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**Topical Review Digest:**

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## Introduction: Minority Rights

By Joel R. Pruce

The central thread woven through this Digest is the concept of vulnerability. Minority status, broadly construed, represents a core characteristic that carries with it particular human rights implications. Historically, minorities are frequently targeted for exploitation and scapegoated when things go badly. Without the capacity to protect themselves and without spokespersons to stand with them in solidarity, minority groups are specifically susceptible to gross exercises of power and abuse and too often denied access to channels through which to make claims and demand redress. Violations of minority rights are commonly structural in nature, as discriminatory practices are built into political and economic systems to deny fundamental rights, such as to vote or to own property. Violence and deprivation that disproportionately affect minority groups are symptomatic of the inequality and humiliation that human rights seek to remedy. Minority rights, as a category of rights, are intended to direct special attention to the plight of those people under attack by virtue of their vulnerability.

'Minority rights' as a concept consists of more than a numeric determination, however. Distinction as a minority group refers to the group's lack of dominance within society, not necessarily tied to its status as less-than-half of the total population. Traditional minority groups include ethnic, cultural, national, and linguistic categories that constitute cohesive, self-identifying units. Digest entries that feature the plight of the Roma in Europe, Tibetans in India, and indigenous movements in Latin America fall neatly into familiar conceptions of minority groups. Additionally, children are the focus of two entries. This inclusion represents an expansion of the conception of "minority" because age-based discrimination is not commonly thought of in this context. However, access to education and vulnerability in a warzone, for instance, speak to concrete human rights issues that affect children in unique ways. Dalits in India constitute a class-based perspective on questions of minority rights often overlooked and, finally, sexuality and gender comprise two more new lenses through which to highlight abuse; The Lesbian, Gay, Bisexual, and Transgender (LGBT) community strives to be recognized as a minority group demanding protection, and the designation of women as a minority group is influential, but not without its controversy. Often the subject of feminist critique, it is argued that, as a vulnerable *majority*, women require separate distinction and are done a disservice to be included with minority groups. This question is more than theoretical and contains many practical implications for the approach taken by advocates.

Minority rights may be an elastic term that applies in different ways to different groups, but at the center of its usefulness and application is the identification of human rights concerns that are best addressed on the group level. The standard depiction of human rights is in their capacity as rights possessed by individuals and claimed against the state. However, in the evolution of our understanding about rights, the terminology of "group rights" has also evolved. First attributed to movements for national liberation and struggles against colonialism, the right to self-determination is best expressed on the group level. However, it is not the only group right. Over time, group rights have come to be a popular frame with which to advance minority interests that are not best captured by the generic "human rights" moniker. Women's rights is the best example of this. Women's rights are largely rights that all humans possess, but placing them within a gendered context allows activists to leverage the ways in which women face specific challenges that non-women do not. This is to say,

while all humans are endowed with the right to personal integrity, sexual violence against women is a particular kind of violation best addressed with a gendered approach. The move from individual rights to group rights is a tactical attempt by advocates to see their cause rise in stature on the public and global agenda. Minority rights, as a group rights approach, possesses currency that emphasizes vulnerability confronting groups as whole units, distinct from forms of abuse targeting individuals.

The digest entries below offer a fresh and contemporary perspective on the issue of minority rights. This valuable research provides updated insight and information into problems that, sadly, are still realities, such as those facing the Dalits and the Roma. As well, new cases of minority rights are introduced, including the role of minority membership in human trafficking and issues facing Muslims in the United States. The most important contribution of this Digest is its breadth. Entries span the globe and the gamut of populations vulnerable to human rights violation, due primarily to their status as minorities.

## Tibetan Refugees' Rights and Services in India

By Claudia Artilles

The Chinese invasion of Tibet, and the Dalai Lama's subsequent decision to flee in 1959, resulted in the mass influx of Tibetan refugees into India that continues today. It has become clear to the Indian government, as well as to the Tibetan community in exile, that repatriation is unlikely in the near future. Consequently, an evaluation of India's protection of, and assistance for Tibetan refugees is necessary to ensure their treatment is in accordance with international standards. Unfortunately, such an assessment shows that there is a lack of proper protections and services; this ought to be of particular concern to the international community as India has served on the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) since 1995. How can a country be trusted to lead an international organization dedicated to the protection of refugees when it has such unstable and inadequate refugee policies itself?

Central to the assessment is India's lack of legal obligation to provide refugee protections or services. This is largely a consequence of India's abstention from the 1951 Convention relating to the Status of Refugees and the subsequent 1967 Protocol, which, in addition to defining a refugee according to international law, outlines certain rights and services host states must afford them. With the exceptions of the customary international practice of *non-refoulement* and the obligation to provide asylum as outlined in Article 14 of the Universal Declaration of Human Rights (UDHR), India does not have international, regional, or national obligations to refugee populations on its soil (Feller 2006). Despite this, and despite the nation's refusal to accede to the 1951 Convention, India argues its current refugee policy is in accordance with international norms. However, India has no national refugee law, and no regional agreement on the matter exists.

The only mention of foreigners in Indian law are in the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, and the Foreigners Order of 1948-- all of which employ the term *foreigner*, broadly defined as "a person who is not a citizen of India." Among other practices, the 1946 Act and the 1948 Order allow the government to limit employment opportunities, freedom of association, and a foreigner's possessions. These pieces of legislation also restrict movement inside India and prohibit select activities, most of which are political. In fact, Tibetan refugees are only allowed in India on the condition that they abstain from political protests against China -- a clear suppression of their right to political expression as afforded by the UDHR. This political suppression was particularly evident during the 1991 visit of then Chinese Prime Minister Li Peng, during which Tibetan refugee leaders were arrested and placed under police surveillance to curtail protests. A similar occurrence was witnessed during Prime Minister Wen Jiabao's 2010 visit. Human rights law grants refugees fundamental civil and political rights, yet the Indian government denies these rights to Tibetan refugees.

India's lack of legal obligation allows it to alter refugee policies at will, often to reflect its current political interests. The result is a rather unstable refugee policy, exemplified in the disparity of rights and services afforded to Tibetan refugees according to their date of arrival in the country. The Indian government regarded the first wave of Tibetans arriving in 1959 with the Dalai Lama as refugees and granted them legal asylum. They were allotted land and housing -- a privilege not afforded to other foreigners and one that would later be denied to newly arriving Tibetans. More importantly, these refugees were automatically given a Registration Certificate (RC). According to

the Tibetan Government-in-Exile, the Central Tibetan Administration (CTA), the RC is a legal document issued by the Indian authorities that allows Tibetan refugees “the right to enjoy all the privileges enjoyed by any Indian citizen except the right to vote and work in Indian government offices” (Immigration and Refugee Board of Canada 2009). While many question the extent of the ‘privileges enjoyed’ by RC-holding Tibetans, the value of the RC is not contested. The RC allows Tibetans to legally travel and work within the country, serves as an identity document, and is a prerequisite for the Identity Certificate, which is necessary for international travel. Tibetan refugees arriving between 1959 and the 1970s also benefited from services provided by the UNHCR, which despite its tumultuous relationship with India had a temporary presence in the country.

The rights and services afforded to Tibetans arriving after the 1970s are scarce and indicative of a changing Indian policy—arguably in an effort to preserve Sino-Indian relations. In 1963, the Indian government ceased to legally recognize arriving Tibetans as refugees. Consequently, those arriving after 1979 (including some arriving in the late 1960s) have had greater difficulty acquiring RCs. The newer process to acquire an RC is arduous and particularly concerning because employment, residency rights, and international travel are contingent upon this document. In addition, while the Indian government provided land to the original refugee community, newer arrivals have not been as fortunate. The denial of land by the government is troublesome considering that farming is chief to a Tibetan’s income and Indian law prohibits foreigners from purchasing land. Additionally, the UNHCR closed its office in New Delhi and discontinued its aid to Tibetan refugees in 1975. As a consequence of the Indian government’s lack of assistance, the CTA (with substantial assistance from NGOs) has had to shoulder the burden of providing for these refugees. Although the CTA is able to cover basic needs, they are overwhelmed and are unable to effectively address the broader social welfare of this burgeoning community (Adams 2005).

Even those with the RC continue to struggle with their refugee status. Unable to gain Indian citizenship, they cannot vote, work for local or federal governments, carry an Indian passport, or legally purchase land. Although Tibetans possessing an RC can legally work in pre-approved segments of the economy, many employers often discriminate against them in favor of Indian nationals. This resentment originates from the belief that Tibetan refugees are adversely affecting job opportunities and that they benefit from elevated standards of services not afforded to Indian nationals. While it is believed that communal relations between the Tibetans and the Indian host community have been improving, there have been isolated reports of aggression and discrimination that have largely gone uninvestigated by local police. To further exacerbate this issue, Tibetans are not represented in the local and central legislature and thus do not have readily available avenues for redress.

In 1949, when the United Nations debated legal protection versus material assistance for refugees, India argued that “the guarantee of legal rights without concomitant material assistance was a hollow concept” (Oberoi 2006, 22). However, it has become clear that as Tibetans continue to cross the border, India has not only decreased the rights afforded to these newcomers, but also the services provided to them. Given that repatriation for this refugee community does not appear possible in the immediate future, India needs to concern itself with improving its policy toward this population-- thereby affording refugees the proper protection and treatment per international standards. Signing the 1951 Convention would be the best avenue by which to accomplish this as it will lessen the burden on India by affording it assistance and services from the UNHCR and

member states. Above all, India's lack of legal obligation should not be understood as an absence of Tibetan refugees' entitlement to proper services and protections.

### **Annotated Bibliography**

Adams, W.F. 2005. "Tibetan Refugees in India: Integration Opportunities Through Development of Social, Cultural and Spiritual Traditions." *Community Development Journal* 40 (2): 216-219.

Annotation: Adams' study focuses on newly-arriving Tibetan refugees in India and the challenge of integrating them into the pre-existing refugee community. He asserts that new refugees are often without skills or qualifications, a disadvantage that may seclude them from both the community in exile and the larger Indian host community. Adams argues that by highlighting the new arrivals' wealth of cultural heritage, they may regain their lost social capital and sense of belonging. However, Adams' solution does not take into consideration that newcomers from Tibet have been perceived as being too Chinese – a perception that would clash with the idea of newcomers as culturally rich. Although Adams is correct in emphasizing the need for effective institutions that cater to the social welfare and integration needs of recent arrivals, his integration suggestions are too simplistic and require further research.

Amchok, Jamyang Tashi. 2010. "In Exile, It's Not Home." *Tibetan Review: The Monthly Magazine on all Aspects of Tibet*, 25-26.

Annotation: Amchok, a Tibetan refugee, provides a brief, yet revealing narrative of the statelessness experienced by Tibetan refugees in India. He describes the many difficulties Tibetan refugees have in identifying with their host communities, particularly in India. He offers further insight into the relationship between the Tibetan community in Dharamsala and the Indian community, detailing past and recent conflicts-- most notably, the lack of a path to citizenship for refugees and their children. Amchok details how the absence of an effective citizenship system for Tibetan refugees in India has been a major contributor to the community's feelings of statelessness. He surmises that the only way to mediate the statelessness experienced by the exiled Tibetans is for them to return to Tibet. Despite the questionable solution to statelessness presented by the author, the article's description of Tibetan statelessness is valuable to anyone interested in the subject.

Baker, Jessica Susanne. 2005. The Dynamics of Education and Nationalism in the Tibetan Refugee School System in India. M.A. Thesis, Department of Religious Studies, The University of Colorado, Boulder.

Annotation: In her thesis, Baker explores how nationalism is taught within the Tibetan refugee school system and its importance in maintaining solidarity amongst the Tibetan refugees. She argues that education and nationalism both eases and creates tensions within the exiled Tibetan community. The tensions are created as the youth fails to express the same opinions as the older refugee generation; according to Baker, this issue is attributed to outside cultural influences and flaws within the refugee school curriculum. She goes on to illustrate the perspectives and frustrations of youth in the refugee community and the consequential paths of the Tibetan independence movement. Baker's analysis provides

valuable insight into the communal relationship of the Tibetan exiles, yet her emphasis on the education system may prove limiting to those searching for a broader review.

Bhatia, Shushum, Tsegyal Dranyi, and Derrick Rowley. 2002. "A Social and Demographic Study of Tibetan Refugees in India." *Social Science & Medicine* 54: 411 - 422.

Annotation: This quantitative study describes the demographic, social, and health characteristics of Tibetan refugees in India. The results illustrate changes in the population indicative of a transition from the poverty associated with lesser-developed countries to the higher socioeconomic level characteristics of middle-income societies. Higher levels of education attainment, a larger working population, a declining birth rate, and increasing life expectancies are just a few of the changes signaling the shift. The authors attribute these improvements to the host country and to the resilience and progress of the Tibetan people and of the government-in-exile. However, the authors also point out that improvements are still needed to ensure continued progress. Though this study would undoubtedly be of interest to humanitarian assistance personnel, especially health providers, it is crucial to remember that the data was gathered between 1994 and 1996, and thus may not be indicative of the current living conditions of refugees in India.

Central Tibetan Administration of His Holiness the Dalai Lama. 1997. "The New Tibetan Refugees," edited by Office of the Reception Centers. Dharamsala.

Annotation: This report by the Tibetan Government-in-Exile outlines the migration of "new [Tibetan] refugees" to India. It outlines routes taken, reasons behind the decision to migrate, types of refugees arriving and the services being offered to them. The report asserts that not all refugees may receive adequate assistance due to unspecified limitations of the government-in-exile. The report only outlines initial assistance and referrals provided to new refugees and fails to detail what long-term services are offered. Furthermore, the report does not include what refugee assistance is provided by the Indian government or NGOs. Although a bit outdated, this report serves to further establish the second "wave" of refugees arriving after 1979 as a distinct population within the exile community. This distinction is crucial in understanding the disparity of services offered to the Tibetan refugees today.

Chang-Muy, Fernando. 1992. "International Refugee Law in Asia." *New York University Journal of International Law and Politics* 24 (3): 9.

Annotation: In this detailed piece, Chang-Muy discusses the creation and development of the United Nations High Commissioner for Refugees and international refugee law. He explores the complexity of refugee protection and evaluates solutions to the refugee problem. In discussing the responsibilities of "producing" and "receiving" countries, he highlights the difficulty of getting Asian "receiving" countries to establish appropriate refugee procedures. According to Chang-Muy, the difficulty is rooted in the absence of refugee law within many Asian countries and compounded by the fact that many of these countries are not part of international refugee conventions and protocols. He concludes that the root cause of refugee flows, rather than just the effects, ought to be addressed, and



criticizes previous efforts for being too nearsighted and fragmentary. Although over a decade old, this article is helpful in examining the development of refugee law and illustrates previous mistakes made by Asian countries in addressing their refugee influxes. Lastly, it serves as an excellent comparative piece when evaluating current refugee law and responses across Asia.

Dolma, Sonam, Sonal Singh, Lynne Lohfeld, James J. Orbinski, and Edward J. Mills. 2006. "Dangerous Journey: Documenting the Experience of Tibetan Refugees." *American Journal of Public Health* 96 (11): 2061-2064.

Annotation: Dolma et al. presents a research study conducted on Tibetan refugees in Nepal. They conclude that, on their journey from Tibet, the refugees experienced hardships and human rights abuses that may have consequences on their long-term physical and mental health. The authors highlight the inhumane treatment of refugees by Nepalese border guards, emphasizing that most of the hardships experienced by the refugees were preventable. They believe more effective international pressure is required to ensure that border countries comply with international laws and human rights. The authors also insist that the Tibetan government in exile must establish programs addressing the mental and physical health needs of refugees, yet they fail to specify what program structure or content may be of use. Although lacking in breadth, and only focusing on the journey to Nepal, which is not always the final destination for Tibetan refugees, the study paints a vivid picture of the obstacles faced during migration.

Falcone, Jessica, and Tsering Wangchuk. 2008. "'We're Not Home': Tibetan Refugees in India in the Twenty-First Century." *India Review* 7 (3): 164-199.

Annotation: Falcone and Wangchuk explore the statelessness of Tibetan refugees through the use of testimonies, public discourse, media, and Tibetan and Indian documentation, with an emphasis on the relations between the Tibetan community in exile and the Indian government. They discuss concrete legal concepts such as citizenship and parameters of the Indian immigration system, as well as philosophical ideas, including the ability of a shelter to become a home – a reference to the refugee community's ability to fully integrate into Indian society. Although covering an array of issues, the authors are thorough and objective in their presentation. Additionally, despite the article's reliance on the testimony of unnamed informants, there is a clear sense of reliability due to the array of sources employed. Although not an introductory article on the subject, it caters to a wide audience and proves to be a necessary source for those interested in the Tibetan refugee population in India.

Feller, Erika. 2006. "Asylum, Migration and Refugee Protection: Realities, Myths and the Promise of Things to Come." *International Journal of Refugee Law* 18 (3): 509-536.

