

# Asia and Pacific

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## Pacific

A high proportion of indigenous peoples characterizes the populations of the Pacific states and, in 2006, differing trends for minorities were observed in the region. The Maori in New Zealand, who form a minority within their state, are seeing increased protection, yet ethnic Aborigines and Torres Strait Islanders in Australia remain vulnerable, with only a few notable land rights victories. The issue of new migrants is gradually assuming centre-stage in the region, with Asian migration to Australia and New Zealand and migration of Pacific Islander populations to other states in the region on the increase.

## Australia

Australia is undergoing a troubled period in its relations with minorities and indigenous peoples. The government appears to be placing a stronger emphasis on 'Australian-ness', emphasizing a 'white' rather than a composite national identity. This reaction, against a backdrop of growing immigration of Asian/Muslim populations (currently close to 8 per cent of the population), is raising tensions in cities such as Sydney, as manifested in the violence on Cronulla Beach in December 2005. Following the same trend, Pauline Hanson, former leader of the One Nation Party, announced plans in December 2006 to make a come-back in the federal elections of 2007 on an anti-immigration platform; she has accused black African immigrants of bringing HIV/Aids to Australia.

Over the last two years, the replacement of the elected Aboriginal and Torres Strait Islander Commission by the government-appointed National Indigenous Council has denied Aboriginal nations (2.4 per cent of the population) effective political participation. Meanwhile, mining and other extractive industries see ever-increasing commercial values in Aboriginal homelands. The Aboriginal and Torres Strait Islander Act of 2005 (with amendments) that came into force in October 2006 needs to be monitored closely in this regard.

Despite the landmark 1992 *Mabo* decision concerning land rights, Australia seemed for a long time to be making little progress in terms of the recognition of native title. However, in October 2006, the Perth High Court ruled in favour of the Noongar people's claim, accepting a native title claim over urban land in the city. Political parties have expressed consternation over the result of the case, and the government has announced that it is preparing to file an appeal. In December 2006, an agreement was struck between the Githabul people and the New South Wales state government to share ownership of World Heritage-listed rainforests covering 6,000 sq km. The resolution of the land rights issue remains the key to reconciliation between Australian settlers and Australia's indigenous peoples.

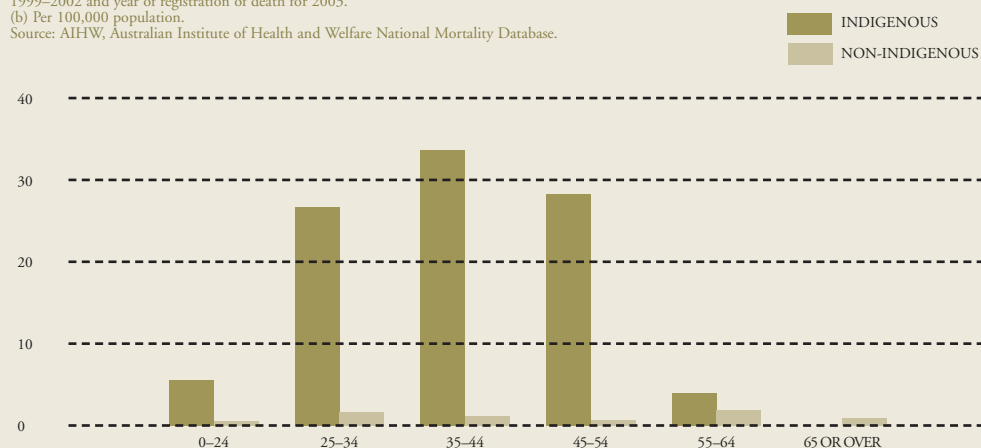
Aboriginal life expectancy remains 20 years lower than that of other Australians, some Aboriginal languages are disappearing, and the nations face an

### Australian male death rates, assault, by indigenous status and age, 1999–2003

(a) Data for Queensland, South Australia, Western Australia and the Northern Territory combined. Deaths are based on year of occurrence of death for 1999–2002 and year of registration of death for 2003.

(b) Per 100,000 population.

Source: AIHW, Australian Institute of Health and Welfare National Mortality Database.



array of other social problems. In December 2006, following a court ruling that there was not enough evidence to prosecute police involved in the death of an Aboriginal man in custody, indigenous leaders complained that 'Aboriginal lives can be taken with no consequences.'

Australia's 'Pacific solution' anti-refugee policy has seen it re-interpret its territorial dimensions to avoid responsibilities over intakes of refugees by establishing a 'clearing house' on the island state of Nauru to keep refugees away from the Australian mainland.

The Tasmanian government's apology in 2006 for its role in the Stolen Generations scheme (where Aboriginal children of mixed descent were taken from their families and settled with white families between approximately 1900 and 1969) goes against this trend. The apology, announced alongside a compensation package of AU \$4 million (US \$3.12 million), provides a model for other states, although thus far they have been reluctant to acknowledge their responsibility for the policies of eugenics that have been perpetrated against the Aboriginal nations for more than a century.

