent attacks against Shi'a have been concentrated in Baluchistan, in particular around the city of Quetta where there is a large community of 500,000 Shi'a Hazara. On 10 January, an estimated 91 people, mostly Hazara, were killed and at least 150 were injured in two attacks, a suicide bombing and a car bomb in the same location. The next month, at least 84 people were killed and over 160 were injured in a bomb attack on a bazaar in Quetta's Hazara Town. Estimates of the death toll from these incidents by some local activists are even higher. The militant Lashkar-e-Jhangvi (LeJ) claimed responsibility for both incidents. In the context of the ongoing conflict between the government of Pakistan and Baluch nationalists, security forces have done little to prevent these attacks and have been accused of carrying out torture, disappearances and other rights abuses against suspects. However, efforts have been made by the Supreme Court to hold the security forces accountable for their violations, and the newly elected government has also expressed a commitment to ensure a speedy resolution of the cases of missing Baluch persons.

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

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

Case study *by Nicole Girard*

Pakistan: countering hate content in textbooks

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

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

There has been some official recognition of the problem, beginning in 2006 with a review of the country's National Education Policy. The National Commission for Justice and Peace (NCJP), a Pakistani rights group, used the opportunity to examine hate content in school textbooks and advocate for the removal of biased or hostile material. In 2009, Pakistan had adopted a new education policy that included a provision to remove 'controversial material against any sect or religious/ethnic minorities' from teaching materials.

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

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

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

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

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

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

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

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

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

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

and other minorities.

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

Some Islamic scholars have also lobbied for restrictions on hate speech, including the use of loudspeakers, graffiti and other platforms to spread inflammatory messages, to help reduce sectarian violence. Shi'a and Sunni religious leaders agreed towards the end of the year to frame a code of conduct prohibiting each group from engaging in hate speech against the other. Furthermore, in response to the problem of online hate speech, the government has ordered various agencies to take action against hate speech disseminated through social media and mobile phones. These messages were reinforced by the Prime Minister's call near the end of the year for police to take action against wall chalking and other forms of hate speech.

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

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

Sri Lanka

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

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

Pillay made her first official visit to the country in August. Through her meetings with the President, other senior members of government and human rights defenders, the High Commissioner noted that 'despite the opportunity provided by the end of the war to construct a new vibrant, all-embracing state, [the country] is showing signs of heading in an increasingly authoritarian direction'. In particular, she urged the government to issue an immediate halt to the threats, harassment and violence against human rights defenders and journalists, many of whom are minority Tamils and Muslims. She made explicit note of the incitement to hatred and violence against religious minority communities, aided by the government's failure to take meaningful action against the perpetrators. The government in turn accused her of 'prejudice'.

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

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

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

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

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

Hate speech and hate crimes against religious minorities, particularly the Muslim community, reached an unprecedented level this year. The UN High Commissioner for Human Rights noted that she had received a compilation of 227 attacks, threats and incitement to hatred against Muslims that took place between January and June 2013. The Bodu Bala Sena or 'Buddhist power force' is the main group behind the targeting of Muslims. Their national 'no *halal*' campaign against Muslim religious practices continued into 2013, calling for a boycott of Muslim products and businesses, with protests held outside Muslim-owned shops. Demonstrations and attacks on mosques have taken place as well, enabled by police inaction. While President Rajapaksa has publicly appealed for racial harmony, he has not openly condemned the hate campaigns and these groups continue to operate freely.

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

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

South East Asia

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

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

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

Burma

During 2013, Burma continued with its democratic reform programme, which has seen the country emerge from half a century of military rule. President Thein Sein pledged to free all remaining political prisoners by the end of the year, culminating in a mass amnesty on 31 December. Media restrictions were further peeled away, with the country's first-ever private dailies hitting the shelves in April, while negotiations with Burma's myriad ethnic minority militias finally appeared to gain traction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Case study

The role of civil society in countering hate speech in Burma

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

However, while the relaxation of civil restrictions has enabled extremist outfits such as 969 to disseminate hate speech with impunity, civil society organizations and moderate religious leaders have also expanded their voice – and these groups continued to oppose vocally the divisive narrative of Ashin Wirathu and his supporters during 2013. In April, grassroots activists took to the streets of Rangoon and Mandalay to distribute thousands of stickers and t-shirts carrying the messages 'There will be no racial, religious conflicts because of me', and 'Burmese citizens don't discriminate by race and religion'. The initiative was specifically launched to counter the rapid spread of 969 publicity across the country. Organizers reported that it was overwhelmingly well received.

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

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

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

It was only after mounting pressure that the state-backed monastic body, Sangha Maha Nayaka, banned 969 sermons in September. But Wirathu has been allowed to continue preaching under the guise of a new pseudo-civilian body, the Organization to Protect Race and Religion. In October, two of its members were arrested in Arakan state, along with other local nationalists, for their alleged role in stirring fresh religious riots in Sandoway. After hundreds of monks marched through Rangoon in November, brandishing Buddhist Sasana flags and chanting anti-Muslim slogans, an investigation was also announced by authorities – albeit on the grounds of insulting religion rather than inciting hatred. Nevertheless, Wirathu's activities in Burma remain largely unhindered, raising concerns about the government's commitment to promoting an open and rights-based democracy in the country.

Cambodia

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

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

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

According to the Cambodian Centre for Human Rights (CCHR), indigenous groups, which make up less than 2 per cent of the population, are especially vulnerable to land encroachments, since they are often marginalized by the state, lacking full access to social security and public education. Although they are entitled to collective land titles, indigenous communities must first obtain legal recognition, which only five out of 114 applicants had successfully done as of early 2013.

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

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

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

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

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

Indonesia

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Malaysia

Malaysia's national elections in May marked the ruling Barisan Nasional (BN) coalition's worst performance in more than 40 years, with Prime Minister Najib Razak remaining in power with a mere 47 per cent of votes. He subsequently blamed a 'Chinese tsunami' for the losses, drawing out deep racial and ethnic fissures in the diverse South East Asian country. Following accusations of electoral fraud and vote buying, Razak arrested activists and opposition leaders using a colonial-era sedition law he had previously pledged to repeal. A law on peaceful assembly, introduced in 2012, was swiftly invoked to silence the tens of thousands of people who poured onto the streets to protest the disputed poll.

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

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

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

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

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

The Orang Asli, a collective of 18 indigenous groups inhabiting peninsular Malaysia, also came under assault this year when the government moved to weaken the 1954 Aboriginal Peoples Act. The law, which forms the backbone of protection mechanisms for indigenous communities, has already been criticized for its diluted land rights provisions. According to the Peninsular Malaysia Orang Asli Villages Network, the changes will result in the loss of over 645,000 hectares of ancestral lands and are being pushed through without adequate consultation. Indigenous women are particularly vulnerable to land encroachments due to traditional patriarchal structures, which may exclude them from individual land rights.

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

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

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

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

The Philippines

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

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

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

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

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

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

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

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

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

Filipino indigenous groups are also fighting back against media discrimination and stereotypes. In October, KAMP held training to help empower indigenous people to use the media, including photography and social media, aimed at giving people their own voice. KODAO Productions, a Filipino multimedia company, is working to establish community radio stations for indigenous peoples, while supporting the production of documentaries on important social issues, such as environmental destruction and human rights. Campaigners say these perspectives are muzzled by Filipino media giants, owned and censored by corporations with lucrative financial interests in the extractive industries. It is not uncommon for indigenous activists to be publicly smeared as communist sympathizers in the local media, while stories of land grabs, targeted killings and military incursions go unreported. Indigenous women say they are stereotypically portrayed as 'good dancers, singers or entertainers', even though many play an active role in grassroots movements against militarization and large-scale development projects.

Thailand

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

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

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

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

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

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

The year 2013 saw an influx of Muslim Rohingya arriving by boat, fleeing persecution in neighbouring Burma. Thailand, which is not a signatory to the 1951 UN Convention relating to the Status of Refugees, refuses to process asylum applications, opting to confine Rohingya in overcrowded detention centres before deporting them back to Burma. In January, the Prime Minister defended the policy by alleging that the arrivals might join the southern insurgency, feeding a toxic narrative that associates Islam with terrorism. The navy has since been accused of forcing boats back to sea, as well as conspiring with trafficking networks to smuggle them onwards to Indonesia and Malaysia. A Rohingya woman was reportedly abducted with her children from a local detention centre and raped, allegedly in collusion with a local official.

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

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

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

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

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

Vietnam

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

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

This comes amid a series of government efforts aimed at restricting religious freedoms in Vietnam. The start of the year marked the introduction of a new decree restricting the practice of non-state-sanctioned religions. This could strengthen the government's repression of unrecognized or targeted religious groups, including Catholic congregations based in Vietnam's major cities, Christian congregations in ethnic minority (including Degar or Montagnard) areas in central and northern Vietnam, the Unified Buddhist Church and certain Theravada Buddhist sects among the minority Khmer Krom in the Mekong Delta.

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

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

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

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

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

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

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

Case study

Vietnam: raising awareness and challenging prejudice in the media

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

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

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

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

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

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

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

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

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

'Lately we rarely see any articles carrying prejudice or using negative words to describe ethnic minorities. Terms and phrases repeatedly used by iSEE, such as "respecting insiders' voices", "celebrating cultural diversity" or "the rights of ethnic minorities", have become increasingly popular in the media. Negative labels like "lazy", "backward" or "reliant" have largely disappeared.'

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

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

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

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

East Asia

Gabriel Lafitte

China

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

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

In 2013, the impact of state-led urbanization policies continued to be felt in many historic cities long associated with minority communities. In May, reports emerged of a vast shopping mall under construction in the heart of the historic Tibetan city of Lhasa, next to the UNESCO-listed Jokhang Temple, widely regarded as the holiest site in Tibet. The demolition of Kashgar's Old Town, until recently a well preserved urban centre dating back to the Silk Road, also continued during the year. The redevelopment of the city centre, previously reflecting centuries of Uyghur culture, is justified by the Chinese government as a necessary intervention to replace the old building stock with earthquake-resistant housing.

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

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

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

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

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

Elsewhere in China, following a car crash in Tiananmen Square in October that killed five people including the driver and two passengers, Chinese officials characterized the incident as the work of an Islamic militant group. However, some minority and rights groups questioned the evidence behind the claim and suggested that the allegation was politically motivated. The worst violence occurred in March 2014 when a brutal attack by masked men and women with knives in Kunming train station left at least 29 people dead and over 130 injured. It was subsequently reported that the perpetrators

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

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

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

The repression of and discrimination against the Tibetan minority has also triggered a wave of self-immolations since February 2009 which continued throughout 2013. In February, the toll of reported incidents reached 100 when a former Buddhist monk, Lobsang Namgyal, set himself on fire in Sichuan. By the end of the year, the reported number had risen to more than 120. The Chinese government presents these incidents as acts of terrorism and has responded by criminalizing self-immolation protests, including 'incitement', with many Tibetans sentenced to lengthy prison terms and even a suspended death sentence for allegedly 'abetting' others who had self-immolated. This was even reportedly extended in Dzoege county, Sichuan province, to punitive economic and political measures against the family members and villages of Tibetans who self-immolate.

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

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

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

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

Mongolia

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

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

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

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

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

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

Taiwan

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

Many of Taiwan's Aboriginal languages are already extinct or critically endangered, partly as a result of their decades-long suppression by the government after 1945, placing their future survival in doubt. Past stigmatization, from which Aboriginal communities are still recovering, even extended to preventing the use of indigenous languages in the playground. However, in September the Ministry of Education announced that as of 2016 the national curriculum would be revised to include a compulsory component on native languages, including Aboriginal languages, Hakka and Hoklo. The move was greeted positively by many, though not all, teacher and parent organizations.

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

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

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

Case study *by Lailah Nesbitt-Ahmed*

The disturbing rise of hate speech against Koreans in Japan

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

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

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

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

Oceania

Jacqui Zalcberg

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

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

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

Important progress regarding human rights was made in the Solomon Islands in 2013, following the release of the final report of the Solomon Islands Truth and Reconciliation Commission, the first such Commission to be set up in the Pacific Islands. Established to investigate the causes of ethnic violence and to address people's traumatic experiences during the violence that ravaged the country between 1997 and 2003, the Commission's goals were to promote national unity and reconciliation. Its final report, which was based on first-hand interviews with over 4,000 people and which records an estimated 200 deaths thought to have occurred during the conflict, elicited some controversy as it was released by the editor of the report without the formal approval of the President. Ultimately, however, the government officially acknowledged the report and committed to implementing its recommendations. This has been viewed as an important step towards improving ethnic relations, particularly in the lead-up to the 2014 elections.

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

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

Australia

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

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

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

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

The government has undertaken some initiatives to reduce social disparities for its indigenous population, such as the 2008 Closing the Gap programme, which set specific targets to address indigenous disadvantage across a range of indicators including life expectancy, child mortality, education and employment. The 2013 annual government report indicated that the target for a 95 per cent enrolment rate in early childhood education for indigenous children would be met. Furthermore, the report noted that the target for under-five mortality was also on track to be met, with significant progress made to halve the gap between indigenous and non-indigenous under-five mortality by 2018. However, improvement is still necessary for a number of other indicators, including literacy, employment and life expectancy.

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

Minorities and migration

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

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

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

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

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

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

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

Australia and hate speech

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

of racist hatred complaints in the previous year.

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

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

For instance, the Northern Territory has no anti-vilification provisions at all and effectively relies on federal legislation. In 2007, however, the federal government introduced the controversial Northern Territory National Emergency Response (NTER) legislation; the Racial Discrimination Act was suspended with regard to steps taken under the new laws in the Northern Territory. NTER measures included income management; compulsory leases on land; bans on alcohol and pornography; and the setting aside of customary law in sentencing and bail procedures. The NTER package was purportedly to protect Aboriginal children from abuse, although the initiative was strongly criticized as discriminatory. The NTER legislation was subsequently replaced in 2012 with a new legislative scheme known as the Stronger Futures in the Northern Territory Act. Some measures were extended beyond the Northern Territory. Although the Stronger Futures Act did not suspend the operation of the Racial Discrimination Act, the Parliamentary Joint Committee on Human Rights expressed concern in 2013 about whether the new Act complies with Australia's human rights obligations and the lack of full involvement of affected Aboriginal communities.

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

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

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

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

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

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

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

Another important development in Victoria in 2013 was the launch of an inquiry by state police into ethnic discrimination as a result of the settlement of a federal discrimination case initiated by 17 young male African Australians against the state police force for ethnic profiling. After reaching a settlement on the eve of what promised to be an eight-week trial, the Victoria police agreed to invite the general public to take part in an inquiry that would examine its policy on police checks and its cross-cultural training system. On 30 December 2013, the results of the inquiry were published in a report, *Equality Is Not the Same*, and a three-year action plan launched to address community concerns about discriminatory policing and ethnic profiling in the police force.

Fiji

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

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

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

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

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

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

Case study

Tahiti: Islamophobia in French Polynesia

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

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

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

New Zealand

Māori

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

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

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

Minorities in New Zealand

There are more than 22 different Pacific communities in New Zealand. While Samoans constitute the largest Pacific community, there are also substantial numbers of Cook Islanders, Fijians, Niueans, Tokelauans and Tongans, with smaller numbers from Kiribati, the small islands of Micronesia, Papua New Guinea, the Solomon Islands, Tuvalu and Vanuatu. Due to high birth rates, it is estimated that Pacific peoples will amount to 10 per cent of the population by 2026, up from 6.5 per cent in 2001.

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

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

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

Racist hate speech in New Zealand

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

There are two provisions in the New Zealand

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

ICELAND
ATLANTIC OCEAN
NORWAY
SWEDEN
FINLAND
RUSSIA
ESTONIA
LATVIA
LITHUANIA
Kaliningrad (Rus.)
IRELAND
UNITED KINGDOM
DENMARK
BELARUS
NETHERLANDS
GERMANY
POLAND
BELGIUM
LUXEMBOURG
CZECH REP.
UKRAINE
SLOVAKIA
FRANCE
SWITZERLAND
LIECH.
AUSTRIA
MOLDOVA
HUNGARY
SLOVENIA
ROMANIA
CROATIA
BOSNIA AND HERZE.
SERBIA
MONTENEGRO
BLACK SEA
GEORGIA
PORTUGAL
ANDORRA
MONACO
SAN MARINO
AZERBAIJAN
SPAIN
Kosovo
BULGARIA
ARMENIA
MACEDONIA
AZER.
ITALY
ALBANIA
TURKEY
GREECE
CYPRUS

Europe

Paul Iganski

In November 2013, in her opening speech at the European Union Fundamental Rights Agency (FRA) conference on Combating Hate Crime in the EU, Cecilia Malmström, the Commissioner of the European Commission in charge of Home Affairs, expressed concern about the 'mounting wave of harassment and violence targeting asylum seekers, immigrants, ethnic minorities and sexual minorities in many European countries'. Nevertheless, reliable data on the incidence of racist violence is hard to come by. According to an FRA brief on 'Crime motivated by hatred and prejudice in the EU' published in March 2013, few EU member states have comprehensive arrangements in place to record hate crime. Among European countries, Finland, the Netherlands, Sweden and the United Kingdom stand out as the exceptions – although still with gaps in their recording processes.

Given the different histories, migration patterns and ethnic and religious composition of European countries, as well as their varying policy responses to growing diversity, there cannot be a singular pattern of racist hate crime across the region. Particular conditions in specific countries at any given time will provide distinct contexts for racial hatred. Greece and Hungary, for example, stand out from many other European countries in that both have experienced particular economic deprivations in recent years, and in both countries far-right parties espousing anti-minority and anti-immigrant rhetoric have gained a significant foothold in national parliaments.

Much of the media attention on hate crime focuses on the activities of far-right, neo-fascist perpetrators. However, attacks by extremists do not occur in a vacuum. The attitudes and the sentiments conveyed in hate crimes against minorities are often shared and underpinned by widespread denigration of the communities that are commonly targeted: asylum seekers, migrants, Muslims and long settled minority populations such as Roma. Far more numerous than extremists, in fact, are the 'everyday' perpetrators involved in offending in the context of their ordinary lives who, while not engaging in readily identifiable activities such as far-right marches or pre-planned violent attacks, share many of the same sentiments. Opinion surveys and other studies have shown considerable anti-migrant and generalized anti-'foreigner' sentiment across the region.

The internet and social media have provided new opportunities for venting such sentiment. Individuals from minority communities who step into the public eye in politics, media and sport, have provided new targets for hate through social media. Between 2012 and 2014 the Council of Europe is engaged in a major initiative against the problem of online hate. Its youth section is running a high-profile campaign, Young People Combating Hate Speech Online, to mobilize young people and youth organizations to recognize and act against the problem of hate speech online.

Given the paucity and poor reliability of official hate crime data, it is always hazardous to comment on trends in hate crime. Nevertheless, in many countries certain groups feature prominently as victims. In particular, as the impact of the financial crisis has been felt across Europe, hostility towards established scapegoats has been renewed – in particular, Roma communities. While this is frequently expressed in the form of street violence or individual assaults, it is also often reflected in discriminatory government policies. Jewish minorities are also the target of hate speech and violence, especially in Hungary, where anti-Semitism has been revived through myths of a Jewish economic 'conspiracy'.

The financial hardship in many countries, such as Greece, has also translated into rising levels of violence towards migrants and ethnic minorities within the country. Similar patterns of xenophobia are evident elsewhere, especially in Russia and Ukraine, where violent hate crimes against residents of Asian and African origin have been aided by the limited response of authorities with regard to prosecuting perpetrators. While these incidents often overlap with anti-Muslim sentiment, the latter is nevertheless a distinct phenomenon and on occasion has been escalated by rhetoric surrounding 'the war on terror', as well as media reports of violence inspired by religious extremism.

In some parts of Europe, tensions between neighbouring countries can also contribute to violence and discrimination against minorities. In the South Caucasus, for example, long-standing

conflict between Azerbaijan and Armenia has fuelled an increasingly exclusionary form of nationalism that has encouraged xenophobia not only towards their neighbours but also minority groups within their own countries. In October 2013, while the Council of Europe's High-Level Conference Combating Racism, Xenophobia and Intolerance in Europe was under way in Yerevan, the NGO Pink Armenia staged a protest outside. In a communiqué, the organization highlighted that 'the ruling party is sponsoring racist ideologies and spreading hate and xenophobia within their own country', and 'spreading the Aryan ideology and the importance of Armenia's supremacy over others'. Similarly, in Azerbaijan there has been an increasing emphasis on 'Azerbaijanism' over a more inclusive discourse of national diversity, with the state actively contributing to the hostility. Anti-Armenian hatred has not only been directed at Armenia and Armenian citizens but also towards Armenians living in Azerbaijan, who have at times been portrayed as disloyal towards the state. There are concerns, following Russia's annexation of Crimea in early 2014, that a similar pattern of hate crime could develop in both Ukraine and Russia against their respective Russian and Ukrainian minorities.

Hate speech has also featured in the political discourse in many countries, evidenced in Italy by the treatment received by Cécile Kyenge, the country's first black minister. In July, following highly derogatory comments from a senior right-wing senator, bananas were thrown at her in the town of Cervia while she was on stage. In September, in an incident organized by the far-right party Forza Nuova, three mannequins drenched in fake blood were left in front of a building where she was expected to give a speech. Members of the Forza Nuova and the Northern League parties name her responsible for the 'destruction of national identity'.

Many countries in Europe have relatively well-developed legislation on hate crime and hate speech, particularly within the EU where all member states have been required to translate the Race Equality Directive into national law. Nevertheless, the continued presence of violence and discriminatory language targeting minorities in different countries, at both a popular level and in official political rhetoric, demonstrates the limitations of legal instruments and their uneven implementation in practice. However, many NGOs and civil society groups remained active during the year in addressing underlying social prejudice and seeking a stronger protection framework for ethnic and religious minorities.

France

France continued to face significant challenges in addressing the exclusion and marginalization of its minorities in 2013. In particular, the French state's promotion of secularist policies, such as the 'Charter for Secularity in School' announced by the government in September, has alienated many members of non-Christian groups, such as Sikhs and Muslims. The charter effectively reiterates the principles of the 2004 legal prohibition of 'ostentatious' religious symbols which, while not targeting any specific religious group, impacts particularly on wearers of the veil and turban. Similarly, as a result of the 2011 ban on face covering in public places, a fine or mandatory citizenship training can be imposed on anyone apprehended for wearing a full face veil, such as a *burqa* or *hijab*, in a public place. In July, a riot broke out after police stopped and charged a veiled woman. The woman accused the police of brutality during the arrest, although police unions claimed the woman's husband attacked the arresting officers.

