



Asia and Oceania

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Central Asia

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

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

Kazakhstan

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

(1.3 per cent) and Germans (1.1 per cent) each make up smaller proportions of the population. Other minorities make up a total of 4.5 per cent of Kazakhstan's inhabitants.

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

Notably, efforts to bolster the majority ethnic group have helped to create what looks at times like a new minority. Over the past 25 years, nearly 1 million so-called Oralman, or 'returnees' – members of the Kazakh diaspora living in countries such as China, Iran, Mongolia, Turkey and Uzbekistan – have elected to take advantage of state programmes that offer ethnic Kazakhs subsidies to repatriate. While many Oralman have integrated successfully and do

not report feeling marginalized, others speak of steep barriers to integration and disillusionment at the state of the ethnic Kazakh language and culture in Kazakhstan. Returnees from countries that were not part of the Union of Soviet Socialist Republics (USSR) report that their lack of knowledge of the Russian language impedes their access to work and social services, as many local ethnic Kazakhs do not have full command of the Kazakh language. Meanwhile, authorities – including Nazarbayev – have accused the Oralman community of failing to contribute to the country's economy, and the government even briefly phased out subsidies in 2012. However, subsidies have since been reinstated, and in October 2015 the state passed legislation that expedited the citizenship process for Oralman – a move that some view as an effort by the state to put a more ethnically Kazakh mark on those areas of the country where ethnic Russians are present in large numbers, in light of fears of a Ukraine-type scenario in Kazakhstan.

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

imprisonment in a labour camp in December on charges of 'inciting religious discord' for distributing religious literature.

Kyrgyzstan

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

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

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



Left: Uzbek children in Kyrgyzstan.
Nonviolent Peaceforce.

and 2015. At the same time, Osh's Uzbeks are increasingly embracing Kyrgyz majority markers in an attempt to avoid prejudice and expand their professional opportunities. For example, majority ethnic Uzbek schools are largely switching their language of instruction to Kyrgyz and Russian, and in 2014 the education ministry did away with the Uzbek-language university entrance exam, citing insufficient interest.

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

Kamalov's trial can be viewed as a debate about the nature of tradition and who has the right to claim to defend it. The prosecution's case hinged on the fact that Kamolov had devoted a chunk of one recent sermon to the concept of the caliphate, which they equated to an endorsement of violent *jihād* that contradicted the country's Islamic traditions. The defence, however, claimed that the prosecution's key expert witness, like many state officials who were educated in the Soviet period, was poorly versed in theology, which led him to miss the fact that Kamalov's discussion actually revolved around the distinction between the canonical caliphate and the false caliphate that ISIS wished to create.

Furthermore, the defence noted, the expert did not speak Uzbek and was forced to rely on a partial translation of the sermon.

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

Uzbekistan

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

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

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

Prior to June 2010, the languages, dress styles and artistic traditions of both ethnic Kyrgyz and Uzbeks were key parts of the urban landscape in Osh, in the Ferghana Valley region in which the bulk of the violence took place. In the years following the violence, the role of ethnic Uzbeks and their culture in Osh's public life diminished sharply. Six days after the attacks began, the regional government voted to rename what had been called the Kyrgyz-Uzbek University 'Osh Public University'. The Uzbek Music and Drama Theatre, a mainstay of the local arts scene and the country's oldest theatre, was burned during the riots and did not reopen until late 2012. Centrally located cafes and restaurants that had previously been owned by ethnic Uzbeks were taken over in the year following the violence by members of other ethnicities. Uzbek-language pop songs were not performed at a concert again until 2013. Arguably, however, there has recently have seen something of a resurgence of ethnic Uzbek culture, with the Uzbek Music and Drama Theatre and its staff receiving awards from Kyrgyzstan's Ministry of Culture in 2014

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Case study by *Amina Haleem*
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Tajikistan's crackdown on cultural identity

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

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

A heightened fear of religious extremism has intensified the government's crackdown on what it perceives as 'foreign' influences within Tajik society, including reports of police beating men with beards and even forcibly shaving them. On Tajikistan's Mother's Day in March

2015, President Emomali Rahmon vocally denounced dark clothes on women as 'foreign', and instead encouraged them to wear traditionally colourful and vibrant clothing. Although he did not mention the *hijab*, commentators noted that the president's target was clear. The Mayor of Khujand, Tajikistan's second largest city, quickly followed with a demand to ban the sale of Iranian and Afghan clothes, leading to a mass inspection of Islamic clothing shops.