## New Zealand

Although similar in many respects to Australia, New Zealand handles indigenous and minority rights issues in a different way. The Maori account for close to 15 per cent of the total population of the state, a further 6.5 per cent consists of Pacific Islanders,

while Asian immigrants account for another 8 per cent. The issues attendant on reconciliation between the white settlers and the Maori population are being examined by the Waitangi Tribunal, which was created by the New Zealand government in 1975. Like other Truth and Reconciliation processes, the findings of the Tribunal are not legally binding; however, they are respected by society and inform a basis for *rapprochement*. Progress before the Tribunal, although slow, has remained positive in 2006. While the fundamental issue of land return or compensation is at the forefront (with a Governmental Fiscal Envelope of NZ \$1,000 million or US \$687 million), most land claims remain outstanding, with Maori owning only 5 per cent of the country's land. Away from the land rights issues, Maori continue to face lower life expectancy and higher rates of unemployment, though the direction of the statistics would indicate the situation is improving.

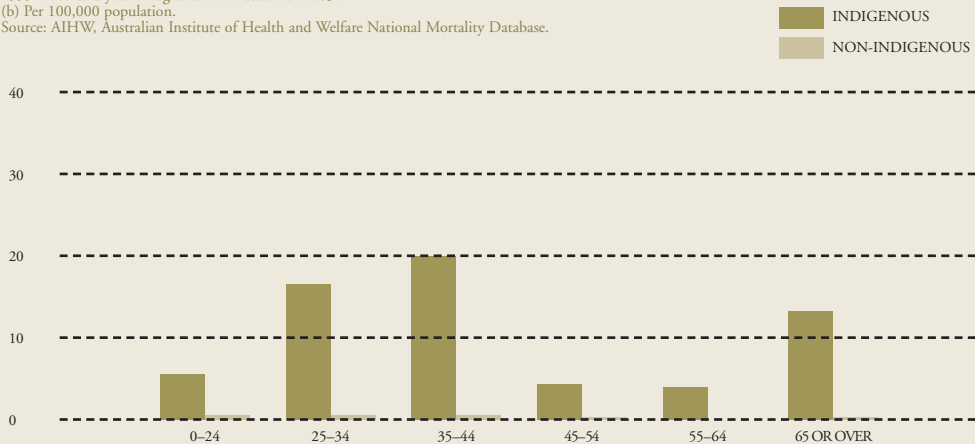
Pacific Islanders have not benefited from government schemes aimed at the Maori and are disproportionately represented in unemployment statistics. They also form a higher proportion of the urban poor. The popularity of the racist New Zealand First party, at its zenith in 1996, appears to have waned (it won 5.72 per cent of support, garnering seven seats in Parliament in the 2005 elections). However, hostility has been reported towards Asian, and particularly Muslim immigrants, with vandalism

### Australian female death rates, assault, by indigenous status and age, 1999–2003

(a) Data for Queensland, South Australia, Western Australia and the Northern Territory combined. Deaths are based on year of occurrence of death for 1999–2002 and year of registration of death for 2003.

(b) Per 100,000 population.

Source: AIHW, Australian Institute of Health and Welfare National Mortality Database.





**Left:** The Naxi, an ethnic minority numbering 280,000 people in China's Yunnan and Sichuan provinces, practise the ancient shamanistic religion of Dongba. This Dongba text is written in the last living hieroglyphic language in the world.  
Dermot Tatlow/Panos Pictures

of mosques in the aftermath of the 7 July 2005 bombings in London. In 2006, there were police calls for Muslim women wearing the *burqa* to be banned from driving – a move that sparked a public debate on issues of national identity and tolerance.

## Fiji

The year 2006 proved to be an eventful one for minority rights protection in Fiji. Despite the Fijian Labour Party, representing the large Indian minority (45 per cent), taking its place in a power-sharing system with the ethnic Fijian Soqosoqo Duavata ni Lewenivanua party, a military coup ousted the government on 5 December. The takeover – Fiji's fourth in two decades – was the culmination of a long impasse between coup leader Commodore Frank Bainimarama and Prime Minister Laisenia Qarase over attempts to offer pardons to conspirators in the 2000 coup and to grant lucrative coastal land ownership to indigenous Fijians. Commodore Bainimarama, himself an indigenous Fijian, said the bills were unfair to the island's ethnic Indian minority. At the time of writing, the island was enjoying a relative calm and the interim government was taking shape, with eight ministers being sworn in to work under Bainimarama who has been declared Prime Minister.

## East Asia

Although many states vary in terms of their political structure and ideology, the need for specific minority rights standards is considered of low importance in East Asia or not accepted. China is a notable exception, however, enjoying a Constitution that enshrines minority rights and allows for ethnic autonomy in some of its regions. Nevertheless, the state's system of categorizing minorities is fraught with difficulties and, in reality, ethnic minorities suffer discrimination in all walks of life. China's relentless economic development appears to be overshadowing protection of rural ethnic communities, with forced migration from areas such as Inner Mongolia to urban centres being increasingly commonplace.