France is also home to the second largest Roma community, after Spain, among Western European countries. France's Roma community occupy marginal positions in society, living on the outskirts of cities, with many in abandoned houses and segregated settlements. They continued to face ongoing violence and discrimination in 2013, particularly in the area of housing. In 2012, the then opposition leader François Hollande committed, in the run-up to the elections, to addressing the rights violations associated with the government's ongoing eviction of Roma settlements. However, human rights organizations estimated that over 19,000 were evicted during the year – more than double the number in 2012. Deportations of Roma also continued, with the Interior Minister Manuel Valls announcing in September that 'the Roma should return to their country and be integrated

over there', with only a 'few families' allowed to stay on. Among those deported was a 15-year-old girl, Leonarda Dibrani, who was arrested in front of fellow pupils during a school trip.

The year 2013 also saw the continued rise of the National Front, with the party winning a by-election in October. A poll by the French Institute of Public Opinion (Ifop) released the same month suggested that a quarter of French voters intended to support the far-right populist party in the May 2014 European elections, putting them for the first time in the lead in a national vote, ahead of the incumbent Socialist Party at just 19 per cent and the other main party, Union for a Popular Movement (UMP). The party's success has been credited to its strongly anti-migration platform, coupled with a hostile attitude towards Islam, reflected in the December 2010 comments of its leader, Marine Le Pen, comparing the sight of Muslims praying in the street to the Nazi occupation. In July, the European Parliament voted to strip her of immunity following a request from the prosecutor's office in Lyons, meaning she can be charged for incitement to hatred in France. Nevertheless, there is evidence that these remarks tap into widely held assumptions about Islam and migrants. According to the results of a survey by Ipsos released in January 2013, 70 per cent of respondents agreed that there were too many foreigners in France, while 74 per cent rated Islam as 'intolerant' and 'incompatible' with French values. Similarly, in April 2014 the government's National Consultative Commission on Human Rights (CNCDH) released the survey results of its annual report for 2013, showing that 35 per cent of respondents admitted to being 'quite' or 'a little' racist – up from 29 per cent the year before.

In this context, there has been a marked rise in violent acts against minorities. According to the National Observatory for Islamophobia, attacks on Muslims and Islamic places of worship rose by 11.3 per cent during 2013 compared to the previous year. In one incident, abusive statements were sprayed on the walls of the capital's oldest mosque, the Grande Mosquée de Paris. In another incident swastikas were daubed on the walls of a mosque in the town of Lesparre-Médoc near Bordeaux. Other abusive slogans painted on the walls of mosques included 'Arabs Out!' and 'France for the French'. There was also a reported increase in physical attacks against Muslim women wearing a veil. Evidence suggests that the 2011 ban on the veil may have actively contributed to increased hostility towards Muslims. A 2013 research report, *After the Ban*, published by the Open Society Foundations, based on the testimonies of 35 Muslim women, indicated that for those women who continue to wear the veil, harassment and abuse by

Left: Muslim women in France.
William Daniels/Panos.

members of the public is commonplace. Some of the respondents in the study reported physical assaults, being spat at, and having their veil pulled off, perceiving that some of the attackers – ordinary citizens – believed that they were entitled to take the law into their own hands.

France's Roma have also been subjected to targeted violence, with attacks continuing in 2013. In one incident in June, a Molotov cocktail was thrown at a Roma settlement in Hellemes. This was only the latest in a series of attacks again the community. A report published by the European Roma Rights Centre in 2013 lists violent attacks against Roma across 2011–12 and cases of stigmatizing rhetoric on the part of public figures, politicians and the press whereby Roma are associated with criminality. In July 2013, French MP Gilles Bourdouleix was widely condemned for derogatory remarks he was alleged to have made in a confrontation with a group of Travellers, in which he allegedly referred approvingly to Adolf Hitler. The local prosecutor later confirmed that a case had been opened against Bourdouleix.

Other minority communities are also vulnerable to violence and denigration. According to the FRA survey of anti-Semitic discrimination and hate crime, the Jewish community in France was the most likely among EU member states to experience hate crime, with 21 per cent of French Jewish respondents reporting that they had personally experienced verbal insults, harassment or physical attacks on account of being Jewish in the last year. The country's sub-Saharan African population also face discrimination. In a notorious incident of hateful invective in October 2013, a photograph of the French Justice Minister Christiane Taubira was paired with a picture of a chimpanzee on a Facebook page by a local candidate for the National Front. The party subsequently suspended the candidate. The following month far-right newspaper *Minute* ran a front cover with the headline 'Cunning as a monkey'. The abuse against the Justice Minister sparked a national debate about racism: the national newspaper *Libération* ran a front cover with the headline 'Is France racist?'

Case study *by Yuliana Metodieva*

Rising hostility against Bulgaria's refugee population

Minority groups in Bulgaria, such as Roma and ethnic Turks, have long suffered discrimination and marginalization – and this has also translated into hate speech and bias motivated violence. However, the arrival of thousands of refugees displaced by the conflict in Syria has provided right-wing groups and extremists with a new target. MRG discussed this troubling new trend with Yuliana Metodieva, a researcher and writer on minority issues in Bulgaria.

Do you think that hate crime and hate speech are currently on the rise in Bulgaria?
Compared to some countries in Europe, we appear not to have a very high rate of hate crime – yet this may be a bit of an illusion. In its report for 2013, the Bulgarian Helsinki Committee states that there's a huge issue with crimes against ethnic minorities that are not adequately investigated, including murder of Roma. Furthermore, the recent wave of Syrian refugees has provoked a fresh wave of hate speech and violence in Bulgaria. It has reactivated old stereotypes and led to acts such as vandalism against refugees, attacks on mosques and so on. Unfortunately, Western European states such as France, Italy, Belgium or the Netherlands have not set a good example through their own actions, especially with the recent mass expulsions of Roma.

What do you think is driving these developments?
Both the media and the government have been stoking anti-refugee fears and prejudices, demonizing people who have fled for their lives from Syria. In a recent interview,

Case study continued

the director of the Refugee Agency allowed himself to insult Syrian asylum seekers in a very humiliating manner. Added to that is the problem of impunity – this weakens protections for minorities.

A logical consequence of all these developments is the rise of ultra-nationalist parties who send out extremely dangerous and harmful messages about Syrians and other groups. More worrying is that the concrete result of all this anti-refugee rhetoric is the formation of vigilante groups who 'protect' the streets of Sofia with every possible means they choose. In the country, residents in towns and villages have also protested against refugee camps being built nearby.

Who do you think is benefiting from this hostility towards minorities?

It's very easy to see the relation between the progressive pauperization of society and the rising hostility against minorities: people need a scapegoat for their problems, particularly poverty and unemployment. Historically, minorities have always been at hand for this role. Furthermore, the main political parties in Bulgaria are well aware of the benefits they can gain from exploiting this situation. With one significant exception, they either share the popular position or just use it to propagate what they call 'a good and moderate nationalism'.

How has the internet changed the situation?

Back in 2005, I collaborated on a study of online anti-Semitism. Even then, we found a very high prevalence of racist hate speech – but since then, the potential of the internet for this purpose has expanded alarmingly, especially with Facebook. Being an open platform for everyone, allowing people to unite under whatever cause or ideology they want, it provides racists with the opportunity to organize into hate groups against minorities.

This tendency is not surprising. As a result of the deepening economic crisis in post-communist countries like Bulgaria, many people have lost their jobs, their place in society, their chance of enjoying a decent retirement. What is now prevailing is fear, uncertainty and a strong desire to find a scapegoat for the situation. Roma, Turks and now refugees have filled this space, helped along by internet forums.

What steps need to be taken to protect minorities against hatred and prejudices in Bulgaria?

The key point, reiterated by many reports, recommendations and assessments by the European Union, is the reform of the judicial system, legislation and official policies. The problem with many cases of hate speech and hate crime is that they're not investigated as such. As for addressing the root causes, there have been some very good practices in Bulgaria over the last six years, such as media trainings and campaigns to popularize human rights and positive attitudes towards minorities. Added to this is the increasing access of persons from minorities to professions from which they were traditionally excluded. What still needs to be done, though, is a major overhaul of the whole educational system in schools and the production of TV shows or movies with messages about tolerance and multiculturalism. This will help inform Bulgarians and provide them with a more responsible outlook on minority issues in the country. ■

Georgia

Following xenophobic and religiously intolerant rhetoric by some members of the Orthodox clergy, academics and some opposition party activists who were subsequently elected, intolerance towards Georgia's Muslim minority continued in 2013. Muslims have on a number of occasions been prevented from practising their faith by Orthodox Christian communities. From late May, crowds reportedly prevented Muslims

in the village of Samtatskaro from praying. In July, the human rights organization Forum 18 reported that tensions were still ongoing and highlighted the lack of an effective response from officials to the situation and similar incidents that occurred late in the previous year.

At times, discrimination against non-Christian minorities has occurred with the active involvement of the authorities. In August, a minaret was forcibly removed from a mosque in Khela in western Georgia by authorities, who claimed it lacked an import licence. The minaret was subsequently returned, although authorities did not reinstall it due to objections from Christian residents. In another incident in April, locals were abused as 'Tatars' by a number of drunk military police personnel in Adjara region and asked to prove their faith by showing their crosses. The officers were subsequently stripped of their positions and some were arrested.

Hostility towards religious minorities in Georgia has also translated into incidents of hate crime. According to data submitted by the Georgian Ministry of Justice to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) for its 2013 report, 13 cases of hate crime and five prosecutions were recorded by the authorities in 2012. Despite this low number of reported cases, the US Department of State noted in its *International Religious Freedom Report* for the same year that there had been 'reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Cases reported included religious persecution, interference with the performance of religious rites, and reports of physical assault, harassment, and vandalism.'

Greece

Until two decades ago, Greece was a relatively homogeneous society, with an estimated 98 per cent of the population Christian Orthodox and of ethnic Greek descent. Since the early 1990s, however, Greece has received approximately 1 million people from outside the country: co-ethnic returnees from the Soviet Union, Greek Albanians from South Albania and economic migrants from Eastern European, Asian and African countries. Together these groups account for more than 10 per cent of the population in the country. This rapid transition towards a more diverse society has been accompanied by visible hostility and resistance towards Greece's minorities in some quarters, particularly extreme right-wing groups such as Golden Dawn.

An important element in the rise of extremist organizations with a strong anti-minority focus is the deteriorating economic context in the country. Among EU member states, Greece has probably suffered most from the global financial crisis and the Eurozone debt crisis of recent years. At the end of 2013, well over half of under-25 year-olds (61 per cent) were unemployed: over twice the level of the already high overall unemployment rate of almost 28 per cent. As well as the financial burdens arising from job losses, Greeks have been straining under the burden of pay cuts, tax hikes, public sector financial retrenchment and cutbacks.

This hardship is widely seen as an important contributing factor in Golden Dawn's rising popularity. Following its election in 2012 to the Greek parliament for the first time, with a platform aiming to rid Greece of 'illegal immigrants', Golden Dawn has courted publicity through some controversial high-profile actions, such as a 'Greeks-only' blood bank drive and food handouts. They continued to be active in 2013, holding rallies and 'awakenings' at schools. However, in the beginning of May, police dispersed a 'Greeks-only' food handout by Golden Dawn members in Syntagma Square, Athens.

Golden Dawn's hostility has not been confined to targeting foreign migrants in Greece. In April 2013, during a sweep by its members of Kalamata hospital in search of migrant workers – a recurring pattern of intimidation undertaken by the organization – violence broke out between the group, including MP Dimitris Koukoutsis, and a number of Roma, who were accompanying a 22-year-old Roma man injured earlier in a racially motivated attack. The fight was broken up by hospital staff, but Koukoutsis subsequently told journalists that delinquency was 'in their DNA' and stated that Golden Dawn would not regard them as equal citizens until they ceased their criminal activities. This derogatory stereotype has also achieved wider circulation in mainstream platforms, as was evidenced by

media coverage in the country following the arrest of a Roma couple for the alleged abduction of Maria, a blonde eight-year-old girl who it later transpired had been given to the couple by the biological mother, a Roma woman who had moved to Bulgaria. The coverage of the incident, as well as the manner in which the child was forcibly removed into social care, was criticized by some commentators for reflecting negative stereotypes and public hostility towards Roma.

By contrast, the continuing segregation and marginalization that Roma communities face in Greece often go unnoticed by the wider public, even though exclusion from basic rights and services is ongoing. In May 2013, for example, the European Court of Human Rights in the case of *Lavida and Others v. Greece* ruled that the segregation of Roma children into a separate primary school in Sofades, a town in Thessaly, central Greece, constituted discrimination and a breach of the right to education. It was the third European Court ruling on discrimination against Roma pupils in Greece.

Racialized anti-migrant rhetoric has featured prominently in Greek politics, such as the denigration of migrants as 'subhuman' by Golden Dawn MP Eleni Zaroulia in the Greek Parliament in October 2012. Anti-migrant rhetoric has not been confined to the extremist political fringe in Greece, however. In August 2012, for instance, at the time of the launch of Operation Xenios Zeus, a high-profile police crackdown on irregular migrants (and oddly named after the ancient Greek god of hospitality), the Minister of Public Order and Citizen Protection Nikos Dendias reportedly stated that 'We will not allow our towns, or our country, to be occupied and become a migrant ghetto.' By February 2013, Human Rights Watch (HRW) noted that 85,000 foreign nationals had been accompanied to police stations to verify their status, but only 6 per cent had been found to be undocumented.

Given the economic austerity and the deprivations affecting many in Greece, which have fuelled anti-immigrant sentiment and support for the far right, there is a common perception that the country has experienced a rise in racist hostility and a consequent increase in racist hate crime. According to the Racist Violence Recording Network, 166 cases of racist violence took place during 2013 – up from 154 reported incidents in 2012 – with a total of more than 320 victims. The total was particularly high as a result of an incident in April at a strawberry farm in the town of Nea Manolada, when supervisors opened fire on at least 135 protesting migrant workers, wounding 35 people. However, it is difficult to determine with certainty the exact trend in racist hate crime in Greece. Official records provide a very unreliable indicator of the problem. In its submission to the ODIHR annual hate crimes report for 2012, no information was provided about any hate crimes recorded by the police. These figures are therefore likely to be a gross underestimate of the real extent of the problem.

Little of the context to the attacks is reported in the Greek Racist Violence Recording Network report. However, it is notable that more than two-thirds of the recorded attacks occurred in the municipality of Athens. The majority reportedly involved physical attacks: many with the use of weapons such as batons, knuckledusters, broken bottles, clubs, crowbars, knives, incapacitating spray and even the use of large dogs. Almost all the recorded attacks were against migrants and refugees from beyond the EU, particularly Bangladesh and Afghanistan, and the majority of victims were Muslims. Furthermore, while in general the majority of hate crimes in Europe appear to be perpetrated by individuals rather than organized groups, in Greece a large proportion of the violence seems to have been undertaken by organized groups such as Golden Dawn. This was evidenced by the seemingly coordinated nature of many attacks by groups of offenders, sometimes dressed in black and wearing combat trousers.

In one of the attacks in the early hours of 16 January, in the Athens suburb of Petralona, Shehzad Luqman, a Pakistani migrant worker, was stabbed to death while making his way to work on his bicycle. While a police officer was reported to have told journalists that the killing followed an argument, the attack is widely believed to have been racially motivated. Thousands of migrants and human rights activists subsequently held a rally protesting the murder while Amnesty International highlighted

that Luqman's death was not an isolated incident but the 'result of the Greek authorities' continuing failure to take decisive action against racially motivated violence'. However, despite Golden Dawn leaflets and weapons similar to those used by organized militias being found in the homes of the two people who confessed to the crime, possible connections to Golden Dawn were reportedly not investigated and the authorities did not attribute the murder to racist motives. The mayor of Athens, Giorgos Kaminis, however, stated that the opening of the trial was 'the start of the political isolation of racism and xenophobia'. A trial for the murder began in December and resumed at the beginning of 2014. Activists have highlighted the organized nature of the attack and called for it to be recognized as a hate crime.

Another murder that attracted significant media coverage was the stabbing of 34-year-old Pavlos Fyssas, an anti-fascist hip-hop artist and concert promoter known as 'Killah P', on 18 September outside a bar in Athens. His attacker was an active supporter of Golden Dawn. Some witnesses alleged that motorbike policemen who had also arrived at the scene failed to intervene. The murder of Pavlos Fyssas triggered protests, some violent, in Athens and other cities. The murder was also met with condemnation from across the political spectrum, including the Greek President and Prime Minister, who both called for a united front against the threat of right-wing extremism. While Golden Dawn categorically denied any connection with the murder, it triggered a crackdown on the party with the Golden Dawn leader and three of its members of parliament arrested. The party is facing charges of operating as a criminal organization. In early 2014, it announced that it would re-emerge under the banner of 'National Dawn' if it were to be banned.

Since 2008, Greek legislation includes a provision that recognizes racist motivation as an aggravating factor and allows for judges to impose the maximum penalties on offenders. However, in practice this legislation has rarely been applied. The first known ruling in which it has been used was in November 2013, when two alleged members of Golden Dawn were sentenced by an Athens court to three years and five months in prison for firebombing a Tanzanian man's store, although they will reportedly be able to pay a fine of around €12,500 each instead of serving these sentences. The same month, a draft anti-racism law also appeared in parliament that includes among other measures penalties for hate speech and incitement to violence. However, activists have criticized the limited focus of the law and its failure to mention related issues, such as improving victim reporting and police procedures.

At present, a large portion of hate crimes go unreported because victims, many of them undocumented or illegal residents, are afraid to present themselves to police. For victims in this group, there is no assurance that reports will be processed. In fact, unregistered migrants who file a complaint at police stations are detained automatically and may subsequently face deportation. This threat means that the majority of victims do not report crimes to the police. This contributes to a climate of impunity for perpetrators that has been reinforced by the failure of public authorities to develop an adequate response to the wave of hostility against migrants. There is even evidence of official complicity in some incidents against minorities. Police officers were reportedly involved in 31 cases during 2013 where victims reported violence or discrimination due to their religion, ethnicity, nationality or skin colour.

Hungary

The Roma community in Hungary is by far the largest minority ethnic community in the country. As is the case for Greece, Roma in Hungary suffer profound social and economic marginalization. Rates of unemployment and poverty are far higher than for the majority population. Roma in Hungary are also a prime target of ethnically motivated attacks. Hungary's Jewish population – the largest in east central Europe, based primarily in the capital Budapest – also faces increasing levels of hostility, particularly with the rise of the far right.

But while violence and discrimination against both communities has been a long-standing problem in Hungary, in the context of a deepening economic crisis, rising unemployment and growing nationalism, Hungary's Roma have

been scapegoated and demonized in right-wing discourse. Anti-Roma rhetoric has been used by the ultra-nationalist Jobbik party in campaigning for national and European parliamentary elections. The Hungarian government shifted to the right in 2010 with the election of the centre-right Fidesz party. For the first time, Jobbik won a significant share of seats in the Hungarian parliament; its anti-Roma and anti-Semitic rhetoric brought the party further success in the April 2014 elections, with its share of the national vote rising to over 20 per cent.

Despite this climate of racist hostility in Hungary, it is difficult to ascertain the true scale of hate crime incidents in the country as many are likely to go unreported. In the most recent ODIHR annual hate crime report for the OSCE region, for example, published in late 2013, the Hungarian Ministry of Foreign Affairs noted only 36 incidents of hate crime for 2012, and 16 prosecutions. Nor was any official data on racist attacks specifically against Roma or Sinti communities in Hungary reported to ODIHR. By contrast, between them the UN refugee agency UNHCR and NGOs – the Athena Institute and the European Roma Rights Centre – reported to ODIHR numerous cases in 2012 of threats with weapons against Roma families, physical assaults and one case of arson. Furthermore, as reflected in a number of recent incidents of bias-motivated violence and intimidation, cases that are reported to the police are often not taken seriously (see case study).

Anti-Semitism is also commonplace and is a visible element of right-wing ideology in Hungary. This was reflected in a number of violent attacks during the year against Jewish Hungarians, including the head of the Raoul Wallenberg Association, Ferenc Orosz, who was assaulted at a football match after he asked nearby supporters to refrain from chanting fascist slogans in support of Mussolini. In May, shortly after the attack, the World Jewish Congress convened in Budapest. The event, which normally takes place in Jerusalem, was staged this year in Hungary as an expression of solidarity for the country's Jewish community. At the meeting, Prime Minister Viktor Orbán underlined Hungary's commitment to tackling anti-Semitism in the country.

In addition to acts of violence, extremist sentiment towards minorities in Hungary

Left: Roma take part in an anti-Jobbik protest, Hungary. *Bernadett Szabo/REUTERS.*

appears to be increasingly present in politics and the media. An *Early Warning Despatch* issued by the Athena Institute early in 2013 warned that extremist rhetoric provides an 'enabling environment' for violence. Following the New Year's Eve stabbings of two Hungarian youths, allegedly by Roma perpetrators, Zsolt Bayer, a conservative commentator and founder member of the ruling Fidesz party, wrote in a column in the *Magyar Hirlap* daily newspaper that many Roma are 'unfit for coexistence'. While the paper initially supported the columnist's right to freedom of speech, the Hungarian Deputy Prime Minister Tibor Navracsics publicly condemned the column – reportedly the only member of the governing alliance to do so at the time. The Hungarian National Media and Infocommunications Authority subsequently fined the newspaper HUF 250,000 for publishing hate speech. The Athena Institute noted that an openly racist, xenophobic, anti-Roma, anti-Semitic and homophobic website continues to function apparently because, as the server is located in the United States, it cannot be closed down by the Hungarian authorities.

A new Hungarian Criminal Code came into force on 1 July 2013 extending provisions against hate-motivated assaults on the grounds of nationality, ethnicity or religion to include sexual orientation, gender identity and disability. Amnesty International, however, had earlier claimed that it was a 'missed opportunity' for greater action on hate crimes. Amnesty noted that problems with implementation of the law would continue due to a lack of appropriate police expertise and procedures in the investigation and prosecution of hate crimes. Furthermore, as hate crimes are not explicitly included in murder cases, judges can themselves decide on whether to include them in their rulings.

In August, a court in Budapest issued life sentences to three men and a 13-year sentence to a fourth over a series of targeted killings of Roma the group had conducted during 2008 and 2009. Amnesty again highlighted that, despite the sentencing, Roma are still extremely vulnerable to violence and discrimination. Other issues

Case study *by Eszter Jovánovics*

The unequal application of hate crime legislation in Hungary

While the conviction, almost five years on, of four people in 2013 for the serial killing of six Roma in 2008 and 2009 is a welcome step in the fight against Hungary's endemic hate crime, the community is still poorly protected against a rising wave of targeted violence. This is reflected in the fact that the suspected perpetrators were only arrested after their eleventh attack and the subsequent trial lasted 28 months as the court had to gather much of the evidence again to address the shortcomings in the original investigations. However, many other instances of anti-Roma hate crimes are overlooked by police and do not even reach the courts.