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

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

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

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

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

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

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

South Asia

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

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

Bangladesh

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

The year 2015 saw five people brutally hacked to death in separate incidents throughout the year. Avijit Roy, Oyasiqur Rhaman, Ananta Bijoy Das, Niloy Neel and Faisal Arefin Dipan were all targeted for their books and blogs. Roy, Das and Neel, who were from the minority Hindu community but were either avowed secularists or

atheists, had been on a 'hit list' targeting bloggers and writers believed to be atheists released by the extremist Ansarullah Bengali Team in 2013, a Bangladesh Islamist organization that has taken responsibility for many of these killings.

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

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

Hindus were not the only minorities targeted during 2015. Sectarian violence against Shi'a Muslims had been almost unheard of in Bangladesh, but on 24 October three bombs exploded during the Shi'a Ashura procession in Dhaka, killing one and injuring dozens. The procession had reportedly been conducted peacefully for four centuries until the attacks. Then on 26 November, gunmen entered a Shi'a

mosque in the northern Bogra district, killing the mosque's *muezzin* and wounding three others. On 14 March 2016, a Shi'a preacher was also hacked to death in south-western Bangladesh by extremists. The militant group ISIS claimed responsibility for all three attacks, as well as the brutal murder of a Hindu priest on 21 February 2016 at a temple in Panchagar, although authorities have repeatedly denied the organization is operating in the country.

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

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

The 1997 Chittagong Hill Tracts (CHT) Peace Accord identifies the area as tribal, guaranteeing rights to self-governance and recognizing the cultural rights of the region's indigenous communities, collectively known as *Jumma*. The accord remains largely unimplemented, however, and the proportion of the indigenous population in the area has steadily declined,

from 97.5 per cent in 1947 to 51 per cent by 2014, due to in-migration by majority Bengalis. This has led to ongoing conflicts, landlessness and the erosion of cultural rights as indigenous traditions and identity are closely connected to the land. According to the Kapaeeng Foundation, an indigenous peoples' rights organization, approximately 5,216 acres of land in the CHT were appropriated during the year by authorities, local officials, private companies and Bengali settlers for plantations, forest reserves, tourist developments and other uses.

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

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

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Case study by Nicole Girard
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Hazara heritage and the uncertain future of the Buddhas of Bamiyan