Annotation: In this well-written and insightful article, Feller manages to address the development, challenges, and future of asylum, migration, and refugee protection. Feller argues that instead of preventing migration, states should focus their efforts on better managing it. She discusses the issue of asylum and the challenges associated with upholding it. Feller addresses the legality of asylum, while trying to mediate the legal rights of the individual with the concerns of the states. More importantly, Feller emphasizes the danger of mis-categorization: refugees are not migrants and categorizing them as such puts their rights

in jeopardy. She goes on to define a refugee and outline the rights associated with the status. Although acknowledging that not all states have refugee law or are part of international efforts to protect refugees, Feller points out that the right to seek and enjoy asylum is outlined in Article 14 of the Universal Declaration of Human Rights.

Human Rights Watch. 2006. "India-China: Tibetans' Human Rights Are Not Negotiable." Available online: <http://www.hrw.org/en/news/2006/11/16/india-china-tibetans-human-rights-are-not-negotiable>.

Annotation: In this news article, Human Rights Watch (HRW) calls on India to allow Tibetan refugees to peacefully protest the upcoming visit of the Chinese president. In lieu of the pending visit, India had warned the Tibetan refugee population not to protest the leaders' meeting and threatened to deport those who disobeyed the order. According to HRW, India has historically protected Tibetan human rights, but has recently been failing to uphold those rights in an effort to strengthen relations with China. HRW successfully reports on India's infringement of Tibetan refugees rights pending the Chinese president's visit in a brief report that is as much a news article as it is a call to action.

Immigration and Refugee Board of Canada. 1992. "India: 1) Legal Status of Tibetan Refugees; 2) Rights of Tibetans to Indian Nationality." Available online: <http://www.unhcr.org/refworld/docid/3ae6aab124.html>.

Annotation: The report offers basic and brief information regarding the legal status of Tibetan refugees in India and their rights to Indian citizenship. It reviews how the Indian government granted political asylum to Tibetan refugees in 1959 and offered them numerous settlements across the country. Nonetheless, Tibetan refugees are subject to residency permit regulations and do not have the right to acquire Indian citizenship – even if born on Indian soil. The report fails to distinguish between the status and rights of the initial wave of refugees in 1959 and those that have arrived during and after the second wave in 1979. Furthermore, there is debate over the right of Tibetans to acquire Indian citizenship that is not discussed in the report. Overall, the information provided, although well-sourced, is very rudimentary and far from comprehensive.

Immigration and Refugee Board of Canada. 1999. "India: Situation of Tibetan Refugees and Those Not Recognized as Refugees; Including Legal Rights and Living Conditions." Available online: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6ad4124>.

Annotation: The report offers information on the living conditions and legal rights of Tibetans in India as of 1999. It includes statistics on the Tibetan presence in India, as well as outlines public services and employment opportunities for refugees. The report briefly covers relations with the local population, identification and citizenship requirements, and constraints on Tibetan freedom of movement, political participation, and protest. The report draws from various sources to offer a thorough and unbiased presentation. It incorporates many in depth issues in a relatively brief report, leading to informative, yet shallow coverage. However, the report makes up for its brevity by referring the reader to other sources that cover the issues more comprehensively. Although somewhat dated, this report reflects the difficulties faced by new Tibetan refugees in India and outlines legalities that have not been affected by time.

Immigration and Refugee Board of Canada. 2009. "China/India: Residency Rights of Tibetans Residing in India; Requirements for Tibetans to Obtain and Retain Permanent Residence in India." Available online: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4a7040b81c&skip=0&coi=IND&rid=4562d8cf2&querysi=tibetans&searchin=title&display=10&sort=date>

Annotation: This report addresses the issue of Tibetan residency rights in India and outlines the requirements to obtain and retain permanent residence in the country. The report highlights the importance of the Registration Certificate (RC) in determining the living conditions of refugees. However, the RC is no longer granted to refugees automatically, except to Indian-born children of the refugees who arrived prior to 1979. Although the Tibetan Government-in-Exile asserts that the possession of an RC affords them the same rights as an Indian citizen, with the exception of the right to vote and work within the government, others argue the contrary. By using various sources, some of them even contradictory, the report offers the reader a multi-faceted overview of the subject and successfully illustrates the challenges that new Tibetan refugees face with regards to permanent residence.

Oberoi, Pia. 2006. "India and the 1951 Convention." In Exile and Belonging: Refugees and State Policy in South Asia. New Delhi: Oxford University Press.

Annotation: Oberoi uses this section to elaborate on India's stance on the United Nation's 1951 Convention relating to the Status of Refugees and its 1967 Protocol – two of the most widespread international documents regarding refugee rights. According to Oberoi, India argues that the Convention and the Protocol are "historically Eurocentric and not responsive to the needs of developing countries." Oberoi goes on to highlight India's involvement in international debate on refugee issues and the rights afforded to refugees in India's constitution, as a means by which to credit India for its commitment to refugees. He concludes that India's refusal to sign the 1951 Convention is based largely on artificial definitions of what a refugee is, and on the UN's perceived Western bias, rather than on the malicious behalf of India. Oberoi explains that India has not yet acceded to the Convention because the country's abstention is the main reason it has no international legal obligation to provide refugee protection. This makes enforcement of refugee protection and services in the country difficult. The impact this abstention has on Indian refugee policy is so substantial that Oberoi would benefit from dedicating a couple more pages to the issue.

Oberoi, Pia. 2006. "India and the International Refugee Regime". In Exile and Belonging: Refugees and State Policy in South Asia. New Delhi: Oxford University Press.

Annotation: In this section, Oberoi discusses India's relation, or lack thereof, with the United Nations High Commissioner for Refugees (UNHCR). India decided not to participate in the UNHCR's proposed World Refugee Year (WRY), a decision that had both financial and political motivations. However, as the Tibetan refugee population grew, India agreed to the establishment of a UNHCR branch office, and consequently developed a working relationship with the UNHCR. However, this relationship was challenged when

China joined the UN, and in 1975 the UNHCR discontinued its assistance to India. Then, four years later, the UNHCR reopened its office in India to cater to the Afghan asylum seekers. Although India refused to formalize the UNHCR's status, it did request membership to the UNHCR's Executive Committee, which was granted in 1995. Oberoi does an excellent job of presenting the complex and tumultuous relationship between the UNHCR and India, without sacrificing significant detail for brevity.

Oberoi, Pia. 2006. "Conclusions: Hesitant Involvement with the Refugee Regime". In Exile and Belonging: Refugees and State Policy in South Asia. New Delhi: Oxford University Press.

Annotation: This conclusion reiterates Oberoi's previous points regarding India's abstention from the 1951 Convention and its relationship with international bodies such as the United Nations High Commissioner for Refugees (UNHCR). However, this brief conclusion does more than just restate and summarize. Oberoi uses this conclusion to point out that the Indian government has created few institutional mechanisms to address its refugee situation. Nonetheless, India maintains that it has respected the 1951 Convention and the 1967 Protocol in spirit-- if not legally. Oberoi highlights the hypocrisy in the dilemma and uses India's lack of refugee institutions to illustrate the active role of NGOs in addressing India's refugee populations. By offering a multifaceted history of India's hesitant involvement with the refugee regime, Oberoi offers the reader the ability to make a realistic assumption on how India will proceed with its refugee policies in the future.

Prost, Audrey. 2008. "Contagion and its Guises: Inequalities and Disease among Tibetan Exiles in India." *International Migration* 46 (5):55-70.

Annotation: Prost uses the Tibetan community in exile as an example for her analysis on health and social inequalities in diasporic communities. In this work, she argues that health disparities are reflective of broader social inequalities and proposes the exploration of "migration stages" when addressing these issues. Additionally, by successfully differentiating between new refugees and established refugees in Dharamsala, India, Prost offers a glimpse into the internal struggles of the exiled community. While Prost's article is directed towards the medical community, she nonetheless provides a readable account of the Tibetan refugee experience for a general audience.

Sachs, Emily, Barry Rosenfeld, Dechen Lhewa, Andrew Rasmussen, and Allen Keller. 2008. "Entering Exile: Trauma, Mental Health, and Coping among Tibetan Refugees Arriving in Dharamsala, India." *Journal of Traumatic Stress* 21 (2):199-208.

Annotation: Sachs et al. presents a study focusing on the mental state of Tibetan refugees arriving in Dharamsala, India. The study's results are unique because they show lower rates of psychological distress than previously reported. Possible reasons for the lower rates are discussed in detail, including: other studies disproportionately sampling severely distressed individuals; the time at which participants were recruited; and several factors specific to newly arriving refugees, leading to what the authors call a "honeymoon period." The study also explores various coping mechanisms used by the refugees and their ability to handle psychological distress. Unfortunately, the significance of the results gets lost in heavy statistical analysis and psychological jargon. Written primarily for those in the mental health field, this article may be of use for practitioners interested in the social services and health

needs of this distinct population, or in the effects of ill treatment and torture on mental health.

Shekhawat, Prahlad Singh. 2010. "From McLeod Ganj to Sangha Shala." *Tibetan Review: The Monthly Magazine on all Aspects of Tibet*, 28.

Annotation: In this recent article in the *Tibetan Review*, Shekhawat insists that relations between local Indians and Tibetan refugees are "on the whole, quite good." He goes on to argue that overall, this relationship should serve as a model to other refugee communities and host countries. In support of his claims, Shekhawat describes the various institutions that have been developed by Tibetan refugees to benefit Indians and to promote intercultural communication, and the significance of northern towns, such as McLeod Ganj and Bhagsus, that have both Tibetan and Indian influences. Yet despite his assertions, he does not explain why these efforts and integrated districts have failed to significantly relieve intercommunal tensions between Indians and the Tibetan refugee population. Though an advocate of intercultural communication, the author fails to provide enough supporting details to prove his main argument regarding current Indian and Tibetan relations.

Singh Negi, Rajender. 2009. "Living in Exile: Gains and Losses of Tibetans in India." *OneWorld South Asia*. Available online: <http://southasia.oneworld.net/opinioncomment/living-in-exile-gains-and-losses-of-tibetans-in-india>.

Annotation: In this interview with OneWorld South Asia, Thubten Samphel, secretary of the Tibetan Government-in-Exile's Department of Information and International Relations, discusses the Tibetan refugee experience in India and the current situation in Tibet. Samphel asserts that the Indian government has been very generous with the Tibetan refugees, even affording them most of the rights enjoyed by Indian citizens. Samphel discusses the "Middle-Way Approach," a proposal for an autonomous, rather than sovereign, Tibet, which according to Samphel is supported by an overwhelming amount of the Tibetan population, but which has been rejected by the Chinese government. Samphel also sheds some light on the grim human rights and socio-economic condition of Tibetans living under Chinese rule. Despite the interviewer's efforts, Samphel sticks to his political rhetoric and consequently the interview does not provide any true insight into the Tibetan plight in India. Given Samphel's position within the Tibetan Government-in-Exile, it would not be surprising that he is intentionally restricting any critique of Indian policies so as to protect political relations between the two governments.

United States Bureau of Citizenship and Immigration Services. 2003. "India: Information on Tibetan Refugees and Settlements." Available online: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3f51f90821>.

Annotation: In a succinct and concise manner, this website addresses many of the significant processes that Tibetan refugees encounter en route to Dharamsala, India -- with special emphasis provided on the Nepalese and Indian immigration systems. Overall, the webpage offers an informative glimpse into the Tibetan refugee experience, from a largely legal and human rights viewpoint. Though limited by its brevity, the webpage puts forward sound

research and refers to various other resources for more detailed information. However, an area of significant weakness, which skews the site's conclusions, is that it fails to mention that Tibetans are considered foreigners by India, and thus are not granted equal status under the law.

United States Committee for Refugees and Immigrants. 2007. "World Refugee Survey 2007 – India." Available online: <http://www.refugees.org/countryreports.aspx?id=2000>.

Annotation: The 2007 World Refugee Survey offers an overview of the refugee conditions in India. It provides statistics on the amount and origin of refugees and asylum seekers in the country, and their access to public services and aide. Although not focusing on one specific refugee group, the survey does point out that some populations, such as Sri Lankan Tamils and Tibetans, are given more rights than others. It also specifies that India is not party to the 1951 Convention relating to the Status of Refugees, and has no refugee law, which is key to evaluating its services to refugees-- or lack thereof. Like most sources of this kind, the survey offers some excellent information but is mostly introductory and should not be used as a comprehensive overlook of refugee conditions in India.

Vela, William. 2003. "Analysis of Indian Citizenship for Tibetans." San Francisco: U.S. Department of Justice Executive Office of Immigration Review.

Annotation: Filed with the San Francisco Immigration Court by attorney William Vela, this brief explores the legal issue of Indian citizenship for Tibetan refugees. Although the brief concerns an individual Tibetan refugee seeking asylum in the United States, it is of use to a larger audience because it establishes that Tibetan refugees are classified by Indian law as foreigners and thereby do not have the same rights and privileges as Indian citizens. Vela supports his claims with a series of resources all filed as exhibits, including correspondence with various officials, government documents, and excerpts from other legal cases. Although alone this brief may not suffice as support for the argument that Tibetan refugees are not, and may not be able to become, Indian citizens, it surely serves as a strong supporting document.

Yeh, Emily. 2002. "Will the Real Tibetan Please Stand Up!: Identity Politics in the Tibetan Diaspora". In Klieger, P.C. (ed.), Tibet, Self, and the Tibetan Diaspora : Voices of Difference ; PIATS 2000: Tibetan Studies: Proceedings of the Ninth Seminar of the International Association for Tibetan Studies. Boston: Brill.

Annotation: Yeh reviews the markers of Tibetan identity and how they vary in different Tibetan communities. To a lesser extent, she also addresses the cultural politics of Tibetan identity in India, Lhasa, and China for comparative purposes. She explores race and physical characteristics, language and dialects, and community affiliation as Tibetan markers. Most informative is Yeh's section on questions of authenticity within and across the Tibetan communities, and how each region defines Tibetan identity. Although well- written and supported, Yeh attempts to address broad and complex issues in a relatively short paper and the piece would benefit from extending the length to allow for more detail and explanation.

Furthermore, because she only focuses on Tibetan communities in Tibet, India, and California, the breadth of her study is limited.

## **Lost in Translation: Linguistic Minorities in the European Union\***

By Nirvana Bhatia

“A nation without a language is a nation without a soul,” declares a Gaelic proverb. Indubitably, language is a product of national identity; it preserves heritage, reflects societal beliefs and values, and expresses a cultural spirit. The current international human rights regime, however, does not recognize an individual’s right to language choice; instead, it promises freedom from linguistic discrimination. The implications are not quite the same and, as a result, states have successfully repressed minority populations by controlling their language options. The European Union in particular—with its panoply of languages—demonstrates an inconsistent approach toward linguistic minorities; it attempts to promote language diversity at an institutional level, but refuses to influence a Member State’s domestic language policy. The most important piece of language legislation is the European Charter for Regional or Minority Languages, adopted by the Council of Europe in 1992 to protect local languages that do not qualify as official languages (*e.g.*, Catalan in Spain). The charter is intended for use by ethnic minorities who may have historical claim to a territory that now belongs to another state; it is not meant to encourage linguistic isolation in recent immigrant communities. In other words, it protects (in theory) the historic Hungarian minority in Slovakia, but does not provide for the burgeoning Russian community in Latvia. Therefore, even though the European Union itself supports several linguistic recognitions, language policy is ultimately implemented by each state; this paradox is best manifested by the discrepancy in minority language protections between European Union candidate states and full member states.

### **Basic Grammar: Language Policy and the Copenhagen Criteria**

Under the 1993 Copenhagen Criteria—the economic, political, and legislative conditions required for accession to the European Union—candidate countries must demonstrate “respect for and protection of minority rights.” In 2001, the European Commission clarified this rather vague phrase by linking it with the principles put forth in the Framework Convention for the Protection of National Minorities, including those related to the use of minority languages in public, educational, and administrative life (Adrey 2005). Given the borderless ambitions of the European Union, this stipulation ensured that minority communities could practice their distinctive culture and language within a host nation. Importantly however, the European Union is only concerned with historical national minorities, such as the Germans in Denmark or the Italians in Slovenia; it does not account for large immigrant populations, (*e.g.*, the Iraqis in Sweden). Regardless, the European Union is adamant that states reconcile their linguistic issues before becoming a member of the body. In fact, progress reports on several Eastern Bloc countries endeavoring to join the European Union emphasize the need to revise language policy, either by strengthening resources for the official language or by providing equal opportunities for minority language speakers.

As the European Union began expanding in the early 2000s, most of the countries seeking accession were the newly independent Central and Eastern European nations. These nations have significant minority populations and severe linguistic struggles since previous political regimes had used language, a tool of power, against them. The Baltic countries immediately restored their repressed state languages to official status when they won independence from the Soviets, but this led to numerous human rights violations against the large community of Russian speakers who



remained in the region. In addition to Russian-medium schools being discouraged, ethnic Russians in Latvia were often forced to demonstrate their Latvian proficiency on command in order to retain their citizenship, and they were underrepresented in the government because they could not properly speak the state language (Adrey 2005). The situation for Russian and other minority language speakers in Latvia was so dire, the European Commission encouraged softening the excessive language requirements of the Latvian Language Law to account for the Russian minority; it also advocated restructuring the naturalization laws to allow Russian-speaking non-citizens to become better integrated into Latvian society. A general evaluation of Latvia's accession progress in 2000 noted "Latvia fulfils the Copenhagen political criteria. Although significant progress has been achieved in the integration of non-citizens it will be necessary to ensure that the final text of the Language law is compatible with international standards and the Europe Agreement" (European Commission 2000). Critics however, have argued that the European Commission was more concerned with promoting Latvian language learning among non-citizens than with safeguarding a multilingual society, and that the situation has only worsened since the Baltic states secured membership in 2004.