The resistance of the police to considering bias motivation and effectively investigating crimes reported by Roma victims was illustrated by the inadequate official response to the ethnically motivated 'patrols' of extremist paramilitary organizations in the village of Gyöngyöspata in 2011, where the local Roma community were subjected to weeks of abuse and intimidation by armed vigilante gangs. In one of the reported cases, for example, a woman carrying her two-year-old daughter in her arms was threatened with an axe by an extremist. Although the perpetrator was a well-known far-right activist who even boasted of his anti-Roma activities in Gyöngyöspata on the internet, the police refused to investigate racist motivation and terminated the investigation shortly afterwards without reasonable grounds. Importantly, these and other incidents would not have occurred if the authorities had recognized the racist intent of the vigilante

Case study continued

group from the outset and taken legal action to prevent them from occupying the village.

This is in contrast to the speed with which Roma have been accused of anti-Hungarian racist bias and brought to court. One of the most flagrant cases where the law was misused in this way occurred in 2009, when nine Roma men were charged for allegedly perpetrating an anti-Hungarian hate crime after they attacked a car in which they believed skinheads were sitting. The incident occurred shortly after one of the serial killings, in which a four-year-old Roma boy and his father were killed, and amid rumours that another attack was imminent. As a result, when in the middle of the night a car slowly proceeded on two separate occasions through the Roma neighbourhood of Miskolc, a number of Roma residents – determined to defend their families from the presumed racists – attacked the car with sticks. The individuals in the car, one of whom had ties with racist groups, suffered minor injuries.

Despite the lack of credible evidence and the heightened fear of the community as a result of the recent attacks against Roma, the prosecutor specifically accused the defendants of having committed a bias-motivated crime against Hungarians. The first instance court agreed with the prosecution and imposed disproportionate prison sentences on the defendants. In October 2013, however, the second instance court found the defendants guilty of disorderly conduct instead of hate crime, declaring that the existence of specific anti-Hungarian motives could not be proven. This court's decision also confirmed the Supreme Court's 2011 ruling that racist organizations such as skinhead groups cannot be protected by the hate crime provision.

While the final court decision in this case complied with international human rights standards, in another similar case the second instance court, ruling in September 2013, upheld the first instance judgment, which again sentenced a number of Roma for committing a bias-motivated crime. Even though all the evidence pointed to the defendants being motivated by anger at the openly racist group arriving in their town, the classification of the crime as specifically anti-Hungarian was again based on unsubstantiated evidence and a perverse legal reasoning. Institutionalized racism is most likely one of the main reasons for this apparent double standard in Hungary's law enforcement. The Hungarian Civil Liberties Union continues to advocate for the appropriate implementation of the hate crime provision and to address the structural discrimination within the country's criminal justice system. ■

included the lack of effective data collection on hate crime incidents against minorities, the inadequate police response to investigating reported incidents and little or no supportive care for victims. Roma communities also continue to be targeted by vigilante groups.

Violence against women is especially acute in Hungary, assisted until recently by the lack of legislation classifying domestic violence as an offence. In July 2013, a law was passed specifically criminalizing domestic violence for the first time. However, HRW and other observers have highlighted the ongoing protection gaps for women in Hungary, particularly Roma women, who are especially at risk not only as a result of poverty and the patriarchal values of their community, but also due to their exclusion and mistrust of police and the judiciary.

Russia

Russia is relatively ethnically diverse, with a number of minorities, migrant communities and indigenous peoples within its territory. However, 2013 saw a number of developments that highlighted the country's ongoing failure to achieve inclusion for many of these groups. Political struggles in the North Caucasus have stoked hostility and conflict against North Caucasians migrating within the Russian Federation. Migrants from other minority

communities similarly face hostility, which is reinforced by nationalist rhetoric in political and public discourse drawing a divide between ethnic Russians and other ethnic groups.

Widespread xenophobic sentiment in Russia provides the context for racist violence. In surveys of the Russian population conducted by the Levada Center in 2013, almost three-quarters (73 per cent) of respondents agreed that migrants from the former Soviet Republics should be deported – up from 53 per cent in 2006 – while just over half of the respondents (54 per cent) thought that immigration from the Caucasus should be restricted and over two out of five (45 per cent) that restrictions should also apply to immigration from China and Central Asia. Anti-Muslim sentiment associating Muslims with terrorism is also prevalent.

As a result, as reported by the European Commission against Racism and Intolerance (ECRI) in its 2013 *ECRI Report on the Russian Federation*, there has been a 'high incidence' of violence targeting mainly non-Slavs, including migrants from the North Caucasus and Central Asia, as well as people of African origin. Among the victims of racist and xenophobic violence in Russia in 2013, according to the Moscow-based SOVA Center, 13 victims originating from Central Asian countries were murdered by far-right activists, with a further 45 people injured; three people originating from the Caucasus were also murdered, with 26 injured. In one murder in November 2013 a woman from Russia's predominantly Muslim region of Dagestan was found in the stairwell of a Moscow apartment building with cross-shaped symbols slashed on her body. The SOVA Center recorded 21 people killed and 178 people injured in racist attacks during 2013. These figures compared with 19 people killed and 191 wounded in 2012.

Attacks usually escalate around the time of the 4 November National Unity Day, often associated with the annual Russian marches on the day – mass demonstrations by nationalists in a number of major cities in Russia and other countries of the former Soviet Union. In 2013 the main march involving 6,000 participants took place in the Lyublino district of Moscow. Some of the banners on display called for migrants to return to their home countries, others had slogans such as 'Russia for Russians' and 'Today mosque – tomorrow jihad'. Some demonstrators were arrested by police for shouting Nazi slogans and displaying banned symbols. While the march itself was reported to be generally peaceful, some of the participants afterwards smashed up car windows and started brawls with people who appeared to come from the Caucasus. A week after the march, Mais Kurbanov, a leader of Moscow's migrant community, was reportedly injured in an attack with a stun gun, which was suspected to have been carried out in retaliation for his organization's public statement against the march.

Moscow and St Petersburg are predominant sites of racist violence, but attacks also occur in other cities and regions across the Russian Federation. Some of the attacks have involved collective mob violence. In October 2013, coinciding with the Muslim festival of *Eid al-Adha*, violent protests occurred in the Biryulyovo district of Moscow, following the fatal stabbing of a local 25-year-old ethnic Russian by a man believed by residents to have been from the Caucasus or Central Asia. The violence, which resulted in the murders of an Uzbek and an Azeri who were found stabbed to death, was considered by some commentators to mark a turning point, as the participants were local residents and not just nationalist activists, indicating how xenophobic sentiment and support for racist violence are not confined to an extreme fringe. Another episode took place in December in the Nizhny Novgorod region city of Arzamas, when anti-immigrant riots erupted following a brawl in a café in which a local resident was killed. Locals blamed Armenian migrants for the death.

Following the Biryulyovo riots, Reuters and other news sources reported that police rounded up and detained over 1,600 migrants at two vegetable markets in Moscow. Similarly, earlier in the year following a brawl between Dagestani market traders and police during Moscow's summer mayoral elections, police reportedly rounded up and detained 3,500 non-ethnic Russians mostly from Central Asia and Vietnam, with some later deported. Sweeps of minority communities have also followed terrorist incidents. Hundreds, including many

from Central Asia and the North Caucasus, were stopped and detained after the December Volgograd bombings. While according to official figures there has been a significant decline in racist violence in the Russian Federation since 2007 and 2008, sources such as the Russian Analytical Digest suggest that 2013 was a peak year for ethnically motivated violence, given the anti-migrant rhetoric prevalent in the Moscow mayoral election campaigns.

Nevertheless, the Russian authorities have taken some steps to address the ongoing problem of racist violence; measures have included the strengthening of legislative provisions. According to the SOVA Center, prosecutions led to the convictions of 59 people for racist violent crime in 2013, compared with 72 people in 2012. Four were exempted from punishment, and 12 others were given suspended sentences. The SOVA Center noted that suspended sentences add to a climate of impunity and found the high percentage (20 per cent) in 2013 of convictions for violent racist attacks leading to suspended sentences 'alarming'. There were also convictions against 133 people on charges of xenophobic propaganda. The police have specifically targeted racist groups, and in 2013 new groups were added to the *Federal List of Extremist Organizations*. Some extremist publications have also been suppressed, with the *Federal List of Extremist Materials* expanding from 1,589 to 2,179 entries in 2013.

Despite these steps, the application of anti-extremist legislation remains uneven, and on occasion has been used against members of minority communities as well as human rights activists and political dissidents to secure prosecutions and ban publications. Anti-discrimination legislation is also applied only infrequently, while no designated bodies have yet been established to specifically target racism or discrimination. Furthermore, ECRI has

Left: Russian police detain migrant workers during a raid at a vegetable warehouse complex in the Biryulyovo district of Moscow. *Stringer Russia/REUTERS.*

highlighted the ongoing use of xenophobic and inflammatory anti-immigrant language by right-wing politicians, particularly during election campaigns, as well as regular incitement to hatred in the Russian media. ECRI has called for stronger codes of conduct and criminal sanctions to curb hate speech and denigration by public figures and media outlets, as well as the promotion of journalistic training programmes on human rights and anti-racism.

As in other European countries, social media provides a ready platform for racist and xenophobic sentiment in Russia. Social media outlets, such as Facebook, Instagram and Vkontakte, a Russian website similar to Facebook, are often used to propagate hate in Russia. In October 2013, HRW accused the radio station Vesti FM of inciting violence by publishing a map on its website that contained information about neighbourhoods where many undocumented migrants live. Another high-profile episode of hate speech occurred in April 2013 when Elmira Abdrazakova was targeted with ethnic slurs on her social media pages after being crowned 'Miss Russia'. Abdrazakova was born in Kazakhstan, and her father is Tatar. She grew up in Russia and holds Russian citizenship, but was criticized for not being Russian enough.

In recent years, some measures have been taken to reduce online hate speech – for example, a 2010 Supreme Court ruling enabling authorities to force media outlets to remove extremist or hateful material from their websites – as well as the creation of a number of centres monitoring hate speech online and in the media. During 2013, investigations were also launched against a Vkontakte user for a series of statements posted on the website encouraging targeted attacks against Jews and migrants.

Turkey

Electra Babouri

Discontent directed against the policies of the Turkish government triggered widespread protests during 2013, centring around demonstrations

Participatory research *by Anastasia Denisova*

The experience of Central Asian migrants in Moscow, Russia

This research is the result of an extended participatory research study between March and April 2014, undertaken by the Civic Assistance Committee and funded by MRG with support from CAFOD.

Trapped in the margins – the challenges of being a migrant in Russia

Russia's migrant population, comprising around 11 million people, is the second largest in the world. The majority are nationals from Central Asian countries such as Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. The difficult economic circumstances in their home states means that many willingly head to the Moscow region and other parts of the country in the knowledge that they may experience prejudice, ill treatment and even physical assaults. This case study, drawing on first-hand interviews with 15 migrants originating from Kyrgyzstan, Tajikistan and Uzbekistan living in the Moscow region, highlights the effects of discrimination, hate speech and hate crime on their everyday lives.

One of the main determinants of their vulnerability is the fact that many migrants lack legal status in the country. Of the estimated 1 million migrants in Moscow itself, only 200,000 are working legally. Every migrant is obliged to have an 'inviting party' to support their residence in Russia, but in reality most migrants do not have a contact in the country and, as a result, are forced to purchase the services of an intermediary to support their 'registration'.

Participatory research continued

The popular image of a labour migrant in Russia is characterized by a stereotype of illegality and, by extension, criminality too. But it is very easy for a migrant to become illegal in Russia, even if they make every effort to abide by the law. The system of registration and other processes, such as the securing of work permits, often have the effect of placing migrants under the control of their employers or pushing them, as a result of artificial quotas, into undocumented labour. Others, having worked legally in the country, may find themselves deported for minor administrative offences and barred from re-entry for a number of years – thus obliging them to cross back into the country illegally.

Migrants often find themselves regularly exposed to discrimination or humiliation due to their status as second-class citizens. Migrants face many obstacles when looking to rent an apartment, applying for employment and even when sending their children to schools. One Uzbek man, a vet, described how his daughter had not been accepted by a school until he lodged a complaint:

'Later the head advised to simplify her Uzbek name for a Russian ear and we had to agree. And when looking for a flat for rent you mention that you came from Uzbekistan, they hang up. They even write in the ads "for Slavs only". It is unpleasant of course.' Uzbek vet, male

Frequent police passport checks in the street and at apartments have also become an integral part of daily life for Central Asian migrants in Moscow. One Uzbek journalist said that he lived in constant fear for his wife, because neighbours are complaining about migrants living in the building.

'My wife and child sit at home all day long. She even asks me to lock the door from the outside.' Uzbek journalist, male

Another migrant mentioned that he had to make efforts not to look like a migrant to prevent police checks:

'I try to look like a student, and when it is cold, I always wear hats not to show my dark hair colour. It helps.' Uzbek student, male

The invisibility of targeted violence against migrants

The reality of living illicitly in Russia frequently places migrants in exploitative, dangerous or even slave-like working conditions. However, their lack of legal status also contributes to another dimension of their lives – their acute vulnerability to hate crime. In the absence of official statistics, the true extent of the frequency and severity of targeted attacks against migrants is unknown. However, according to the SOVA Center for Information and Analysis, the most credible source monitoring hate crimes in Russia, the relative decline in incidents between 2009 and 2012 was reversed in 2013. During the year, people of Central Asian origin were subjected to continued stigmatization and harassment from both organized and spontaneous attacks: 13 Central Asians were killed and 45 injured in 2013 – a significant rise, compared to seven killed and 36 injured the previous year.

Furthermore, it is worth noting that this is only a fraction of the incidents that have actually taken place. While the SOVA Center documents publicly recorded cases, many more go unreported out of fear or lack of faith in the authorities. For instance, the Civic Assistance Committee (CAC) found that out of 91 hate crime cases it worked on during 2012-13, only 14 were reported by victims themselves and a further five by CAC lawyers on their behalf. Of the remainder, only 10 became known to the police as a result of an officer being present at the scene or another witness reporting it. This suggests that many attacks are never recorded, such as the incident described by one respondent, a cook originating from Kyrgyzstan, on the Moscow underground in December 2013:

'I did not notice them at first. They came up and asked for my mobile. But it was a pretext. They started to beat me, mainly on my head. Called names, said that I am not Russian and "ponayekhal". All the people nearby remained seated. One of the passengers even put out his foot

so that I tripped over. It was done on purpose. I was shocked. There were seven of them. The train stopped and I ran away. I did not report to the police. No chance.' Kyrgyz cook, male

The problem of impunity

One of the challenges confronting migrants is that the police are often more concerned with controlling them than protecting them. At the end of July, for instance, following an attack on a Moscow policeman at an open market, authorities in Moscow launched a concerted sweep of migrants in markets and construction sites across the city. One of the crackdowns was described by a journalist from Uzbekistan, who filmed a raid as it happened and was subsequently detained for his non-Slav appearance. He then protested that he had a Russian passport and urged the policemen to stop beating other migrants in their custody:

'They replied, they are the same Russian citizens as you. Later, a higher rank officer came up, apologized for his colleagues and said that they were simply tired of cleaning the city from rubbish.' Uzbek journalist, male

Hundreds of migrants were subsequently detained, in degrading conditions and in violation of their rights, in holding centres and improvised camps. Many of those awaiting deportation were asylum seekers or legally registered. Staff from the Civic Assistance Committee, who represented some of the detained migrants, were present at many hearings and saw repeated procedural flaws in court. The mayoral elections in Moscow, scheduled for the month after the crackdown, played an important role in encouraging the police response. In the weeks and months before, politicians from different parties resorted to anti-migrant discourse in order to appeal to the Moscow population. For example, both the victor Sergey Sobyanin, of the United Russia party, and the opposition candidate Alexey Navalnyi, blamed illegal migrants for crime in the city.

When anti-migrant riots again broke out in Biryulevo district in October, police launched another series of raids and rounded up more than 1,000 alleged migrant workers. One Uzbek respondent described the aftermath of the violence and the impact it had on his life:

'My friends and I were kicked out of the flat after Biryulevo. The neighbours were worried that different unknown people were visiting our flat. The policeman came and made everyone leave the flat, including a 10-year-old girl.' Uzbek student, male

This has helped provide right-wing and xenophobic groups with an apparent justification for their own activities, including raids on migrant camps and housing that often involved humiliation and intimidation of their inhabitants. Racist groups such as Shield of Moscow had undertaken these actions with few apparent repercussions until a criminal case was opened against one of the organizers in the fall of 2013.

Living in the shadow of violence – the impact of hate crime on everyday life

The daily threat of verbal or physical abuse defines the lives of migrants. Travel, in particular, can be a high-risk undertaking. One disturbing trend occurring during 2013 is the practice known as 'white wagon' – where groups of youths beat up all the non-white passengers in train carriages. In October, similar attacks occurred on passengers on trains departing from Moscow for Tajikistan. One Kyrgyz student described how it was not safe to travel by regional railways at night:

'My group-mate, who also came from Bishkek, saw that a group of people started to count non-Slavs in the train car out loud. She left the car with her friends immediately.' Kyrgyz student, female

Hate symbols and slogans are common in the Moscow region, especially along the routes of regional railways, against migrants from Central Asia. Many of these are not readily decipherable to migrants, but these symbols also play another role – they indicate to other right-wing sympathizers that they have supporters in these very districts, thus providing grounds for further activities. One Uzbek respondent described how he saw a picture of a poster in the underground

Participatory research continued

which said 'Stop the death' beside a picture of a group of Central Asians. Respondents also described the continued abuse they experienced from passers-by and fellow passengers:

'We have got used to insults. We just need work. Some time ago I detested using [the] metro. You get in and people start stepping aside from you, as if you are ill.' Kygyz farmer, male

'Old ladies and young people tend to abuse migrants verbally more often than anyone else. For example, I was standing on the railway platform in Dmitrov city [Moscow region] and an old woman said, "Just churki *[a derogatory term for Asians] here."'* Uzbek student, male

'Many old ladies call names because of my appearance. One old woman shouted at me at the metro "You are guests here for too long, Chinese. Go home. I am sick of you."' Kyrgyz journalist, male

As a result many migrants, when even a short train ride is a risk, choose to base themselves as near their work as possible:

'Many migrants are looking for a flat near their working place simply in order not to walk along the streets.' Construction worker, male

The effects of discrimination and violence for Central Asian migrants therefore go far beyond the immediate impacts, significant though these are. Discrimination and violence permeate every aspect of their lives, from their choice of accommodation to their livelihood options. Until the government and media take active steps to improve their status and representation, it is likely they will remain trapped in this situation. ■

in Istanbul's Gezi Park. The protests, while triggered initially by plans to redevelop the park, soon broadened into a larger movement against the perceived rise of authoritarianism in the country. In September, Prime Minister Recep Tayyip Erdoğan presented a democratization package containing a variety of proposed reforms which nevertheless received mixed reviews, including from Kurds, who claimed not to have been consulted during its preparation.

Nevertheless, the democratization package contains a number of positive provisions, including a lower election threshold which, if implemented, would enable better representation of minority groups in parliament. It also allows small political parties to secure state funding without requiring local chapters and permits political campaigning in other languages and dialects besides Turkish. However, critics have pointed to a range of gaps and shortcomings, such as its failure to recognize Alevi *cemevis* as places of worship. The package also did not propose any amendments to Turkey's existing anti-terrorism laws. This legislation has increasingly been used against minority groups such as the Kurds, long marginalized within Turkey, to penalize activities such as demonstrations and meetings.

After some of the heaviest fighting in recent years between the government and the Kurdish Workers' Party (PKK), in March 2013 the imprisoned PKK leader Abdullah Öcalan called for a ceasefire. This was seen as an important step towards negotiating an end to the conflict, which has spanned three decades and resulted in thousands of deaths and widespread torture, injury and displacement. Following the ceasefire, PKK troops began withdrawing in May. As peace talks continue, however, Turkish security forces have installed new checkpoints and military fortifications to block smuggling routes and enhance security. As part of this process, in November Turkish authorities reportedly began erecting a wall between Nusaybin in Turkey and Qamishli in north-eastern Syria. The predominantly Kurdish local population, who were not consulted, viewed this as an attempt to divide the Kurdish communities on either side of the border, with many fearing that other walls may follow. This has led to protests and hunger strikes.

Language is one of the areas where Kurds

have faced acute discrimination in Turkey. Until recently, the use of minority languages in people's names was forbidden by law and even though some of these restrictions were lifted in 2003, names containing a *q*, *w* or *h* – all common letters in Kurdish – have been prohibited. The democratization package proposed lifting this ban and other discriminatory practices, such as the student oath in which children – regardless of their ethnicity – have to pledge each day in schools to be 'a Turk, honest, hard-working'. It was also proposed that the original place names for Kurdish villages in the south-east of the country could be used again, rather than the Turkish names put in place in the 1980s, but larger cities were not included (although the government stated that these could be considered).

Other positive measures included the announcement, in February, that sermons in Turkish, Kurdish or Arabic would be permitted in mosques depending on the language spoken by the majority of attendees. On a number of official occasions during the year public representatives also spoke in Kurdish, and the Religous Affairs Office (*Diyanet*) began preparing a Kurdish version of the *Qur'an*. Early in the year, Article 202 of Turkey's Criminal Procedure Code was amended to allow individuals to carry out their defence in their chosen language during certain judicial proceedings. In February, a Constitutional Court ruling entered into force, whereby the use of Kurdish in political party signs, posters and statements is no longer a prosecutable offence. However, discrimination against minority languages remains an ongoing challenge in the country's legislation, including the Constitution.

The year 2013 also saw a number of improvements in education, another area where Turkey's minorities have long suffered marginalization and exclusion. In September, after nearly 50 years of being closed, a Greek school on the Gökçeada (Imvros) Island was permitted to reopen and classes for a handful of children began. The same month, the Syriac community formally applied to open an elementary school following a court ruling in their favour the month before. This overturned the Ministry of Education refusal in 2012 to authorize a Syriac kindergarten on the grounds that the community were not specified as a minority in the Constitution. History textbooks were also amended in response to complaints that they contained discriminatory rhetoric against the Syriac community. However, Alevi groups remain critical of their representation in other school textbooks. The democratization package has proposed further measures, including the establishment of a Roma language and culture institute, although it has also attracted criticism for a number of inconsistencies. In particular, it extends minority language education only to private institutions, meaning that Kurds and other groups will continue to be sidelined in public schools.

Minority individuals and institutions, including Syriacs, Greek nationals and the Roman Catholic Church, continued to face obstacles to land access and property rights during the year. Nevertheless, there were some positive signs of progress. These included, in September, the first baptism in nearly a century at the 1,100-year-old Church of the Holy Cross on Aghtamar Island in eastern Turkey, which, after years of vandalism and disuse, was restored by the Turkish government. Malatya's Armenian cemetery, having been accidentally demolished in 2012, was rebuilt by authorities and opened again in June 2013. The democratization package also proposed that new housing would be built for Roma and in October Mor Gabriel Monastery's land was returned to the Syriac community. However, there were no plans announced to restore the Greek Orthodox monastery at Halki, near Istanbul, to its church owners.