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

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

However, the statues, long celebrated

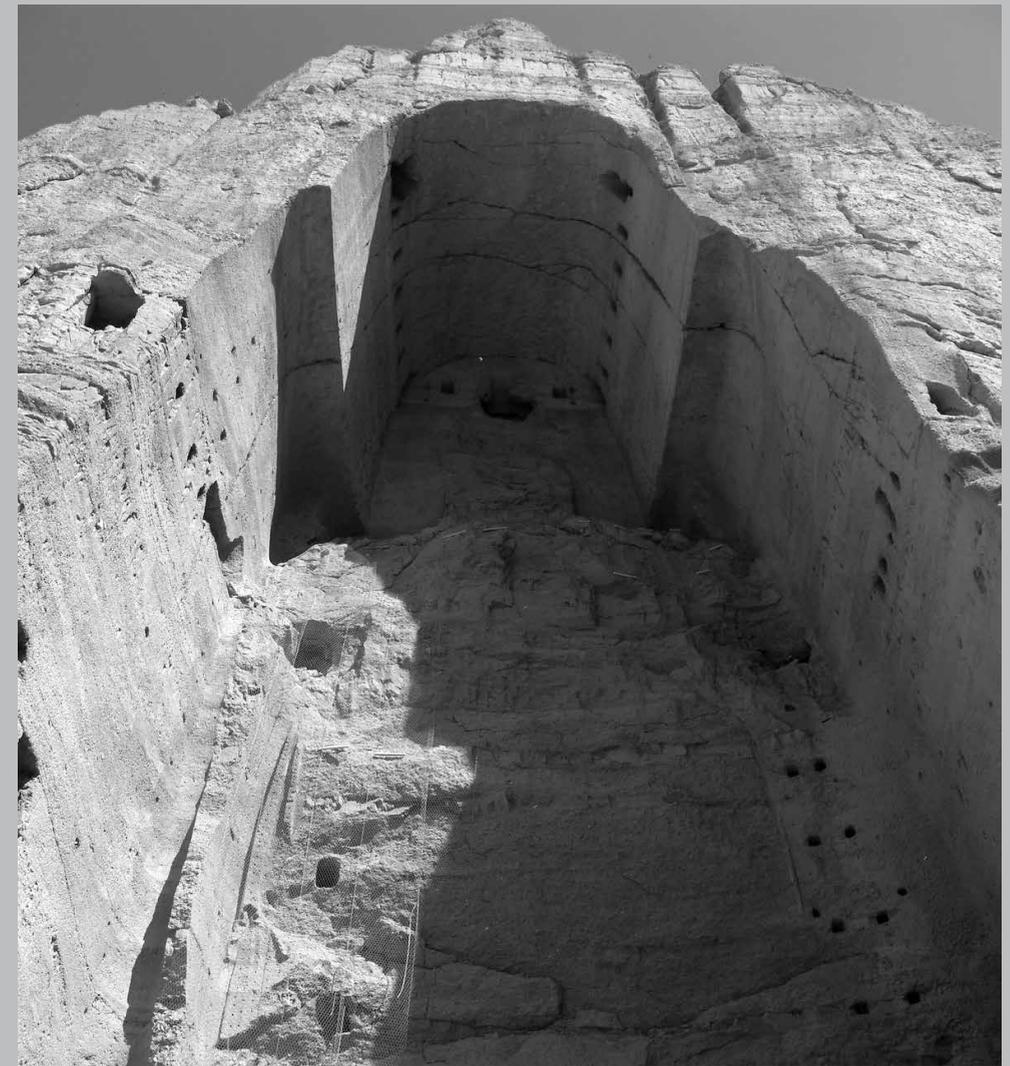
internationally, achieved less welcome attention in 2001 when Taliban dynamited them, leaving behind little more than empty voids. While in the western media this wanton destruction has been characterized as an assertion of the Taliban's extreme reading of Islam, whereby representations of human features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

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

Now, the fate of the destroyed statues hangs in the balance. The government has reportedly supported rebuilding the smaller of the two Buddhas, although when a German team began rebuilding its feet in 2013 it was asked to stop: proceeding without using original materials risked losing World Heritage status. As the debate continues, decisions have been made with little

consultation with the Hazara people themselves, who Salsal and Shahmama have watched over for centuries. What is certain is that their physical destruction has not dulled the power and importance of the statues in the Hazara imagination, reflected in their continued presence in storytelling, poetry and film. However the dilemma of their future is resolved, it is essential that the community is involved in any discussions and able to communicate their own feelings about this vital part of their heritage. This would at least be a positive step towards realizing the cultural rights of the Hazara and reversing a long history of discrimination. ■

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



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

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

India

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

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

This obsession with the erosion of Hindu identity is also reflected in the practice of mass conversions or *ghar wapsi*, carried out primarily

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

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

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

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

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



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

Communal violence remains a persistent problem in India, often triggered by identity-related issues such as music or religious processions, and in turn heritage may often be a primary target during a violent outbreak. Arson attacks against mosques, temples and other important religious sites have frequently preceded or accompanied wider outbreaks of violence. Increasing mutual respect and tolerance for cultural differences is therefore an important dimension to conflict prevention and resolution between different religious communities. This is illustrated by the case of the Babri Masjid,

a centuries-old Muslim mosque in Ayodhya that some claimed had been built over a temple erected at the birthplace of Ram. In 1992, Hindu extremists destroyed the mosque and consecrated a makeshift Ram temple in its place. While the incident immediately provoked riots across the country that left more than 2,000 dead, the land dispute itself has remained unresolved for more than two decades. In April 2015, a court ruled that the land be split two-thirds to Hindu plaintiffs, and one-third to the Sunni Muslim Waqf Board – a judgment the latter stated it would challenge at the Supreme Court. In August the Supreme Court, although it did not yet make a ruling, declared that Hindu worship at the temple could go on as usual. This case has been highly politicized, with VHP members apparently attempting to begin construction of the temple.