Japan and Mongolia have traditionally considered themselves to be ethnically homogeneous, resulting in either a lack of implementation or neglect of minority issues. Important exceptions to this rule in 2006 were the election of a Japanese parliamentary representative from the caste-based Okinawa community, and the provision of native-language education for ethnic Kazakh children in Mongolia.

## People's Republic of China

The definition of ethnic minorities/nationalities in the People's Republic of China has been conceived by the state and does not truly reflect the self-identification of such ethnic minorities or the reality of ethnic diversity within China's boundaries. *Minzú* (the Chinese term that signifies non-Han 'undistinguished ethnic groups', numbering more than 730,000 people) have not been recognized among or classified within the state's official 56 ethnic minorities (these comprise the majority Han grouping and 55 minority nationalities).

The *Minzú* also do not include ethnicities that have been classified by the state authorities as belonging to existing minorities and hence denied their legal rights to public participation. For example, the Mosuo are officially classified as Naxi, and the Chuanqing are classified as Han Chinese, but they reject these classifications as they view themselves as separate ethnic minorities.

Some groups are still actively fighting for recognition as minorities. In the 1964 census, there were 183 nationalities registered, among which the government recognized only 54. However, census numbers are somewhat suspect due to the re-registration of significant numbers of Han people as members of minority nationalities in order to gain personal benefits, such as exemption from the family planning policy of 'one family one child' or the right to cremate their dead.

The recognized ethnic minorities have considerable autonomy with regard to their way of life and this has resulted in complicated forms of autonomy for six provinces (among them Inner Mongolia, Tibet and Xinjiang), but also in the creation of autonomous cities, prefectures and municipalities where minority nationalities are territorially concentrated. In practice, the system remains subject to the political control of the Communist Party. For instance, the Constitution stipulates that the leaders of an 'autonomous area',

and most of its representatives to the People's Congress, must be members of the area's main nationality. However, the Chinese Communist Party, which controls the government and holds all final decision-making powers, is exempt from these stipulations. According to available records, appointments made in September 2006 to the Chinese Communist Party's committee in Lhasa, which in effect runs Tibet's capital, had a lower proportion of Tibetans than at any time in the last 40 years.

China's western regions are the most ethnically diverse, with 80 per cent of the country's minorities living in the area. However the *Minzu* are mainly distributed in the border areas of the north-east, north, north-west and south-west of China. Many of these regions have significant natural resources, including oil, gas, minerals and precious metals, and new regional development strategies are being specifically targeted there. Nevertheless, without accompanying decentralization of political power, this strategy risks further exacerbating the already simmering ethno-regional tensions, as development rights for these groups are totally controlled by the central government.

Since 11 September 2001, the Chinese government claims to be acting against global terrorism. However, activists say that this is a convenient excuse to crack down on areas susceptible to ethnic tensions. This has led to widespread arbitrary arrests, closure of places of worship and the sentencing of hundreds of people to harsh prison terms or death after grossly unfair and often summary judicial processes. China's 8.68 million Uyghurs, who are the largest Muslim ethnic group in the country, have felt the brunt of these policies in 2006, particularly in Urumqi, the capital of the Xingjiang Uighur Autonomous Region (XUAR). Uyghur observance of Islam is severely curtailed on a routine basis; mosques are under government control, and students and civil servants are not allowed to publicly engage in any religious activity other than observing the Muslim ban on eating pork.

According to the population census in 2000, the illiteracy of ethnic minorities is 14.63 per cent, 60 per cent higher than the national average. As such, a central government 2006 decision to allocate a special fund of 10 million  *yuan* (US \$1.28 million) each year to foster the education level of minorities and improve school conditions for primary and middle school students in minority areas is to be

applauded. A *China View* (Xinhua news agency) article in November 2006 reports that about 6 million children are attending more than 10,000 bilingual schools in China, using both Mandarin and ethnic languages, and more than 3,000 textbooks are compiled in 29 languages annually.

Throughout 2006, the Chinese state continued investing to improve ethnic minorities TV programming in minorities' languages. Currently, in the autonomous areas of ethnic minorities, of 441 radio programmes, 105 are in ethnic minority languages. In addition, of 489 TV programmes, 100 are in ethnic minority languages. Moreover, the TV stations managed at prefecture or county level in ethnic areas also use more than 10 ethnic minority languages or dialects, including but not limited to Dai, Kazakh, Kirghiz, Korean, Mongolian, Tibetan, Uyghur and Zhuang.

Ethnic minorities find it increasingly difficult to compete for certain jobs; it is not uncommon to find signs at job fairs saying 'Uyghurs need not apply'. The huge boom in economic and industrial development in itself threatens the cultures and languages of minorities. China's famed Western Development Strategy exemplifies this trend, its main aim being to extract oil and gas from resource-rich rural areas for use in urban, coastal centres. Indirectly, however, Chinese Communist Party leaders hope that the resulting influx of Han Chinese settlers and state capital into the western regions will lead to assimilation in areas currently dominated by the presence of minorities. Ultimately, it appears to be an internal colonization project. On a more positive note, the Chinese government partnered with United Nations Development Programme (UNDP) in 2006 to attempt to lift ethnic minority groups out of poverty through developing cultural-based industries and tourism.