Minorities remain vulnerable to targeted violence. In September, a Roma man and his son were arrested in Iznik, in the west of the country, accused of shooting a 26-year-old man. Following this, 2,000 people reportedly raided Roma shops and vandalized property before police were able to restore calm, but small-scale hate incidents continued in the weeks that followed. Twenty-two men were later arrested in connection with these attacks, but no criminal charges were brought and they were all released. After the violence, the region's governor visited Iznik but not the affected Roma communities. His office subsequently published a highly discriminatory and sweeping statement about Roma.

In December, 13 Alevi homes were defaced with red marks in Adiyaman province. Other

cases had been recorded in different locations across the country since the previous year. These events have raised concern within the country's Alevi population, as similar incidents in the past have escalated to violent attacks, including the killing of more than a hundred Alevis in Kahramanmaras province in 1978.

In spite of events such as these, Turkey lacks comprehensive legislation on hate speech and hate crime, meaning that racist motives are not considered as an aggravating circumstance when people are sentenced for severe offences, such as killing or injuring people, and destroying property. Thus, hate crimes not only are not prosecuted as such and commonly remain unpunished, but are also directed at individuals belonging to a plethora of minority groups, ranging from Christian clergymen to Kurdish students.

Article 216 of the 2004 Turkish Penal Code criminalizes inciting people to hatred and enmity on the grounds of 'different social class, religion, race, sect' but excludes a number of other areas, including ethnicity. Professor Yasemin İnceoğlu, a member of a coalition of Turkish civil society organizations campaigning for hate crime legislation, said this Article 'covers hate speech rather than hate crime and could even be described as falling short of criminalizing hate speech, as it is not usually used by prosecutors in support of minority groups'. The Hrant Dink Foundation's Media Watch on Hate Speech reports in 2013 highlight that hate speech towards ethnic and religious minorities is still prevalent in Turkey's print media. Their May–August 2013 report noted that, while there appeared to have been a slight drop in frequency compared to the previous period, the number of groups denigrated had expanded. In addition to Armenians, Jews, Christians and Greeks, who were regularly vilified, new categories also gained prominence, such as Syrian refugees.

Still, the 2013 democratization package proposed some amendments to the Penal Code that could provide the country with specific hate crime legislation for the first time. However, even though Turkey's Justice Minister had stated that the laws would be modelled on the principles of the OSCE, the draft defined hate and prejudice crimes as those 'committed based on someone's or some group's language, race, nationality, skin colour, gender, disability, political views, philosophical beliefs or religion', excluding those based on ethnicity and sexual orientation – both areas covered by the OSCE. This means that, despite their vulnerability to bias-motivated violence, Kurdish victims of violence could not qualify within this definition. Furthermore the code, as agreed in March 2014 by parliament, punishes hate speech or hate crime with a penalty of up to three years. This means that more serious crimes, such as bias-motivated murder, fall outside its remit.

Ukraine

Ukraine's location between Russia and the European Union has had a profound impact on its internal politics, in particular relations between the ethnic Ukrainian majority and the country's ethnic Russians, who at around 17 per cent of the population comprise its largest minority group. However, an additional 15 per cent of ethnic Ukrainians consider Russian their first language. Since independence, Ukraine's politics have been strongly divided along these ethnic and linguistic lines. The implications of this divide became especially apparent following the spread of protests against the government of President Viktor Yanukovych following his abandonment of a planned EU trade deal in favour of closer ties with Russia. Following mass demonstrations in Kiev, tensions rose between the government and protesters, which led to sustained violence in early 2014, with hundreds killed or injured. On 21 February 2014, Yanukovych was removed from office.

While the primary factors behind the uprising were not ethnic but focused on the corruption of the incumbent government and its close relationship with Russian President Vladimir Putin, the fault lines within the country reflect entrenched political divisions that are strongly associated with ethnicity. This aspect was sharpened in late February 2014 when pro-Russian militia seized buildings in Crimea, allegedly with Russian support. In March, following a controversial referendum in the region, Crimea was formally annexed as Russian territory. In the run-up to the referendum, Crimean Tatars became increasingly exposed to

Case study *by Irene Fedorovych*

Ukraine fails to address hate crime against migrants and other groups

The Ukrainian state has been slow to recognize the reality of hate crime in the country. Even now, there continues to be a clear gap between the small number of cases officially reported each year and the much larger number of incidents recorded by NGOs and rights groups. Furthermore, until recently, while Ukraine had legal provisions (Article 161 of the Criminal Code) criminalizing ethnic or religious hatred or hostility, this legislation was very difficult to apply. This was one of the reasons why many cases were not investigated properly and perpetrators were instead convicted for hooliganism or 'plain' crimes, without particular mention of hate crime or other aggravating circumstances. However, in 2009 the Criminal Code was amended, and in 2012 a new Criminal Code came into force. While civil society organizations were initially hopeful that this would help create a stronger framework for investigating and prosecuting hate crimes, in practice both police and the judiciary have shown little commitment to improving their work.

Ukraine's inadequate response to hate crimes against migrants, African students and other foreigners has attracted international criticism. In September 2012, following the failure of authorities to prosecute the arson of Roma houses in 2001 as a hate crime, Ukraine lost a case in the European Court of Human Rights (in *Fedorchenko and Lozenko v. Ukraine*) and was condemned for its inaction in the ruling:

'There is no evidence that the authorities have conducted any investigation into the possible racist motives of this crime.… The Court considers it unacceptable that in such circumstances an investigation, lasting over eleven years, did not give rise to any serious action with a view to identifying or prosecuting the perpetrators.'

However, even more troubling than the failure of the authorities to punish the perpetrators of hate crime is the prosecution of minority members who have themselves been victims of violence. While a number of cases have been documented, one of the most notorious instances is the case brought against Olaolu Femi, a Nigerian student who arrived in the country in 2007 to study medicine. On 5 November 2011, however, his life changed completely after he was subjected to an unprovoked assault by a local gang. In the ensuing moments, Femi defended himself and his friend against his attackers with a broken bottle. When police arrived shortly afterwards, however, it was not the assailants who were arrested but Femi himself on charges of attempted murder.

The subsequent investigation and trial have been marked by numerous procedural flaws that reflect the continued imbalances in Ukraine's judicial response. After spending 18 months in custody, Femi was released on bail in April 2013 only after the Ombudsman for Human Rights supported a petition from a number of civil society organizations in his support. A year later, despite these irregularities and insubstantial evidence against him, on 1 April 2014 Olaolu Femi received a suspended sentence of five years with a three-year probation period. The sentence attracted widespread criticism from rights groups, with Femi announcing that he would be challenging the verdict. However, the prosecution also announced its intention to appeal for a harsher sentence. Meanwhile, the authorities are doing far too little to address the continued vulnerabilities of sub-Saharan migrants in Ukraine. ■

threats and physical aggression, including from paramilitary organizations. This vulnerability is reinforced by their long-standing marginalization in the country and the uncertain legal status of many Tatars as Formerly Deported People (FDP, referring to the mass deportations in the 1940s by the Soviet government under Joseph Stalin).

Ukraine's status as a major migration hub has also resulted in rising xenophobia against migrants. Asians, Africans and Caucasians are especially vulnerable to bias-motivated attacks. Roma communities have also been targeted with violence, including an arson attack on a settlement in the Darnitskii area of Kiev on 13 June 2013, resulting in 40 people being made homeless.

Just three cases of hate crime were recorded by the police in Ukraine, along with two prosecutions in 2012, according to a 2013 ODIHR report. However, civil society organizations recorded many more incidents involving cases of physical assault, a number resulting in serious injury, stabbings and the use of other weapons. The majority of victims were of African descent. A number of physical assaults against Jewish victims were also reported, one in which a rabbi was attacked with a pepper spray, along with some arson attacks – one attempted against a synagogue – and graffiti, damage and desecration of gravestones and Holocaust memorials. While no official data on anti-Muslim crimes was reported to ODIHR, civil society organizations reported a case of grave desecration and an arson attack against a mosque.

Despite official recognition of hate crime as a serious issue that needs special attention at the ministerial level, at the level of policing victims still face discrimination, harassment and obstruction in opening criminal investigation. Another problem with hate crime investigations in Ukraine has been the prosecution of victims for self-defence. In at least three cases since 2008, people who were pushed to use force against perpetrators ended up facing criminal charges

Left: Tatar people wave Ukranian flags at a rally in Simferopol against the 16 March referendum in Crimea. *Jeroen Oerlemans/Panos.*

when the offenders were set free.

It is also clear that in some cases the authorities have failed to respond adequately to hate crimes. The majority of reported cases are investigated and forwarded to courts as ordinary crimes without specific mention of the bias motivation. Inadequacies in the investigation of racist hate crime were illuminated by the European Court of Human Rights 2012 ruling in *Fedorchenko and Lozenko v. Ukraine*. The case involved an arson attack against a Roma family in 2001 which claimed the lives of five of the family members, and in which it was alleged that a police major participated. The Court rebuked the Ukrainian authorities for their failure to investigate the racist motives of the crime (see case study).

The effects of Ukraine's recent political instability could have troubling implications for its minorities. In February 2014, one of the first acts of the new parliament was to vote to annul the 2012 law on minority languages, which allowed Russian to be treated as an official second language in parts of the country with a significant Russian-speaking population. This also had implications for other linguistic minorities and indigenous peoples in the country, such as Crimean Tatars, whose language has been classified by UNESCO as severely endangered, as well as Krymchak, Karaites, Bulgarian, Hungarian and Romanian minorities in the country. The recently appointed interim President, Aleksandr Turchinov, subsequently stated that he would not enact the annulment. In the context of rising tensions between Ukraine and its Russian neighbour, the importance of curbing hate speech and hate crime against minorities – already a serious and poorly recognized challenge – could become even more pressing in 2014. ■

Case study *by Peter Grant*

Tackling Islamophobia in the United Kingdom

In the United Kingdom, extremist organizations such as the English Defence League have launched vocal attacks against the Muslim minority. However, while these groups remain at the fringe politically, their activities comprise only a small fraction of the true extent of Islamophobic hate speech and violence. Fiyaz Mughal, director of the charity Faith Matters, discusses the challenges with MRG and how his organization's Tell MAMA (Measuring Anti-Muslim Attacks) project is supporting efforts to address them.

The UK has one of the better developed reporting mechanisms in Europe on hate crime, but Tell MAMA has highlighted that only a fraction of incidents against Muslims are actually reported. What is contributing to this lack of visibility?

There is a lack of trust, a lack of awareness in Muslim communities of what hate incidents and hate crimes are, and also a desire to let things go and not create 'trouble' as it is perceived – these all play a role. Many people have a reluctance to report hate incidents for fear that they may have to confront the accused or end up in court giving evidence. Some are intimidated by this process and so it is about treating victims with dignity, respect, and giving them all of the relevant information that they need. Also, our experience shows that if victims are supported at the beginning, they are more likely to want to go through the process.

We have also found that at a street level,

Case study continued

visible Muslim females are the ones that are more likely to suffer anti-Muslim hate and intolerance. Many of them are not aware of the processes and many of them also lack confidence or feel that if they do report in, their husbands and their sons may feel that they must do the duties and functions that she previously did to reduce her risk, further disempowering the mother and the female in the family. So many just bear the abuse and get on with another day.

Do you think that sections of the British media are contributing to the problem?
Sadly, some media outlets in the UK produce a daily diet of caricatured stories and inflammatory headlines about Muslims, and this doesn't help improve mainstream thinking around anti-Muslim hate. Some press sources have been churning this out for years, and there is an impact in the way these stories are then circulated by others as fact.

How can police enhance their own procedures to improve the rate of reporting?
Well, we have made clear that police training on understanding the language of anti-Muslim hate is key and this also goes for practitioners in the Criminal Justice system. In fact, this is urgently needed if headway is to be made on tackling of anti-Muslim hate – otherwise, actions will miss out one vital component.

In this regard, forces need training for front-line officers and evidence from Tell MAMA shows that racist and anti-Muslim rhetoric is, on many occasions, mixed together, and we strongly believe that front-line police officers who come out and see victims classify the cases as racist without much digging and the asking of relevant questions. Ensuring that the classification of cases takes place is essential to get a grip and handle on the scale of the problem, as well as provide the right kind of support to the victim. Wrongly classifying a case can also affect its outcome since the Crown

Prosecution Service may take a wrong train of enquiry in the end.

Finally, how can members of the general public contribute to supporting victims of hate crime?
Members of the public can support hate crime work by promoting and publicizing it, and volunteering for it. Also, ensuring that rhetoric is challenged, whether through the press or through other sources, is key. Furthermore, where there has been proactive community engagement from police forces, we have seen interesting initiatives like training for community activists on understanding hate crime, with police forces actively involved. This partnership can and does reap rewards for the long term and it is something that we would always advocate. ■

Below: Young Muslim women in the UK. ***Jenny Matthews/Panos.***

LIBYA
LEBANON
SYRIA
ISRAEL/OT/
Palestinian Authority
EGYPT
JORDAN
IRAQ
KUWAIT
IRAN
SAUDI ARABIA
BAHRAIN
QATAR
U.A.E .
YEMEN
OMAN
ARABIAN
SEA

Middle East and North Africa

Glenn Payot

The wave of revolts in the Middle East and North Africa since 2011 has brought both opportunities and insecurities for minorities in the region. In the wake of these uprisings, 2013 saw minorities acquire new civil, political and cultural rights in some countries. But positive developments were largely counterbalanced by the persistence of deep-rooted patterns of discrimination, often encouraged by leaders in power in order to maintain the political and social status quo. Furthermore, 2013 was characterized by a deterioration in the security situation in a number of countries, putting members of marginalized minorities at particular risk.

At a domestic level, as constitutional processes were going forward, tensions between competing concerns and aspirations for the future – *Sharia*-based and secular politics, federal and unitarian systems, the rights of minorities and fears of secession – frequently erupted into violence. Regional dynamics also played an important role in the increasing insecurity faced by minorities. In particular, the intensification of the armed conflict in Syria and its simplistic narrative of a Shi'a–Sunni divide was reinforced by the growing involvement of regional actors along sectarian lines. This has also paved the way for an escalation of religious tensions throughout the region.

The many religious and ethnic minorities in the region have found themselves at the heart of these developments. In the context of often bitter power struggles, religious and ethnic identities have been exploited by different stakeholders to serve their own political interests. Against this backdrop, the hate speech and inflammatory rhetoric disseminated through *fatwas*, speeches, sermons, mass media and online are both a cause and a reflection of growing sectarian tensions. In the contexts of civil wars or protracted insecurity, this rhetoric often amounted to incitement to violence against minorities.

Nevertheless, counter-initiatives throughout the region, either as a result of official government policy or promoted by media, NGOs and youth activists, are also indicative of an increasing awareness of the problems of hate speech and hate crimes, and the urgency of addressing incidents to prevent a wider outbreak of conflict. In the current context of social and political transformation, the rights of minorities and their protection from intimidation or attacks will be fundamental tests of the ability of governments to ensure peaceful coexistence and respect for diversity – both fundamental preconditions for lasting stability in the region.

Egypt

The year 2013 was a pivotal one for Egypt. The ousting of President Mohamed Morsi by the army in July marked a turning point for the country, with significant implications for the country's religious minorities. After taking power, the Supreme Council of Armed Forces (SCAF) introduced in December a new draft Constitution containing a number of new legal guarantees for minorities. At the same time, the anger of Morsi supporters after his ousting, reinforced by the army's violent crackdown on their protests, resulted in an escalation of attacks against Christian Copts, Egypt's largest minority, for their perceived support of the military's actions.

Incidents of sectarian violence against Christians have been a recurring pattern in Egypt for years. Their intensity and frequency have been on the rise, however, since the fall of former President Mubarak following the January 2011 uprising. Despite some signs of political progress, repeated attacks against Copts, Shi'a and Bahá'i minority members occurred under Morsi. This included, in one of the most violent episodes, an outbreak of violence against Copts in April in the village of Al-Khosous, followed by a related incident shortly afterwards outside St Mark's Cathedral in Cairo. These incidents left a number of people dead and over 80 injured. The attack on the cathedral was particularly significant as it is the seat of Coptic Pope Tawadros II; police were accused of standing by as assailants attacked those inside the compound. The congregation had gathered to mourn the five Copts who had died the weekend before in Al-Khosous; a Muslim also died in the earlier incident.

The sectarian violence further intensified after the deposing of Mohamed Morsi. Through inflammatory speeches, flyers and online postings, Muslim Brotherhood supporters alleged

Above: Coptic Christians in Egypt walk around a damaged church. *Louafi Larbi/REUTERS.*

that Copts had agitated for Morsi's removal and participated actively in the subsequent crackdown. Morsi's Freedom and Justice Party posted a message on its Facebook page warning: 'Christians in Egypt … deserve these attacks on churches and their institutions. For every action, [there is] a reaction.' As a result, the second half of the year saw repeated attacks against priests, abductions of Copts (including women and children) and frequent assaults on Coptic churches, houses and shops. Instances of local imams inciting violence against Coptic inhabitants were also reported. The violence peaked in August, following the dispersal of sit-ins held by pro-Morsi supporters. Mobs then attacked at least 42 churches, as well as Coptic houses, schools and associations, resulting in heavy damage. Reports of the death toll varied from four to seven people killed.

The Coptic minority was not the only victim of sectarian violence. Egyptian Shi'a were also targeted during the year by both Salafi movements and supporters of the Muslim Brotherhood. Anti-Shi'a hatred was aggravated by the increasingly divisive conflict in Syria, as well as frequent inflammatory statements from prominent Sunni clerics and opinion-leaders presenting Shi'a as a threat to Sunni populations. In June, a large crowd violently attacked a group of Shi'a, including women and children, privately celebrating a religious ceremony in the village of Abu Mussalam. Though four men were killed and other Shi'a houses were also set on fire, the police allegedly failed to take action to halt the attacks. The incident reportedly followed weeks of violent rhetoric by Salafi preachers in local mosques. Sufi Muslims have also been targeted, with more than 100 attacks against Sufi places of worship reported since 2011.

The Egyptian state's response to this sectarian violence has been inadequate on a number of levels. Besides not taking sufficient action to prevent or curb violence against minorities, authorities have often failed to hold perpetrators of sectarian violence to account and have

favoured 'reconciliation sessions' over the prosecution of offenders and reparation. This has helped create a climate of impunity. Finally, the authorities have failed to prevent these attacks by tackling the root causes of this violence, including the country's discriminatory legislation, and the use of hate speech to incite violence. A report issued by MRG in December 2013 highlights the prevalence of hate speech against religious minorities in the media and political rhetoric. Minority representatives have also denounced the failure of the state to curb anti-Shi'a and anti-Christian sermons in mosques. President Morsi himself failed to condemn violent and hateful rhetoric used by his supporters during a rally he attended in June.

Article 53 of Egypt's new Constitution, presented in December 2013 and passed in January 2014, requires that 'incitement to hate' be punishable by law. However, its effectiveness will depend on subsequent legislation and whether it is specifically used as a basis for tackling hate speech against religious minorities. Indeed, a provision on 'incitement to hatred' already exists in the Penal Code, but has in the past been used to repress religious defamation. A 2013 report from the Egyptian Initiative for Personal Rights shows that this law has been widely used in Egypt, including in 2013, to arrest, detain and prosecute members of religious minorities. The 2014 Constitution also includes other potential improvements for minorities. While *Sharia* remains 'the main source of legislation', the responsibility for its interpretation shifts from Al-Azhar, the Sunni religious institution, to the secular Supreme Constitutional Court. Article 235 provides that the parliament pass a law governing church building and renovation, potentially putting an end to long-standing local restrictions on Christian worship.

Nevertheless, the new Constitution has retained some of the discriminatory aspects of its predecessor. First, the protection of religious freedoms is restricted to the 'heavenly religions', namely Islam, Judaism and Christianity, but continues to exclude other minorities such as those of the Bahá'i faith. The drafting committee expressly rejected proposals to expand the scope of rights granted to all 'non-Muslim' groups. In addition, despite the change in Constitution, other discriminatory aspects of Egyptian law – such as the prohibition of public worship for Shi'a and the non-recognition of Bahá'is as a religious group – remain in place. This has helped perpetuate the vulnerability of religious minorities in the country. Bahá'is, for example, continue to face difficulties in obtaining identity cards. As a result, they may be barred from setting up a bank account, registering in a school and enjoying other basic rights.

More fundamentally, the entrenched discrimination that minorities face, as well as the role that official policies play in its facilitation, is still largely denied by authorities. This is made worse by the frequent failure of Egyptian media to provide a clear-sighted analysis of the causes of sectarian violence. Constitutional protections are also relatively ineffective without the commitment of the government, security forces and judiciary.

Iraq

The year 2013 was the deadliest in Iraq since 2007, claiming the lives of between 7,800 and 9,500 civilians. The Iraqi population has been increasingly targeted in recent years, with more attacks aimed at recreational areas and intended to spread terror. Minorities have continued to pay a particularly heavy price in this context. While Kurdish, Shi'a and Sunni communities have developed their own armed groups as a means of self-defence, marginalized minorities such as black Iraqis, Christians, Sabian Mandaeans, Shabaks, Turkmen and Yezidis have found themselves with little effective protection in this deteriorating security environment.

Numerous factors, both internal and external, have contributed to this escalating violence. The sizable Sunni population has felt marginalized by the Shi'a-dominated government; such sentiments led to a series of protests beginning in December 2012. In April 2013, a sit-in held in Haweeja was violently stormed, allegedly on the orders of senior government officials, leaving dozens dead. The crackdown sparked other deadly clashes in Sunni strongholds, bringing the total death toll to more than 170, and exacerbating the Sunni population's resentment. Tensions escalated during the year, culminating

in December with the arrest of prominent Sunni politician Ahmed al-Alwani on charges of terrorism and the decision the same month to raid one of the main Sunni protest camps in Ramadi; both incidents sparked fresh violence.

The escalation of the conflict in Syria also played an important role in fuelling sectarian tensions and reinvigorating Sunni and Shi'a militias, including al-Qaeda's affiliate in Iraq, which merged with its Syrian counterpart in April to become the Islamic State of Iraq and the Levant (ISIS). The head of the UN Mission in Iraq noted in July that 'the battlefields are merging. [The] Syrian conflict is not only spilling over into Iraq. Instead, the conflict has spread to Iraq, as Iraqis are reportedly taking arms against each other in Syria, and in Iraq.'