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

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

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

Many of India's indigenous peoples also struggle with exclusion and land rights issues, often exacerbated by conflicts with other groups in their territories. During 2015, violence flared up in the north-eastern state of Manipur. Meiteis have traditionally resided in the valley of Manipur, and government policies have frequently had the effect of pitting them against hill-residing indigenous communities, including Naga and Kuki. Protests began to be organized in July, coordinated mostly by Meitei student organizations, pushing for the reinstatement of the Inner Line Permit (ILP) system – a form of colonial-era regulation still

used in parts of India to control movements in protected areas – to prevent those from outside Manipur from settling in the state. Although the push for the ILP was not successful, the Manipur state assembly – in a move apparently designed to appease protesters – quickly passed three bills on 31 August that proved to be highly controversial for the indigenous Naga and Kuki communities. While the bills attempted to limit migration into the area, Naga and Kuki felt that they were passed without their free, prior and informed consent, and that they infringed on their land rights and would result in the eventual destruction of their identities. Opposition protests broke out in early September, MPs had their houses burned by demonstrators and eight protesters were killed by police. Opposition to the bills continued throughout the remainder of the year.

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

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

pressure and the clauses on consent remained in the amendment.

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

Nepal

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

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

a fractured shoulder. A report by Amnesty International confirmed these findings, accusing the government of systematically failing lower castes, women and female-headed households, disabled people and marginalized ethnic groups.

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

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

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

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

The Constitution has also attracted criticism for some of its other provisions. For example, Nepali women are still unable to pass on their citizenship to their children unless the father is also a citizen. Children born to Nepali mothers and foreign fathers are barred from holding a high political office as they can only obtain 'naturalized citizenship'. This appears to be rooted in patriarchal notions of Hindu-based nationalism, which perceives women – especially from the marginalized Madhesi minority inhabiting the plains near the Indian border – as potential threats to national security. The provision has come under fire from women's and human rights activists, but male politicians have defended it as necessary to prevent men from neighbouring countries marrying Nepali women and creating

undesirable population growth. As such, Nepali women have effectively been branded second-class citizens. Among the most severely affected are Madhesi women in the southern Terai region, where marriages across the Indian border are common. Lower-caste and socially marginalized minorities are likely to be hit the hardest, potentially fuelling statelessness in southern Nepal.

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

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

Nepal's indigenous peoples faced continued encroachments of their land and cultural rights at the hands of the high-caste Hindu elite based in Kathmandu during 2015. For example, ancestral land belonging to the indigenous Newar people of the Kathmandu Valley was unlawfully snatched

by the authorities and is now being developed into a large business complex in the tourist district of Thamel. As a result, they have lost access to a pond considered holy from which they used to bring water and lotus flowers for worship at a nearby monastery as part of a daily ritual. A nearby stone used for death rites was also lost. It reflects how the country's 'top-down' approach to development, driven by the ruling elite, has served to further marginalize and entrench discrimination against Nepal's indigenous peoples.

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

Pakistan

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

terrorism from Pakistan.

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

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

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

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

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

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

Members of Pakistan's minority communities

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

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

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

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

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

Violent attacks and discrimination against minorities have been legitimated by the gradual development of a rigid national narrative that, in the decades following Partition, has included the renaming of streets and towns, as well as the deliberate abandonment of cultural practices such as minority religious festivals. Despite the resilience of Pakistan's minority communities, this repression has often left minorities with little choice but to flee the country. In Sindh, historically known for its tolerance and pluralism, rising extremism has compelled large numbers of Hindus to leave their historic homeland.

While the UN says the figure is closer to 4,000, it has also been reported that as many as 10,000 Pakistani Christians are living 'under the radar' in Thailand.

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

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

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

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



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

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

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

transitional justice, including meeting their own pledges to form a TRC and to set up an office of missing persons and reparations, while in addition calling for the setting up of an investigative mechanism on the lines of OHCHR's recommendations.