### **Babbling On?: Failures in Protecting Minority Languages**

As indicated by the Copenhagen Criteria, the European Union demands a higher standard of minority language protection from candidate states than from founding members. Once a country becomes a member of the European Union, however, it appears that urgency for multilingual tolerance is abandoned. This negligence begins almost as soon as a country joins the international body as policymakers begin questioning the cost of supporting so many official languages. When Malta gained European Union membership in 2004, the community raised a furor over recognizing Maltese as an official language because doing so would require the employment of nearly 200 Maltese speakers in Brussels and the translation of 80,000 legal documents. The Maltese were ecstatic over such a development, which would ensure both job security and the survival of their language, but critics argued that English was also an official—and more popular—language in the Mediterranean country; it was thus unnecessary to devote so many resources towards honoring the language. In a similar vein, the European Commission shut down the European Bureau for Lesser-Used Languages in 2010 due to a lack of funding, thereby ensuring that minority language speakers in Europe have fewer advocates. Most importantly though, there are no mechanisms in place to enforce linguistic human rights from a European Union level, as policy decisions are ultimately under the jurisdiction of individual states.

Perhaps the European Union's lack of authority in domestic policies is why the body has been hesitant to intervene in the recent Slovakian Language Law controversy. In June of 2009, Slovakia passed an amendment to the Slovak Language Law which restricts the use of any language but Slovak in public communications, going so far as to issue fines of up to €5,000 for any "incorrect" language use. According to the text of the law, this "act is applicable to state authorities, authorities of territorial self-administration, other authorities of public bodies, legal persons, natural persons entrepreneurs and natural persons, to the extent and conditions laid down by this law" (Slovak Republic 2009). The new amendment essentially restricts minority languages to the private sphere, and suggests that only Slovak should be used to administer minority language schools, to refer to geographical locations, and even to purchase goods in a shopping mall. The goal is obviously to promote the sustainability of the Slovak language, but considering that there are some

521,000 Hungarians living in the country, who have established settlements where Hungarian is the language of commerce, this law blatantly discriminates against a minority population. In the past, Slovakia's Language Act stated that public authorities have an obligation to provide native language services if a city's minority community consisted of twenty percent of the population; the current amendment therefore reflects the interests of the current government and again emphasizes the European Union's inability to interfere in state matters. While individual countries, most notably Germany, have condemned the law, the European Union itself has done little more than promise to "monitor" the situation. As a full member of the European Union, Slovakia has an equal obligation to support the language of another European Union nation (Bickel and Franz 1998) and leading European institutions ought to reprimanded the country. Technically though, Slovakia is not violating membership rules or the European Charter, which is precisely why the European Union needs to create, and adhere to, a unified language policy.

### Conclusions

The lack of a European Union body to guarantee linguistic tolerance is frightening for minority communities across Europe as it threatens national identity. Furthermore, without linguistic freedoms, individuals may be deprived of other human rights, such as a fair trial, access to education, freedom of expression, and rights to property. It seems minority language rights are more secure when a state is not a member of the European Union (or when it's in the candidacy stage for that matter) than when it is part of the international body. The severity of the Slovakian law might be an isolated case, but it does illustrate the unpredictability of language policy and raises several concerns about minority communities in other states attempting to accede to the European Union. For example, is Turkey's dedication to improving its horrifying record against Kurdish language speakers a long-term commitment, or will the linguicide be reignited once it gains membership? Will the Balkans—with their hodgepodge of minorities—successfully complete the Copenhagen Criteria and will the European Union be willing to support so many official languages? The future for Europe's linguistic minorities remains ambiguous, but if the European Union truly wants to emerge as a model of multilingual diversity, it must adopt a more authoritative role in preserving these nations' souls.

### Annotated Bibliography:

Adrey, Jean-Bernard. 2005. "Minority Language Rights Before and After the 2004 EU Enlargement: The Copenhagen Criteria in the Baltic States." *Journal of Multilingual & Multicultural Development* 26, no. 5: 453-468.

Annotation: This article provides a nice complement to Niamh Nic Shuibhne's work, as it echoes her concerns on political sensitivity in implementing a united European Union language policy. Adrey discusses "triangular minority conflicts," in which newly independent nations such as Latvia are immersed in struggles with both internal minorities and kin-minorities (e.g., Russians), in light of ascension to the European Union. Under Soviet rule, it appeared that Estonian and Latvian were on the verge of extinction, which led to a backlash against Russian-speakers once the countries regained independence. In his opinion, the European Union served as a mediator in promoting language equality between 1995 and 2003 in the Baltics, but the situation has since spiraled downwards. Although he provides a

solid historical account of policy initiatives, Adrey unfortunately fails to expand on why the triangular minority conflict escalated between 2003 and 2004, making his argument incomplete.

Ammon, Ulrich. 2006. "Language Conflicts in the European Union." *International Journal of Applied Linguistics* 16, no. 3 (November): 319-338.

Annotation: Ammon is concerned more with the European Union's official language policy within the institution than within individual member states, but he shows that even official languages are not treated equally. The author notes that while the European Union refers to its 70 odd languages as "cultural wealth," others think of it more as "communicative chaos;" there is, therefore, a need to select a single working language within the community. Furthermore, he does not believe that any of these languages are endangered, and provides a lengthy (and misplaced) example of the continued popularity of German abroad, completely ignoring the fact that German is not usually considered a troubled language. Ammon examines both sides of the story, and even tries to propose a multilingual solution, but his obvious disdain for the symbolic importance of official languages, such as Maltese and Irish, taints his argument.

Associated Press. 2009. "New Language Law in Slovakia Sparks Tensions." *msnbc.com Accessed* (September 16). Available online : [http://www.msnbc.msn.com/id/32881272/ns/world\\_news-europe](http://www.msnbc.msn.com/id/32881272/ns/world_news-europe).

Annotation: Drawing heavily on the historical background for Slovakia's apparent hostility towards its Hungarian minority, this mass media article discusses the real world repercussions of Slovakia's updated language law. Conducting interviews in Nove Zamky, a Slovakian town on the Hungarian border, the reporter illustrates the general public's lack of understanding about how the new law, which limits use of anything but Slovak in public, should be applied. The article also mentions the meetings between Hungarian, Slovakian, and international politicians that have occurred since the law came into force, who conclude that while problematic, the law does not technically violate any international standards. Since this piece is written by the Associated Press, it provides a balanced viewpoint about a sensitive issue.

Commission of the European Communities. 2005. A New Framework Strategy for Multilingualism, edited by The European Parliament, Commission to the Council, European Economic and Social Committee, and Committee of the Regions. Brussels. Available online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0596:FIN:EN:PDF>.

Annotation: In the European Commission's first-ever communication on multilingualism, they introduce the main tenants of the European Union's language policy: citizens should have access to legislation and information in their own language; multilingualism plays a major role in the European economy; and all citizens should be encouraged to learn and speak more languages. For the most part, the policy brief is rather basic in its review of facts and figures, but the section on multilingualism and the economy is particularly detailed. Discussing the evolution of "language industries," the Commission establishes concrete

timelines for creating new language resources such as an internet archive and a conference on multilingualism. The report uses trite phrases to emphasize that its many language are what makes Europe “special,” but it solidly describes the current linguistic situation in the European Union.

Commission on Latvia's Progress towards Accession. 2000. "2000 Regular Report" (November 8):1-114. Available online:  
[http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2000/lv\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/lv_en.pdf).

Annotation: Latvia’s formal accession process began after the delivery of this final progress report on the country’s eligibility for European Union membership. While the Commission concludes that Latvia has fulfilled all of the Copenhagen Criteria and demonstrated significant progress on the integration of non-citizens, it notes that “it will be necessary to ensure that the final text of the Language law is compatible with international standards and the Europe Agreement.” Intended to secure the interests of the Russian speaking minority, this proviso actually demands increased Latvian learning resources for non-citizens instead of promoting a bilingual society. Some linguistic advocates feel that the European Union does not do enough to protect minority language rights in candidate countries, and it is therefore interesting to examine the methods of evaluation and assessment of success.

Council of Europe. 1992. European Charter for Regional or Minority Languages (November 4). Strasbourg. ETS 148. Available online:  
<http://www.unhcr.org/refworld/docid/3de78bc34.html>.

Annotation: This document is the main source of language legislation for the European Union, and is considered a leading source of linguistic policy worldwide. While it seeks to protect regional and minority languages (*e.g.*, Catalan in Spain) by awarding them special status, it does not make any provisions for languages used by immigrant communities nor does it protect official state languages that might still be minority languages (*e.g.*, Irish). The charter has often been criticized for not having any direct effect on individuals, as the nuances of international law make it a non-binding treaty for Member States. For example, France has ratified the document but the French government forbids the official support of any language other than French. Others however, have credited the charter for being responsible in creating new rights for language minorities.

Creech, Richard L. 2005. Law and Language in the European Union: the Paradox of a Babel "United in Diversity". Amsterdam: Europa Law Publishing.

Annotation: Creech, an American attorney who deals with international and multilingual litigation, argues that the European Union’s desire to have an economically integrated union is often in conflict with honoring the distinctive cultures and languages of individual Member States. Although the connection to the economic element remains a bit unclear, he does elucidate on the language policies associated with each enlargement, discussing the European Union’s commitment to linguistic diversity in light of its failing language regime. Peppered with detailed examples, Creech aptly presents the evolution of language policy in the European Union before delving into some of the more crucial human rights issues,

especially those concerning migrant workers and minority language speakers. The latter half of the book stems from the landmark *Bickel and Franz* (1998) case, which links language rights with the free movement of goods and people, and exposes some of the challenges of a multilingual society.

Das, Alok Kumar. 2004. "Minority Language Laws in the EU: Process and Problem of Policy Implementation." In *Il Mercator International Symposium: A New Framework for All Languages?* Tarragona-Catalunya. Available online: <http://www.ciemen.cat/mercator/pdf/simp-alok.pdf>

Annotation: After defining what various language statuses in the European Union actually mean, Das discusses the challenges of implementing policy in such a pluralistic environment. In other words, while the European Union has committed itself to respecting multilingualism on paper, this has yet to be reflected in daily reality. Since general attitudes are integral to accepting certain languages, Das advocates funding social-based initiatives that promote the revival and development of minority languages—especially in the job market. Except for a note on the social advances of Frisian, his work lacks any tangible case examples that can support his argument. The author's analysis of the discrepancies between the European Union's official intentions and actual practices are, however, invaluable to the minority language debate.

Dunn, J.A, ed. 1999. *Language and Society in Post-Communist Europe*. Hampshire: Macmillan Press LTD.

Annotation: This work is a compilation of papers that originated in the Fifth World Congress of Central and East European Studies, held in 1995. Although most of the essays are about language in Russia, it is interesting to note the transforming role of Russian on the eve of several Baltic and Balkan nations' accession to the European Union. In particular, Nadia Stange-Zhironova's piece examines how French is diluting Russian in Russian immigrant communities in Belgium. From a sociolinguistic perspective, it is fascinating to note how the destruction of the communist regime modernized one of Europe's largest languages, but otherwise this anthology does not offer much in terms of linguistic human rights considerations.

Grin, Francois and Tom Moring. 2002. "Support for Minority Languages in Europe," edited by European Bureau for Lesser-Used Languages: European Commission. Available online: [http://ec.europa.eu/education/languages/pdf/doc639\\_en.pdf](http://ec.europa.eu/education/languages/pdf/doc639_en.pdf)

Annotation: This comprehensive final report aims to explore the policy side of the language debate, as opposed to a socio-linguistic or legal one. The European Bureau for Lesser-Used Languages, before its closure in early 2010, believed that the European Union should adopt a mainstream approach for dealing with regional minority languages instead of depending on each member state to establish domestic policies. In the Commission's opinion, language vitality is seen as requiring three conditions: the capacity to use the language; opportunities to use it; and the desire to do so. These aims are then evaluated through 17 in-depth cases that address policy from an economic, educational, cultural, and media-specific viewpoint. The cases themselves (Basque, Irish, and Finnish) are rather ubiquitous for those in the

linguistics field, but the report does an incredible job of extracting only the overarching policy issues from each example.

Hogan-Brun, Gabrielle, and Meilutė Ramonienė. 2005. "Perspectives on Language Attitudes and Use in Lithuania's Multilingual Setting." *Journal of Multilingual & Multicultural Development* 26, no. 5: 425-441.

Annotation: This country study is refreshing because the authors actually conduct research on the relationship between national identity and language choice in Lithuania. Like Niamh Nestor and Tina Hickey, they also emphasize Lithuanian's growing socioeconomic status in the host nation as integral to fostering a bilingual environment. While they go beyond surveying merely Russian and Lithuanian-speakers, their observations lead to no concrete conclusions or policy suggestions. Ultimately, they conclude that more qualitative research needs to be done, which isn't very helpful in analyzing the plethora of data they include in the piece.

King, Kendall A., Natalie Schilling-Estes, Lyn Fogle, Jia Jackie Lou, and Barbara Soukup (eds.). 2008. Sustaining Linguistic Diversity: Endangered and Minority Languages and Language Varieties. Washington D.C.: Georgetown University Press.

Annotation: This wonderful collection of essays from some of the linguistic field's leading experts covers minority language development, indigenous language revival, and heritage language education from regions around the world. In regards to the European Union, Leena Huss' piece on the impact of the European Charter for Regional or Minority Languages in Norway and Sweden is particularly relevant because it expresses the challenges—and the triumphs—of implementing some of the charter's laws. Emily McEvan-Fujita's piece on the status of Gaelic as a '9 to 5' language is also useful as she discusses governmental policies for language standardization and professionalization of Gaelic. Considering the successes of Gaelic, many European Union nations would be wise to mimic some of Scotland's policies. The authors have created a thoughtful anthology that uses fresh case studies to convince the greater public that protecting minority languages is indeed a crucial ambition.

Kymlicka, Will, and Alan Patten (eds.). 2003. Language Rights and Political Theory. Oxford: Oxford University Press.

Annotation: Kymlicka is a professor of philosophy in Canada, who won the 2009 Premier's Discovery Award in Social Sciences and has contributed much to the field of multiculturalism. This collection of essays examines conflict in multilingual states such as Belgium, Spain, and Switzerland and how language policy transfers to the broader picture of democracy and justice. While heavy on the political theory aspect, Kymlicka does a formidable job of highlighting the influence language policies have on identity politics and nationalism. His descriptions are especially useful in gaining perspective on the Kurdish issue in Turkey, given the Kurds' struggle for national recognition.

Moskal, Marta. 2004. "Language Minorities in Poland at the Moment of Accession to the EU." *Noves SL. Revista de Sociolingüística* (Spring-Summer). Available online: <http://www6.gencat.net/llengcat/noves/hm04primavera-estiu/docs/moskal.pdf>.

Annotation: Although Moskal's article admirably presents the linguistic situation in Poland, expounding on the 16 minority language groups and providing relevant historical context, she does not draw any concrete conclusions from her research and her arguments are rather contradictory. At one point, she mentions the severe financial and legal burden created by respecting so many languages, while another paragraph laments Poland's unwillingness to pass laws that register names spelt in a minority language. The paper is useful for anyone pursuing linguistic studies on Poland itself, but provides little commentary as to how European Union accession affects language policy.

National Council of the Slovak Republic. June 30, 2009. Act of the National Council of the Slovak Republic No. 270/1995 Coll. Available online: [http://www.felvidek.ma/images/stories/cikkekhez/szknt-1995-270\\_2009-en.pdf](http://www.felvidek.ma/images/stories/cikkekhez/szknt-1995-270_2009-en.pdf).

Annotation: This is the revised version of the Slovakian Language Law, which went into effect in January 2010. The controversial new act states that only Slovakian should be used in "official contacts" and issues a fine for anyone abusing this law with "incorrect" language use; many claim that this effort is direct suppression of the Hungarian minority, which comprises 20 percent of the country's population. On a larger scale, this policy change raises questions of external versus internal authority, and forces one to consider when exactly the European Union should step in to protect its citizens from discriminatory language policies.

Nestor, Niamh, and Tina Hickey. 2009. "Out of the Communist Frying Pan and into the EU Fire? Exploring the case of Kashubian." *Language, Culture & Curriculum* 22, no. 2: 95-119.

Annotation: In a well-defined argument, Nestor and Hickey describe the recent renaissance of the Polish minority language Kashubian as a result of Poland's integration into the European Union. Emphasizing the language's growing social and economic status over the past few years, the authors ran a study that compared government data and policies with the accounts of three interviewees with different roles in Kashubian society. While the cases made by Kashubian speakers are certainly compelling, the authors fail to account for perspectives from community outsiders—yet they conclude that global attitudes towards the language must evolve. Although the article often becomes bogged down with citations, it emphasizes the positive aspects of the European Union's dedication to protecting minority languages.