In this context, members of smaller minorities have been particularly targeted for a variety of reasons. First, rebel groups such as ISIS have conducted attacks on civilian targets with a view to inciting sectarian hatred and undermining the government's ability to maintain basic security in the country. Smaller minorities often constitute 'soft targets', as they lack wider political support and do not have their own militias, meaning attacks against them are often met with impunity, despite verbal condemnations from authorities. For example, the Sabian Mandaeans, a Gnostic religious minority who are forbidden by the pacifist principles of their faith to carry weapons, suffered a high number of kidnappings, murders, death threats and forced conversions, as well as attempts to kill their community leaders. Black Iraqis, living mainly around Basra, also faced security challenges during the year. They have been subjected to a series of kidnappings and murders, including the assassination of community leader Jalal Diab in April.

Another factor is that most minority groups are concentrated in strategic areas such as Baghdad or the oil-rich regions of Mosul, Kirkuk and the Ninewa Plains, where control is disputed between different factions. In these areas, religious and ethnic minorities have been pressured by Arab or Kurdish political groups. Yezidis and Kaka'i, two communities living mainly in the province of Ninewa and around Kirkuk respectively, reported having been subjected to threats and intimidation for their refusal to self-identify as Kurds. The

Above: Yezidi man in Iraq.
Chris Chapman/MRG.

Turkmen minority, the third main ethnic group, living mainly around Kirkuk, also reported cases of land confiscation by the Kurdistan Regional Government (KRG) and ongoing policies of 'Kurdification'.

Nevertheless, religious minorities are also targeted for ideological reasons, with fundamentalist groups such as ISIS aiming to bring an end to Iraq's religious diversity and to establish a Sunni caliphate in the region. Both Christians and Yezidis are frequently associated collectively with the West and attacked as a result. Throughout 2013, following Shi'a Ayatollah al-Baghdadi'a *fatwa* at the end of the previous year requiring Christians in the country to either convert to Islam or face death, Christian neighbourhoods in Mosul and Baghdad were subjected to targeted attacks. The violence peaked on Christmas Day with explosions in several Christian areas of Baghdad, killing dozens. Kidnappings and intimidation to force Christian families to leave Iraq have also been reported, with many fleeing to the Kurdish region or becoming refugees in neighbouring countries. Yezidis were also targeted by Sunni extremist groups, including a number of attacks on Yezidi students attending Mosul University. By year's end, approximately 2,000 Yezidi students had stopped attending their classes at the university. Abductions of Yezidi women and girls continued to be reported; these led to protests by Yezidi diaspora communities during the year.

The Turkmen community suffered deadly attacks by Sunni Islamist groups. During 2013, bomb attacks in Turkmen residential areas killed or injured hundreds of civilians. One attack occurred near Tuz Khurmatu in June, when two suicide bombers struck against a Turkmen protest demanding increased protection for their community. The UN estimated that dozens were killed. Likewise, Shabaks, a small ethnic minority which does not define itself as either Arab or Kurd, have been victimized because of their presence in disputed territory in and around Mosul. In 2013, suicide bombs exploded during a funeral and in a Shabak village hundreds of death threats were reportedly sent to encourage Shabaks to move away.

Minority women and girls are among the most vulnerable in this climate of insecurity. Minority women have been specifically targeted for not conforming to strict Islamic or traditional norms and have become vulnerable to abductions characterized by a pattern of sexual violence. Mental health issues also continued to be reported. For instance, according to one report, over 30 suicides had occurred in the Yezidi community of the Ba'shiqah sub-district near Mosul by November; 64 per cent of the cases involved women. Activists noted that actual figures are likely to be higher as family members refrain from reporting the real cause of death, which in some cases may be linked to 'honour' crimes.

As in previous years the repeated attacks, creating a climate of fear and intimidation, also led members of minority communities to flee the country en masse or move to the Kurdish region, where security is perceived to be greater. In September, the UN High Commissioner for Refugees noted that the recent spate of bombings and the increased sectarian tensions had led to 5,000 people being displaced during a short period of time. According to the agency, the escalation in violence in 2013 uprooted nearly 10,000 people during the year. This new wave of displacement added to the continued reshaping of Iraq's ethnic-religious map.

The rich religious diversity of Iraq itself is at risk. For a few years, Iraq has consistently ranked among the countries where minority groups are most under threat. Smaller communities such as the Sabian Mandaeans are facing a risk of total disappearance in Iraq. With more than 90 per cent of the population having died or fled the country since 2003, community leader Sattar Hillo noted that fewer than 10,000 Sabian Mandaeans remained in the country by the end of 2013.

Israel/Occupied Palestinian Territory

The legislative elections held in January led to the formation of a coalition government in March, under the renewed leadership of Prime Minister Benjamin Netanyahu. This new government promoted a number of initiatives that have had a negative impact on the rights of the Arab and Bedouin minorities living in Israel and in the territories under its control.

First, the new government accelerated the settlement process in the West Bank, the eviction of non-Jewish communities from their lands and

Case study *by Ioana Moraru*

The dangers of living as an undocumented migrant in Morocco

In August 2013 Ismaila Faye, a 31-year-old Senegalese, was stabbed to death on a bus after he refused to vacate his seat next to a Moroccan woman. The murder, widely condemned as an act of racism by the Senegalese community and local rights groups, is just one example of an endemic problem in the country: the mistreatment of its sub-Saharan population. Since the 1990s, Morocco has become an increasingly popular transit country for migrants seeking a better life in Europe. But while poverty, political turmoil, civil conflict and persecution continue to push large numbers of sub-Saharans to leave their countries, strict European border controls and the high costs of migration have meant that in practice many remain in Morocco for years.

The marginalization of undocumented migrants, who receive no support or official recognition from the government, not only undermines their access to housing, employment and basic services, but also places them outside the formal justice system. In fact, undocumented migrants face widespread discrimination at all levels of society – including from the police and government officials. Local attitudes to sub-Saharan migrants are often characterized by deep-rooted prejudice and stereotypes, associating migrants with terrorism, AIDS and criminality. These negative representations have also been reinforced by the media.

Due to their clandestine status, undocumented migrants are not only underpaid by employers and overcharged for basic necessities such as food and accommodation, they are also unable to benefit from police protection or make use of official channels of complaint. This makes them especially vulnerable. Recent research and interviews have shown that attacks and intimidation are regular events, encouraged by their lack of formal recognition in the country. In the words of a 2013 Médecins Sans Frontières (MSF) report, 'The fact that sub-Saharan migrants are classified as "illegal" means that the majority live with the constant fear of arrest and expulsion and the ever present threat of violence, abuse and exploitation.'

This is why other sub-Saharan migrants viewed Faye's murder not as an isolated incident, but part of a broader pattern of racism and discrimination in the country. In the wake of his death, hundreds of Senegalese congregated in Rabat to protest against racism. Moroccans also went online to voice their support for the migrant community. Nevertheless, until the root issues of exclusion and 'illegality' are addressed, Morocco's sub-Saharan population will continue to live with the constant threat of violence. ■

the destruction of their houses. During the first six months of 2013, Peace Now documented a 70 per cent surge in new constructions in settlements compared to the same period in 2012, and a boom in the issuing of tenders for new settlements. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), over 600 demolitions were carried out in 2013 by the Israeli authorities in the West Bank, resulting in 1,100 persons displaced – a 24 per cent increase in comparison with 2012.

Herding communities living around East Jerusalem and in the Jordan Valley have been particularly targeted by 'relocation plans' on the grounds that they do not hold titles over the land. These plans were designed without consultation with the affected communities, amounting to forced displacement, and failed to offer relocation solutions compatible with their traditional way of life. Israeli NGO B'Tselem

reported that about 60 Bedouin were evicted in August from the Tal ʻAdasa area of Jerusalem; they were given ten days to leave their homes and were reportedly told they could face a fine or arrest if they did not clear the demolition debris themselves. In early 2013, the Israeli government also reactivated a previously frozen proposal, the E1 Plan, allocating land occupied by herding communities near East Jerusalem to the expansion of settlements. In February 2014, Bedouin community leaders said that 2,300 Bedouin are at risk of displacement on account of the E1 Plan.

Furthermore, in June the Knesset approved the Prawer–Begin Plan on first reading. If voted into law, the Plan, denounced by rights groups and politicians from across the political spectrum, would have resulted in the forced displacement of up to 70,000 Bedouin living in unrecognized villages in the Negev desert (*Naqab* in Arabic) in the south of Israel. The Plan had been drawn up without adequate consultation with affected Bedouin communities. It would have been the largest displacement of Palestinians by the Israeli authorities in decades. However, the proposal was shelved by the government after it lost parliamentary support.

Two initiatives advanced in 2013 threatened to diminish the ability of minorities to voice their concerns and defend their rights. A bill introduced in May and finally adopted in March 2014 raises the electoral threshold for

Left: Bedouin mother and daughter in the Negev Desert, Israel. *Karen Robinson/Panos.*

representation at the Knesset from 2 per cent to 3.25 per cent, a development that could jeopardize the political participation of minority Arab and Ultra-Orthodox parties in parliament. Another bill, which received the government's support in December, provides for a 45 per cent tax charged on certain NGOs receiving foreign funding who campaign for the boycott of Israel, call for the prosecution of Israeli Defense Force (IDF) soldiers before international jurisdictions, or deny 'the Jewish and democratic' nature of the state of Israel. This bill is part of a wider trend in government policies towards Israeli NGOs, limiting their access to foreign funding and imposing administrative burdens in order to restrict their activities.

The state of Israel has developed a strong legislative arsenal to combat hate speech and hate crimes. Israel's Penal Code prohibits and imposes heavy sentences for acts of sedition, including *inter alia* 'the promotion of conflict and enmity between different parts of the population'. More precisely, since 2002 the law has stipulated a five-year prison term for 'a call to commit an act of violence or terror, or praise, words of approval, encouragement, support or identification with an act of violence or terror'. The Penal Code furthermore provides that a sentence should be doubled when a crime is committed 'out of a racist motive … or out of enmity toward a public because of their religion'. The application of the Israeli legislation has been extended to settlers, while the Palestinian population living in the occupied territory are subject to Military Order No. 101, which prohibits in broader terms 'attempts to influence public opinion in the region in a manner that is liable to harm public safety or public order'. The Palestinian Authority also issued a presidential decree on 'incitement' in 1998, applicable to territories under its jurisdiction in Gaza and in the West Bank.

However, there is an important gap between law and practice. This was evidenced in early 2013 by the much publicized outburst of racist and violent anti-Muslim slogans during football matches by Beitar Jerusalem fans protesting against the integration of Muslim players from Chechnya. Nevertheless, these incidents were widely condemned by Israeli civil society, with fans appearing at matches with anti-racism banners, and initiatives such as the 'Football for All' and 'Kick Racism and Violence out of Football' campaigns.

Hate crimes by ultra-nationalist Jewish settlers targeting Christian and Muslim Arabs in the West Bank also reached unprecedented levels in 2013, through the practice of so-called 'price tags'. This consists of acts of random violence and harassment against Christian and Muslim communities, carried out by young settlers. The name 'price tag' refers to the price that should allegedly be paid by Palestinians – and also Israelis – who hinder the growth of settlements in the West Bank. In 2013, it translated into attacks carried out almost daily against Muslim and Christian Arabs. Offences included slashed tyres, torched cars, vandalized homes, houses set on fire, attacks on a Palestinian school by masked settlers, defacement of Muslim and Christian cemeteries and attacks against mosques and a Catholic monastery, as well as the burning of entire fields of olive trees. The symbolism of the targets and the intent to send a message is reinforced by the threatening graffiti that was almost systematically left behind by the offenders, promising war, forced eviction and death to Arabs, and signing with 'price tag' and Stars of David. The practice dates back to 2006 but it has nearly quadrupled over the years to peak at almost 400 documented incidents in 2013, making 'price tags' an increasingly routine occurrence.

Though these incidents are illegal and the Israeli authorities have issued public condemnations, numerous voices in civil society have raised concerns over the increase of these hate crimes and the inadequate official response to address them. 'Price tag' perpetrators were classified as members of an illegal organization in 2013, but critics wondered whether this designation goes sufficiently far. A special police unit was created in the West Bank, but it has been criticized for lacking effectiveness. The UN Special Rapporteur on the situation of human rights in the Palestinian territories denounced 'the almost non-existent efforts of the IDF to protect Palestinians or to investigate settler

abuses'. While some offenders have been arrested, they were very often released without charges. According to human rights organization Yesh Din, from 2005 to 2013, only 8.5 per cent of investigations against suspected incidents by Israelis against Palestinians in the West Bank resulted in the filing of an indictment.

Anti-Jewish language has also been an issue of concern. In 2013, in the context of US Secretary of State John Kerry's diplomatic offensive to bring about a peace agreement, allegations of Palestinian 'incitement' were raised repeatedly in Israeli political discourse. In the autumn of 2013, Hamas introduced new textbooks in the schools of Gaza containing questionable treatment of Jews and Israel, as well as a number of historical inaccuracies and omissions. Nevertheless, a recent report from Arab and Israeli academics, after a review of both Israeli and Palestinian textbooks, concluded that 'dehumanizing and demonizing characterizations of the other are rare in both Israeli and Palestinian schoolbooks', even if schoolbooks in both sides 'present exclusive unilateral national narratives' tending to portray 'the other as the enemy'.

Lebanon

Lebanon's social context remained fragile in 2013. The political and sectarian polarization of the conflict in Syria has had tremendous consequences on its neighbour, as Lebanon itself comprises Shi'a, Sunni, Alawite, Christian and Druze communities. However, while the civil war that tore apart the country from 1975 to 1990 has created lasting inter-communal tensions, it has also left painful memories that serve as a deterrent.

The first major destabilizing factor for the country of 4.5 million was the influx of refugees from neighbouring Syria, rising from 130,000 people in January to more than 800,000 in December. The influence played by the Syrian government in Lebanon over the past decade, and the profound divide within the country over Syria and its regime, makes this influx especially disruptive.

The open military involvement of the Hezbollah, the powerful Shi'a militia, alongside Syrian President Bashar al-Assad's troops is another source of instability. While the Lebanese government had made efforts to follow a policy of 'dissociation' since 2011, officially abstaining from taking sides in the conflict in order to avoid being drawn into a new civil war, this policy became increasingly fraught when Hezbollah issued a public announcement of support for Assad's regime. All these developments have paved the way for increasing political polarization and outbursts of sectarian violence, at times encouraged by clerics such as Salafi Sheikh Ahmad al-Assir, who in April called for jihad against Hezbollah in Syria.

The northern city of Tripoli, while serving as the stronghold of the Lebanese Salafi movement, also hosts a significant presence of Lebanese Alawites. Historically marked by recurrent tensions between members of the Alawite and Sunni communities, the city has experienced a resurgence in violent attacks. Sectarian tensions date back to the civil war but have worsened due to the conflict in Syria. Abductions of civilians, attacks targeting clerics and sporadic armed clashes between Alawite and Sunni groups in the city had already been escalating since early 2013. In May, however, the violence in Tripoli escalated, resulting in dozens dead and hundreds wounded. In August, the bombing of two Sunni mosques in the city killed dozens of civilians on the same day. From the summer, sectarian violence also occurred in the southern suburbs of Beirut. Predominantly Shi'a areas were subjected to indiscriminate bombings by militant groups, resulting in civilian casualties.

However, faced with the risks of Syria's civil conflict spreading into Lebanon, some steps have been taken to counter the sectarian narrative between Sunni and Shi'a Muslims. For example, in March, Hezbollah and Shi'a party leaders condemned the attacks of four Sunni sheikhs on the outskirts of Beirut, describing it as an attempt to fan religious tensions, while Sunni muftis called for calm and warned against incitement to division on both sides. Sunni and Shi'a clerics joined in condemning the aggression and called for calm. Christian bishops and patriarchs also denounced acts of violence.

Counter hate speech initiatives also emerged from civil society in 2013. In May, reacting to the profusion of hate speech on social media in the wake of the attacks on the Sunni sheikhs,

informal groups of young activists formed an 'anti-confessional police' to monitor and report incitement to hatred in social media. More generally, an inter-religious movement, advocating a less sectarian society, vocally opposed a proposal to revise the electoral law that could reinforce the sectarian divide in the voting process and stated their support for non-religious civil marriages.

Libya

Two years after Colonel Muammar Gaddafi was removed from power, the situation of ethnic, religious and linguistic minorities in Libya remains uncertain. On the one hand, important progress occurred during 2013 in furthering the recognition of civil, political and cultural rights for the three main minority groups: Imazighen (Berbers; singular Amazigh), nomadic pastoralist Tuaregs living along Libya's western border, and black African Tebu, living near the town of Kufra in southern Libya. Nevertheless, the ongoing inability of the central government to establish control over the multiple armed groups operating in the country has left some minorities vulnerable to attacks.

The General National Congress (GNC), elected in July 2012, took significant measures in 2013 under Prime Minister Ali Zeidan to advance the rights of minorities. While Tebu and Tuaregs were assimilated as foreigners under Gaddafi, without citizenship or other associated rights, in April 2013 the GNC passed an anti-discrimination law that strengthened protections for ethnic minorities, and in June took the symbolic step of electing an Amazigh as its president. The following month, the GNC also passed a law prohibiting electoral candidates from speeches encouraging tribalism, regionalism or ethnic sentiments in the framework of the electoral campaign. However, rather than protecting minorities, existing provisions of the penal code prohibiting incitement to hatred have been used even since the fall of Gaddafi to arrest and prosecute individuals on grounds of blasphemy-like offenses and accusations of 'instigating division'.

After decades of marginalization, discrimination and forced Arabization, Libyan non-Arab minorities have been able to maintain and promote their distinct identities with greater freedom. In July, following protests from minority groups about the exclusion of a number of rights from the recently passed electoral law, the GNC passed a law officially recognizing the Tamazight (Berber), Tuareg and Tebu languages and enabling them to be taught in schools. The launch of media outlets in minority languages and the holding for the first time in 2013 of once forbidden Amazigh and Tebu cultural festivals, with the support of the government, confirmed the new emphasis on diversity within Libya.

One of the key demands of minority communities is for the future Constitution to formally recognize linguistic rights and other basic freedoms. A law passed in July provides for six out of a total of 60 seats to be reserved for minorities in the Constitutional Drafting Committee, to be elected in 2014, though minority representatives have objected that majority voting will still mean that their concerns will not be adequately reflected. They jointly called for the adoption of a 'consensus principle' for the drafting process to ensure their involvement in decision-making, and threatened to boycott the elections if these demands were not met. Minorities were also politically active in other areas during the year, organizing themselves into associations such as the Supreme Amazigh Council, the Tuareg Supreme Council and the Tebu National Assembly. They undertook joint political action and organized blockades of roads and pipelines in order to secure recognition of their rights in the future constitution.

Despite these moves, the security context for minority groups remained volatile. The government's weak enforcement of the rule of law, together with the presence of extremist Salafi movements and the continued hostility of sections of Libyan society towards ethnic and religious minorities, led to sporadic incidents of violence and intimidation during the year. These included the destruction of Sufi shrines and mausoleums and attacks on churches by Salafi groups at the start of the year. Priests were assaulted by gunmen and Copts accused of proselytization have been arrested and allegedly tortured by members of the militia Libya Shield.

Xenophobic rhetoric about Tebu and other minorities, a common occurrence under

Gaddafi, has lingered. There are ongoing reports of violence between Arab Zawiya tribes in the south and Tebu communities. These attacks occur against a backdrop of discrimination as well as competition for the control of the lucrative trans-Saharan smuggling routes in the region.

Similarly, the Tawerghan ethnic minority suffered violent attacks by brigades and continued to be displaced in 2013. During the Libyan revolution, government forces attacking Misrata were partly based in the town of Tawergha. Following this, Misrata rebel forces targeted Tawerghans, forcing them from the town. According to Human Rights Watch (HRW), 1,300 remain detained or missing, while more than 30,000 civilians were forced into exile. During the year, Tawerghans remained in a state of protracted displacement in internally displaced persons (IDP) camps, unable to return to their homes due to resistance from neighbouring communities. In November, random attacks by gunmen from Misrata left one dead and three injured. However, fewer raids were conducted in 2013 than in the year before, and some observers report that hostility towards Tawerghans is decreasing as people become better informed about their predicament through local media. The adoption by the GNC of the Law on Transitional Justice in December, providing for the establishment of a fact-finding and reconciliation commission tasked with addressing among other areas the situation of IDPs, could deliver positive improvements to their situation in future. However, in April 2014 HRW criticized the lack of implementation and noted that the commission had yet to be established.

Sub-Saharan migrants, asylum seekers and refugees also remain vulnerable to racist stereotypes and 'misguided fears of diseases', according to a report by Amnesty International. UNHCR estimates that more than 8,000 sub-Saharan asylum seekers and refugees, mainly from Eritrea, Somalia and Sudan, were in the country in early 2014. In a climate of impunity and inadequate justice, they were subjected to exploitation and arbitrary arrests and beatings, with some detained indefinitely in harsh conditions in 'holding centres' because of undocumented entry to Libya.

Case study

Hate speech and Saudi Arabia's Shi'a minority

From religious freedom and education to justice and employment, Saudi Arabia's Shi'a minority has for decades suffered discrimination in almost every aspect of their lives. A key element in their marginalization, however, is the dissemination of negative stereotypes and misinformation about the group, as well as the failure of authorities to effectively address these representations. Faced with the challenge of uprisings across the region since 2011, the regime has been accused of exploiting sectarian politics to maintain its control over the population.

Hate speech and inflammatory language feature regularly in schools, mosques, national media and on the internet. In 2013, in the wake of ongoing sectarian conflict in Syria and Iraq, religious leaders in Saudi Arabia have demonized Shi'a and even issued calls for indiscriminate violence against them. Extremist clerics have also exploited platforms such as Facebook, Twitter and YouTube to disseminate their message to hundreds of thousands of online followers. The spread of this material occurs against a backdrop of anti-Shi'a rhetoric, with hate speech featuring

Syria

While the unrest in Syria began in 2011 as a series of peaceful demonstrations by youth and underprivileged sections of Syrian society, calling for political change, since then the conflict has taken on an increasingly sectarian dimension. This development was initially encouraged by the Syrian authorities as a strategy to present themselves as protecting minorities against the threat of Sunni Muslim extremists. The sectarian

even in official Saudi schoolbooks.

While the state has in the past committed to removing inflammatory content from educational material, in practice hostile or misinformed representations of Shi'a and other religious groups remain in place. However, faced with mounting international pressure, Saudi Arabia responded by establishing the King Abdullah International Center for Interreligious and Intercultural Dialogue in Vienna in 2012. Furthermore, the government financed a UNESCO initiative to develop a toolkit to support the development of stereotype-free textbooks.