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

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

The legacy of Sri Lanka's bitter decades-

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

Sri Lanka

The year 2015 ushered in fresh hopes for Sri Lanka's minorities with the surprise defeat of Mahinda Rajapakshe in the 8 January presidential elections and the appointment of former health minister Maithripala Sirisena as the country's Executive President. Rajapakshe, whose government had been widely accused of serious human rights violations, including war crimes during the last stages of the armed conflict in 2009, was defeated in large part due to minority voters, who voted against him in significant numbers. The defeat of Rajapakshe brought new hopes and aspirations for the country's Tamils, who had faced increasing incidents of

targeted human rights violations since he took office in 2005, as well as Muslims, who since the end of the armed conflict have been victims of hate campaigns and attacks by Sinhalese Buddhist nationalist groups. Rajapakshe had been exceptionally popular among the majority Sinhalese after leading the country's military, in May 2009, to defeat the Liberation Tigers of Tamil Eelam (LTTE), who were fighting for a separate homeland for minority Tamils in the north and east. Hundreds of thousands of Tamil civilians were trapped in the last stages of fighting and both parties have been accused of violating international human rights and humanitarian laws.

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

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

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

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

Southeast Asia

Nicole Girard and Hanna Hindstrom

One of the most significant barriers to the realization of minority and indigenous cultural rights in Southeast Asia is ethno-religious prejudice, often based on exclusive nationalist agendas, whereby the cultures of minorities and indigenous peoples are for the most part neither recognized nor respected. Although there have been efforts to make national

identities inclusive, in many countries across the region discriminatory policy and practices remain. Thailand, for example, has an almost exclusive Thai-language policy in schools. Officials have refused mother-tongue education reforms, arguing that this would pose a threat to the centrality of Thai language, leading to poor performance and high drop-out rates among minorities and indigenous peoples. In Cambodia, old animosity towards the Vietnamese administration continues to fuel discrimination against ethnic Vietnamese, who are provided with no space to be part of the cultural-imaging of Cambodia, which continues to emphasize 'the Khmer people'. In Burma, Buddhist extremists are leading campaigns against Muslim cultural practices, such as women's head coverings, with the complicit support of the government.

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

Burma/Myanmar

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

Millions of ethnic and religious minorities were prevented from voting in the November poll, either as a result of conflict or discriminatory electoral rules. Notably, hundreds of thousands of temporary identity card holders – mostly

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

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

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



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

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

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

In February, fresh conflict broke out along Burma's north-eastern frontier when ethnic Kokang rebels re-emerged from China to retake land snatched by the army in 2009. The Burmese army continues to launch attacks on ethnic Kachin, Shan and Ta'ang rebels who have declined to participate in the current ceasefire process, and reports of attacks and sexual violence against minority communities are common. In October, only eight armed groups signed a national ceasefire agreement in Naypyidaw. The process has been criticized for its lack of inclusion

and failure to address urgent political issues, such as the structure of federalism, natural resource revenue sharing and military impunity. Minority women say they have been systematically excluded from the peace process, allotted only 3 out of 96 spots on three ceasefire implementation committees.

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

Cambodia

Proceedings under the UN-backed Extraordinary Chamber in the Courts of Cambodia (ECCC) continued throughout 2015, with the first testimony related to charges of genocide against Nuon Chea, the Khmer Rouge's 'Brother Number Two' and former head of state Khieu Samphan. In September, the court heard from survivors of the regime's policies, as prosecutors assembled a case for genocide, that Cham Muslims and ethnic Vietnamese were particularly targeted for extermination. The closing order detailing charges against the defendants noted that 36 per cent of Cham died during the Khmer Rouge regime, between 1975 and 1979, compared to 19 per cent of the majority Khmer population during the same period. The Khmer Rouge also set out to destroy their culture, burning *Qur'ans*, prohibiting Cham from speaking their language and forcing them to eat pork, while also consciously setting out to erase their traditional way of life by dispersing communities across the

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

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

The Burmese government has a long history

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

One key legacy of this process is the Burmanization of ethnic minority names and cities, which were abruptly changed by the

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

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

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

Ethnic Vietnamese are further targeted for evictions from their homes. As they do not have citizenship rights under Cambodian law without identification papers and are barred from

owning land, many settle by rivers and lakes. In June, local authorities announced the eviction of over 40 ethnic Vietnamese families living on the Mekong River in Kandal province, despite previously recognizing their residency; the families requested a postponement to allow them to sell their fish stocks. Similarly, in October the eviction of around 1,000 ethnic Vietnamese families living on Tonle Sap lake began as part of a beautification project that would require them to be relocated, despite having resided there for decades.