## Central Asia

While most of the Central Asian Republics are multinational in composition, they vary from Turkmenistan, described as 85 per cent Turkmen, Tajikistan and Uzbekistan – both 80 per cent Tajik and Uzbek respectively, to Kyrgyzstan and Kazakhstan, where the majority is less dominant (around 60 per cent). Unlike some of the other former Soviet Republics in Europe, the relative homogeneity of each of the states means that there is a reduced possibility of ethnic conflict. Religious persecution is

rife in all of the republics, however, both of Muslims who are considered 'extremists' and of minority faiths such as Baptists and Hare Krishna devotees.

Despite the establishment of modern constitutions replete with human rights standards and accession to several human rights treaties in the post-Soviet era, the states have a low level of compliance with international human rights standards, resulting in a lack of opportunities for women, especially those from minority communities. In addition, the need for the resource-rich states of the region to capitalize on their natural wealth has meant that development remains the top priority, and this is being implemented through increased urbanization.

In November 2006, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan decided to launch an inter-state dialogue and assist each other on issues of social integration and national minority education. A first working group meeting is scheduled to take place early 2007 and will be monitored by the Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities.

## Uzbekistan

In May 2005, the government responded to an armed uprising in Andijan, Uzbekistan, with indiscriminate force, gunning down hundreds of mostly unarmed civilians. The protest started when a group of armed people freed 23 businessmen accused of Islamic extremism and took officials hostage in local government buildings. Repercussions were felt throughout the region as refugees fleeing the violence flooded into Kazakhstan, Kyrgyzstan and Russia, some of whom were forcibly repatriated in blatant contravention of the 1951 Refugee Convention. Despite European Union (EU) sanctions imposed after the massacre, the crackdown on dissent among minorities in Uzbekistan has continued. In May 2006, the UN Special Rapporteur on Torture documented reports of torture, disappearances and harassment against Muslims who practise their faith outside state controls. Many are labelled terrorists, and have been convicted of religious extremism, yet the government continues to create conditions in which popular support for radical Islam is likely to grow. In October 2006, President Karimov fired Andijan governor Saydullo Begaliyev, naming him partially responsible for the Andijan massacre, but generally Karimov continues to deny that his

regime's policies were in any way at fault, while the same abuses go unchecked in other provinces.

State control of religious expression is extreme in Uzbekistan. In December 2006 Uzbekistan's state Religious Affairs Committee and state-controlled Spiritual Administration of Muslims (the Muftiate) restricted the number of Uzbek Muslims making the Haj pilgrimage to 5,000. According to Forum 18, a Norwegian non-governmental organization (NGO) reporting on threats against the religious freedoms of all people, on 24 September, a Baptist church in Tashkent was raided mid-way through a sermon and two church members subsequently fined, while on 1 October, in the town of Angren, nearly 50 members of a registered Pentecostal church were taken to the police station after their Sunday service was raided. Other religious minorities also face severe pressure. Forum 18 also reports that a Hare Krishna devotee was taken to the Khorezm police department on 19 August. Under pressure from her parents and officials from the law enforcement agencies, she signed a document renouncing her religious beliefs.

## Kyrgyzstan

In Kyrgyzstan, ethnic Uzbeks form the largest national minority and are concentrated mainly in the southern and western parts of the country, especially the Ferghana Valley and the three administrative provinces of Batken, Osh and Jalal-Abad. The Uzbek language does not have any official status and this has indirectly led to the continued under-representation of Uzbeks employed in government offices. Demonstrations calling for official status for the language, and for some kind of proportional representation of Uzbeks in state administration in the southern provinces, have been held in 2006. A former governor of the Osh province alleged that President Bakiyev removed him from his position because of his Uzbek ethnicity. In October 2006, the head of the Center of Uzbek Culture in Osh was murdered and an investigation into his death remains unresolved.

The trend towards a 'Kyrgyzstan for the Kyrgyz' has gathered pace in 2006. New language provisions require that candidates for elected office need to demonstrate proficiency in Kyrgyz, as do students wishing to enter or graduate from university. State officials are to use primarily Kyrgyz, though Russian remains as a 'language of inter-ethnic communication'.

In February 2006, clashes between Kyrgyz and Dungan youth in a village about 70 km outside the capital, Bishkek, were feared by some to be a symptom of growing resentment and nationalism. The Dungans are Muslims of Chinese origin who moved to central Asia in the 1870s to escape persecution at home and there are about 40,000 in the country today.

### Kazakhstan

Although religious minorities have been generally free to operate in Kazakhstan, in July 2005 President Nazarbaev signed 'amendments to laws relating to national security' making it compulsory to register all religious communities and banning the activities of all religious organizations that have not been registered. Attempts in 2006 to confiscate Hare Krishna devotees' property near Almaty could be justified under the new amendment.

On the positive side, Kazakhstan ratified two major human rights conventions in January 2006, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. If implemented in domestic law, these could offer greater human rights protection for minority groups.