Nevertheless, these initiatives are based outside Saudi Arabia and do not directly address the domestic situation. And while the authorities took action during the year against the posting of comments and articles critical of the regime on Facebook and Twitter, anti-Shi'a content is still commonplace. Critics have suggested that this ambivalence is due in part to the regime's use of social division between Shi'a and Sunnis to prevent cross-sectarian demands for political change. Instead of taking comprehensive steps to address the issues affecting its minorities, Saudi Arabia has been accused of presenting Shi'a political claims as linked covertly to foreign powers.

In the long term, the only sustainable way for authorities to achieve stability in the country is to allow the Shi'a minority to participate more fully in public life. However, this will depend on whether the state is willing to commit fully to anti-discrimination not only in its international statements, but in practice. ■

narrative has also been fuelled by a variety of commentators outside the country, ranging from mass media and influential Sunni clerics overseas to Salafi groups.

The politicization of religious identities has had severe consequences for the civilian population, particularly minorities. During the year, many were subjected to indiscriminate violence and targeted attacks because of their religious or ethnic affiliation. The year 2013 saw a pronounced escalation of the hostilities, with the number of IDPs almost tripling over the year to reach 6.5 million, while the refugee population outside the country rose from 0.5 million to 2.3 million by year's end. In total, more than 40 per cent of the pre-conflict population have left their homes. In July, the UN estimated that more than 100,000 persons had died since the beginning of the conflict. At the start of 2014, it announced that it would not be updating its estimate due to the difficulty of accessing reliable data in the country.

Syria experienced in 2013 a 'dramatic increase in attacks on religious personnel and buildings' according to the UN, reflecting the growing importance of religiously motivated violence in Syria. Shi'a mosques and shrines, Christian churches and a Sunni mosque were looted and destroyed during the year. Meanwhile, a number of priests were abducted. Another priest and an Alawite imam were killed. Violence also reached unprecedented levels during the year. Large-scale practices of enforced disappearance and torture in detention facilities were documented. Women, men and children have been victims of rape and sexual violence.

President Bashar al-Assad belongs to the Alawite community, a religious minority with roots in Shi'a Islam. Alawites and Shi'a more generally, representing around 13–16 per cent of the Syrian population, were subjected to revenge attacks in connection with the presence of pro-government forces in their towns and villages. In May, Alawite farmers were abducted and killed by snipers as a reprisal against Syrian Air Force shelling coming from their village in Al-Ghab Valley. The attacks have made cultivation impossible for certain villages, depriving them of food and a key source of income. Shi'a enclaves in predominantly Sunni areas in villages near Aleppo were also besieged on the same pretext. In June, at least 30 civilians were summarily executed by combatants from the extremist Jabhat Al-Nusra in the town of Hatla. Two months later, at least 190 civilians, including women and children, were killed by armed groups in a cluster of Alawite villages in Al Hiffa. Islamist militias also killed 18 civilians in September in Alawite villages around Homs. A large number

of civilians were also kidnapped or taken hostage during the year, including hundreds of Alawite women and children abducted by anti-government armed groups, and often used for prisoner exchanges. Pro-government forces have also taken Sunni women and children as hostages for the same purpose.

However, the violence has extended beyond the Sunni–Shi'a conflict to include other minority groups as well. Christians were victimized during the occupation of the village of Sadad by al-Qaeda fighters in October. According to HRW, more than 40 civilians were killed. Druze communities, while largely spared the worst of the violence, have reportedly been pressured by militants to conform to *Sharia* law. Living mostly in the south of the country and representing around 3 per cent of the population, this small religious minority has maintained a position of neutrality in the conflict and welcomed refugees from both sides. Bedouin tribes, because of their perceived sympathy with the opposition, were targeted by pro-government forces. In April, an entire family was executed around Homs; at least eight Bedouin men were summarily shot between July and September.

While Sunni Arabs represent around two-thirds of the overall population, they form local minorities in several predominantly Alawite or Shi'a areas. This has exposed them to targeted assaults from armed groups. The Sunni towns of Al-Bayda and Ras Al-Nabe', located in the predominantly Alawite region of Tartus, were attacked by the National Defence Force in May. Approximately 300 to 450 civilians were summarily executed during the two-day operation, including scores of women and children. The UN has confirmed that chemical attacks have been used, specifically sarin, during the conflict. In August, for example, an indiscriminate chemical attack on the predominantly Sunni district of Al-Ghouta, a stronghold of the opposition in the outskirts of Damascus, claimed the lives of between 300 and 1,500 people. The UN stated that the evidence suggests that the assailants had access

Left: Kurdish woman and child in Syria. *James Gordon.*

to the Syrian military's stockpile as well as had the technical knowledge necessary to use the chemical agents safely.

The Kurdish minority, long oppressed by the Syrian government, are concentrated in the oil-rich north-east provinces. In 2013, the Kurds tried to distance themselves from both sides while continuing to seek greater autonomy. According to reports, their security forces have presented themselves as a pan-ethnic organization defending all the communities in the region, including local Christian communities such as the Syriacs. The establishment of a non-religious civil marriage ceremony in the Kurdish-controlled area in December is a symbolic effort to assert the region's self-rule ambitions while also moving away from the sectarianism elsewhere in the country.

In July, Kurdish forces launched a campaign to gain control over towns and villages controlled by al-Qaeda affiliated militias in Kurdish-inhabited enclaves in the north. Following military victories, the Kurdish Democratic Union Party announced steps towards self-rule of the Kurdish-dominated regions in November. During the offensive in July, Kurdish inhabitants living in Islamist controlled areas of Ar-Raqqah and Aleppo were threatened through announcements on mosque loudspeakers and ordered to leave or face immediate attack, resulting in massive displacement and a number of abductions.

A number of factors contributed to the sectarianization of the conflict during the year. First, the composition of armed forces on both sides has become increasingly divided along religious lines. The Syrian Armed Forces, loyal to Bashar al-Assad, have become more reliant on external support from paramilitary groups to compensate for defections from the army. Lebanese Shi'a Hezbollah announced in May that it would join the fight in Syria and Iraqi Shi'a militias stepped up their military engagement. Most significantly, in early 2013, pro-government civilian volunteers formed a 'National Defence Force', reportedly composed largely of members of Alawite and Shi'a minorities. At the same time, a myriad of Sunni jihadist armed groups, including Jabhat Al-Nusra and the Islamic State of Iraq and the Levant (ISIS), both affiliated to al-Qaeda, have become active alongside the Free Syrian Army.

Furthermore, the nature and pattern of the violence has also reinforced the sectarian aspect of the conflict and blurred the line between civilian and military targets. Governmental forces positioned artillery and bases in Alawite, Shi'a and Christian towns and villages, for example, while anti-government militias made similar deployments in Sunni areas. In this context, the civilian populations in these areas have come to be collectively associated with one or other warring party.

The widespread use of inflammatory language has also reinforced the representation of the conflict as a war of religions. A study published in *Foreign Policy* shows that Sunni and Shi'a clerics and politicians alike have consistently typecast the other group as non-believers serving foreign interests. In June, for example, prominent Egyptian Islamic theologian Yusuf al-Qaradawi denigrated the Alawite community and called on Sunnis to join the jihad against the government in Syria. A month later, an opposing *fatwa* casting Syrian rebels as 'infidels' and encouraging Shi'a to join the war was issued by Iranian Grand Ayatollah Kazim al-Haeri. Thousands of foreign fighters, encouraged by such rhetoric, continued to enter Syria during the year to engage in the conflict.

Hate speech from clerics and other prominent figures has not only been broadcast on television, but also shared on Twitter, Facebook and other websites, reaching a large audience in the process. Internet and satellite channels also serve as platforms for stories, photographs and footage from the battlefield, such as the video posted online in May of a combatant apparently extracting the heart of a dead soldier while uttering threats towards Alawites. This profusion of shocking images and stories has been used by stakeholders on both sides to stoke hostility and dehumanize other groups.

Tunisia

Tunisia has been divided by intense debates around the future Constitution and the broader direction of the country following

the 2011 revolution, with competing visions from secularists and supporters of a state based on Islamic law. Though with a population overwhelmingly composed of Arab-Berber Sunni Muslims, the fate of minorities and their place in Tunisia has been an integral part of these debates. Behind the heated discussion about the place of Islam in the Constitution, a number of key issues are at stake, including freedom of religion, non-discrimination and respect for cultural diversity.

In January 2014, a new Constitution was passed enshrining important guarantees for minority rights. In particular, Tunisia was declared a civil state, despite calls from some groups to make *Sharia* the basis of Tunisian law, while freedom of religion and belief was declared a constitutional right guaranteed by the state. Jewish community representatives refused the proposal to allocate specific seats for Jews in Parliament, and requested to be treated as citizens on an equal footing rather than on a sectarian basis.

Nevertheless, the text represents a compromise between moderate Islamists and centre-left secular parties, with some troubling provisions included that could disadvantage minority communities. This includes the designation of Islam as Tunisia's official religion, the requirement that the President must be a Muslim, and the entrenchment by the state of its 'Arab-Muslim identity' through education, raising concerns among minority rights defenders. The difficulties in accommodating two fundamentally opposing conceptions of the role of the state towards religion is reflected in Article 6, which guarantees freedom of conscience and religion while committing the state to fighting apostasy (*takfir*).

Despite lobbying by the ethnic-linguistic Amazigh minority for linguistic rights during the year, the new Constitution retains Arabic as the state language and stipulates the promotion by the state of Arabic and the Arab-Muslim identity. Black Tunisians also undertook demonstrations, awareness-raising events and advocacy to combat ethnic discrimination. While Christian converts also continue to face social stigmatization and are often afraid to manifest their faith openly, the fact that a committee of the National Constituent Assembly sought the views of the small Christian Tunisian community was a sign of their increasing recognition as a religious group.

As elsewhere in the region, Salafist movements have developed in under-privileged areas of Tunisia, thriving on the country's socio-economic difficulties and the state's inability to provide employment to many young people. This social discontent and lack of prospects have been exploited by ultra-conservative preachers inspired by Wahhabism. Nevertheless, the importance of secular political forces in Tunisia and the relative ethnic and religious homogeneity of the population have meant that minorities have not been the primary victims of hate speech and violence in the country in 2013. Instead, Salafists mainly targeted journalists, human rights defenders and members of secular political parties. This included the killing of two politicians, Chokri Belaid in February and Mohamed Brahmi in July, prompting widespread popular protests.

Sufi leaders reported that dozens of Sufi mausoleums and shrines were ransacked by Salafist groups during the year. Hate speech against Jews in Salafist-controlled mosques was also reported and open calls from an imam to eradicate Jews, broadcast on television, did not lead to prosecution. Jewish cemeteries were desecrated in Kef and Sousse at the beginning of the year, and there were accounts of police harassment of the Jewish community on the island of Djerba. An attack on a Jewish school in Djerba was also reportedly handled inadequately by authorities. However, the annual pilgrimage at el-Ghriba synagogue, which had been cancelled in 2011 and poorly attended in 2012 due to security reasons, was held successfully in April, with hundreds of people attending. The government expressed its support to the Jewish community through the symbolic presence of the minister of tourism, as well the mobilization of a significant security presence to provide protection to participants.

Incitement to discrimination or violence is a prosecutable offence under Tunisian law, with offenders liable to up to three years of imprisonment. However, the ongoing challenge that authorities face in countering Salafist violence reflects broader challenges in

maintaining security. Nevertheless, the rise in Salafist activism met with strong reactions from Tunisian civil society. An association to monitor hate speech in mosques and other contexts such as schools was set up in 2013, while incitement to hatred in the media is being tracked by the regional media watchdog Arab Media Group for Media Monitoring, seated in Tunis. In December, Tunis also hosted a UN symposium on freedom of expression and on hate speech.

While some progress has been made to secure minority rights during the year, major challenges remain. Past practice has shown that Tunisian laws allowing religious freedom provided it 'does not disturb public order' can amount in practice to excessive restrictions on freedom of religion, under the guise of countering proselytization. Effective realization of these rights will depend on the balance of power between secular parties, moderate Islamists and Salafist movements, as well as the capacity of the state to tackle the economic and social conditions in which extremist groups can grow. ■

Peoples under Threat 2014: hate crimes and mass killing

Mark Lattimer

A crime against humanity is defined in the statute of the International Criminal Court as a widespread or systematic attack directed against any civilian population 'in furtherance of a state or organizational policy'. Similarly, the analysis framework used by the UN Special Adviser on the prevention of genocide to determine whether there may be a risk of genocide in a given situation includes consideration of the 'motivation of leading actors in the state', as well as factors such as discriminatory legislation, systematic exclusion of groups from employment in state institutions, imposition of emergency laws, and other manifestations of state power. While a number of other factors are also considered, the focus here on state behaviour is both logical and essential given the central role of the state in coordinating and legitimating mass atrocities in recent history, including the Nazi Holocaust and the Rwandan genocide.

However, state officials may not be the only actors involved in the commission of atrocities, or in the racist or sectarian violence that frequently precedes atrocities. A range of private or non-state actors, from racist individuals and criminal gangs to extremist associations, political parties or armed opposition groups, may be responsible for attacks on minorities and other vulnerable communities. Much of this activity could, or should, be treated as hate crime under national criminal law. States are obliged to prevent and punish such hate crimes. The failure to do so effectively is an important factor in creating an environment where atrocities are more likely to occur.

The 2014 release of the *Peoples under Threat* index demonstrates the complexity of the relationship between the role of the state and the role of private actors in the commission of widespread hate crimes and, in the extreme case, mass atrocities. States may lack the capacity to respond to rising hate crimes in society or may be otherwise unable or unwilling to recognize and prosecute hate crimes. The impunity thus created may be strengthened by elements of the state sharing the prejudices or bias motivation of the perpetrators. In some cases the persecution can be led by state officials or politicians, including through public statements. (The office of the UN Special Adviser on the prevention of genocide includes in its monitoring a 'sudden increase in inflammatory rhetoric or hate propaganda, especially by leaders, even if it does not amount to incitement to genocidal violence in itself'.) The prevalence of hate crimes in society may thus demonstrate collusion or even coordination by parts of the state.

At the same time, the persecuted group or groups may also be targeted by official measures, whether symbolic (such as the removal of protection for minority languages) or repressive (for example, exclusion from public positions, compulsory registration or identification) - measures which may themselves invite further persecution. In the most deadly circumstances, the state itself becomes a mechanism for mass killing, including through its own security forces or other agents. In such cases the state may also co-opt or constrain private actors to take part, or may even coordinate death squads or armed militias to perpetrate killing clandestinely or at one remove from the state.

The *Peoples under Threat* index identifies those countries 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 below), *Peoples under Threat* has been compiled every year since 2005 to provide early warning of potential future mass atrocities. A number of states that rose prominently in the index over the last two years – including South Sudan, the Central African Republic, Pakistan and Syria – subsequently faced episodes of extreme ethnic or sectarian violence.

The 2014 release of *Peoples under Threat* shows that the risk in those states remains critical – but also that threat levels have risen in other states. In many cases, the threat comes not just from governmental forces, or even armed opposition groups seeking to form a new government, but also from private or non-state actors whose relationship with formal authorities may be opaque or controversial. In some cases, the involvement of non-state actors may even be a deliberate ruse to avoid accountability mechanisms.

Rising threats in 2014

The Middle East and Africa dominate the list of major risers in the index this year.

In January 2014 the Office of the UN High

Commissioner on Human Rights announced that the difficulty of verifying information had led it to abandon updating death tolls for the conflict in Syria, last estimated at over 100,000. The fragmentation of the war, in terms of both the proliferation of armed groups and the complex pattern of shifting control on the ground, creates further problems for determining accountability. It also accompanies a growing sectarianization of the conflict. The government of President Bashar al-Assad retains principal culpability for the slaughter, including through indiscriminate bombardment of civilian areas and the deployment of the Shabiha militia. But the Free Syrian Army (FSA), the military wing of the national coalition opposed to the Assad government, steadily lost ground during the year to a number of Islamist militias with a sectarian agenda, including Jabhat Al-Nusra, the Islamic Front and the Islamic State of Iraq and the Levant (ISIS), all responsible for gross human rights abuses. Kurds in the north, long persecuted under Assad, faced repeated attacks in the second half of the year by Islamist groups as well as the FSA, pushing some 50,000 refugees to flee to Iraqi Kurdistan.

Yemen has steadily risen in *Peoples under Threat* over eight years and now finds itself in the top ten states in the index. A national dialogue conference concluded in January 2014, with delegates agreeing to extend the term of President Abdu Rabbu Mansour Hadi by one year to oversee the drafting of a new Constitution before general elections and moves towards a more federal system of government. But the dialogue process was marked by entrenched disagreements, mirroring conflict on the ground on a number of separate fronts, including between al-Houthi (Shi'a) rebels in the north and Sunni tribes, as well as between the authorities and Southern secessionists. Large-scale attacks and assassinations by al-Qaeda in the Arabian Peninsula and other Islamist groups continued, as did US drone strikes against them.

Egypt has risen a striking 33 places in the index this year, although it remains outside the critical upper reaches of the table. Following the removal of President Mohamed Morsi by the military in July, clashes between Muslim Brotherhood protesters and security forces escalated in August. Over 1,000 people were killed in an army crackdown on protest camps in the Nahda and Rabaa al-Adawiya squares in Cairo and subsequent clashes across the country, although exact figures remain heavily disputed. Attacks on Coptic Christians and on Coptic churches were blamed on Muslim extremists, but human rights activists also criticized an inadequate response from Egyptian authorities, including in Minya governorate. A new Constitution, approved by referendum in January 2014, improved protections for minorities but also entrenched the power of the military. After Morsi's removal, a major military operation was launched against Islamist militants in North Sinai. Sinai Bedouin, long marginalized by Egyptian authorities, fear their communities will suffer most in the escalation of the conflict.

It continues to host the largest UN peace-keeping mission in the world, but the Democratic Republic of the Congo (DRC) rose again in the *Peoples under Threat* index in 2014. Katangan separatism, at the centre of the first Congo crisis in the 1960s, led to resurgent violence and the displacement of up to 200,000 people in the province of Katanga last year. In a rare success for government forces, the M23 rebellion in the east was suppressed with the support of UN peace-keepers, but the threat levels in the DRC remain high for at least three related reasons: the proliferation of different armed groups, leading to dozens of separate conflicts, particularly in the east, over ethnicity and natural resources; the track record of neighbouring states in consistently supporting such armed groups; and the repeated practice of integrating former rebels into the Congolese armed forces, who are now often as feared by local communities as the militias from which they came.

When the newly independent state of South Sudan sprang straight near the top of the index two years ago, it seemed that pessimism had prevailed over hope. But the events of recent months have sadly proved the prescience of *Peoples under Threat*. A dispute between President Salva Kiir Mayardit and his deputy, Riek Machar, quickly degenerated into open ethnic conflict in December, pitting Dinka forces controlled by the government against ethnic Nuer. The NGO International Crisis Group estimated that up to 10,000 people had been

Major Risers since 2013

Rank	Rise in rank since 2013	Country	Group	Total
3	3	Syria	Political targets, Shi'a/Alawites, Christians, Kurds, Palestinians	21.61
4	4	Dem. Rep. of the Congo	Hema and Lendu, Hutu, Luba, Lunda, Tutsi/Banyamulenge, Batwa/Bambuti, other groups	20.98
10	1	Yemen	Zaydi Shi'a, 'Akhdam', Southerners	18.58
12	2	South Sudan	Murle, Nuer, Dinka, Anuak, Jie, Kachipo	17.71
14	3	Central African Republic	Muslims, Christians; Kaba (Sara), Mboum, Mbororo, Gula, Aka	15.88
17	8	Mali	Tuaregs, Arabs, Maure and others in the north	15.47
23	33	Egypt	Copts, Shi'a, Bahá'ís; Nubians, Bedouin	14.12
30	6	Turkey	Kurds, Alevis, Roma, Armenians and other Christians	12.86
40	18	Guinea-Bissau	Balanta, Fula (Fulani), Manjaco, Mandinga, Papel, Ejamat (Felupe), Jola (Diola), Susu, Cape Verdeans	12.10
60	New entry	Ukraine	Tatars, Krymchak and Karaites in Crimea; Russians, Hungarians, Moldovans and other national minorities	10.91

killed by January 2014, and the UN estimated in March that over one million had been displaced. Further massacres targeted by ethnicity took place in Bentiu and in Bor in April, even as peace negotiations continued in neighbouring Ethiopia. Adama Dieng, the Special Adviser on the prevention of genocide, reported to the UN Security Council that in Bentiu more than 200 Dinka civilians were killed and 'fighters allied to Dr Riek Machar incited the civilian population to attack the Dinka', while in Bor more than 50 mostly Nuer civilians were killed when a UN camp was attacked by an organized group including 'individuals in the uniforms of the army of South Sudan'. The Special Adviser noted that reports of 'homogenization of security forces by both camps are worrying'. The mobilization of the current or former armed forces of the state to carry out ethnic killing elevates the situation in South Sudan to a level of critical danger.

Recent events in South Sudan have detracted attention from increased violence in the Republic of Sudan, particularly in Darfur. Clashes between Sudanese armed forces and rebels in North Darfur, as well as tribal clashes in the centre and south of the region, have led to renewed population displacement and accusations that the authorities are denying humanitarian access to the affected areas. Last year the joint African Union (AU)–UN mission in Darfur was targeted in a string of armed assaults, resulting in the death of 16 peace-keepers. AU-mediated talks continue between the government and rebels in South Kordofan and Blue Nile states, but the government's expressed intention to bring all rebellions in the country to an end by the summer has led to fears of renewed attacks on civilian populations in all three areas.

In the Central African Republic, both UN and French officials warned in November of the risk of genocide. The predominantly Muslim Séléka rebel coalition which took power in March 2013 had fallen apart by September, but fighters were responsible for widespread looting and a series of abuses against civilians, leading to the creation of Christian self-defence militias, known as anti-balaka, which include supporters of former President Bozizé. Abuses by anti-balaka have now left the minority Muslim communities, often accused of supporting Séléka, at the greatest risk of mass killings. The UN Special Adviser described such abuses as crimes against humanity when he addressed the Security Council in March, reporting that 'Muslims are now being

deliberately and systematically targeted by the anti-balaka and by mobs of civilians in Bangui and in the countryside'. Muslims have fled the capital Bangui and only some 20 per cent of the total Muslim population is left in the country. The interim president Catherine Samba-Panza has the task of re-establishing the government's authority and halting abuses by its troops, to be aided by a UN peace-keeping force of 12,000 agreed by the Security Council in April.

Despite the successful holding of presidential elections last year and the return to constitutional government, Mali continues to face instability from both Islamist rebels and the Tuareg fighters of the National Movement for the Liberation of Azawad (MNLA). In recent months some 200,000 people have returned to Northern Mali after the end of conflict, but the MNLA withdrew from a ceasefire agreed in June and clashes with Islamist fighters continue.