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

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

The importance of the forests and their associated traditions for indigenous communities is often misunderstood by government officials, who see forests from a primarily economic perspective. In March, Environment Minister Say

Sam Al noted how important it was to protect the cultures of indigenous peoples, but then went on to explain that the agricultural industry was trying 'to create jobs for our people, so hopefully they don't have to depend on the forests any more' – instead, he said, they could 'depend on something else, like a skill'. His comments reflect a pervasive ignorance about the central value of local ecosystems, ancestral land and traditional livelihoods for indigenous peoples, particularly non-tangible elements such as sacred beliefs – considerations frequently sidelined by careless planning.

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

Indonesia

Following his election in October 2014, the year 2015 was a crucial test of President Joko 'Jokowi' Widodo's commitment to democratic reform and minority rights. Unlike his predecessor, Jokowi has publicly acknowledged the need for Indonesia to curb extremism and his government proposed a new law to protect religious minorities shortly after assuming power. At present, Indonesian law only recognizes six major faiths, while practitioners of smaller Islamic sects, such as

Ahmadiyya and Shi'a, endure regular threats and intimidation. The Ahmadiyya sect was formally branded heretical by the Indonesian Ulema Council, the country's top Islamic body, in 2005, and is prevented from proselytizing and constructing new houses of worship. However, activists have argued that the proposed new law does not go far enough and includes vague provisions that allow the government to discriminate against minorities in the name of 'national security'.

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

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

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



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

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

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

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

Indigenous land rights lie at the heart of the unrest in West Papua, a resource-rich region full

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

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

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

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

diverse provinces, such as Christian-majority West Papua. A low-intensity conflict and social movement calling for greater autonomy has simmered for decades, fuelled by anger over state-backed discrimination and violence towards the indigenous population. The year 2015 brought little respite to the conflict-torn region, where

dozens of civilians – mostly young Papuan men – were killed by security forces under dubious circumstances. In September, two high school children whose parents allegedly had ties to the West Papuan independence movement – claims the parents of the victims denied – were shot and one killed by police in Timika. Extra-judicial

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Case study by *Hanna Hindstrom*
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Militarization and the assault on Lumad cultural rights in the southern Philippines

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

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

burning of school houses.’

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

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

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

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

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

with the central Thai ethnic identity and the royal lineage – a narrow interpretation that effectively excludes many minority communities, such as Thai-Lao Isan in the north-east and the Malay/Melayu-Muslim of the south, as well as dozens of indigenous peoples.

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

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

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

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

indigenous peoples’ rights has since been delayed.

Thailand

Since the military seized power from the democratically elected government of Yingluck Shinawatra in May 2014, Thailand has been

under the rule of General Prayut Chan-o-cha, the head of the country’s armed forces. Amid crackdowns on independent media and the widespread repression of NGOs, the regime has attempted to validate its authority by appealing to a nationalist sense of ‘Thainess’ heavily associated



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

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

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

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

The sentencing and selective prosecution show an inconsistency in laws regarding land use

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

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

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

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

National policies have played an important role in deepening tensions in the south. Besides

political marginalization and underdevelopment, the government has also exacerbated the conflict through decades of repressive policies that have aggressively promoted a narrow 'Thai' identity at the expense of local communities, with Malay Muslim residents experiencing discrimination in

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

Vietnam

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

Changes were also made to the Penal Code in 2015. While reductions in the use of the death penalty were welcomed by human rights advocates, the changes generally increased restrictions on human rights – provisions the government has used to imprison numerous peaceful minority rights advocates or religious leaders in the name of national security. For

example, Section 79, 'carrying out activities aimed at overthrowing the people's administration', revised as Section 109, now includes provisions that apply to those who may be preparing to commit such a crime. Section 79 was used to imprison a pastor of the unregistered Mennonite group informally known as the Cow-Shed Church, Duong Kim Khai, whose work included filing complaints against land seizures. He was released in August this year, after serving four years of a five-year sentence. Changes to the Penal Code are set to come into force by 1 July 2016, and will almost certainly continue to be used excessively against minorities.