Ozolins, Uldis. 2003. "The Impact of European Accession upon Language Policy in the Baltic States." *Language Policy* 2 (3): 217-238

Annotation: The policies required of the Baltic states by the European Union will ultimately influence other small national languages attempting to reassert their status against former imperialistic language regimes, argues Ozolins. In addition to securing citizenship for Russians residing in the Baltic nations after independence, Russia hoped that the West would

also support Russian as a second official state language in these nations. Alas, this issue has been mostly ignored by European institutions and the Baltic nations, who continue to repress certain language groups. Using several examples and comparisons to other Eastern European countries, Ozolins shows that the lack of international standards has led to outright discrimination against the Russian-speaking minority. This article is crucial in illustrating that the status of minority language speakers in the Baltics is primarily a human rights concern.

Phillipson, Robert (ed.). Rights to Language: Equity, Power, and Education. London: Lawrence Erlbaum Associates, 2000.

Annotation: This compilation of essays is a tribute to Tove Skutnabb-Kangas—one of the few experts on linguistic human rights—from her personal and professional partner, Phillipson, upon her 60<sup>th</sup> birthday. While the pieces do a decent job of updating the debate on language legislation, especially on bilingual education, the reader feels as if he is intruding on a group of friends engaged in a highly intimate conversation. Each author feels the need to summarize and applaud Skutnabb-Kangas' previous work, with rather broad overviews of certain cases and very little evidence to support their claims. The book does provide a few basic introductions to important cases in the field, such as the Finnish and Latvian language debates, for those previously unfamiliar with the nature of linguistic human rights.

Poggeschi, Giovanni. 2004. "Language Policy in Latvia." *Noves SL. Revista de Sociolingüística* (Autumn). Available online: <http://www6.gencat.cat/llengcat/noves/hm04tardor/docs/poggeschi.pdf>.

Annotation: This article deconstructs Latvia's language laws in an effort to demonstrate clear discrimination against Russian speakers in the country. According to the European Union, Latvia has successfully integrated their linguistic minorities; Poggeschi, on the other hand, explains that Russian speakers have not been granted equal rights in recent years. Relying on three human rights cases where Latvians were asked to prove their Latvian proficiency, the author argues that Latvia is in essence trying to abolish its Russian-speaking minority. The links made between language and citizenship are rather innovative; moreover, Poggeschi respects Latvia's historical struggles with Russia and instead of demanding complete equality, simply seeks increased integration between the two language communities.

Schimmelfennig, Frank, and Ulrich Sedelmeier (eds.). 2005. The Europeanization of Central and Eastern Europe. Ithaca: Cornell University Press.

Annotation: In this well-thought-out book, Schimmelfennig and Sedelmeier discuss several important themes of "Europeanization" including: the impact of European Union political conditionality; the adoption of nondiscrimination and minority protections rules; regulating migration across Europe; and the impact of the European Union on the accession countries. One particular chapter compares how Latvia and Slovakia resolved linguistic minority issues to fulfill the 1993 Copenhagen Criteria for accession, and then looks ahead to the numerous challenges Turkey faces in achieving similar minority rights. The editors conclude that minority protection remains a weak rule in the European Union accession *acquis*, which does not follow any common standards across candidate states. The book effectively delves into



the domestic issues that determine European Union accession for Central and Eastern European nations, and the authors pay specific attention to the human rights concerns that impact European Union enlargement.

Schopflin, Gyorgy. 2009. "The Slovak Language Law is Discriminatory and Restrictive." *euobserver.com* (October 7). Available online: <http://euobserver.com/9/28440>.

Annotation: In this editorial, Hungarian academic, politician, and member of the European Parliament Schopflin speaks out about the impact Slovakia's revised language law will have on the Hungarian Diaspora. He believes that the law, which forbids minority language use in the public realm, is reintroducing discrimination in Europe—especially because Slovakia's small Czech minority is exempt from the law. Schopflin's views are inevitably biased, but he eloquently introduces a variety of possible scenarios (many of them unlikely, but certainly plausible) that could stem from this new law and questions the European Union's absent role in maintaining Slovakia's civic obligations to European citizens.

Shuibhne, Niamh Nic. 2004. "Does the Draft EU Constitution Contain a Language Policy?" In *II Mercator International Symposium: A New Framework for All Languages?*. Tarragona-Catalunya. Available online: <http://www.ciemen.org/mercator/pdf/simp-shuibhne.pdf>.

Annotation: In this paper, Shuibhne vehemently argues that the European Union does not have a language policy—it has language policies in certain fields, but not a holistic language policy in itself. Drawing on her legal background, Dr. Shuibhne presents several key cases concerning language discrimination, ultimately concluding that language equality simply does not exist in the European Union. The article is slightly outdated, but it does provide a legal perspective on why each language is treated differently, while also accounting for each Member State's individual interests and for overall concerns of practicality.

-----, *EC Law and Minority Language Policy: Culture, Citizenship and Fundamental Rights*. The Hague: Kluwer Law International, 2002.

Annotation: Dr. Shuibhne is a Reader in European Union Law at the University of Edinburgh, as well as the joint-editor of the *European Law Review*. Shuibhne's work is crucial to providing the legal proceedings behind much of the European Commission's language policies and is the only such work currently available in the field. She points out that language legislation has traditionally been a domestic issue, and so an interdependent relationship between local governments and the European Union institutions is integral to actually forming any concrete policies. The depth of her forays into the nuances of the legal system are complemented by her insightful commentary, which helps decipher some of the legal jargon.

Skutnabb-Kangas, Tove, and Robert Phillipson. 1995. *Linguistic Human Rights: Overcoming Linguistic Discrimination*. New York: Mouton de Gruyter.

Annotation: Skutnabb-Kangas and Phillipson are both professors in Denmark and form a personal and professional team that dominate the field of linguistic human rights. This work

is considered the first major publication on language rights and provides a solid history of the field, as well as poignant case studies from contributing authors. According to the authors, everything can be reduced to the need for minority language education, whether it be for Kashmiris in India or Russians in Estonia. As a result, they sometimes tend to overlook other needs in the linguistic human rights field. They are, however, easily the most prolific writers in the field, cited by anyone even grazing the issue, and their years of experience provide a comprehensive lens with which to understand what “linguistic human rights” actually encompasses.

Tender, Tõnu, and Triin Vihalemm. 2009. "Two Languages In Addition To Mother Tongue -- Will This Policy Preserve Linguistic Diversity In Europe?" *TRAMES: A Journal of the Humanities & Social Sciences* 13, no. 1 (March): 41-63.

Annotation: This article examines the European Commission’s well-voiced desire to have every citizen competent in two languages additional to their mother tongue. Tender and Vihalemm rely on oft-repeated facts and figures to argue for a comprehensive language policy that includes the Less-Widely Used Languages (LWULs). In their opinion, the European Union is not doing enough to support these minority languages, and they are left mainly to fend for themselves amongst the growing hegemony of English, French, and German. The benefit of this article is that it includes data from a survey of 25 language experts, providing the essential professional viewpoint on this debate.

Tóth, Judit. "Connections of Kin-minorities to the Kin-state in the Extended Schengen Zone." *European Journal of Migration & Law* 5, no. 2 (April 2003): 201-227.

Annotation: Lamenting the inconsistent approach to minority rights, Tóth wonders how candidate states are expected to reconcile their domestic language policies with the vague European Union *acquis*. Considering that many accession countries have kin-minorities residing in other states, is the kin-state, host nation, or European Union responsible for protecting their rights? Unfortunately, Tóth wanders into an inappropriate discussion on visa issues and bilateral agreements for the Hungarian Diaspora, and fails to elaborate on her initial questions. The article may provide additional information for anyone interested in the intricacies of Slovak-Hungarian relations, but the author’s thoughts on European Union enlargement policy are groundless.

UNESCO. 1996. The Universal Declaration of Linguistic Rights. Barcelona. Available online: <http://www.linguistic-declaration.org/versions/angles.pdf>.

Annotation: Advocates for language reform saw their crowning achievement in the Universal Declaration of Language Rights, which was put together by representatives from more than 90 countries at a UNESCO conference. The document calls for the inalienable right to the use of one’s own language in public and private from a political, cultural, and economic perspective and is currently in review by the United Nations. With respect to European Union policy, this declaration also attempts to blend both the collective and individual nature of linguistic human rights, stating that languages are constituted within a community of individuals.

United Nations General Assembly. 2007. United Nations Declaration on the Rights of Indigenous Peoples, A/RES/61/295. Available online:

<http://www.unhcr.org/refworld/docid/471355a82.html>.

Annotation: This recently adopted declaration is one of the few to recognize the collective rights of a group of peoples, and ensures that governments take “effective measures” to protect language communities. In particular, Article 13 states that “indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons;” it goes on to bequeath indigenous peoples with the right to education in their preferred language. Unfortunately, these rights apply only to indigenous peoples, a group which has yet to be defined, and not really to Russian speakers in Latvia or Hungarian speakers in Slovakia.

Weber, Robert F. 2007. "Individual Rights and Group Rights in the European Community's Approach to Minority Languages." *Duke Journal of Comparative & International Law* 17 (2):361-413.

Annotation: This crucial article describes exactly how minority languages are accounted for in several of the larger European Union member states, while stressing that the European Community itself does not formally recognize linguistic minorities. Weber admits that the European Union has certainly attempted to protect regional languages, but that its efforts are limited by the lack of support from a legal structure. Aptly, he turns this into a human rights discussion on group rights versus individual rights, citing several mainstream cases to illustrate that the European Court of Justice only intervenes when rules designed to protect minority groups threaten an individual's rights. Weber's precise arguments are complimented by his legal background, and his conclusion that the European Community must make some exceptions to account for communities of speakers is vital.

Wright, Sue. 2004. Language Policy and Language Planning: From Nationalism to Globalisation. Hampshire: Palgrave Macmillan.

Annotation: Moving beyond the social and cultural facets of language diversity, Wright elaborates on the political and economic importance of language in nation-building. Contrary to common viewpoints, she believes that a cohesive language policy relevant to all countries in the European Union is impossible and that globalization is actually bolstering the growth of minority languages. Wright notes that linguistic rights are problematic because they threaten national identity—especially in small states. For example, Spain has ceded most of its political autonomy to regional authorities, who have used minority languages such as Catalan or Basque to unify movements for secession. Advocates in the linguistic rights field rarely consider this incredibly valid point, and Wright does an admirable job of pondering a future where minority languages have excessive influence.

## **Human Trafficking and Minorities: Vulnerability Compounded by Discrimination**

By Heidi Box

Human trafficking is an extreme human rights violation that impacts all populations across the globe and is characterized by force, fraud, and coercion intended for exploitation (Palermo Protocol 2000). Currently, human trafficking research is particularly limited by non-standard terminology and a clandestine research population. While estimates of the number of trafficked persons vary widely and are notoriously unsubstantiated, we can still arrive at some conclusions regarding the overall number of trafficked persons. One low estimate suggests that in 2005, at least 2.4 million people had been trafficked into forced labor situations and approximately 12.3 million people were victims of forced labor (International Labor Organization 2005). In addition to compiling comprehensive data on the number of trafficked persons, researchers and policymakers must identify *who* is trafficked. Basic quantitative data on the raw numbers of trafficked persons is not enough; qualitative data is also required in order to combat this human rights violation. That is, what are the characteristics of trafficked persons; what do they have in common; and do those commonalities contribute to exploitation?

Research indicates that trafficked persons are typically poor, have few job prospects, limited access to education and may come from rural areas, depending on the country of origin (Omelaniuk 2005). As a result of these disadvantages, they are often compelled to migrate within or outside of the country for better economic opportunities (Laczko and Danailova-Trainor 2009). Thus, trafficked persons may willingly travel with an “employer” based on the promise of work as a waitress, farm worker, domestic worker, or in other industries. However, upon arriving at their destination, they may be refused wages or may be forced into another job entirely. In other cases, the individuals received an advance on their salary and are then told they must work for free to repay this debt, which is commonly known as debt bondage (Bedoya et al. 2009). Another common scenario is that of children sold by their parents, or of individuals (primarily women and girls) who were kidnapped or tricked by a boyfriend or family member, then sold to traffickers (*e.g.*, Simkhada 2008). One of the underlying themes running through each of these scenarios is the desire for economic prosperity. Although existing research easily identifies the vital role of economics in human trafficking, it has failed to probe the complex relationship between poverty, discrimination, and other socio-cultural factors such as minority status. Consequently, there is a distinct lack of research relating to traditionally disadvantaged groups and systemic discrimination within the body of human trafficking literature.

One potentially significant, but often overlooked, criterion in anti-trafficking research is minority group membership. Although there is no internationally recognized definition of minorities (Office of the High Commissioner for Human Rights (OHCHR) 2008), the United Nations (UN) commonly identifies them as “persons belonging to national or ethnic, religious and linguistic minorities” (United Nations 1992). Alternatively, a definition created in 1977 by the Special Rapporteur of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, provides a clearer picture of what traditionally constitutes the term “minority:”

A group numerically inferior to the rest of the population, in a non-dominant position,  
[...] possessing distinct ethnic, religious or linguistic characteristics and showing a sense of solidarity aimed at preserving those characteristics (OHCHR 2008).

Although minority status is often tied to numerical inferiority, population size is not always a factor; indeed, majority members may experience systemic discrimination based on characteristics such as ethnicity, religion, and gender. Minority status and experience is also contextual based on location, with gender being the quintessential example. Gender affects women to varying degrees based on the country they live in, and in some cases women may suffer discrimination similar to that experienced by minorities. Thus, the historical definition of “minority” does not adequately reflect reality and limits the way we approach the trafficking of minorities. By broadening the term to encompass any group that suffers discrimination or marginalization, we enhance our ability to identify persons susceptible to trafficking.

The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities focuses on protecting minority groups’ culture and identity, but glosses over the myriad disadvantages that minorities face by virtue of group marginalization. Most commonly, minorities tend to be economically and politically disadvantaged, which leads to further inequalities, such as a lack of education (McDougall 2006). Minorities are disproportionately affected by poverty, thus, they may be more likely to migrate for better economic opportunities (Omelaniuk 2005). If we accept that susceptibility to trafficking is impacted and increased by powerful “push factors” like poverty, disenfranchisement, lack of education, and so on, then it follows that minority populations are likely to be prime targets for human traffickers. Although membership in a minority group may not be the primary reason for exploitation, it may increase vulnerability to trafficking. For example, indigenous peoples in Peru, Bolivia, and Paraguay are discriminated against in the work force and this prejudice is cited as the primary reason for income disparity between indigenous and non-indigenous peoples (Bedoya et al. 2009, 37). Furthermore, indigenous populations have historically experienced debt bondage in all three of these countries (Bedoya et al. 2009, 37.) This suggests that these marginalized groups are likely exploited by non-minority members after systemic inequality severely limits their job prospects. Essentially, poverty is compounded by discrimination. The Roma, a minority group concentrated in Europe, is subjected to virulent bigotry and studies indicate that they are at an increased risk of being trafficked within Albania, Romania, and Bulgaria (Omelaniuk 2005, 5).

Although evidence within the extant literature is suggestive of a link between disadvantaged populations and susceptibility to trafficking, this correlation has been insufficiently investigated. Indeed, it is surprising how little research has been done to explore human trafficking through the lens of minority discrimination. Before policymakers can produce sustainable prevention and development policies, research must identify the strongest indicators of trafficking experienced by marginalized groups. This includes expanding the current ideology on minority groups in order to encompass the endemic bias and the resulting consequences they experience. We are likely to find that as a result of systemic inequality born of discrimination, minorities are at an increased risk of being trafficked and therefore minority group membership should be considered a risk factor for trafficking. Our understanding of each nuance of trafficked persons is vital if we intend to stem the flow of human trafficking.

## Annotated Bibliography

Ali, Yousef. 2006. "Stateless and Citizenship Rights in the Middle East: the Case of Kuwait." *DOMES: Digest of Middle East Studies* 15 (1):62-76.

Annotation: Dr. Ali of Kuwait University analyzes a 1998 survey of Kuwaitis to examine the likelihood that they would approve expanded rights for stateless persons in Kuwait. Research of this nature is particularly important considering the role that discrimination plays in barring stateless groups from citizenship rights. The author's findings suggest that a group's feelings toward inclusivity vary depending on the specific group seeking inclusion. Majority groups are less sympathetic to inclusion of stateless persons if they fear a loss of their own power. This article is especially useful for understanding attitudes that support group exclusion and statelessness.

Bales, Kevin. 2005. Understanding Global Slavery: A Reader. University of California Press.

Annotation: Kevin Bales is a well-known expert in the field of anti-trafficking and is the president of the non-profit organization Free the Slaves in Washington, D.C. Through this brief, but informative book he covers the basics of modern day slavery beginning with a short overview of "old-slavery," the shift to illegality, and the state of current anti-slavery efforts. He also includes examples of research questionnaires and offers steps to end slavery.

-----, 2005. "The Challenge of Measuring Slavery". In Understanding Global Slavery: A Reader. University of California Press.

Annotation: In this chapter, Kevin Bales explores the myriad obstacles that hinder researchers' ability to collect accurate data on human trafficking; one of the most significant impediments is the lack of agreed-upon definitions. Bales describes the process he used to arrive at his own approximation of the number of enslaved persons worldwide. He concludes the chapter with a list of recommendations for strengthening research and transforming the emerging study of human trafficking into a cohesive discipline.