After five coups in the last three decades, hopes that elections in Guinea-Bissau this year will bring stability have to be tempered with caution. The country's rise in the index is partly due to declines in governance, as corruption and drug-trafficking have become further entrenched. But politics in Guinea-Bissau is also characterized by strong ethnic allegiances, and memories of a bitter civil war in the 1990s are still fresh.

The new entry of Ukraine into the *Peoples under Threat* table is perhaps unsurprising given recent events. Russia's annexation of Crimea has prompted particular concern for the Crimean Tatars, an indigenous population of some 300,000 who suffered forced displacement under the Soviet regime. In an atmosphere of intimidation, many Tatars did not vote in the March 2014 referendum on joining with Russia organized by the Crimean authorities. The concerns are not limited to Crimea, however. The presence of ethnic nationalists among the protesters who brought down President Viktor Yanukovych and the immediate repeal of minority language legislation after his fall were worrying signals for many of Ukraine's minorities, including ethnic Russians as well as Hungarians and Romanians. Violent protests by pro-Russian protesters in Eastern Ukraine escalated tensions further in April.

A number of parallels exist between the situation in Ukraine and that in Moldova, which also entered the *Peoples under Threat* table this year. Ethnic Russian protesters in Moldova's breakaway region of Trans-Dniester have called for annexation by Russia, which has troops stationed there. The Russian authorities are acutely concerned that Moldova will sign an association agreement with the EU in 2014 – the same process that sparked the Ukraine crisis.

Peoples at greatest risk

Of the countries covered above, Syria, Sudan, the DRC and Yemen are all placed in the top ten of the *Peoples under Threat* index. For nearly all the countries at this critical level of the index, mass killing is not just a pressing threat: it is already a reality.

Somalia grimly held on to its place at the head of the *Peoples under Threat* index again this year. The Federal Government of Somalia and the AU Mission in Somalia (AMISOM) successfully pushed al-Shabaab rebels out of many towns and cities, but the group continues to control large rural areas – imposing a fundamentalist version of *Sharia* – and repeatedly demonstrated its ability to carry out suicide bombings and other high profile attacks in the capital Mogadishu. Minorities, including the Bantu, remain highly vulnerable, although with control over different parts of south-central Somalia shifting between a range of religious and/or clan-based militias, sometimes allied with Ethiopian or Kenyan troops, almost all Somalis remain at risk of violence.

In Afghanistan, overall civilian casualties rose by 14 per cent in 2013, according to the UN assistance mission. Of 2,959 civilian deaths, most were due to indiscriminate bombings and other attacks by the Taliban and anti-government elements, although there was also an increase in the number of civilians killed in the course of operations by pro-government forces. The start of the presidential election campaign in 2014 was marked by a rise in attacks by the Taliban, who have vowed to recapture more of the country after the scheduled departure of international troops by the end of the year. Meanwhile the National Front, a new alliance of Tajik, Uzbek and Hazara leaders, has announced its opposition to accommodation with the Pashtun-dominated Taliban.

Peoples most under threat – highest rated countries 2014

Rank	Country	Group	Total
1	Somalia	Minorities incl. Bantu, Benadiri and 'caste' groups (Gabooye etc.); clan members at risk in fighting incl. Hawiye, Darod, etc.	23.34
2	Sudan	Fur, Zaghawa, Massalit and others in Darfur; Ngok Dinka, Nuba, Beja	21.63
3	Syria	Political targets, Shi'a/Alawites, Christians, Kurds, Palestinians	21.61
4	Dem. Rep. of the Congo	Hema and Lendu, Hutu, Luba, Lunda, Tutsi/Banyamulenge, Batwa/Bambuti, other groups	20.98
5	Afghanistan	Hazara, Pashtun, Tajiks, Uzbeks, Turkmen, Baluchis	20.96
6	Iraq	Shi'a, Sunnis, Kurds, Turkmen, Christians, Mandaeans, Yezidis, Shabak, Faili Kurds, Bahá'ís, Palestinians	20.67
7	Pakistan	Shi'a (incl. Hazara), Ahmadiyya, Hindus and other religious minorities; Baluchis, Mohhajirs, Pashtun, Sindhis	20.49
8	Burma/Myanmar	Kachin, Karenni, Karen, Mons, Rakhine, Rohingyas, Shan, Chin (Zomis), Wa	19.69
9	Ethiopia	Anuak, Afars, Oromo, Somalis, smaller minorities	19.18
10	Yemen	Zaydi Shi'a, 'Akhdam', Southerners	18.58

With some 8,000 civilians killed, 2013 was the bloodiest year in Iraq since 2007. Operations by the rebel group ISIS increased in intensity, particularly in Anbar, and car bombings ran at the rate of two a day for much of the year. Both the activities of armed groups and the tense political situation led to a dangerous new rise in Sunni–Shi'a sectarian killing. At the same time, the situation remains precarious for many of Iraq's smaller communities, including Chaldo-Assyrians, Yezidis and Turkmen, particularly in Ninewa, Kirkuk and other disputed areas of northern Iraq.

While the deadly conflict in Pakistan with Islamist armed groups in the north-west draws most international media attention, the threat of ethnic or sectarian killing reaches across the country. This includes risks from inter-ethnic political violence in Sindh, sectarian clashes between Deobandi and Barelvi militant groups, violent repression of Baluchi activists in Baluchistan, continued persecution of Christians and Ahmadiyya, and an exterminatory campaign against Hazara and other Shi'a across the country waged by Lashkar-e-Jhangvi, Sipah-e-Sahaba and the Pakistani Taliban, which claimed the lives of hundreds of victims last year.

The gradual thawing of Myanmar's system of authoritarian government continues, but the country remains stubbornly in the upper reaches of the *Peoples under Threat* index. One reason for this is the growing hostility against minority Muslims. The most serious abuses have occurred against Muslim Rohingya in Rakhine state, but violence has also spread to other parts of the country, stoked by Buddhist extremist rhetoric. Most killings of Muslims have been carried out by local mobs or Buddhist gangs, but the government has also effectively cut off humanitarian aid to the 100,000 displaced Rohingya living in camps. At the same time, ceasefire talks continue between the government and a negotiating coalition of 16 ethnic armed groups. It is too early to predict the outcome of the process, but the last year was marked by continued armed clashes, particularly in Kachin state, leading to mass displacement of local communities.

In Pakistan and Myanmar, hate crimes against a particular religious minority have already reached the scale of mass atrocities. The situation in each of those countries is very different, yet both are characterized by a

pervasive impunity that leaves perpetrators free to kill repeatedly, encouraged and justified by hate speech circulating unchecked. Individual criminal responsibility should adhere to the principal authors of such crimes, be they members of armed groups, community leaders or fundamentalist clerics. But at the very least the state should also be held accountable for a catastrophic failure to protect the human rights of its peoples. ■

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, including by Helen Fein and Ted Robert Gurr, but it was not until the 1990s that researchers such as Rudolf Rummel and Matthew Krain pioneered quantitative longitudinal analysis of a wide range of such factors, enabling the testing of different causal hypotheses. Rummel, for example, showed the very strong relationship between concentration of government power and state mass murder; Krain demonstrated the correlation between existing armed conflict or political instability and the onset and severity of mass killing.

Following the early work of the Clinton administration's policy initiative on genocide early warning and prevention, Professor Barbara Harff, a senior consultant with the US State Failure Task Force, constructed and tested models of the antecedents of genocide and political mass murder and her results were published in 2003 ('Assessing Risks of Genocide and Political Mass Murder since 1955', *American Political Science Review* 97, February 2003). Her optimal model identifies six preconditions that make it possible to distinguish, with 74 per cent accuracy, between internal wars and regime collapses in the period 1955–1997 that did, and those that did not, lead to genocide and political mass murder (politicide). The six preconditions are: political upheaval; previous genocides or politicides; exclusionary ideology of the ruling elite; autocratic nature of the regime; minority character of the ruling elite; and low trade openness.

Minority Rights Group International (MRG) 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, which focus on violent conflict as such. 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 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. MRG 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.

One indicator that has been tested and discarded by a number of studies is the general level of ethnic or cultural diversity in a society. Krain did not find any correlation between 'ethnic fractionalization' and the onset of genocide or political mass killing. Similarly, neither of the patterns of ethnic diversity tested by Harff had any effect on the likelihood of mass killing (although she did find the minority character of the ruling elite to be significant). These findings are supported by research on the relationship between diversity and conflict.

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, indicators of group division or elite factionalization from the Fund for Peace and the Carnegie Endowment for International Peace, the 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 2014. ■

Research support: Sophia Ayele, Ioana Moraru, Lailah Nesbitt-Ahmed and Kaz Obuka

Peoples under Threat 2014

Country	Group	Conflict indicators		
		A. Self-determination conflicts	B. Major armed conflict	C. Prior genocide/politicide
Somalia	Minorities incl. Bantu, Benadiri and 'caste' groups (Gabooye etc.); clan members at risk in fighting incl. Hawiye, Darod, etc.	4	2	1
Sudan	Fur, Zaghawa, Massalit and others in Darfur; Ngok Dinka, Nuba, Beja	5	2	1
Syria	Political targets, Shi'a/Alawites, Christians, Kurds, Palestinians	5	2	1
Dem. Rep. of the Congo	Hema and Lendu, Hutu, Luba, Lunda, Tutsi/Banyamulenge, Batwa/Bambuti, other groups	4	2	1
Afghanistan	Hazara, Pashtun, Tajiks, Uzbeks, Turkmen, Baluchis	4	2	1
Iraq	Shi'a, Sunnis, Kurds, Turkmen, Christians, Mandaeans, Yezidis, Shabak, Faili Kurds, Bahá'í, Palestinians	5	2	1
Pakistan	Shi'a (incl. Hazara), Ahmadiyya, Hindus and other religious minorities; Baluchis, Mohhajirs, Pashtun, Sindhis	5	2	1
Burma/Myanmar	Kachin, Karenni, Karen, Mons, Rakhine, Rohingyas, Shan, Chin (Zomis), Wa	5	2	1
Ethiopia	Anuak, Afars, Oromo, Somalis, smaller minorities	5	2	1
Yemen	Zaydi Shi'a, 'Akhdam', Southerners	4	2	0
Nigeria	Ibo, Ijaw, Ogoni, Yoruba, Hausa (Muslims) and Christians in the North	5	2	1
South Sudan	Murle, Nuer, Dinka, Anuak, Jie, Kachipo	0	2	1
Iran	Arabs, Azeris, Bahá'í, Baluchis, Kurds, Turkmen	4	0	1
Central African Republic	Muslims, Christians; Kaba (Sara), Mboum, Mbororo, Gula, Aka	0	2	0
Israel/OPT	Palestinians in Gaza/West Bank, Israeli Palestinians, Bedouin	5	1	0
Zimbabwe	Ndebele, white Zimbabweans, political/social targets	2	0	1
Mali	Tuaregs, Arabs, Maure, and others in the north	4	2	0
Chad	'Black African' groups, Arabs, Southerners	2	1	0
Russian Federation	Chechens, Ingush and others in North Caucasus; indigenous northern peoples, Roma, Jews	5	2	1
Cote d'Ivoire	Northern Mande (Dioula), Senoufo, Bete, newly-settled groups	3	1	0
Philippines	Indigenous peoples, Moros (Muslims), Chinese	5	2	1
Burundi	Hutu, Tutsi, Batwa	0	0	1

Indicators of group division			Democracy/governance indicators				Total
D. Massive movement – refugees and IDPs	E. Legacy of vengeance – group grievance	F. Rise of factionalized elites	G. Voice and accountability	H. Political stability	I. Rule of law	J. OECD country risk classification	
10.0	9.3	10.0	-2.233	-2.894	-2.450	7	23.34
10.0	10.0	10.0	-1.784	-2.267	-1.208	7	21.63
9.5	9.3	9.2	-1.789	-2.688	-1.101	7	21.61
10.0	9.4	9.5	-1.516	-2.118	-1.653	7	20.98
9.2	9.2	9.4	-1.317	-2.420	-1.723	7	20.96
8.8	10.0	9.6	-1.134	-1.932	-1.497	7	20.67
9.1	9.7	9.2	-0.868	-2.682	-0.910	7	20.49
8.5	9.0	8.6	-1.647	-0.962	-1.354	7	19.69
8.7	8.6	8.7	-1.277	-1.535	-0.656	7	19.18
9.2	9.0	9.5	-1.394	-2.431	-1.265	7	18.58
6.6	9.8	9.4	-0.727	-2.053	-1.181	5	18.39
10.0	10.0	9.8	-1.264	-1.217	-1.387	7	17.71
7.3	8.8	9.4	-1.574	-1.321	-0.901	7	16.42
9.8	8.5	9.1	-1.261	-1.869	-1.446	7	16.02
7.4	9.8	8.1	-1.021	-1.936	-0.456	7	15.74
8.7	8.4	9.7	-1.445	-0.785	-1.618	7	15.69
7.6	7.6	5.0	-0.547	-1.977	-0.693	7	15.47
9.7	8.8	9.5	-1.328	-1.065	-1.454	7	15.13
5.3	8.2	8.0	-0.965	-0.822	-0.821	3	15.07
9.3	9.0	9.4	-0.793	-1.261	-1.109	7	14.90
6.5	7.9	8.0	-0.042	-1.160	-0.546	3	14.36
8.8	8.1	7.9	-0.933	-1.683	-1.089	7	14.21

Peoples under Threat 2014

Country	Group	Conflict indicators		
		A. Self-determination conflicts	B. Major armed conflict	C. Prior genocide/politicide
Egypt	Copts, Shi'a, Bahá'í; Nubians, Bedouin	5	1	0
Lebanon	Druze, Maronite Christians, Palestinians, Shi'a, Sunnis	2	1	0
Libya	Black Libyans, Sub-Saharan migrants, Tebu, Berbers	2	1	0
Sri Lanka	Tamils, Muslims	4	0	1
Kyrgyzstan	Uzbeks, Russians	2	1	0
Kenya	Borana, Kalenjin, Kikuyu, Luhya, Luo, Muslims, Turkana, Endorois, Maasai, Ogiek, other indigenous groups	2	1	0
Algeria	Berbers, Saharawi	2	1	1
Turkey	Kurds, Alevis, Roma, Armenians and other Christians	5	2	0
Equatorial Guinea	Bubi, Annobon Islanders	1	0	1
Thailand	Chinese, Malay-Muslims, Northern hill tribes	5	2	0
Angola	Bakongo, Cabindans, Ovimbundu, Pastoralists, San and Kwisi	2	0	1
Nepal	Madheshis (Terai), Dalits, *Janajati*, linguistic minorities	2	0	0
Guinea	Fulani (Peul), Malinke	0	0	0
Eritrea	Afars, Saho, Tigre, religious minorities	0	0	0
Uganda	Acholi, Karamojong, Basongora, Batwa	1	0	1
Bosnia and Herzegovina	Croats, Bosniac Muslims, Serbs, Roma	2	0	1
Rwanda	Hutu, Tutsi, Batwa	0	0	1
Guinea-Bissau	Balanta, Fula (Fulani), Manjaco, Mandinga, Papel, Ejamat (Felupe), Jola (Diola), Susu, Cape Verdeans	0	0	0
Kosovo	Serbs, Roma/Ashkali/Egyptians, Bosniaks, Turks, Gorani	4	0	0
Bangladesh	Ahmadiyya, Hindus, other religious minorities; Chittagong hill tribes	3	0	0
Tajikistan	Uzbeks, Pamiris, Russians	1	0	0
China	Tibetans, Uyghurs, Mongols, Hui, religious minorities	5	0	1
Colombia	Political/social targets, Afro-descendants, indigenous peoples	2	2	0
Niger	Djerema-songhai, Hausa, Tuaregs	2	0	0
Uzbekistan	Tajiks, Islamic political groups, religious minorities, Karakalpaks, Russians	1	0	0
Azerbaijan	Armenians	4	0	0
Cameroon	'Westerners', Southerners	2	0	0
Haiti	Political/social targets	0	0	0

Indicators of group division			Democracy/governance indicators				Total
D. Massive movement – refugees and IDPs	E. Legacy of vengeance – group grievance	F. Rise of factionalized elites	G. Voice and accountability	H. Political stability	I. Rule of law	J. OECD country risk classification	
6.5	8.5	8.7	-0.738	-1.481	-0.452	6	14.12
8.5	8.5	9.2	-0.415	-1.648	-0.752	7	13.81
5.4	7.4	8.0	-0.937	-1.561	-1.148	7	13.74
8.4	9.5	9.3	-0.598	-0.706	-0.108	6	13.69
5.6	8.4	8.0	-0.639	-0.889	-1.151	7	12.96
8.7	9.0	9.0	-0.299	-1.293	-0.865	6	12.91
7.0	7.8	7.3	-0.914	-1.341	-0.795	3	12.86
7.4	9.0	7.3	-0.241	-1.192	0.035	4	12.86
3.3	6.6	8.2	-1.874	0.207	-1.263	7	12.82
6.4	8.1	8.8	-0.342	-1.205	-0.172	3	12.48
7.2	6.8	7.3	-1.083	-0.378	-1.276	5	12.41
7.7	9.0	8.2	-0.697	-1.384	-0.790	7	12.39
8.2	7.6	8.9	-1.083	-1.281	-1.437	7	12.29
7.4	6.1	8.1	-2.153	-0.691	-1.364	7	12.19
8.4	8.0	8.6	-0.494	-0.890	-0.358	6	12.15
6.8	7.7	8.7	-0.140	-0.536	-0.230	7	12.15
7.9	8.2	8.2	-1.238	-0.212	-0.263	7	12.14
7.8	5.7	9.7	-1.408	-0.926	-1.520	7	12.10
6.6	8.0	8.0	-0.220	-1.146	-0.563	7	12.07
7.3	8.6	8.9	-0.416	-1.351	-0.908	6	12.05
5.3	6.7	8.3	-1.373	-1.162	-1.176	7	11.97
6.1	8.3	7.2	-1.578	-0.544	-0.489	2	11.96
8.3	7.5	7.7	-0.111	-1.403	-0.392	4	11.83
7.9	7.8	8.9	-0.395	-1.173	-0.738	7	11.78
6.0	7.5	8.7	-1.984	-0.522	-1.267	6	11.73
7.9	6.9	7.8	-1.261	-0.687	-0.805	5	11.65
7.3	7.8	9.2	-1.029	-0.575	-1.021	6	11.42
8.6	7.0	9.0	-0.797	-0.791	-1.344	7	11.41

Peoples under Threat 2014

Country	Group	Conflict indicators		
		A. Self-determination conflicts	B. Major armed conflict	C. Prior genocide/politicide
Djibouti	Afars	3	0	0
Cambodia	Cham, Vietnamese, indigenous hill tribes (Khmer Leou)	0	0	1
Mauritania	Haratins ('Black Moors'), Kewri	0	0	0
India	Assamese, Bodos, Nagas, Tripuras, other *Adivasis*; Kashmiris, Sikhs, Muslims, Dalits	5	2	0
North Korea	Political/social targets, religious minorities	0	0	0
Laos	Hmong, other highland peoples	2	0	0
Venezuela	Indigenous peoples, Afro-descendants	0	0	0
Ecuador	Afro-descendants, indigenous peoples	2	0	0
Serbia	Bosniaks, Ethnic Albanians, Croats, Roma	2	0	1
Ukraine	Tatars, Krymchak and Karaites in Crimea; Russians, Hungarians, Moldovans and other national minorities	5	0	0
Vietnam	Montagnards (Degar), other highland peoples, religious minorities	2	0	1
Georgia	Adzhars, Abkhazians, South Ossetians	4	0	0
Guatemala	Indigenous peoples, Garifuna	0	0	1
Congo (Rep.)	Lari, M'Boshi, Aka	1	0	0
Indonesia	Acehnese, Chinese, Dayaks, Madurese, Papuans, religious minorities	4	0	1
Liberia	Dan, Krahn, Ma, other groups	0	0	0
Turkmenistan	Uzbeks, Russians, Kazakhs, religious minorities	0	0	0
Togo	Ewe, Kabre	0	0	0
Belarus	Poles	0	0	0
Moldova	Trans-Dniester Slavs	4	0	0

Notes to Table

Sources of the indicators are as follows:

- *Conflict indicators*: The base data used was Monty G Marshall, 'Major Episodes of Political Violence 1946–2013' (Center for Systemic Peace, 2014) and, for self-determination conflicts, Monty G Marshall and Ted R Gurr, 'Peace and Conflict 2005' (CIDCM, University of Maryland, 2005) updated for 2013–4 using figures from Center for Systemic Peace, MRG and the Heidelberg Institute for International Conflict Research (Conflict Barometer 2013, Heidelberg, HIIK, 2014).
  Self-determination/autonomy conflicts in 2014 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 2013; 1=emerging from conflict since 2009 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 group division			Democracy/governance indicators				Total
D. Massive movement – refugees and IDPs	E. Legacy of vengeance – group grievance	F. Rise of factionalized elites	G. Voice and accountability	H. Political stability	I. Rule of law	J. OECD country risk classification	
7.2	6.2	7.5	-1.417	0.167	-0.777	7	11.38
6.2	7.0	8.0	-0.975	-0.136	-0.965	6	11.36
8.3	7.2	8.2	-0.942	-1.127	-0.872	7	11.27
5.2	8.2	6.8	0.353	-1.246	-0.105	3	11.24
5.0	6.6	7.7	-2.175	-0.099	-1.253	7	11.12
5.8	6.1	8.3	-1.576	0.035	-0.828	7	11.10
4.8	6.4	7.3	-0.925	-0.991	-1.686	7	11.07
5.7	7.2	8.2	-0.332	-0.602	-1.160	7	10.98
6.6	8.0	8.0	0.167	-0.225	-0.386	6	10.96
3.2	5.9	8.0	-0.288	-0.099	-0.795	7	10.91
4.7	5.7	6.9	-1.379	0.251	-0.504	5	10.65
7.5	8.0	9.4	-0.017	-0.672	-0.029	6	10.61
6.0	7.3	6.0	-0.391	-0.652	-1.097	5	10.48
8.0	6.0	6.7	-1.156	-0.478	-1.117	6	10.45
6.0	7.3	7.0	0.028	-0.573	-0.597	3	10.40
9.2	6.5	8.3	-0.360	-0.475	-0.920	7	10.13
3.9	6.7	7.7	-2.210	0.351	-1.375	6	10.03
7.1	4.8	7.5	-1.019	-0.419	-0.918	7	9.96
3.6	6.8	8.3	-1.540	0.024	-0.921	7	9.94
5.0	6.0	7.7	-0.087	0.024	-0.359	7	9.91

- *Indicators of Group Division*: Failed States Index, Fund for Peace and the Carnegie Endowment for International Peace, 2013.
- *Democracy/Governance Indicators*: Annual Governance Indicators, World Bank, 2013.
- *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 2014.