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

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

Further, Vietnam's growing tourism industry has posed problems for the cultural rights of its

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

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

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

East Asia

Michael Caster

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

China

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

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

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

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

Xinjiang

In Xinjiang, repressive state policies continued throughout 2015 amid escalating violence in the region, with security crackdowns and intrusive restrictions on free expression, assembly and movement. In Hotan, for example, ordinances required Uyghurs to obtain official permission in order to visit relatives or seek medical treatment outside their village. Authorities in Ili stopped

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

issuing passports and ordered that all Uyghur passports be handed over to the police, or be cancelled. Information on developments within the region remains difficult to access due to obstacles for independent journalists wishing to report on the region. In addition, the state has launched an aggressive assault on rights lawyers across China, including several Han lawyers who have attempted to highlight abusive treatment of Uyghurs. In December 2015, lawyer Pu Zhiqiang was found guilty and sentenced to a three-year suspended sentence for 'inciting ethnic hatred' and 'picking quarrels and provoking trouble' in relation to social media posts, including two from 2014 that were critical of government policy towards Uyghurs. Another lawyer, Wang Yu, was detained in July 2015 and, after six months of incommunicado detention, formally arrested on subversion charges in January 2016. She had represented Uyghur scholar Ilham Tohti, who was sentenced to life in prison in 2014 on separatism charges.

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

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



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

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

Since 2011, Chinese authorities have been promoting a system of 'bilingual education',

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

Tibet

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

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

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

The year 2015 marked the 20th anniversary of the disappearance of the Panchen Lama, Gedhun Choekyi Nyima, who would have been 26 years old. On 17 May, the Tibetan government in exile released a statement recalling the 1995 recognition of the then 6-year-old and his subsequent disappearance by Chinese authorities three days later. Later the same year, Chinese officials appointed Gyaincain Norbu as the Panchen Lama, a move disregarded by many Tibetans and the Dalai Lama. Responding to

concerns that the Chinese government would attempt to control his succession, in March the Dalai Lama stated that he might not reincarnate after his death. This would mean an end to the practice since the fifteenth century of recognizing the Dalai Lama as the reincarnation of Chenrezig, the Bodhisattva of Compassion. Emblematic of the lack of sensitivity and religious autonomy afforded Tibetan Buddhism, was the response of Zhu Weiqun, chairman of the Committee for Ethnic and Religious Affairs, a high-level committee within the central government, who stated that: 'The reincarnation of the Dalai Lama has to be endorsed by the central government, not by any other sides including the Dalai Lama himself.'

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

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

surveillance measures in Tibetan villages and monasteries, signalling that the state's intrusion into Tibetan cultural and religious freedoms could be extended indefinitely.

Inner Mongolia

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

Taiwan

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

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Case study by Michael Caster
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Challenging exclusion through cultural traditions: the struggle of Ainu feminists to end multiple discrimination in Japan

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

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

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

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

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

broadly over gender empowerment issues.

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

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

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

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

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

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

language during government or legal proceedings. Following on from this, in January 2016 the government launched an ambitious five-year indigenous education programme to incorporate indigenous culture and language into curricula, provide indigenous students with additional support and establish tailored educational institutions.

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

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

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

Oceania

Jacqui Zalcborg

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

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

Migration is also having an impact on oceanic indigenous cultures, as a high percentage of Pacific Islanders now live abroad or have moved from rural areas to cities. These processes can lead to significant upheaval and undermine traditional systems, though in many cases indigenous migrants have managed to maintain connections

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

with their former villages and also developed new forms of cultural expression in urban and foreign contexts that nevertheless build on the traditions of their communities of origin. This can also provide the space for a creative negotiation of an individual's position within the community and how this links to other aspects of identity. Indigenous migrant women, for example, may be able to reinterpret their roles and mobilize against issues such as gender-based violence. Research indicates that Oceania, in particular the Pacific, has the highest levels of such violence in the world, with more than 60 per cent of women and girls having suffered violence inflicted by someone they know.