Bastia, Tanja. 2006. "Stolen Lives or Lack of Rights? Gender, Migration and Trafficking." *Labor, Capital and Society*. 39 (2):20-47.

Annotation: Tanja Bastia's article addresses gender in relation to migration motives and trafficking susceptibility. The most interesting component of this article is the supposition that trafficking is merely one form of migration. It appears that the author believes human trafficking is beneficial, if even in a small way, to those who have been trafficked. The author seems eager to defend a migrant's agency. However, she does not discuss the negative aspects of trafficking, such as the illegal and exploitative working conditions of Bolivian migrants in Argentina. Although this article certainly provides insight into critiques of anti-

trafficking work, it says more about migration struggles than about trafficking and women. That said, it may be an interesting article for research on irregular migration.

Bedoya, Eduardo, Alvaro Bedoya and Patrick Belser. 2009. "Debt Bondage and Ethnic Discrimination in Latin America," in Andrees, Beate, and Patrick Belser (eds.), Forced Labor: Coercion and Exploitation in the Private Economy. Lynne Rienner Publishers, Inc.

Annotation: This chapter explicates a study of discrimination and debt bondage in rural areas of Bolivia, Paraguay, and Peru. Indigenous people within each of these countries experience discrimination in the workforce and are unequally compensated when compared with non-indigenous people. The research goal was to determine whether debt bondage existed in certain regions that shared similar characteristics, specifically regions that have little enforcement of labor laws, demand for "low-skilled workers," and have a population of vulnerable persons (*i.e.*, indigenous people). Debt bondage was discovered in each of the five regions studied; furthermore, indigenous as well as "mixed-blood" people were the victims of debt bondage in Bolivia and Peru, while in Paraguay only indigenous people were kept in bondage. The authors explore the means by which the workers became indebted to their employers and offer policy changes to prevent the exploitation of indigenous people.

Beeks, Karen and Delila Amir (eds.). 2006. Trafficking and the Global Sex Industry. Lexington Books.

Annotation: This book is comprised of a wide range of articles on human trafficking, each written by different authors from around the globe. The articles are grouped into broader categories relating to migration, security, legislation and local initiatives, and within each category the authors address a particular issue within their country. The number of countries represented truly broadens the perspective on what is an international issue. It is also important to note that the book is not only broad in perspective, region, and issue, but also in the way each section approaches the specific issues pertinent to their region.

Betz, Diana. 2009. Human Trafficking in Southeast Asia: Causes and Policy Implications, National Security Studies, Naval Postgraduate School, Monterey.

Annotation: The author of this thesis attempts to investigate whether labor and sex trafficking in Southeast Asia share similar roots. She includes three case study countries (Cambodia, Indonesia, and Thailand) with extensive trafficking problems and examines how these countries address trafficking. The author finds that each of the case study countries focus primarily on universal causes of trafficking, such as poverty, while neglecting the distinctive aspects of trafficking within their countries. Betz concludes that broad anti-trafficking policies are unable to fully address the causes of trafficking and must include country-specific objectives.

Brown, Eleanor. 2007. "Ties that Bind: Migration and Trafficking of Women and Girls for Sexual Exploitation in Cambodia. International Organization for Migration. Available online:

[http://www.iom.int/jahia/webdav/shared/shared/mainsite/media/docs/news/report\\_cse\\_wg.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/media/docs/news/report_cse_wg.pdf)

Annotation: This report explicates an extensive study on the trafficking of women and girls within Cambodia. More specifically, the women and girls were all of Khmer or ethnic Vietnamese descent within three provinces (Siem Reap, Koh Kong, and Kampong Som). The author discusses a wide variety of issues including social vulnerability to trafficking, the virginity trade, trafficking networks, and recruitment. Evidence gathered through surveys demonstrates that all of the types of recruitment and trafficking networks used cultural norms on the treatment of women, stigma surrounding sex work, and problems within the home to maintain trafficking. Family problems, which included lack of food and domestic violence, also appear to correlate with trafficking. Although this report is by no means a quick read, it is undoubtedly informative and arguably provides a more in-depth view of trafficking than other similar types of research.

Freedom House. 2010. "Country Report. Thailand." In *Freedom in the World*. Available online: <http://www.freedomhouse.org/template.cfm?page=22&country=7932&year=2010>.

Annotation: Similar to other large human rights organizations, Freedom House releases an annual report that summarizes international human rights conditions. The report is comprised of specific country reports that cover a number of human rights issues such as freedom of assembly and human trafficking. After discussing such issues briefly, the report ranks each country according to political rights, civil liberties, and the level of overall freedom. The Freedom House reports offer dependable information that is on par with U.S. Department of State country reports.

Goodey, Jo. 2008. "Human Trafficking: Sketchy Data and Policy Responses." *Criminology and Criminal Justice* 8 (4):421-442.

Annotation: Jo Goodey of the European Union Agency for Fundamental Rights scrutinizes the development of legislation and policy regarding human trafficking in the European Union and the United Kingdom. By framing the article with current policy tactics, Goodey is able to demonstrate the scarcity of data on human trafficking. It begs the question: How do we craft policy if our data is inadequate? The response, as is shown in this article, is that policy is only as good as the data that informs it. Goodey summarizes the piece by questioning the direction of the field and whether improvements in research will allow for better policy and legislation.

Grover, Sonja. 2007. "Children as Chattel of the State: Deconstructing the Concept of Sex Trafficking." *International Journal of Human Rights* 11 (3):293-306.

Annotation: This article touches on the various ways children face potential sexual exploitation in non-commercial situations. The author vehemently contends that the low age of consent laws put children at risk of sexual exploitation by adults. Quoting the Convention on the Rights of the Child, she asserts that adult-child sex is always exploitative because of the unequal power dynamic; however, at no point does she define "adult."



Moreover, she believes the definition of sexual exploitation should be broadened to include not only child marriage, but also non-commercial adult-child sex (apparently regardless of the age of consent) and seemingly any activity that may put a child in a compromising situation. The tone in this article is quite strong and feels strikingly biased.

Hanley, Jill, Jacqueline Oxman-Martinez, Marie Lacroix, and Sigalit Gal. 2006. "The 'Deserving' Undocumented?: Government and Community Response to Human Trafficking as a Labour Phenomenon." *Labour, Capital and Society* 39 (2): 78-103.

Annotation: This article is based on a study conducted at the bequest of the Canadian government to understand local ability to assist victims of human trafficking. The authors note that many of the community members they interviewed either disagreed with the definition of "human trafficking" in the Palermo Protocol or felt it could not accurately describe the lived experience of many of their clients. Furthermore, the authors express fear that the term "human trafficking" will end up encompassing individuals who have not actually been trafficked, but rather are irregular migrants who may have experienced some type of exploitation and for whom social workers wish to provide redress. Unfortunately, the authors do not distinguish the type of exploitation irregular migrants might experience from that of trafficked persons. Ultimately, the authors contend that immigration policies should be altered to provide options for "economic migrants," which in turn would preserve assistance to those who have actually been trafficked.

International Labour Organization. 2005. "A Global Alliance against Forced Labour - Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work." Available online: <http://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-i-b.pdf>.

Annotation: Within this report is one of the most cited statistics on forced labor; while the remainder is less well-known, it is a fundamental piece in the body of human trafficking literature. Broken into three sections, the report addresses measurement of forced labor, the scope and diversity of the problem globally, and the steps needed for prevention. One of the important facets of the report is the definitions and descriptions of types of forced labor. Additionally, country examples underscore the forms of forced labor and systemic exploitation.

Laczko, Frank, and Elzbieta Gozdzia (eds.). 2005. "Data and Research on Human Trafficking: A Global Survey." International Organization for Migration. Available online: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/books/data\\_res\\_human.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/data_res_human.pdf).

Annotation: This 339 page report by the IOM is certainly no small accomplishment. Frank Laczko and Elzbieta Gozdzia, who contribute to numerous anti-trafficking reports, edit this compilation of human trafficking literature. Similar to many human trafficking reports, the authors first describe the difficulties associated with human trafficking research. However, the bulk of the report examines the research coming out of eight different world

regions. Of particular interest for researchers are the region-specific bibliography and the suggestions for additional exploration.

Laczko, Frank and Gergana Danailova-Trainor. 2009. "Trafficking in Persons and Human Development: Towards a More Integrated Policy Response." *Human Development Research Paper (HDRP) Series 51*.

Annotation: In this article, the authors contend that consistency between development goals and anti-trafficking measures are essential to decrease trafficking. They question whether current anti-trafficking agendas have unintended adverse effects on development programs. Instead of viewing human trafficking in isolation, the authors suggest that it should be part of a country's overall development plan, thereby strengthening development policy. The authors propose a conceptual framework for dealing with these broad and often difficult-to-study areas.

Lynch, Maureen. 2005. "Lives on Hold: The Human Cost of Statelessness." Refugees International. Available online: <http://www.refugeesinternational.org/policy/in-depth-report/lives-hold-human-cost-statelessness>.

Annotation: "Lives on Hold" is both a review of statelessness globally and a report on findings from Refugees International's (RI) statelessness project. After briefly outlining statelessness, the author details RI's statelessness project, which examined the issue in three different areas and communities. The author also provides the United Nations, NGOs, and "donor governments" with basic suggestions for protecting stateless persons. The article then shifts suddenly to a summary of country-level and regional statelessness. The writing is geared toward a lay audience and functions as an introduction into the issue of statelessness.

McSherry, Bernadette, and Susan Kneebone. 2008. "Trafficking in Women and Forced Migration: Moving Victims across the Border of Crime into the Domain of Human Rights." *International Journal of Human Rights* 12 (1): 67-87.

Annotation: Using the Australian judicial system as an example, the authors demonstrate how the legal system has responded to trafficked women as victims, culpable parties, and aids for the prosecution. The authors provide an overview of the legal processes and visa options for trafficked persons in Australia, highlighting the practice of treating the individual as prosecution witnesses, and not as persons with individual concerns and rights. As the title implies, the authors seek to shift the current system to a more human rights-centered approach and suggest that the individuals should not just be viewed as victims of trafficking, but rather as "rights-bearing individuals" who were exploited. The authors' position is somewhat vague and develops slowly, but the article is nonetheless a useful resource.

McDougall, Gay J. 2006. "Annual Report of the Independent Expert on Minority Issues." United Nations – Commission on Human Rights, 62<sup>nd</sup> Session, Item 14(b). Available online: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/101/26/PDF/G0610126.pdf?OpenElement>.

Annotation: In response to a mandate from the Commission on Human Rights, appointed independent expert Gay McDougall, drafted this status report on the situation of minorities worldwide. A substantial portion of the report explains her understanding of the mandate and how she intends to undertake the duties set forth in the mandate. More importantly, she notes her concern over rampant poverty in minority communities. Continuing on, McDougall decries the impact poverty and discrimination have on minorities with regard to access to education, employment, and other institutions. In spite of the space devoted to the mandate, this report is a valuable resource.

\_\_\_\_\_. 2007. "Minorities, Poverty and the Millennium Development Goals: Assessing Global Issues." *International Journal on Minority & Group Rights* 14 (2/3): 333-355.

Annotation: In this article, Gay McDougall addresses the Millennium Development Goals (MDG) and how they may impact minorities. Because minorities are far more likely to be impoverished, McDougall stresses the necessity of a concerted effort to tackle poverty within the context of minorities. She delineates the current problems and the actions necessary in order for the MDGs to reach minorities. The article is highly accessible and informative.

Molland, Sverre. 2010. "The Value of Bodies: Deception, Helping and Profiteering in Human Trafficking Along the Thai-Lao Border." *Asian Studies Review* 34 (2): 211-229.

Annotation: This article draws on ethnographic research conducted by the author on the Thai-Lao sex industry. Professor Molland is primarily concerned with claims by anti-trafficking organizations that human trafficking is highly profitable, that recruitment is primarily deceptive or coercive, and that the most beautiful women are required for sex work. He argues that these factors are not strongly correlated and expounds upon the nuances of each point. The author places a great deal of emphasis on the differences between his experiences on the Thai-Lao border and quotations from anti-trafficking organizations. A contemplative reading of this article does raise an interesting point for discussion: namely, should all exploitative work be considered human trafficking?

Office of the United Nations High Commissioner for Human Rights. 2008. "Toward Developing Country Engagement Strategies on Minorities: An Information Note for Practitioners."

Available online:

[http://www.ohchr.org/Documents/Publications/Strategies\\_on\\_minoritiesEN.pdf](http://www.ohchr.org/Documents/Publications/Strategies_on_minoritiesEN.pdf).

Annotation: The UNHCR lays out a practical guide to understanding human rights concerns for minorities, as well as how to address them. Topics include: the difficulty with standard definitions; who is and is not covered according to the UN Declaration on the Rights of Minorities; how to determine priorities; and how to address crucial concerns. The article is clearly written and provides substantial detail regarding specific concerns to certain minority groups based on their particular barriers (*i.e.*, barriers women face). It is unmistakably written for a practicing audience, which gives the article a more straightforward presentation.

Omelaniuk, Irena. 2005. "Trafficking in Human Beings." United Nations Expert Group Meeting on International Migration and Development. Available online:  
[http://www.un.org/esa/population/meetings/ittmigdev2005/P15\\_IOMelaniuk.pdf](http://www.un.org/esa/population/meetings/ittmigdev2005/P15_IOMelaniuk.pdf).

Annotation: Irena Omelaniuk packs a wide overview into this short article. In the span of twelve pages she provides an introduction to human trafficking, including vulnerability of being trafficked, who is trafficked, and who traffics. Unfortunately, these sections, which are arguably the most interesting and pertinent, are quite brief. The majority of the piece discusses how this dangerous human rights violation can be addressed, namely through the use of standard definitions, data collection, and legislation. While this article appears to have been a summary of a United Nations expert group, the text is accessible for all readers.

Park, Joy K., John E. Tanagho, and Mary E. Weicher Gaudette. 2009. "A Global Crisis Writ Large: The Effects of Being "Stateless in Thailand" on Hill-Tribe Children." *San Diego International Law Journal* 10 (2): 495-554.

Annotation: Park et al. provide a comprehensive account of statelessness among the hill tribes in Thailand. The authors describe the history of government discrimination and other difficulties faced by the hill tribes. The article also provides in-depth information on Thai citizenship laws, including their implementation, documentation of the right to citizenship, and the barriers to citizenship experienced by the hill tribes. The majority of the article is devoted to information regarding the citizenship laws, with access to education coming in second. While the article is written by a team of lawyers, readers with no legal background will find it a comfortable and informative read.

Rafferty, Yvonne. 2007. "Children for Sale: Child Trafficking in Southeast Asia." *Child Abuse Review* 16 (6): 401-422.

Annotation: Rafferty offers an overview of child trafficking in the Greater Mekong Region (Cambodia, Laos, Myanmar (Burma), Thailand, Vietnam, and the Yunnan province of China). Although the author spent time in the region researching the local nuances of trafficking, the article is a literature review and not a research piece in the traditional sense. Utilizing an ecological model to interpret trafficking risk factors, the author emphasizes the interconnectedness of social, economic, and gender inequalities. Additionally, the author briefly touches on the demand for children in forced labor and prostitution. As mentioned, the article is a literature review and thus provides resources for further explorations more than it enlightens the body of anti-trafficking research.

Simkhada, Padam. 2008. "Life Histories and Survival Strategies Amongst Sexually Trafficked Girls in Nepal." *Children & Society* 22 (3): 235-248.

Annotation: This informative article gives an insightful view into the experiences of trafficked women from Nepal. The author interviewed forty-two women who had returned to Nepal after being trafficked to India for work in brothels, as well as seven individuals who work in different types of anti-trafficking occupations. The author reports the socio-demographic characteristics of the forty-two women, including their age, when they were

trafficked, their ethnicity, the ways in which they were trafficked (promise of work, kidnapped, etc.), by whom (family, acquaintance, stranger), and how they gained freedom. It is rare to find detailed statistical information on women who have been trafficked, which heightens the usefulness of this article.

United Nations. 1992. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. A/RES/47/135.

Annotation: This elemental United Nations document grants human rights and protections to persons belonging to minority groups. Among the protections afforded are rights to culture, religion, language, and lives in which all of these rights can be enjoyed. Additionally, the declaration gives minorities the right to be involved in decisions which may impact them. Essentially, the declaration attempts to prevent discrimination against minorities with particular regard to culture, language, and religion, but does not institute mechanisms that encourage minority engagement outside their community.

United Nations. 2000. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

Annotation: Commonly referred to as the “Palermo Protocol” (since it was crafted in Palermo, Italy), this document is fundamental to the study of human trafficking. The protocol describes key facets of trafficking, namely force, fraud, and coercion. Additionally, the most commonly-used definition of human trafficking is defined within this document. The document also outlines criminalization, protection, and services to be provided to victims of trafficking, including visas and repatriation.

U. S. Department of State. 2010 Trafficking in Persons Report. 2010.

Annotation: For the past ten years, the United States has released an annual report colloquially referred to as the “TIP Report,” detailing the status of human trafficking in each country in the world. This year marks the first time that the U.S. has included itself in the report. Each country is ranked according to a four-tier system, Tier 1 (best rating), Tier 2, Tier 2 Watch List, and Tier 3 (worst ranking). Although the accuracy of the final report is debatable due to political wrangling, it does offer a picture of the severity of human trafficking worldwide, as well as government attempts to combat the problem.