Data for Kosovo includes some indicators relating to Serbia. Where separate indicators are available for Israel and the Occupied Palestinian Territory, the latter have been used.
Indicators were rebased as necessary to give an equal weighting to the five categories above, with the exception of the prior geno-/politicide indicator. As a dichotomous variable this received a lesser weighting to avoid too great a distortion to the final ranking. Resulting values were then summed.

The full formula is:
(A/2) + (Bx1.25) + (Cx2) + (D+E+F)/6 + (G+H+I)/-1 + (Jx0.625)

Reference

Status of ratification of major international and regional instruments relevant to minority and indigenous rights

as of 1 May 2014

■ Ratification, accession or succession.

□ Signature not yet followed by ratification.

■▸ Ratification of ICERD and Declaration on Article 14.

■● Ratification of ICCPR and Optional Protocol.

■○ Ratification of ICCPR and Signature of Optional Protocol.

□○ Signature of ICCPR and Optional Protocol.

	International Convention on the Prevention and Punishment of the Crime of Genocide 1948	International Convention on the Elimination of All Forms of Racial Discrimination 1965	International Covenant on Civil and Political Rights 1966	International Covenant on Economic, Social and Cultural Rights 1966
Africa				
Algeria	■	■▸	■●	■
Angola		□	■●	■
Benin		■	■●	■
Botswana		■	■	
Burkina Faso	■	■	■●	■
Burundi	■	■	■	■
Cameroon		■	■●	■
Cape Verde	■	■	■●	■
Central African Republic		■	■●	■
Chad		■	■●	■
Comoros	■	■	□	□
Congo		■	■●	■
Côte d'Ivoire	■	■	■●	■
Democratic Republic of the Congo	■	■	■●	■
Djibouti		■	■●	■
Egypt	■	■	■	■
Equatorial Guinea		■	■●	■
Eritrea		■	■	■
Ethiopia	■	■	■	■
Gabon	■	■	■	■
Gambia	■	■	■●	■
Ghana	■	■	■●	■
Guinea	■	■	■●	■
Guinea-Bissau	■	■	■●	■
Kenya		■	■	■
Lesotho	■	■	■●	■
Liberia	■	■	■○	■
Libya	■	■	■●	■
Madagascar		■	■●	■
Malawi		■	■●	■
Mali	■	■	■●	■
Mauritania		■	■	■
Mauritius		■	■●	■
Morocco	■	■▸	■	■
Mozambique	■	■	■	
Namibia	■	■	■●	■
Niger		■	■●	■

Convention on the Elimination of All Forms of Discrimination against Women 1979	Convention on the Rights of the Child 1989	ILO 111 Discrimination (Employment and Occupation) Convention 1958	ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent Countries 1989	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990	ICC Rome Statute of the International Criminal Court 1998	African Charter on Human and Peoples' Rights 2003	African Charter on the Rights and Welfare of the Child 1990
■	■	■		■	□	■	■
■	■	■			□	■	■
■	■	■		□	■	■	■
■	■	■			■	■	■
■	■	■		■	■	■	■
■	■	■			■	■	■
■	■	■		□	□	■	■
■	■	■		■	■	■	■
■	■	■	■		■	■	□
■	■	■		□	■	■	■
■	■	■		□	■	■	■
■	■	■		□	■	■	■
■	■	■			■	■	■
■	■	■			■	■	
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■	■	■		■	□	■	■
■	■	■				■	■
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■	■	■		□	□	■	□
■	■	■			■	■	■
■	■	■		■	■	■	■
■	■	■		□	■	■	□
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■	■	■		■	□	■	■
■	■	■			■	■	■
■	■	■		■	■	■	■

Status of ratification of major international and regional instruments relevant to minority and indigenous rights

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	International Convention on the Prevention and Punishment of the Crime of Genocide 1948	International Convention on the Elimination of All Forms of Racial Discrimination 1965	International Covenant on Civil and Political Rights 1966	International Covenant on Economic, Social and Cultural Rights 1966
Nigeria	■	■	■	■
Rwanda	■	■	■	■
Sahrawi Arab Democratic Republic				
São Tomé and Príncipe		□	□○	□
Senegal	■	■▸	■●	■
Seychelles	■	■	■●	■
Sierra Leone		■	■●	■
Somalia		■	■●	■
South Africa	■	■▸	■●	□
South Sudan				
Sudan	■	■	■	■
Swaziland		■	■	■
Togo	■	■	■●	■
Tunisia	■	■	■●	■
Uganda	■	■	■●	■
United Republic of Tanzania	■	■	■	■
Zambia		■	■●	■
Zimbabwe	■	■	■	■
Americas				
Antigua and Barbuda	■	■		
Argentina	■	■▸	■●	■
Bahamas	■	■	■	■
Barbados	■	■	■●	■
Belize	■	■	■	□
Bolivia	■	■▸	■●	■
Brazil	■	■▸	■●	■
Canada	■	■	■●	■
Chile	■	■▸	■●	■
Colombia	■	■	■●	■
Costa Rica	■	■▸	■●	■
Cuba	■	■	□	□
Dominica			■	■

Convention on the Elimination of All Forms of Discrimination against Women 1979	Convention on the Rights of the Child 1989	ILO 111 Discrimination (Employment and Occupation) Convention 1958	ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent Countries 1989	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990	ICC Rome Statute of the International Criminal Court 1998	African Charter on Human and Peoples' Rights 2003	African Charter on the Rights and Welfare of the Child 1990
■	■	■		■	■	■	■
■	■	■		■		■	■
						■	□
■	■	■		□	□	■	
■	■	■		■	■	■	■
■	■	■		■	■	■	■
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	□	■				■	□
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		■					
	■	■			□	■	
■	■	■				■	□
■	■	■		□		■	■
■	■	■			■	■	□
■	■	■		■	■	■	■
■	■	■			■	■	■
■	■	■			■	■	□
■	■	■			□	■	■

						American Convention on Human Rights 1969	Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights 1988
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■	■	■			■		
■	■	■	■	■	■	■	□
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■	■	■	■		■	■	■
■	■	■					
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Status of ratification of major international and regional instruments relevant to minority and indigenous rights

as of 1 May 2014

■ Ratification, accession or succession.

□ Signature not yet followed by ratification.

■▸ Ratification of ICERD and Declaration on Article 14.

■● Ratification of ICCPR and Optional Protocol.

■○ Ratification of ICCPR and Signature of Optional Protocol.

□○ Signature of ICCPR and Optional Protocol.

	International Convention on the Prevention and Punishment of the Crime of Genocide 1948	International Convention on the Elimination of All Forms of Racial Discrimination 1965	International Covenant on Civil and Political Rights 1966	International Covenant on Economic, Social and Cultural Rights 1966
Dominican Republic	□	■	■●	■
Ecuador	■	■▸	■●	■
El Salvador	■	■	■●	■
Grenada		■	■	■
Guatemala	■	■	■●	■
Guyana		■	■●	■
Haiti	■	■	■	■
Honduras	■	■	■●	■
Jamaica	■	■	■	■
Mexico	■	■▸	■●	■
Nicaragua	■	■	■●	■
Panama	■	■	■●	■
Paraguay	■	■	■●	■
Peru	■	■▸	■●	■
Saint Kitts and Nevis		■		
Saint Lucia		■	□	
Saint Vincent and the Grenadines	■	■	■●	■
Suriname		■	■●	■
Trinidad and Tobago	■	■	■	■
United States of America	■	■	■	□
Uruguay	■	■▸	■●	■
Venezuela	■	■▸	■●	■
Asia				
Afghanistan	■	■	■	■
Bangladesh	■	■	■	■
Bhutan		□		
Brunei Darussalam				
Cambodia	■	■	■○	■
China	■	■	□	■
Democratic People's Republic of Korea	■		■	■
India	■	■	■	■
Indonesia		■	■	■
Japan		■	■	■
Kazakhstan	■	■▸	■●	■
Kyrgyzstan	■	■	■●	■
Lao People's Democratic Republic	■	■	■	■

Convention on the Elimination of All Forms of Discrimination against Women 1979	Convention on the Rights of the Child 1989	ILO 111 Discrimination (Employment and Occupation) Convention 1958	ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent Countries 1989	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990	ICC Rome Statute of the International Criminal Court 1998	American Convention on Human Rights 1969	Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights 1988
■	■	■			■	■	□
■	■	■	■	■	■	■	■
■	■	■		■		■	■
■	■	■			■	■	
■	■	■	■	■	■	■	■
■	■	■		■	■		
■	■	■		□	□	■	□
■	■	■	■	■	■	■	■
■	■	■		■	□	■	
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□	□				□	□	
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	International Convention on the Prevention and Punishment of the Crime of Genocide 1948	International Convention on the Elimination of All Forms of Racial Discrimination 1965	International Covenant on Civil and Political Rights 1966	International Covenant on Economic, Social and Cultural Rights 1966
Malaysia	■			
Maldives	■	■	■●	■
Mongolia	■	■	■●	■
Myanmar	■			
Nepal	■	■	■●	■
Pakistan	■	■	■	■
Philippines	■	■	■●	■
Republic of Korea	■	■▸	■●	■
Singapore	■			
Sri Lanka	■	■	■●	■
Tajikistan		■	■●	■
Thailand		■	■	■
Timor Leste		■	■	■
Turkmenistan		■	■●	■
Uzbekistan	■	■	■●	■
Vietnam	■	■	■	■
Europe				
Albania	■	■	■●	■
Andorra	■	■▸	■●	
Armenia	■	■	■●	■
Austria	■	■▸	■●	■
Azerbaijan	■	■▸	■●	■
Belarus	■	■	■●	■
Belgium	■	■▸	■●	■
Bosnia and Herzegovina	■	■	■●	■
Bulgaria	■	■▸	■●	■
Croatia	■	■	■●	■
Cyprus	■	■▸	■●	■
Czech Republic	■	■▸	■●	■
Denmark	■	■▸	■●	■
Estonia	■	■▸	■●	■
Finland	■	■▸	■●	■
France	■	■▸	■●	■
Georgia	■	■▸	■●	■

Convention on the Elimination of All Forms of Discrimination against Women 1979	Convention on the Rights of the Child 1989	ILO 111 Discrimination (Employment and Occupation) Convention 1958	ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent Countries 1989	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990	ICC Rome Statute of the International Criminal Court 1998	European Charter for Regional or Minority Languages 1992	Framework Convention for the Protection of National Minorities 1995
■	■						
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■	■	■			■	■	■
■	■	■			■	□	
■	■	■			■		■

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	International Convention on the Prevention and Punishment of the Crime of Genocide 1948	International Convention on the Elimination of All Forms of Racial Discrimination 1965	International Covenant on Civil and Political Rights 1966	International Covenant on Economic, Social and Cultural Rights 1966
Germany	■	■▸	■●	■
Greece	■	■	■●	■
Holy See		■		
Hungary	■	■▸	■●	■
Iceland	■	■▸	■●	■
Ireland	■	■▸	■●	■
Italy	■	■▸	■●	■
Latvia	■	■	■●	■
Liechtenstein	■	■▸	■●	■
Lithuania	■	■	■●	■
Luxembourg	■	■▸	■●	■
Malta		■▸	■●	■
Monaco	■	■▸	■	■
Montenegro	■	■▸	■●	■
Netherlands	■	■▸	■●	■
Norway	■	■▸	■●	■
Poland	■	■▸	■●	■
Portugal	■	■▸	■●	■
Republic of Moldova	■	■▸	■●	■
Romania	■	■▸	■●	■
Russian Federation	■	■▸	■●	■
San Marino	■	■▸	■●	■
Serbia	■	■▸	■●	■
Slovakia	■	■▸	■●	■
Slovenia	■	■▸	■●	■
Spain	■	■▸	■●	■
Sweden	■	■▸	■●	■
Switzerland	■	■▸	■	■
The former Yugoslav Republic of Macedonia	■	■▸	■●	■
Turkey	■	■	■●	■
Ukraine	■	■▸	■●	■
United Kingdom of Great Britain and Northern Ireland	■	■	■	■
Middle East				
Bahrain	■	■	■	■
Iran (Islamic Republic of)	■	■	■	■

Convention on the Elimination of All Forms of Discrimination against Women 1979	Convention on the Rights of the Child 1989	ILO 111 Discrimination (Employment and Occupation) Convention 1958	ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent Countries 1989	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990	ICC Rome Statute of the International Criminal Court 1998	European Charter for Regional or Minority Languages 1992	Framework Convention for the Protection of National Minorities 1995
■	■	■			■	■	■
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	International Convention on the Prevention and Punishment of the Crime of Genocide 1948	International Convention on the Elimination of All Forms of Racial Discrimination 1965	International Covenant on Civil and Political Rights 1966	International Covenant on Economic, Social and Cultural Rights 1966
Iraq	■	■	■	■
Israel	■	■	■	■
Jordan	■	■	■	■
Kuwait	■	■	■	■
Lebanon	■	■	■	■
Oman		■		
Palestine	■	■	■	■
Qatar		■		
Saudi Arabia	■	■		
Syrian Arab Republic	■	■	■	■
United Arab Emirates	■	■		
Yemen	■	■	■	■
Oceania				
Australia	■	■▸	■●	■
Cook Islands				
Fiji	■	■		
Kiribati				
Marshall Islands				
Micronesia (Federated States of)				
Nauru		□	□○	
New Zealand	■	■	■●	■
Niue				
Palau		□	□	□
Papua New Guinea	■	■	■	■
Samoa			■	
Solomon Islands		■		■
Tonga	■	■		
Tuvalu				
Vanuatu			■	
Number of states parties	145 (1 sig)	177 (54 Art 14)	168 (115 op)	162 (7 sig)

Compiled by Eglantine Leblond

Sources:

http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en

(http://www2.ohchr.org/english/bodies/docs/RatificationStatus.pdf this has been fully updated as of 2006 so above link more relevant)

http://www.unhchr.ch/tbs/doc.nsf/Statusfrset?OpenFrameSet

http://www.iccnow.org/?mod=romesignatures

http://www.achpr.org/

http://www.oas.org/juridico/english/Sigs/b32.html

http://www.cidh.oas.org/

Convention on the Elimination of All Forms of Discrimination against Women 1979	Convention on the Rights of the Child 1989	ILO 111 Discrimination (Employment and Occupation) Convention 1958	ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent Countries 1989	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990	ICC Rome Statute of the International Criminal Court 1998		
■	■	■					
■	■	■			□		
■	■	■			■		
■	■	■			□		
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■	■	■			■		
188 (2 sig)	194 (2 sig)	172	22	47 (18 sig)	122 (31 sig)		

http://conventions.coe.int/
http://www.ilo.org/ilolex/english/convdisp1.htm
http://www.ilo.org/ilolex/english/convdisp1.htm
http://www.oas.org/juridico/english/sigs/b-32.html
http://www.oas.org/juridico/english/sigs/a-52.html

http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=148&CM=8&DF=&CL=ENG

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

ACHPR – African Commission on Human and Peoples' Rights
ADL – Anti-Defamation League
AHRC – Asian Human Rights Commission
AU – African Union
CEDAW – Committee on the Elimination of All forms of Discrimination Against Women
CERD – UN Committee on the Elimination of Racial Discrimination
CRC – UN Convention on the Rights of the Child
ECHR – European Convention on Human Rights
ECtHR – European Court of Human Rights
EHRC – European Human Rights Commission
EU – European Union
FCNM – Council of Europe Framework Convention for the Protection of National Minorities
FRA – European Union Agency for Fundamental Rights
HRW – Human Rights Watch
IACtHR – Inter-American Court of Human Rights
ICC – International Criminal Court
ICCPR – International Covenant on Civil and Political Rights
ICERD – International Convention on the Elimination of All Forms of Racial Discrimination
IDP – internally displaced person
ILO – International Labour Organization
LGBT – lesbian, gay, bisexual and transgender
NGO – non-governmental organization
OCHA – UN Office for the Coordination of Humanitarian Affairs
ODIHR – Office for Democratic Institutions and Human Rights
OECD – Organisation for Economic Co-operation and Development
OHCHR – Office of the High Commissioner on Human Rights
OSCE – Organization for Security and Cooperation in Europe
TJRC – Truth, Justice and Reconciliation Commission
UDHR – Universal Declaration on Human Rights
UN – United Nations
UNHCR – UN High Commissioner for Refugees
UPR – Universal Periodic Review
USCIRF – US Commission on International Religious Freedom.

Contributors

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Electra Babouri *(Turkey)* is the Coordinator of the Equality and Diversity Forum, the UK's network of NGOs working on equality and human rights. She has a background in international law and indigenous rights as well as human rights in a European context. She has substantial experience working for human rights NGOs in a research, policy and parliamentary capacity in countries including Australia and New Zealand.

Abul Basar *(Bangladesh case study)* is a Bangladeshi activist working on a variety of development and human rights issues in the country. His focus has been on addressing the marginalization of Dalit and socially excluded communities. He studied anthropology at Jahangirnagar University, Bangladesh.

Susan Benesch *(Defining and diminishing hate speech)* is a human rights lawyer and an expert on hateful speech. She founded the Dangerous Speech Project five years ago, to find methods for countering speech that can inspire group violence – while protecting freedom of expression. She also teaches at American University in Washington, D.C. and serves as Faculty Associate at the Berkman Center for Internet and Society at Harvard University.

Chris Chapman *(The role of hate speech and hate crime in the escalation of identity conflict)* is Adviser/Researcher on Indigenous Rights at Amnesty International, where he supports research and advocacy on land rights, free prior and informed consent, and extractive industries, among other issues. From 2000 to 2013 he was at MRG, most recently as Head of Conflict Prevention. Chris has published a number of articles and reports on indigenous and minority rights, conflict prevention and transitional justice. From 1995–2000 Chris worked in conflict resolution, human rights monitoring and journalism in Haiti and Guatemala.

Cecil Shane Chaudhry *(Pakistan case study)* is Executive Director for the National Commission for Justice and Peace in Pakistan. He has a background in event management and social and disaster relief project work.

Antonio Cicioni *(South America)* is an Argentinean researcher and blogger specializing in economic and media policy. His current focus is on elites' control of mass media and the resulting weakening of developed and developing democracies.

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Anastasia Denisova *(Russia participatory research)* is a member of Coordinating Council of the International Youth Human Rights Movement, and project manager and social worker at the NGO Civic Assistance, Russia. She has been working with ethnic minorities and forced migrants since 2004. Her key areas of interest include forced labour, hate crimes and hate speech prevention and human rights education.

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Phyllis Gerstenfeld *(North America)* is Professor and Chair of Criminal Justice at California State University, Stanislaus. She has a JD and a PhD in Psychology from the University of Nebraska–Lincoln. She has researched and written extensively on hate crime; her other research interests include juvenile justice and jury decision-making.

Nicole Girard *(Gender-based hatred against minorities and indigenous peoples – impacts and ways forward* and *South Asia)* is the Programme Coordinator for the Asian component of MRG's Minority Realities programme. She has been researching and writing on issues facing minority communities in Asia for more than a decade.

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Paul Iganski *(Europe)* is Professor of Criminology and Criminal Justice in the Lancaster University Law School, UK. He has been researching, writing and teaching about hate crime for more than a decade. Most of his research has been conducted in collaboration with, or commissioned by, NGOs and the equalities sector in the UK and internationally.

Rita Izsák *(Foreword)* is the UN Special Rapporteur on minority issues. Prior to this, she worked with a variety of minority and human rights organizations in various European countries, in Bosnia and Herzegovina and Somalia. She served as Chief of Staff at the Ministry of Justice and Public Administration of Hungary. She was President and CEO of the Tom Lantos Institute (TLI) in Budapest, Hungary. Rita holds a Masters in Law diploma from the Péter Pázmány Catholic University, Hungary.

Eszter Jovánovics *(Hungary case study)* is a lawyer and Head of the Hungarian Civil Liberties Union's (HCLU) Roma Programme. She regularly deals with the issue of hate crimes in Hungarian legislation and in the practice of law-enforcement authorities and courts. She represents the HCLU in a Hungarian NGO coalition called the Working Group against Hate Crimes.

Gabriel Lafitte *(East Asia)* is editor of www.rukor.org and teaches Asian studies at Monash University, Melbourne. He has worked with Tibetan communities for the past 37 years, most recently as a trainer for Tibet Policy Institute. In 2013, Zed Books published *Spoiling Tibet: China and Resource Nationalism on the Roof of the World,* his book on mining and modernity in Tibet. He has published over 100 articles on ethnicity and culture in Inner Asia.

Mark Lattimer *(Peoples under Threat)* is the Executive Director of MRG. Formerly he worked with Amnesty International. Recent publications include (as editor) *Genocide and Human Rights* (Ashgate 2007).

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Fiyaz Mughal OBE *(UK case study)* is the founder and Director of Faith Matters and Tell MAMA, a hate crime monitoring project. He has worked for over 16 years in the community and voluntary sector and has also been an elected municipal councillor for six years in Oxford and the London Borough of Haringey, UK.

Lailah Nesbitt-Ahmed *(Japan case study)* Lailah Nesbitt-Ahmed holds a BA in Politics and Economics and an MSc in International Development. She is interested in conflict, armed violence and identity politics, particularly in West Africa.

Paul Oleyo Longony *(South Sudan participatory research)* is a minority and indigenous rights activist in South Sudan. He is one of the founders of the Pibor Development Initiative and the founder of the Boma Development Initiative.

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Glenn Payot *(Middle East and North Africa)* is a former delegate to the UN for the International Federation for Human Rights (FIDH). He graduated in international relations, Arab studies and international law (LLM) from the Institute of Political Studies, France, and from the Graduate Institute of International Studies, Switzerland. He currently works as UN Advocacy Officer for MRG.

Barbara Perry *(Hate crime: contexts and consequences)* is Professor and Associate Dean of Social Science and Humanities at the University of Ontario Institute of Technology, Canada. She has written extensively on hate crime, including several books on the topic.

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Livia Saccardi *(Bangladesh and Dominican Republic case studies)* is a human rights researcher with a background in international law. She holds an MA in Peacekeeping and Security Studies. She works for the Minority Realities Programme at MRG as well as for the Research and Crisis Response Programme at the International Secretariat of Amnesty International.

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Cecilia Toledo *(Guatemala)* has a Master's degree in Human Rights from the Universidad Iberoamericana (UIA) and Bachelor's degree in International Relations at the Instituto Tecnológico Autónomo de México (ITAM). She is an expert on human rights, especially gender-based violence and children's rights. She worked for nine years in the legislative branch of the Mexican government, first at the Mexican Congress as policy advisor and then as Chief of Staff at the North American Relations Committee of the Mexican Senate. Currently, she is a researcher in Knowledge Management.

Natalia Torres *(South America)* is an Argentinean researcher specializing in transparency and access to public information policies. She works as an international consultant for government agencies, multilateral organizations and civil society groups.

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Minority Rights Group International

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

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

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

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

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minority rights group international

State of the World's Minorities and Indigenous Peoples 2014

Events of 2013

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

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