Australia

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

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



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

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

Of particular concern in this regard during 2015 was the use of paperless arrest powers in the Northern Territory following the passing in 2014 of Section 133AB of the Police Administration Act (NT), allowing the police to detain a person in custody for up to four hours without a warrant if they suspect that person has committed, or is about to commit, an 'infringement notice offence'. Indigenous peoples and other advocates

voiced concerns that these expanded powers were having a disproportionate impact on Aboriginal and Torres Strait Islander peoples in the Northern Territory, perpetuating the disproportionate levels of indigenous people in custody for minor offences, such as drunkenness, swearing or making too much noise. The paperless arrest laws were subsequently challenged on the grounds of discrimination before the High Court and in November, while stopping short of striking down the laws, the court did significantly curb the extent of their powers, insisting they be subject to the normal limits that apply to police arrest and detention to protect against arbitrary detention.

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

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

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

Another major factor that could severely impact indigenous culture is the projected closure of specific remote communities, particularly in Western Australia. In September 2014, indigenous affairs minister Nigel Scullion announced that agreements had been reached with a number of states to transfer responsibility from the federal government for service provision in remote indigenous communities. In November 2014, following this announcement, the Premier of Western Australia, Colin Barnett, flagged that up to 150 remote Aboriginal communities in Western Australia might be closed, claiming that the social and health problems in many remote communities meant that the state could not provide them with essential services and

the number of these communities should be reduced. In May 2015, the premier released the government's plan for the state's 274 remote communities. While no specific details were provided on how decisions would be made, the premier noted he expected a 'significant' number would close.

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

Nauru

Nauru is a parliamentary democracy, with 58 per cent of the population comprised of indigenous Nauruans while another 26 per cent identify as Pacific Islanders. Chinese (8 per cent) and European (8 per cent) minorities make up the remainder of the population. While the Constitution theoretically protects the rights and freedoms of Nauruan citizens, 2015 saw some significant setbacks with regard to the island nation's democratic space, including the passing of the Criminal Code (Amendment) Bill 2015. Allegedly developed to curb language that is 'threatening, abusive or insulting in nature and has the intention to stir up racial, religious or political hatred', critics accuse the government

in practice of using the legislation to crack down on dissent. The government has used similar morality arguments to justify other repressive measures, including its attempt during the year to block Facebook, although refugee advocates have claimed the move was to prevent residents of its controversial asylum detention centre from speaking out about their conditions. Nauru has received widespread criticism for its involvement in Australia's offshore processing centres, including allegations of unreasonable delays in processing claims, harsh living conditions, violence and sexual abuse against asylum seekers.

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

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

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Case study by Electra Babouri
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Sacred lands and seas: the lifeblood of Pacific cultures

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

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

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

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

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

The region's islands are considered by many to be on the frontline of climate change, with certain Pacific Small Island Developing States

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

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

by researching the tangible and intangible heritage involved in their construction, with the aim of producing a handbook of best practices to support the use of indigenous building design across the Pacific region. Nevertheless, by the end of the year the effects of Cyclone Pam were still visible, due in part to significant financial shortfalls, with only a fraction of the needed funds provided by international donors.

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

Vanuatu

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

Fortunately the cyclone, which left 75,000 in need of emergency shelter and devastated Vanuatu's food crops, incurred a surprisingly low death toll – 24 fatalities – a situation largely attributed to the design of traditional huts, known as '*nakamals*'. Lightweight, relatively flexible structures made of traditional materials such as bamboo, with low walls and roofs, they are able to withstand extreme weather better than other housing designs. Vanuatu was subsequently honoured in October on the International Day for Disaster Risk Reduction for its use of traditional knowledge in developing resilient community housing. UNESCO also announced that it would be funding a project to support the continued vitality of Vanuatu's *nakamal* tradition