Weissbrodt, David S., and Clay Collins. 2006. "The Human Rights of Stateless Persons." *Human Rights Quarterly* 28:245-276.

Annotation: Weissbrodt and Collins present an overview of statelessness and its impact on human rights. Although according to the Universal Declaration on Human Rights, rights stem from humanness, non-citizens are routinely denied most or all of their rights. The authors provide a succinct and logical case for altering the definition of statelessness as it is defined in the conventions to include other means by which persons become stateless, namely when a government refuses to recognize a person’s claim to citizenship. The

problems and solutions for stateless persons are only briefly discussed; however, this article warrants reading based on the clear descriptions of *de facto* and *de jure* statelessness as they relate to policy.

## **Latin America's Indigenous Women**

By Courtney Hall

Latin America's indigenous women are as diverse as the land they inhabit. Their uniqueness is shaped by belonging to groups that have their own distinct history, traditions, and identity. Yet despite this diversity, indigenous women confront the same human rights challenges: racial, gender, and socio-economic discrimination. Without ignoring the diversity of indigenous women, a better understanding of their fundamental struggles can be gained by weaving these issues together in a comprehensive narrative.

### **Indigenous Girls and Education**

A considerable educational gap exists between indigenous and non-indigenous populations in Latin America. Indigenous children are less likely to enroll in school, are prone to high drop-out and illiteracy rates, and exhibit poor educational performance. Schools in indigenous communities are usually state-led and because of the tightening of government funding through neo-liberal reforms, are poorly staffed and poorly equipped. Geared towards the dominant populations, educational programs are often mono-cultural and mono-linguistic and are insensitive to the cultural differences of the indigenous peoples that they serve. The orientation ultimately inhibits a child's ability to learn, which can be especially detrimental for girls.

In Mesoamerican and in other indigenous cosmologies, the woman is thought to be an incarnation of the earth; this belief is reflected in her typical duties within the indigenous community. Besides domestic duties, women are coupled to the land and are responsible for the provision of food, the cultivation of plants, and the protection and maintenance of the environment. These tasks are appreciated and are essential to the community. Girls learn these important agricultural and ecological skills through active participation and observation of their elders. Mothers need their daughters to help with harvests and related work throughout the year, which causes conflicts with schooling. Not recognizing the spiritual or practical responsibility that girls have in agriculture, state-led education programs fail to adjust academic schedules and curricula to accommodate this, as well as other, traditional practices. This is but one reason indigenous girls tend to have more absences from school than their male counterparts. Girls begin to fall behind their peers, which can subsequently affect their motivation to stay in school.

Possibilities of greater economic and political participation encourage parents to keep their daughters in school. However, because schools are ill equipped and teachers under qualified, the level of scholastic achievement among indigenous populations is low. Some members of the community only acquire one or two years of primary education. The mono-cultural and assimilatory nature of the schools forces dominant thinking on the children. When they leave school, children have a hard time orientating themselves in society because the skills they acquired in school are useless in most indigenous societies and are inadequate for integrating into mainstream society. Girls are losing the skills of their mothers and elders as government schools seek to assimilate indigenous populations into mainstream society. While Harakmbut girls in the southeast Peruvian Amazon attend religious boarding schools, boys participate in intercultural education programs that aim to prepare students for the indigenous political scene. In the boarding schools however, girls are

subject to a gender-based education, which grooms them for domestic work and to be subordinate to men (Aikman 2002).

### **Indigenous Poverty is Women's Poverty**

For most indigenous societies in Latin America, men and women's roles were traditionally complementary. There was a double-headed household, the idea that men and women formed an inseparable pair, and no hierarchy of power. With the disintegration of indigenous communities from outside pressures, complementarity is fading. Globalization, poor education, and the out-migration of indigenous men have changed women's roles dramatically within their community. Women's positions are diminishing to a second-class status as they are becoming politically and economically dependent on men.

The importance of monetary income has risen in indigenous communities as a means to pay for education and food. Because men have a better chance of finding mainstream employment, out-migration of men has become prevalent as a strategy for households to earn monetary income. The accumulation of capital wealth in the hands of men only exacerbates the crumbling institution of reciprocity that exists between men and women. Women's ability to participate economically is attenuated by heavier domestic workloads as a result of the men's absence.

Gendered-education and the influx of cheap food and goods also threaten women's abilities to contribute monetarily to their communities. With the opening of markets as a result of neo-liberal reforms, women struggle to sell agricultural goods and textiles due to competition from cheap imports. As indigenous communities become increasingly exposed to the dominant society through work and education, indigenous styles of dress have evolved. Purchasing mass-manufactured textiles is an attractive and cheap alternative for people who wish to separate themselves from their indigenous roots and communities. However, a shrinking market for indigenous textiles and crafts only exacerbates economic difficulties for women. As earning money using traditional skills becomes increasingly more arduous, women's poverty – and thus indigenous poverty – only intensifies.

### **Indigenous Women and Double Discrimination**

Threats from the dominant society to assimilate are pushing indigenous groups to strongly promote cultural integrity and self-governance. A strategy of some indigenous movements in Latin America is the re-indigenization of their culture to stimulate self-governance and to convince critics of their authenticity. Because women are more likely to speak a native language, to wear customary dress, and to perform traditional tasks, they are sometimes essential to "proving" the indigeneity of their group. Indigenous communities promoting cultural relativism can lock women into these traditional molds, which can result in further marginalization. Women are discouraged from asserting their individual rights because it could impede the goals and dissolve the strength of the greater indigenous movement. There are women who do choose to assert their individual rights even at the risk of expulsion. Expulsion can be very intimidating because women have to become incorporated within the dominant society, where they face not only gender discrimination, but discrimination of race and class as well. In Chile, not only are indigenous Mapuche women lacking mainstream skills, they are discriminated against because of the way they look. Mapuche women



assert that particular types of work are not available to them because they do not represent the national standard of beauty (Richards 2005). Indigenous women not only face serious challenges that differ significantly from indigenous men, such as gender-based violence, they also struggle in ways that are different from non-indigenous women in the economic, political, and health sectors.

The waning status of women in indigenous communities has resulted in their vulnerability to gender-based violence. Marrying at a young age in various Mesoamerican societies can create a substantial imbalance between partners and can leave women vulnerable to male dominance. In some indigenous communities, gendered violence has become so prevalent that it is seen as a cultural norm. For example, in Palo Alto, Bolivia, violence against young women in pre-marital relationships has become inherent to indigenous society (United Nations 2007). In the Peruvian Amazon, only a mere minority thought that they should not be beaten under any circumstance (Bant and Girard 2008). Violence against women within their households worsens with the sexual and gender discrimination that they face.

Women also have health that is inferior to that of indigenous men and non-indigenous women, which highlights the ethnic and gendered discrimination they face. Throughout Latin America, indigenous women experience higher maternal and infant mortality rates, more still-births and miscarriages, and higher fertility rates. If indigenous women have access to healthcare, facilities are usually ill equipped due to lack of government funding. Language barriers complicate communication between indigenous women and their Western-trained healthcare professionals. Lack of understanding of traditional medical practices and its ties to indigenous spirituality from healthcare providers aggravates cultural gaps and discrimination between practitioners and “beneficiaries”. Because of racial and socio-economic biases, indigenous women have been the subject of forced sterilizations throughout Latin America as targets of nationally and internationally-funded family planning programs. Resentment amongst sterilized indigenous women prevents them and others from seeking medical care even when it is necessary.

## **Conclusion**

Feminists often criticize indigenous women for promoting their collective rights by subjecting themselves to gendered inequalities within their communities. Indigenous women, however, see their challenges as uniquely indigenous and therefore requiring indigenous solutions. They recognize the need to assert both their individual and collective rights to contest inequalities. Indigenous women see work with men as essential in order to alleviate the particular human rights challenges that indigenous women face: ethnic, gender, and socioeconomic discrimination. Women, particularly those from Mexico’s Zapatista Army of National Liberation (EZLN), are leading the way for indigenous women’s empowerment by using a distinctly indigenous solution: they are reclaiming the indigenous ideology of complementarity as a strategy to revitalize women’s contributions to society.

The struggles faced by indigenous women are complicated and interrelated. Programs and policies that focus on indigenous struggles also need to pay attention to the particular challenges faced by women within indigenous societies. Women need to be empowered economically and

politically so that they can contest abuses and assert their rights. As demonstrated by the women of the EZLN, indigenous women are capable of reestablishing women's importance in society.

### Annotated Bibliography

Aikman, Sheila. 2002. "Women's Oral Knowledge and the Poverty of Formal Education in the SE Peruvian Amazon." *Gender & Development* 10 (3):41 - 50.

Annotation: Aikman argues that formal education programs aimed at the Harakmbut people of the Peruvian Amazon are exacerbating problems brought on by migrant workers and extraction industries. The author explains that as the demography of the region began to change, women's traditional agricultural practices adjusted to the growing demand for beer and Andean produce of the migrant population. She contends that this growing demand created a need for money, which, she states, meant the increased extraction of gold and timber, ecological destruction, and the devaluation of women's role in society. Aikman convincingly argues that the establishment of religious boarding schools further exacerbated the devaluation of women in Harakmbut society.

———. 2005. "Partnerships from Below: Indigenous Rights and Girls' Education in the Peruvian Amazon". In Rao, N and I. Smyth (eds.), *Partnerships for Girls' Education*. Oxford: Oxfam GB.

Annotation: Aikman discusses the growth of the Federation of Natives of Madre de Dios in the Southeastern Peruvian Amazon and its influence in the alteration of educational systems in the region. To demonstrate gender differences in indigenous education, the author follows the life of a young girl to contrast her formal education with that of her male peers. Aikman argues that although access to education was the same for boys and girls, the girls' experiences in religious-based education encouraged assimilation into the dominant society. The author commends the Federation for promoting intercultural education in Peru; however, she criticizes the government for excluding indigenous knowledge in its intercultural programs. Aikman also notes that women are not empowered to work with the Federation and challenges the organization to recognize the effect that the gendered nature of formal schooling has on indigenous girls.

Bant, Astrid, and Françoise Girard. 2008. "Sexuality, Health, and Human Rights: Self-Identified Priorities of Indigenous Women in Peru." *Gender & Development* 16 (2):247-256.

Annotation: Bant and Girard argue that family planning NGOs need to be perceptive of the differences between male and female concerns about reproductive health. The authors explain that while indigenous Peruvian women are concerned about "forced and early marriage, gender-based violence, unwanted pregnancy, and inadequate public health services," men are concerned with increasing their family's fertility. By referencing their own

primary research in Peru, the authors convincingly demonstrate how women's reproductive rights can be marginalized by development NGOs and by the men in their communities.

Bremner, Jason, Richard Bilborrow, Caryl Feldacker, and Flora Holt. 2009. "Fertility Beyond the Frontier: Indigenous Women, Fertility, and Reproductive Practices in the Ecuadorian Amazon." *Population & Environment* 30 (3):93-113.

Annotation: In this article, the authors prematurely argue for the need of a family planning intervention in the Ecuadorian Amazon. Analyzing data from a two-week survey of indigenous women and men, the authors conclude that there is a high fertility rate among the community and a definite lack of conventional birth control use; cyclical planning and use of medicinal plants as traditional methods of birth control are disregarded by the authors of this article. While statistical measures are used in this study, the conclusions drawn from them seem to be biased towards the opinions of the authors, who appear to promote Amazon forest conservation over women's reproductive rights.

Camacho, A.V., M.D. Castro, and R. Kaufman. 2006. "Cultural Aspects Related to the Health of Andean Women in Latin America: A Key Issue for Progress toward the Attainment of the Millennium Development Goals." *International Journal of Gynecology and Obstetrics* 94:357-363.

Annotation: The authors discuss the importance of cultural sensitivity in healthcare systems promoting indigenous women's reproductive health. They recognize that even with international and national policies and programs, considerable maternal mortality persists. They suggest that the biomedical, or the Western model of health administration, is a significant cause of these problems. They also indicate that the cultural insensitivity of this model inhibits the participation of indigenous women in the self-determination of health. The authors argue that successful case studies in intercultural health systems should influence the implementation of national programs so that health practitioners can adequately address the health issues of indigenous women.

Carruthers, David, and Patricia Rodriguez. 2009. "Mapuche Protest, Environmental Conflict and Social Movement Linkage in Chile." *Third World Quarterly* 30 (4):743-760.

Annotation: Carruthers and Rodriguez maintain that in Chile, economic development undermines indigenous land claims. Citing numerous failed attempts by the Mapuche people to preserve their ancestral lands, the authors emphasize this blatant disregard of native land rights by the Chilean government. Although the authors argue that political and social connections strengthen indigenous interests, the evidence presented in this article does not appear to support this assertion. According to the article, despite political involvement, strong economic coalitions still beat out the interests of the Mapuche people.

Castillo, R. Aída Hernández. 2010. "Comparative Perspectives Symposium: Indigenous Feminisms - The Emergence of Indigenous Feminism in Latin America " *Signs: Journal of Women in Culture & Society* 35 (3):539-545.

Annotation: Castillo discusses the differences in organized indigenous women's movements in Latin America. She contends that the urban feminist view needs to recognize the unique challenges that indigenous women face. Despite differences in ideologies between native women and urban feminists, Castillo asserts that the two movements should come together in the fight against racism, sexism, and economic exploitation.

Cunningham, Myrna. 2006. "Indigenous Women's Visions of an Inclusive Feminism." *Development* 49 (1):55-59.

Annotation: Cunningham argues that the indigenous concept of duality is not in opposition to feminist views on gender equality. She contends that equality between men and women does not threaten the goals of indigenous movements; it actually strengthens them. The author asserts that indigenous women's participation in feminist movements can advance all women's socio-economic and political rights. While opponents argue that indigenous women's struggles differ from non-indigenous women, Cunningham maintains that both groups must converge in order to create social change. The article exclusively presents the view of the author, a feminist indigenous woman, and does not draw upon additional sources.

Espinosa, MC. 2009. "Ethnic Spirituality, Gender and Health Care in the Peruvian Amazon." *Ethnicity & Health* 14 (5):423-437.

Annotation: Espinosa draws upon her research in the Peruvian Amazon to demonstrate how ethnic and gender hierarchies are affecting the health and healthcare of indigenous women. She asserts that indigenous spirituality is deeply ingrained in traditional healthcare, which can create tension between indigenous women and their Western medical providers. Espinosa provides a descriptive narrative of the Peruvian Amazon's modern and ethnic taboos and argues that knowledge of spiritual proscriptions can help explain the inferiority of women's health compared to that of indigenous men. She contends that gender taboos not only decrease women's health, but can also interfere with women's medical treatments.

Ewig, Christina. 2006. "Hijacking Global Feminism: Feminists, the Catholic Church, and the Family Planning Debacle in Peru." *Feminist Studies* 32 (3):632-659.

Annotation: Ewig uses the forced sterilization events in Peru to demonstrate how family planning initiatives can be manipulated by the government at the expense of indigenous women. Ewig states that the misrepresentation of indigenous women by urban feminist groups is confirmed by the fact that it took a year for the sterilization abuses to be discovered. She stresses that communication between indigenous women and feminist groups is imperative so that they can effectively contest human rights abuses quicker. Although Ewig uses a historical approach to explain human rights abuses in Peru, she makes the article relevant by stressing the ongoing reproductive rights battle in Peru.

Jackson, Jean E., and Kay B. Warren. 2005. "Indigenous Movements in Latin America, 1992–2004: Controversies, Ironies, New Directions." *Annual Review of Anthropology* 34:549-573.

Annotation: The authors assess indigenous movements throughout Latin America and argue that the "re-indigenization" of the region has been a successful strategy in gaining autonomy and self-governance. However, the authors note that sometimes this self-essentialism can be detrimental to women. Indigenous women, the authors contend, are held as cultural placeholders as they are more likely to wear traditional dress and less likely to speak Spanish, which can impede their roles in indigenous societies. The authors maintain, however, that some women have reclaimed their traditional roles in hopes of re-establishing gender complementarity.

Jiménez, W, and M, Vera. 2010. Indigenous Population and Differences in Access to Primary Education in Bolivia. Ottawa: FOCAL: Canadian Foundation for the Americas.

Annotation: The authors explore how Bolivia's changes in educational policy have affected access to education, particularly within the indigenous population. The authors aim to explore what barriers to education exist other than one's ethnicity. They determine that socioeconomic status or area of residency is more important in showing which students are more likely to experience poor education. They assert that indigenous girls and boys from low family income households in rural communities are the most vulnerable to poor school performance and high dropout rates.

Kellogg, Susan. 2005. Weaving the Past: A History of Latin America's Indigenous Women from the Prehispanic Period to the Present. New York: Oxford University Press.

Annotation: In this book, Kellogg uses a wealth of primary and secondary research to narrate the history of Latin America's indigenous women from pre-colonization to the present. She asserts that the asymmetry that exists between men and women is not universal and that there are multiple factors that have shaped gender roles in indigenous societies. In order to assess women's second-class status, Kellogg examines geographic location, trade integration, traditional gender relations, outside intervention, and concepts of racial and ethnic identity. She explains that because women have historically been active agents of change, women can be effective in improving their status in society.