By 2006, the number of ethnic Germans in Kazakhstan appears to have fallen to about 200,000. While traditionally concentrated in the Akmola, Kostanai and North Kazakhstan areas, their remaining numbers now predominantly live in central Karaganda, and in the north and the east of Kazakhstan. The villages where Germans were mainly concentrated and the German language was used most frequently have been taken over by ethnic Kazakhs as their former inhabitants have mostly migrated *en masse*.

### Tajikistan

The Tajiks are an Iranian people who speak a variety of Persian, an Indo-Aryan language. Most of them are Sunni Muslims and they make up about 80 per cent of the population of Tajikistan, according to an official 2000 census. The country is home to over 80 ethnic groups, most notably Kyrgyz, Russians, Tatars, Ukrainians and Uzbeks. Tensions between Uzbeks and Tajiks increased further in November 2006 after a Tajik border guard shot and killed an Uzbek counterpart. At the close of 2006, the government began resettling about 1,000 volunteer families,

purportedly to help create new farmland in the west of the country. However, observers note that virtually all of the families are ethnic Tajiks, while their new home is an area mainly populated by ethnic Uzbeks.

Tajikistan has tried to encourage Russians and Ukrainians to remain in the country, as many of them occupy technical and other skilled positions. For these reasons, schools teaching in Russian have been maintained and the Russian language is still in widespread use in government and business. Tajik legislation now permits dual citizenship but many Russians in Tajikistan still appear to want to leave because of the country's poor economic conditions.

### Turkmenistan

Turkmenistan's notorious president Saparmurat Niyazov died at the end of December 2006, after 21 years of authoritarian rule of the Central Asian republic. This country is one of the most despotic of the region, with the tyrannical regime tolerating no opposition or freedom of the media. The one-party state was completely under the tight control of President Niyazov, who not only declared himself 'Turkmenbashi' (the father of all Turkmen), but was also made 'president-for-life' by the People's Council in 2003. His book on spirituality and morality – the *Rukhnama* ('Book of the Soul') – is compulsory reading in schools and workplaces, and is intended to help displace the Koran as the primary Turkmen religious guide (Turkmenistan is 90 per cent Muslim).

President Niyazov is reported to have called for the enhancement of the 'purity' of the Turkmen and for the removal of those who dilute Turkmenistan's 'blood'. While verifiable statistics and data are hard to come by given that NGOs – both domestic and international – cannot be based or operate in the country, anecdotal information and reports from observers confirm the continuing extensive exclusion of minorities (Russians and Uzbeks) from most areas of employment and participation in public life. Senior officials must be able to trace their Turkmen ancestry for several generations and it is reported that members of ethnic minorities are excluded from positions in the judicial system, law enforcement and military organizations.

Although the interim leader has pledged stability, Turkmenistan, which has large gas reserves, now faces an uncertain future with rival groups and outside powers scrambling for influence.



## South Asia

The legal systems of the countries of South Asia have administrative, legislative and judicial measures for the protection of minority rights, and, in general, government policies demonstrate a willingness to tackle economic and social rights of minorities. India, however, highlights the importance of implementation of standards: while the state has a plethora of minority rights standards, minorities continue to be vulnerable. This phenomenon is manifest in long-standing secessionist conflicts in India, but also apparent in Sri Lanka, and, to a lesser extent, in Pakistan. The year 2006 saw the King of Nepal's dictatorial rule overturned by a movement of the masses and the government struggling to come to terms with the demands of Maoist insurgents. The warring factions finally signed a peace agreement in November 2006 and elections are promised for 2007. The rebuilding process in Afghanistan has struggled against persistent violence. NATO troops appear unable to restore order and face increasing attacks from Taliban forces. Even though the new Constitution passed in 2005 under the leadership of Hamid Karzai promises the protection and promotion of minority and women's rights, these can only ever be put into action if peace and stability return to the country. Afghanistan and Pakistan have also been in the frontline of the US and coalition forces' fight against international terrorism, with particularly dangerous consequences in Pakistan, where swathes of villages in the northern areas have been bombed.

## India

India recognizes three types of minorities: religious, caste based and linguistic. According to the National Minorities Commission, the designated minority religions are Buddhists, Christians, Muslims, Sikhs and Zoroastrians. The Indian Constitution designates Scheduled Castes (SCs or Dalits, comprising 16 per cent of the population) and Scheduled Tribes (STs or Adivasis, 8 per cent of the population) for protection by enacting affirmative action programmes that provide not only equal protection in law but also 'reservation' of seats in the Assembly and national Parliament. An Act of Parliament passed in 1973 allows women and SCs and STs entitlement to 'reservation' jobs in government, educational institutions and elected

bodies. The government has established nearly 35 bodies for the protection of minorities at a national level, including the National Commission for Scheduled Castes, other Backward Castes, Minorities and Linguistic Minorities. Numerically large linguistic minorities with a distinctive history and regional identity, such as Gujaratis and Maharashtrians, have been entitled to a state-province within the Indian federation.

Evidence of continued commitment to minority rights standards in India in 2006 included the creation of a Ministry for Minority Affairs, the publishing of the *Sachar Report on the Social, Economic and Educational Status of the Muslim Community* and the Prime Minister's 15-point programme for the welfare of minorities. The government has also been considering a *Draft Plan for the Tribals*, however activists have criticized both the contents of the draft and the lack of adequate opportunity for consultation with leaders of Adivasi groups.

While Dalits and Adivasis have begun to mobilize themselves politically, they remain on the fringes of Indian society despite the affirmative action in their favour. An attempt to raise 'reservations' in public institutions to 50 per cent in April 2006 has divided the country. Meanwhile, Dalits and Adivasis continue to languish at the bottom of social indicators tables, face rising levels of discrimination and are often subject to violence. In September, in a village in the Bhandara district of Maharashtra, a Dalit woman and her three children were dragged out of their home by an upper-caste mob and murdered. The four were reportedly beaten with bicycle chains and sticks. The mother and daughter were allegedly raped by the mob, many of whom lived in the same village and were possibly their neighbours. The murders remain unresolved and Dalit organizations accuse state police of mishandling the case.

Frustrations with the oppression of the Hindu caste system continues, and is visible in mass ceremonies of Dalit conversions to both Buddhism and Christianity in 2006. However, if Dalits convert to Christianity and are then discriminated against, they will have no recourse to the protections and safeguards that exist for Buddhist, Hindu and Sikh Dalits.

India's 138 million Muslims (13.4 per cent) remain particularly vulnerable; 31 per cent of them fall below the poverty line, according to the Sachar report. The seeds of distrust against Muslims in



**Left:** A woman mourns her son, who was allegedly beaten to death in a police raid on their Adivasi tribal village in Bokaro, Jharkhand State, India. Police targeted members of the Adivasi community following the robbery of a jewellery store.  
Robert Wallis/Panos Pictures

India go back at least to the battle for Indian independence and partition. The perceived grievances have been nursed through the conflict in Jammu and Kashmir, and more recently through the bomb-blasts on the Mumbai rail network on 11 July 2006, which claimed over 200 lives. Police claimed that the Mumbai attacks bore the hallmarks of an Islamic militant group. The investigations continue.

India's troubled north-east has also been marked by ethnic tension. Although fragile, the ceasefire between the Nationalist Socialist Council of Nagaland (NSCN) and the government remained in place and the rebels' cause was weakened by factional infighting. The NSCN believes that India should create a unified Naga homeland by merging the Naga-inhabited areas of Manipur, Assam and Arunachal Pradesh states into the state of Nagaland. Ever since talks between the United Liberation Front of Assam and the government collapsed in September 2006, the insurgents have targeted minority Hindi-speaking migrants, mostly from the northern state of Bihar, with bomb and grenade attacks. Fifty-five migrant workers were killed during the first days of 2007.

## Pakistan

Pakistan has a large Muslim majority population (96.58 per cent), the bulk of whom are Sunni. There were simmering tensions between the majority Sunni and minority Shia Muslims. In February 2006 the violence came to the strategically important North West Frontier Province (NWFP) bordering Afghanistan. At least 31 people were killed and scores injured after a suicide bomber attacked a congregation of Shia Muslims marking the Ashura festival in Hangu. In May 2006, at least 57 people were killed, amongst them the entire leadership of the Sunni Tehrik group, in the suicide bombing of a congregation of Sunnis celebrating the Eid Milad festival in Karachi. According to Human Rights Watch, at least 4,000 people, largely from the Shia community, have died as a result of sectarian hostility since 1980.

In July 2005, the Provincial Assembly of the NWFP, led by the religious coalition MMA (Mutahida Majlis-e-Amal), voted in favour of the Hasba Bill, which establishes a Muhtasib (a person qualified to be a Federal Sharia Court judge) to monitor observance of Islamic and *Sharia* 'values'. The Supreme Court subsequently annulled the draft law because it was 'discriminatory'. However, in November 2006, the Provincial Assembly approved the bill with minor changes that they said took into account the Supreme Court's concerns. The bill has sparked protests by the APMA (All Pakistan Minorities Alliance), who, together with human rights organizations, are calling for its dissolution, claiming it seeks to 'Talibanize' both the NWFP and the country as a whole.

The Asia Human Rights Commission notes that it has become a common practice in Pakistan for Muslim seminaries to encourage young men to convert non-Muslim minorities to Islam. Young Hindu girls are usually kidnapped for this purpose but, when arrested by the police, their Muslim male kidnappers produce marriage certificates and evidence from Madrassas stating that the girls have adopted Islam. Many of these girls are minors but the courts appear to overlook this fact and simply accept the certificates as legitimate.

In Baluchistan, the head of the Bugti tribe was killed in an incident with the armed forces in August 2006 while hiding out in caves near his village, Dera Bugti. Baluchistan is the most economically marginalized province in Pakistan and he and his followers were demanding greater compensation from the government for exploitation of the natural gas reserves present on their lands. This killing caused huge riots across Baluchistan and in other parts of the country, and highlighted the unequal relations between the provinces and the centre.