Loewenberg, Samuel. 2010. "The Plight of Mexico's Indigenous Women." *Lancet* 375 (9727):1680-1682.

Annotation: In this article, Loewenberg argues that indigenous women in Mexico are suffering from poor health arising from lack of education, poverty, and insufficient medical staff. He contends that women avoid seeking medical attention because most feel uncomfortable discussing reproductive health with male doctors. Loewenberg asserts that this avoidance is adding to the high mortality rates of women in Mexican indigenous communities. The author cites no sources; however, he uses direct quotes from Mexican doctors and indigenous women to support his claims.

Mantini, L. 2008. "Human Trafficking of Amerindian Women in Guyana: Challenges and Strategies." *International Nursing Review* 55 (3):341-348.

Annotation: Mantini addresses the causes of Guyanese-Amerindian women's vulnerability to human trafficking. The author asserts that the lack of governmental action, human rights violations in the indigenous community, and cultural factors are adding to the crisis. Mantini proposes that international healthcare providers will help to end human trafficking through various programs aimed at the indigenous community as a whole and to women individually. Although the argument may have been more convincing had the author used examples of previous successes to justify how international healthcare providers can alleviate the abuses faced by indigenous women, the article contains pertinent information on human rights abuses faced by women in general.

Marcos, Sylvia. 2006. "Deconstructing Captivities: Indigenous Women Reshaping Education and Justice". In Saad, I.A., and D. Champagne (eds.), Indigenous Education and Empowerment. Lanham: AltaMira Press.

Annotation: In this chapter, Marcos uses basic components of indigenous cosmology to explain how native Mexican women are claiming their right to interpret and practice ancient traditions. She asserts that the belief of duality, or the inseparability of the masculine-feminine, is at the foundation of all Mesoamerican indigenous thought. This belief inhibits the hierarchical alignment of deities, which Marcos contends is reflected in the horizontal orientation of Mexican indigenous communities. She argues that the dominant society misconceives that there are indigenous leaders while, in reality, there are only male and female spokespersons who represent the community. Marcos uses quotes from Zapatistas to demonstrate how they are challenging their critics and recreating traditional spirituality.

———. 2009. "Mesoamerican Women's Indigenous Spirituality." *Journal of Feminist Studies in Religion* (Indiana University Press) 25 (2):25-45.

Annotation: Marcos contends that revitalization of indigenous spirituality is driving social justice movements in Latin America. Drawing from the First Indigenous Women's Summit of the Americas, the author proves that the indigenous Mesoamerican view of "duality," or the masculine-feminine dual pair, is being reclaimed by indigenous women in an effort to assert their rights. The author convincingly argues that women's alteration of restrictive beliefs in traditional spirituality demonstrates their influence in reshaping indigenous communities.

McKinley, Michelle. 2003. "Planning Other Families: Negotiating Population and Identity Politics in the Peruvian Amazon." *Identities* 10 (1):31.

Annotation: Drawing upon personal experience as the director of a reproductive rights organization, McKinley analyzes indigenous family planning programs in the Peruvian Amazon. She criticizes internationally-funded family planning programs by asserting that their main goal is not to empower women, but to promote reduction in fertility. She demonstrates this claim saying that family planning programs "fail" when they do not see reductions in family sizes. She contends that many of the problems of these programs stem from the social distances between the program practitioners and their "beneficiaries."

McKinley states that programs are usually derived in a top-down manner that inhibits poor, indigenous women from participating in determining their own targeted fertility.

Monasterios, Karin P. 2007. "Bolivian Women's Organizations in the MAS Era." *NACLA Report on the Americas* 40 (2):33-37.

Annotation: Monasterios, an advisor on indigenous and gender issues to the Evo Morales administration, outlines four of the most popular women's movements in Bolivia and highlights their major differences. She asserts that with Bolivia's restructuring and decolonization, the role of women's groups will face significant changes, noting that NGO-based women's groups which played significant mediating roles in the past have already had their authority questioned. Monasterios contends that grassroots campaigns of indigenous women are going to be playing a more central role to the women's movement.

Munarriz, Gerardo J. 2008. "Rhetoric and Reality: The World Bank Development Policies, Mining Corporations, and Indigenous Communities in Latin America." *International Community Law Review* 10 (4):431-443.

Annotation: Munarriz argues that the World Bank's policies on mining in Latin America have harmed indigenous people and that the attempts to reconcile injustices have had further detrimental effects. Munarriz augments his case by using the historical account of Alberto Fujimori's economic policies in connection with the World Bank, the reconstruction of the Peruvian Constitution, and the subsequent revocation of the land rights of indigenous Peruvians.

Oquendo, Ángel R. 2005. "Indigenous Self-Determination in Latin America." *Florida Journal of International Law* 17 (3):625-631.

Annotation: Oquendo proposes that attaining indigenous self-determination in Latin America has two requirements. First, he argues that national identity needs to take a "progressive nationalism" approach, which is the idea that indigenous culture and national culture are equal but separate. Secondly, he asserts that laws protecting indigenous rights must be upheld in practice. He draws upon studies of the Mapuche people of Chile from experts Jorge Ivan Vergara and Rolf Foerster. Although Oquendo seeks to address self-determination of indigenous people in all of Latin America, he focuses mainly on Chile and fails to address other situations. He does, however, try to reconcile this by acknowledging the need for further analysis.

Radcliffe, Sarah A. 2007. "Latin American Indigenous Geographies of Fear: Living in the Shadow of Racism, Lack of Development, and Antiterror Measures." *Annals of the Association of American Geographers* 97 (2):385-397.

Annotation: Radcliffe explains how geography can be used as a tool for development in addressing indigenous issues. She asserts that current neo-liberal and post-development models actually limit development and create perceived geographies of fear. She highlights the multi-dimensionality of geography, which analyzes not only the political economy but

also spatial and cultural aspects -- areas where current development approaches fail. Although the purpose of the article was to defend geography's legitimacy in development, it has pertinent information regarding issues of indigenous rights and development policies.

Richards, Patricia. 2005. "The Politics of Gender, Human Rights, and Being Indigenous in Chile." *Gender and Society* 19 (2):199-220.

Annotation: Richards argues that current global views of human and women's rights can differ from those of indigenous communities. She draws upon personal interviews with Mapuche women of Chile to show that their interests are quite different from non-indigenous Chilean women. Richards stresses that universal feminist ideals do not adequately embody indigenous women and their culture. Her ability to gain the trust of the Mapuche women is obvious in the caliber of the argument that she poses: Mapuche women define their rights in association with their people, as well as in complement with Mapuche men.

Sanchez-Perez, Hector Javier, Guadalupe Vargas Morales, and Josep Maria Jansa. 2005. "The Conditions of Life and Health for Indigenous Women in Areas of High Marginalization, Chiapas, Mexico," in Eversole, R., J.A. McNeish, and A.D. Cimadomoro (eds.), Indigenous Peoples and Poverty: an International Perspective. London: CROP International Studies in Poverty Research.

Annotation: In this chapter, the authors examine discrimination in Chiapas, a state which they argue has the worst marginalization in Mexico. The authors use demographic indicators to emphasize indigenous women's struggles in the socio-economic, educational, and health sectors of Mexican society. Through a wealth of data, the authors demonstrate that indigenous women in rural Mexico face significantly more discrimination and marginalization than indigenous men. They also contend that indigenous women experience higher maternal mortality rates, achieve lower educational levels, and have less access to healthcare than non-indigenous women; the severity of these can worsen between indigenous groups.

Smith-Oka, Vania. 2009. "Unintended Consequences: Exploring the Tensions between Development Programs and Indigenous Women in Mexico in the Context of Reproductive Health." *Social Science & Medicine* 68 (11):2069-2077.

Annotation: Through an in-depth case study, Smith-Oka shows how government policies and development programs in family planning can actually hinder women's reproductive rights. The author focused on a small indigenous village in Veracruz, Mexico to demonstrate the coercive measures used to promote contraceptive use. Smith-Oka argues that the stipend given by the NGO Oportunidades, together with the local medical clinic's bias towards government population policy, causes women to have fewer individual rights. The author contends that indigenous people are often targeted in family planning programs because of the Mexican government's fears of high population and underdevelopment.

Stocks, Anthony. 2005. "Too Much for Too Few: Problems of Indigenous Land Rights in Latin America." *Annual Review of Anthropology* 34 (1):85-104.



Annotation: Stocks uses his 26 years of field research in Latin America to argue that indigenous land laws are not being upheld. He effectively draws upon four different nations' histories to show similarities in the struggle for indigenous land rights. He maintains that even in countries with the best legal frameworks, indigenous lands are not always protected. He asserts that this failure by the government to maintain native land claims is due to the decentralization of governments by neoliberal economic movements. The author's historical approach to his argument is successful because of the ongoing consequences of neo-liberalism in Latin America.

Swanson, Kate. 2010. Begging as a Path to Progress – Indigenous Women and the Children and the Struggle for Ecuador's Urban Spaces (Geographies of Justice and Social Transformation Series), Athens: University of Georgia Press.

Annotation: In this book, Swanson discusses indigenous people begging on the streets of Ecuador's urban centers. She asserts that as money becomes more important in indigenous communities, the indigenous women of Calhuasí use begging as a strategy to earn income. Although there are changing gender roles in these Andean indigenous communities, Swanson argues that women have the potential to earn significantly more income on the streets than men. This, she says, makes men responsible for domestic tasks. Swanson contends that begging can have positive implications for indigenous women as they are gaining greater autonomy and knowledge of their rights by increased exposure to the dominant society. However, she also warns that exposing youth to urban gender ideologies is instigating discrimination and sexualized violence.

United Nations Secretariat of the Permanent Forum on Indigenous Issues. 2007. Indigenous Women and the United Nations System: Good Practices and Lessons Learned. New York: United Nations.

Annotation: This book compiles 18 UN-case studies from Africa, Asia, and Latin America to highlight the problems and accomplishments of indigenous women. The studies propose that for women's advancement projects to succeed, the participation of both men and women is crucial. The case studies in this book demonstrate the complexity of gender identification of indigenous women and that development programs should be sensitive to this issue.

———. 2009. "The State of the World's Indigenous Peoples." New York: United Nations. Available online: [http://www.un.org/esa/socdev/unpfi/documents/SOWIP\\_web.pdf](http://www.un.org/esa/socdev/unpfi/documents/SOWIP_web.pdf).

Annotation: This report by the United Nations methodically analyzes indigenous issues throughout the world. The report emphasizes the importance of indigenous land rights and their essentiality in the maintenance of indigenous economies, preservation of the environment, protection of culture, and promotion of health. The authors of this report note that the lack of disaggregated data on indigenous peoples complicates the UN implementation and development of programs to assist these populations.

Van der Hoogte, Liesbeth, and Koos Kingma. 2004. "Promoting Cultural Diversity and the Rights of Women: the Dilemmas of 'Intersectionality' for Development Organisations." *Gender & Development* 12 (1):47-55.

Annotation: The authors argue that development organizations need to recognize that indigenous women face double discrimination for being part of an ethnic minority group and for being female. The authors contend that women will be accused of threatening their culture if they try to defend their individual rights. For this reason, they say, women will often deny that they face inequality so that development organizations do not stigmatize their community and they are not excluded by community members. The authors conclude that development organizations need to help, not hinder, indigenous women's efforts in challenging cultural relativism and fundamentalism so that they may fully exercise their rights.

## **Untouchability Today: The Rise of Dalit Activism**

By Christine Hart

On July 19, 2010, the *Hindustan Times* reported that a Dalit (“untouchable”) woman was gang-raped and murdered in the Indian state of Uttar Pradesh. The crime was an act of revenge perpetrated by members of the Sharma family, incensed over the recent elopement of their daughter with a man from the lower-caste Singh family. Seeking retributive justice for the disgrace of the marriage, men from the Sharma family targeted a Dalit woman who, with her husband, worked in the Singh family fields. Her death was the result of her sub-caste status; while the crime cost the Singh family a valuable worker, the perceived value of her life was less than upper-caste individuals. In this case, the perpetrators of the crime were arrested, but similar atrocities are committed with frequency and impunity throughout India as a result of the entrenched practice of untouchability.

### **Overview of Untouchability**

Caste discrimination, manifested through an array of “untouchability practices,” is an entrenched part of daily life in India. This “hidden apartheid” impacts more than 160 million Dalits—the victims, survivors, and challengers of the practice, as well as approximately 860 million non-Dalits—the perpetrators, bystanders, and witnesses.

Despite domestic policy measures and increased attention to the issue, the practice of untouchability remains ingrained and touches nearly every aspect of Dalit life. Untouchability practices range from actions that impact the minutiae of daily life, to life-altering inequity and denials of opportunity, to violence committed with impunity. A sampling of untouchability practices include: the refusal of upper-caste individuals to walk in or cross the shadow of a Dalit; segregated food and drink and designated water vessels and utensils for Dalits; forced and bonded labor practices; conscription into “unclean” occupations including prostitution, manual scavenging (removing waste from “dry” toilets), and the removal of animal carcasses; the prohibition to intermarry with other castes; and rules governing religious practices, including prohibition from public temples and exclusion from ceremonies and rituals. In addition, caste-motivated violence occurs with regularity. Atrocities committed against Dalits include assault, rape, and murder and are often committed with impunity.

### **Indian Domestic Policy**

Although caste discrimination persists as a widespread and divisive issue in India, the Indian government has taken a host of measures to abolish untouchability, to create mechanisms of enforcement, and to enact policy to combat discrimination against Dalits in government, the workplace, and education. The 1950 Indian Constitution formally abolishes untouchability, prohibits caste discrimination, and expands the system of “Scheduled Caste” reservations initiated by the British Raj that allocated places for Dalits in educational institutes, civil service positions, and state and national legislatures. In addition, the government of India responded to pressure from Dalit groups to pass laws and constitutional amendments increasing protections and expanding reservations systems. As a result, small but significant gains have been made in the past 60 years; a trivial percentage of Dalits have benefited from educational opportunities, become wealthier, and risen to high government positions. Despite small-scale improvements, however, caste discrimination remains pervasive-- committed especially by higher caste Hindus-- and profoundly

impacts the socio-economic mobility of Dalits. Many Dalit activists blame the government and political parties for not taking stronger actions to combat the social and economic exclusion of Dalits.

### **Caste Discrimination, International Human Rights Instruments, and the United Nations**

In contrast to stagnant domestic efforts to combat untouchability practices, significant progress has been made in terms of international engagement over the last fifteen years. Discrimination based on caste has been pervasive throughout the world and particularly in South Asia for millennia, yet until the late 1990s, it was not recognized as a human rights violation or addressed directly in any of the major human rights instruments. Article 2 of the 1948 Universal Declaration of Human Rights (UDHR) states that “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction...such as...national or social origin, birth, or other status.” The inclusion of caste was suggested by the Indian delegation to the United Nations Commission on Human Rights, which crafted the document, but was rejected in favor of broader terms such as “birth” and “social origin.” Only within the last two decades has the issue of caste discrimination gained traction within the global human rights community.

Discussion of caste within international human rights instruments was revisited in 1996, when the United Nations Committee to End Racial Discrimination (CERD)—the body that oversees state compliance with the 1965 International Convention to End All Forms of Racial Discrimination (ICERD)—reviewed India’s condensed periodic reports to the Committee. Article 1 of ICERD defines racial discrimination as including “descent” and CERD has asserted that when reviewing the periodic reports of states, it interprets “descent” to include to the situation of Dalits in India, Nepal, and Bangladesh, as well as caste discrimination in other countries. In the 1996 condensed reports, India contested this interpretation, arguing that India’s “Scheduled Castes” and “Scheduled Tribes” (the legal designation for Dalits) did not fall under the purview of ICERD because “caste” implies class or social distinction and does not denote racial difference. In 2002, CERD adopted General Recommendation XXIX on ‘descent-based discrimination,’ which confirmed “the consistent view of the Committee that the term “descent” in Article 1, paragraph 1 of the Convention does not solely refer to “race” and has a meaning and application which complements the other prohibited ground of discrimination;” it “reaffirms that discrimination based on “descent” includes discrimination against members of communities based on forms of social stratification as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights.”

The recognition of caste discrimination under ICERD and increasing visibility in the human rights community, and particularly at the level of the United Nations, can be attributed to the development of robust domestic and transnational Dalit advocacy networks through the 1990s, as well as an increasing willingness of Dalit groups to frame caste discrimination within a broader human rights framework, particularly under the umbrella of discrimination based on “work and descent.”

### **Domestic and Transnational Dalit Advocacy**

The late 1990s saw the advent of increasing organization among Dalit activists. In 1997, the international NGO Human Rights Watch (HRW) became the first major human rights organization to engage in the issue of caste discrimination in India. HRW published a comprehensive report entitled “Broken People: Caste Violence Against India’s ‘Untouchables’” that precipitated greater

international attention. As the report was being written, HRW organized a meeting of regional Dalit organizations to seek advice and input on the report. This meeting planted the seed for the formation of the National Campaign on Dalit Human Rights (NCDHR), an umbrella group of Dalit organizations from 14 states that is changing the scope and reach of domestic Dalit activism. In 1999, NCDHR produced a report of its own, in addition to presenting 2.5 million signatures petitioning for the end of caste discrimination in India to the Indian Prime Minister. Today, NCDHR continues to work toward greater visibility for Dalit issues, providing forums for collaboration and information sharing within the Dalit movement. In addition, NCDHR seeks, through grassroots mobilization, to hold the state accountable for equal justice and an end to impunity for atrocities committed against Dalits.