The Hudood Ordinance, a set of laws enacted in 1979, makes rape victims in Pakistan liable to prosecution, and has led to thousands of women being imprisoned for so-called 'honour' crimes. The laws rendered most sexual assault victims unable to seek redress through the criminal justice system, deeming them guilty of illegal sex rather than victims of unlawful violence or abuse. The Hudood Ordinance has always provoked debate across the country, with members of the MMA religious coalition opposing any changes as 'un-Islamic' and

all other parties and NGOs calling for a full repeal. In a small but important victory for women's rights, the National Assembly finally passed the November 2006 Women's Protection Bill, an amendment to the Hudood Ordinance. Although it still leaves many other discriminatory provisions in place, this amendment permits rape victims to file charges under the criminal law instead of the previous religious law (which required four male witnesses to guarantee proof of rape).

### Sri Lanka

While in several of the states in this region there is simmering discontent and elements of ethnic tension, in Sri Lanka this has taken the shape of a full-scale civil war that has divided the island. The state's largest ethnic groups, the Sinhala (74 per cent) dominate state institutions and the army. Meanwhile the Liberation Tigers of Tamil Eelam (LTTE, drawn from the minority Tamil community – 13 per cent) have resorted to guerrilla warfare and have clashed with the Sri Lankan security forces in a decades-long armed confrontation.

The hope of the peace process yielding dividends was shattered in 2006 when the island was plunged back into a war reminiscent of the 1990s. Peace talks in Geneva in October 2006 were a failure, despite both sides claiming to adhere to the 2002 ceasefire. Nearly 3,000 people have been reported killed in the fighting in 2006, with 216,000 displaced.

In the context of this conflict, the 2 million-strong minority Muslim population is often ignored. In September 2006, civilians in Muttur in eastern Sri Lanka, a town with a large Muslim population, were caught in the crossfire as air force planes bombed LTTE targets, forcing residents to flee and seek shelter in overcrowded camps with poor sanitation. (See pp.18–24)

### Nepal

In Nepal, after months of negotiations following the April 2006 mass movement that overturned King Gyanendra's direct rule, a peace agreement was signed on 21 November 2006 between Maoist insurgents and the government. The agreement ends a 10-year civil war and charts a course towards June 2007 elections for a Constituent Assembly following the formation of an interim government that includes the Maoists. Although all members of society have welcomed a cessation to the violence

and instability, Nepal's minorities claim that the peace agreement was drawn up without sufficient minority input and fear that the new constitution in 2007 will not bring them real change.

Careful reading of the agreement shows that it does not propose to alter electoral systems enshrined in the much-criticized 1990 Constitution. Nepal's *janajatis* (which include the 59 member organizations of the Nepal Federation of Ethnic and Indigenous Nationalities and the Indigenous Peace Commission) feel that the current system of constituencies and representation has always ignored their aspirations and as a result have little faith in the approaching June 2007 elections.

Being overwhelmingly Hindu (80.6 per cent), notions of caste within Nepalese society are deep-rooted and discrimination against the 2.8 million Dalits or 'untouchables' (13 per cent of the total population) remains rife. The peace agreement promises:

*'to address the problems related to women, Dalit, indigenous people, Janajatis, Madheshi, oppressed, neglected, minorities and the backward by ending discrimination based on class, caste, language, sex, culture, religion, and region and to restructure the state on the basis of inclusiveness, democracy and progression by ending the present centralized and unitary structure of the state.'*

However Dalit organizations point out that, even though caste discrimination was outlawed in the 1963 and 1990 Constitutions, the legal provisions were never implemented. They argue that implementation of these promises would involve major structural changes and, up to now, they have seen no will by the entrenched political elite to relinquish their power. Yet another obstacle in the way of change is that enforcement of any new laws would mainly fall on the shoulders of the civilian police force who are traditionally unsympathetic to Dalit issues.

### Bangladesh

Bangladesh is the world's third most populous Muslim nation and 2006 saw a growing campaign against religious minorities. The Ahmadiyya community, a revivalist movement within Islam originating in the Punjab in India and rejected by most mainstream Muslim sects, has continued to suffer in 2006. In June, 22 Ahmadi families living in Dhaka were publicly threatened with death by

members of the Islamist group International Khatme Nabuwat, an organization dedicated to safeguarding the sanctity of the finality of the Prophet Mohammed. According to Amnesty International, by targeting the Ahmadiyya community Khatme Nabuwat is attempting to force the government to yield to their political demands for the introduction of more stringent Islamic law. They also hope to obtain mass support from poor and disenfranchised sections of society, whom they feel they could influence by appealing to their religious beliefs.

The tribal people of the Chittagong Hill Tracts (CHT) have for a long time been the targets of massacres and torture, notably during the years of armed conflict (mid-1970s to 1997). The signing of the peace accord between the government of Bangladesh and tribal representatives in December 1997 appeared to provide assurances that their rights would be respected. However, nine years later, the government has failed to implement fully some of the most crucial provisions of the accord. These include the rehabilitation of all returned refugees and internally displaced families, settlement of land confiscated from the tribal people during the conflict, withdrawal of non-permanent army camps from the CHT and transfer of power within the provisions of the peace accord to the local CHT administration.

The country is due to hold elections in 2007 – but the poll has already been postponed from the original date of 22 January. The run-up to the elections has already been marked by violence. NGOs warned that the rights of minorities to participate without fear and intimidation must be a priority.

## Southeast Asia

Populations in Southeast Asia are characterized by large-scale migrations from China and India, in conjunction with dominant regional groups such as Malays and Indonesians (arguably both composite identities themselves), as well as a host of indigenous tribes and hill peoples. Islamic extremism has had a strong influence throughout the region in 2006, manifest in government crackdowns against militants in Muslim minority states or the installation of Sharia-inspired local laws in Muslim-dominated states such as Indonesia. Despite constitutional protections in both the Philippines and Malaysia, indigenous peoples have seen usurpation of their lands for commercial purposes continue to impact their struggle for greater land rights.

## Thailand

The military coup in Thailand on 19 September 2006, was orchestrated by Thai Army Commander General Boonyaratglin during the brief absence of Prime Minister Thaksin Shinawatra. In October 2006, a new prime minister, Suayud Chulanont, and a new cabinet were installed – but the abrogation of the Constitution and the imposition of martial law has made it difficult to gauge the precise levels of support for this new arrangement.

The forging of a strong Thai nationality has always been given prominence over that of the ethnic Lao, who are numerically superior in Thailand. Other minorities, such as the Chinese, Indians, Khmer, Malays and Mon have been forced to adopt ‘Thai’ national identities in the name of building a unified state. This is most exemplified by the continuing armed violence in the Muslim Malay-majority southernmost provinces (Kala, Narathiwat and Pattani) where an estimated 1,750 people have died since January 2004. The origins of the violence lie in historical grievances stemming from discrimination and neglect of the local ethnic Malay Muslims, and attempts at forced assimilation by successive governments in Bangkok (dominated by Thailand’s Buddhist majority – 94.6 per cent). Islamic militants have been fighting for the restoration of an independent Muslim sultanate in the region.

A National Reconciliation Commission was appointed in 2005 to consult with southern community and religious leaders about how best to address their grievances. In June 2006 they presented the government with a blueprint for policies to address the underlying cultural and economic grievances driving the insurgency, which was largely ignored. However, the new post-coup government has signalled a willingness to talk to the Islamic rebels and the people of the south are generally optimistic that their situation will now improve.

## Indonesia

The last two years have seen a dramatic turnaround in the fortunes of Indonesia, the most populous Muslim-majority nation in the world. The country’s first-ever direct presidential election, won by Susilo Bambang Yudhoyono in 2004 on a platform of reform and dismantling of the authoritarian state, has been followed by sustained progress on human rights. Democratic elections have been held at various levels and have served to dampen the ethnic tension that

characterized the state for much of the 1990s. With policies of decentralization accompanied by devolved decision-making being offered (as manifest in the August 2005 peace agreement in Aceh), entrenched conflict appears to be ending.

Despite the Indonesian government's compliance with the Bush administration's counter-terrorism alliance, illustrated by the welcoming of President Bush by President Yudhoyono in November 2006, the visit was met with mass protest rallies across the country. There has been a revival in the representation of groups who have tried to bring in Islamic legislation in Indonesia: they have succeeded in garnering election victories through criticism of the corruption that still persists at every level of Indonesian society.

The rise of religious intolerance as manifest in attacks against Ahmadiyya mosques and Christian churches in Java and North Sumatra is indicative of the continued threat of Islamist extremists, and has already resulted in the installation of *Sharia*-inspired local laws in Aceh, Java, Sulawesi and Sumatra. Christian-Muslim tensions were particularly apparent in Sulawesi, where three Catholics, sentenced to death for their alleged role in the death of Muslims during religious riots, were executed in September 2006. Fearing outbreaks of violence, the Indonesian government deployed thousands of troops to protect Christian sites during the December 2006 Christmas celebrations.

In a radical shift from centuries of policies that favoured indigenous groups against Indonesia's Arabs, Chinese and Indians, the government passed a new citizenship law in 2006 in which 'indigenous' was redefined to include the ethnic Chinese population.

## Burma

The November 2006 report of the UN Special Rapporteur for Burma highlights the deterioration in the rights, security and livelihoods of Burma's 54 million people. The repression of the ruling military junta against its population is most evident in attacks against minorities such as the Karen Hill Tribes. More than 10,000 Karen were displaced in a military attack by the junta in November 2006, with the prospects of them fleeing into Thailand to claim asylum being hindered by the presence of a large number of landmines on the Burmese side of the border. This latest attack by the military is the

largest of its kind since 1997 and is resulting in a humanitarian disaster on a grand scale, with the tens of thousands of the displaced falling victim to water-borne diseases fuelled by Cyclone Mala. The systematic abuses are not restricted to the Karen, with ongoing conflicts against other ethnic minority rebel groups being waged, on the government side, through an array of extra-judicial executions, rapes, the use of torture and forced relocations of entire villages. Human Rights Watch estimates that, since the start of 2006, 232 villages have been destroyed in Burma as part of the army's campaign against ethnic insurgents, and 82,000 people have been forced to flee as a direct result of armed conflict. ■