Formed in 2000, the International Dalit Solidarity Network (IDSN) facilitates coordination and information sharing among foreign organizations advocating for Dalit rights. The network consists of national federations in South Asia, including NCDHR, and afield, as well as a host of human rights, development, and religious non-profit organizations. IDSN's efforts focus on advocating to national governments and the United Nations. The network regularly organizes international conferences on Dalit rights.

The 2001 UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in Durban presented perhaps the most significant breakthrough for the Dalit movement. While the Indian Government effectively blocked the inclusion of caste discrimination from the official conference document, the conference generated crucial international attention and support. The subsequent participation of Dalit organizations in similar international conferences has effectively built upon this momentum.

### **Transformation and Progress**

Dalit activism has made considerable strides in the last fifteen years. Major gains have been made by way of international recognition, especially at the level of the United Nations. In addition, recent domestic successes have included a constitutional amendment extending reservations to private schools, colleges, and training institutions, and rhetoric suggesting a commitment to social justice within the context of economic liberalization. Implementation and shaping attitudes remain the greater challenges, however, to effect true rights realization. While incremental progress has been made, caste discrimination does remain entrenched and the continuing struggle promises to be a long one. While international attention has constituted a major gain, the struggle will no doubt continue to center on the state and domestic policies. The ultimate lesson to take from the recent advances made in domestic and international awareness and advocacy efforts is that the Dalit rights movement consists of a profoundly committed base and, as it enjoys greater support internationally and achieves greater organization and reach, promises to continue to make strides towards diminishing caste discrimination and entrenched inequality.

### **Annotated Bibliography**

Alam, Javeed. 2009. "Democracy in India and the Quest for Equality." *Community Development Journal* 44 (3): 291-304.

Annotation: Alam discusses the expansion of democracy in India since 1990, with particular

attention to the growing rights and political and social participation of Dalits, “Other Backward Castes” (OBCs), and women. He contrasts the evolution of democracy in India with that of the West, focusing on the impact of communitarian identities versus the West’s individualistic approach to democracy. Alam asserts that the existence of substantial conflict both within and between communitarian groups representing historic caste divisions perpetuated through contemporary socio-economic inequalities fosters an “oligarchy of the privileged.” This constitutes a significant hindrance to the development of broad-based democracy in India. Alam concludes that in order to deepen India’s democracy, deprived communities such as Dalits and women must become the bearers of entrenched rights.

Anti-Slavery International. 2001. “The Enslavement of Dalit and Indigenous Communities in India, Nepal and Pakistan through Debt Bondage.” Available Online: <http://idsn.org/uploads/media/ASIBondedLabour.pdf>.

Annotation: This report on the enslavement of Dalit and indigenous communities in South Asia to the United Nations Sub-Commission on the Promotion and Protection of Human Rights details the relationship between caste discrimination and bonded labor in India, Nepal, and Pakistan. It provides background on the history of caste discrimination in the three countries and the entrenched practices of caste-based bonded labor. A brief description of the relative legal structures put in place to combat caste discrimination and bonded labor in each country is included, as well as an analysis of the effectiveness of these measures. In addition, the authors describe the responses of each government to the persistent practice of caste-based bonded labor, concluding with a list of recommendations to the Sub-Commission.

Chalam, K.S. 2008. *Modernization and Dalit Education: Ambedkar’s Vision*. Jaipur: Rawat Publications.

Annotation: Chalam discusses Dalit education and economic empowerment through the lens of the philosophy and writings of the Dalit activist Dr. B.R. Ambedkar, one of the authors of India’s constitution and a preeminent figure in the early Dalit movement. Chalam provides a comprehensive explanation of Ambedkar’s philosophies on these subjects, linking them to historic and contemporary domestic policy impacting Dalits in India. The most useful element of the book is the nuanced analysis of contemporary economic and educational inequities, including the relationship between policy and persistent caste inequality, and the impact on the Dalit population.

Clifford, Bob. 2007. “Dalit Rights are Human Rights: Caste Discrimination, International Activism, and the Construction of a New Human Rights Issue.” *Human Rights Quarterly* 29 (1): 167-193.

Annotation: Clifford presents a comprehensive discussion of the efforts of Dalit activists to promote the inclusion of caste discrimination as a human rights issue within the international community. Poor organization among Dalit groups and a lack of human rights terminology to account for caste-motivated discrimination, including in the Universal Declaration of Human Rights, impeded Dalits from making human rights claims until the 1990s. Clifford provides a detailed account of the changes within the Dalit activist community, including the establishment of robust nationwide and international networks and improved rhetoric focused on state culpability for caste-based discrimination. He also touches on the roles of various actors, including UN organs, international NGOs, and individual states, in

precipitating the inclusion of caste- and work-based discrimination as human rights. In conclusion, Clifford addresses the implications that this recognition has for human rights theories, international politics, and, most importantly, the advocacy efforts of similar minority groups such as the Burakumin of Japan and various groups in West and East Africa.

Eide, Asbjorn, and Yozo Yokota. 2003. "Prevention of Discrimination: Discrimination Based on Work and Descent." United Nations Sub-Commission on the Promotion and Protection of Human Rights. Available Online: <http://www.unhchr.ch/huridocda/huridoca.nsf/%28Symbol%29/E.CN.4.Sub.2.2003.24.En?Opendocument>.

Annotation: This report to the Sub-Commission on the Promotion and Protection of Human Rights serves to expand on the original "Gooneskere Report" submitted to the Sub-Commission in 2001. Unlike the Gooneskere Report, this follow-up submission does not focus specifically on India's Dalit population. It expands upon the work of the first report by describing additional groups that suffer discrimination as a result of work or ethnic/caste descent. It provides a comprehensive description of common features of different cases of discrimination based on work and descent. This allows a reader familiar with the characteristics of untouchability practices to understand the commonalities between Dalit rights violations and those experienced by other minority groups. Given the growing transnational advocacy efforts of Dalit movements, the inclusion of Dalit rights within wider human rights' dialogues, especially that of discrimination based on work and descent, is pertinent.

Gaiha, Raghav, Ganesh Thapa, Katsushi Imai, and Vani S. Kulkarni. 2008. "Has Anything Changed? Deprivation, Disparity, and Discrimination in Rural India." *Brown Journal of World Affairs* 14 (2):113-125.

Annotation: The authors analyze endemic poverty and inequality among the Scheduled Castes and Scheduled Tribes in rural India, utilizing data collected between 2004 and 2005 for the 61<sup>st</sup> National Sample Survey. Characteristics such as location, education level, and land ownership are analyzed in addition to structural differences, namely the return on characteristics, including endowments from affirmative action programs, such as income gains from education. Although conclusions regarding discrimination are difficult to draw from the data, the authors suggest that group identity may constitute a hindrance for the Scheduled Castes and Scheduled Tribes, both in terms of self-perception, which may undermine motivation, and the negative perception of employers and members of non-scheduled castes. The authors assert that group identity must be accounted for when designing effective affirmative action policies.

Ghose, Sagarika. 2003. "The Dalit in India." *Social Research* 70 (1): 83-109.

Annotation: Ghose presents a comprehensive and fluid history of Dalits in Indian society, focusing specifically on India's social landscape, government policy, and the evolution of Dalit political activism. She focuses on affirmative action policies that have aided Dalits in making minor inroads within the civil service, legislature, and educational spheres. Ghose

analyzes the entrenched social hierarchies of the caste system, as well as widespread cultural and religious beliefs and practices, and asserts that these factors contribute to the continued isolation and oppression of India's Dalit populations. Moreover, she suggests the affirmative action measures that promote the advancement of Dalits within the public sector, political sphere, and education system play the paradoxical role of supporting traditional negative perceptions of Dalits. To usurp this separateness and merge with the mainstream would both hinder contemporary Dalit activism and risk the further contempt of upper castes. Ghose concludes that, in effect, "the empowered Dalit remains socially trapped."

Gooneskere, Rajendra Kalidas Wimala. 2001. "Prevention of Discrimination and Protection of Indigenous Peoples and Minorities." United Nations Economic and Social Council. Available Online: <http://wcar.alrc.net/mainfile2.php/Documents/48/>

Annotation: This working paper details discrimination based on work and descent. It was undertaken after the United Nation Sub-Commission for the Promotion and Protection of Human Rights issued a ground-breaking declaration that discrimination based on work and descent is a form of discrimination prohibited by international human rights law. Gooneskere discusses India's Dalits, in addition to touching briefly upon issues faced by similar groups in several other countries. He presents a succinct history of untouchability, focusing on Indian domestic policy and the obligations of the state under international law. The working paper presents a comprehensive legal framework that would be useful for anyone who is interested in addressing discrimination based on work and descent, specifically within the Indian context.

Gorringer, Hugo. 2005. "'You Build Your House, We'll Build Ours': The Attractions and Pitfalls of Dalit Identity Politics." *Social Identities* 11 (6): 653-672.

Annotation: Gorringer, a lecturer in sociology at the University of Edinburgh, provides a thoughtful analysis of how the politics of identity impacts the Dalit movement in India. Identity presumes the preeminence of a singular characteristic of a group of people, resulting in "a caricatured version of the world in which one characteristic of a group is over-determined." Gorringer draws on particular examples from the eastern state of Tamil Nadu to demonstrate how caste-based mobilization fails the movement. He concludes by suggesting that a strategy that appeals to human rights discourses would allow Dalit rights groups to establish global coalitions, thereby broadening and strengthening their human rights claims.

Hardtmann, Eva-Maria. 2009. *The Dalit Movement in India: Local Practices, Global Connections*. New Delhi: Oxford University Press.

Annotation: Hardtmann provides a detailed contemporary history and analysis of the Dalit movement in India. She presents a far-ranging study of the movement that includes: investigation of tensions within the movement; the national, international, and global contexts of the movement; the role of the Indian government; academic discourses within India; the UN discourse; and the Global Justice Movement. Hardtmann further analyzes the mechanics of various elements of the Dalit movement—organizational structures, local practices, varying discourses, and the nature of the movement at different levels. The breadth and depth of information provided results in a comprehensive and useful picture of the contemporary Dalit movement in India.



Jaffrelot, Christophe. 2006. "The Impact of Affirmative Action in India: More Political than Socioeconomic." *India Review* 5 (2): 173-189.

Annotation: Jaffrelot, Director of the Centre for International Studies and Research at Sciences Po, provides a detailed account of affirmative action in India over the last century. He focuses on the political impact of affirmative action, a policy initiated by the British Raj in the late 19th century. Jaffrelot asserts that policy efforts to increase quotas have historically met with strong resistance from upper castes, yet today large proportions of state and national civil services are reserved for Dalits and OBCs. Despite this progress, positive discrimination policies have resulted in political, rather than social and economic, transformation. The presence of Dalit and OBC individuals in positions of power has encouraged Dalit and OBC constituencies to further pursue the attainment of political power and has prompted sociopolitical coalitions between these and other disadvantaged groups within Indian society. Jaffrelot concludes that as the political significance of these groups increases as a result of legislative quotas, socioeconomic change may finally follow.

Jeffrey, Craig, Roger Jeffrey, and Patricia Jeffrey. 2004. "Degrees without Freedom: The Impact of Formal Education on Dalit Young Men in North India." *Development and Change* 35 (5): 963-986.

Annotation: The authors provide an in-depth analysis of the relationship between formal education and employment opportunities in the Indian state of Uttar Pradesh. Using qualitative and quantitative findings, the authors demonstrate that Dalit men reap the benefits of increased educational attainment in the form of "cultural capital," such as increased confidence within their communities. The authors' findings indicate that this progress is not accompanied by increased employment opportunities, which effectively negates the cultural gains. The lack of secure employment has resulted in a loss of confidence and an increasing unwillingness of families to invest in male education. The authors conclude that educational gains will not foster significant change until substantial material redistribution takes place within Indian society.

Lerche, Jens. 2008. "Transnational Advocacy Networks and Affirmative Action for Dalits in India." *Development and Change* 39 (2): 239-261.

Annotation: Lerche addresses two main Dalit movements that have evolved rapidly over the past two decades: the Dalit political party, Bahujan Samaj (BSP), and the National Campaign on Dalit Human Rights, an umbrella organization consisting of Dalit activists and international NGOs. Lerche provides a detailed chronicle of the evolution of both movements. In addition, he critiques the effectiveness of transnational movements, given India's neoliberal political landscape and the nature of international human rights discourse. The article is a useful resource for understanding the benefits and drawbacks of pursuing social change via domestic political avenues or, alternatively, through transnational advocacy networks, and how either strategy may impact the Dalit movement moving forward.

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Annotation: Lerche provides a critical analysis of the International Labour Organisation's (ILO) labor policy towards ending forced labor, focusing particularly on a 2005 ILO report entitled "A Global Alliance to End Forced Labor." Following an overview of the report content, Lerche offers a critical assessment of ILO policy in light of globalization and the underlying relationship between capitalism and forced labor. Using India as a case study, Lerche draws on India's policy of neo-liberalization as it relates to the prevalence and persistence of forced labor, concluding that the ILO's goal of "decent work for all" falls short in its failure to address the underlying economic factors of forced labor.

Michael, S.M., ed. 1999. *Untouchable: Dalits in Modern India*. Boulder: Lynne Rienner Publishers, Inc.

Annotation: This collection of essays looks at Dalit issues through a primarily sociological and economic lens. The volume is divided into four parts dealing with: the origins and development of untouchability within Indian society; the difference between Dalit and upper-caste visions of Indian society; the day-to-day realities of Dalits, focusing on social and political organization; and the economic condition of Dalits. Part Three, which deals with Dalits and development, is particularly useful in understanding the entrenched inequalities facing Dalits today. One essay focuses on India's New Economic Policy (NEP) and details how current policy promotes systemic inequalities stemming from persisting social structures. Another essay focuses on rural case studies, by far the most dramatic examples of entrenched inequality at the local level. As a whole, this volume provides a variety of perspectives on many elements of Dalit discrimination.

Moon, Vasant. 2001. *Growing Up Untouchable in India: A Dalit Autobiography*. Lanham, Maryland: Rowman & Littlefield Publishers, Inc.

Annotation: Vasant Moon's autobiography paints a vivid picture of one *vasti* (urban neighborhood or slum) of Dalits in Nagpur, Maharashtra during the era of India's independence (1947). Moon's account is useful both in understanding the lived experience of Dalits and elements of the Dalit social movement from the local/micro level as opposed to the more prominently presented macro/state or national level. His experiences depict historic and continuing legal and economic inequities on a very intimate level, in addition to describing in detail the far-reaching social inequality faced by Dalits. This account is particularly useful in contextualizing broader themes and trends discussed in prevalent literature on Dalit issues and political and social activism.

Narayan, Badri. 2009. "Shattered Dreams: The Longing for 'Post-Independent India'." *Asian Studies Review* 33: 443-453.

Annotation: Narayan, of the Govind Ballabh Pant Social Science Institute in Allahabad, explores the contemporary status of Dalits through the moving narratives of several Dalits. The narratives focus on the role played by Dalit communities in India's movement for independence and the subsequent expectations instilled by Jawaharlal Nehru's vision of a caste-free society. The narratives serve as a useful barometer of the hope of Dalit communities at the time of Indian independence and of the subsequent disillusionment that resulted from affirmative action policies that reaped little reward for most Dalits. The narratives reveal how this disillusionment resulted in Dalit communities' loss of confidence in the state's ability to represent their interests. This has carried through to a nationally

significant contemporary Dalit political movement.

Narula, Smita. 1999. "Broken People: Caste Violence Against India's 'Untouchables.'" New York: Human Rights Watch. Available Online: <http://www.hrw.org/legacy/reports/1999/india/>

Annotation: Narula's report on behalf of Human Rights Watch provides a broad window into the entrenched caste-discrimination that impacts the daily lives of India's 250 million Dalits. A series of case studies depicts the myriad ways in which Dalits' economic, social, civil, and political rights continue to be violated, often with impunity. The report focuses on the breadth and frequency of caste-motivated violence and the widespread dearth of an effective state response. In many cases, caste violence occurs with the collusion, if not the participation, of state officials such as local police. Narula also discusses the evolving Dalit rights movements, which have frequently been met with repression, including the government's attempt to criminalize peaceful social activism.

Naumann, Michel. 2008. "Commonwealth, Democracy, and (Post-) Modernity: The Contradiction Between Growth and Development Seen From the Dalit Point of View." *Round Table* 97 (399): 851-55.

Annotation: Naumann addresses the relationships and contradictions between growth, development, and democracy in India with respect to the Dalit population. He investigates these relationships while taking into account attitudes of the Commonwealth toward Indian government policies-- but the reader need not be interested in the perspective of the Commonwealth to draw useful meaning from the article. Naumann explores the Indian government's focus on good governance in the quest for growth, concluding that this neglects the true aims of democracy and largely disenfranchises the Dalit population by rendering them inconsequential. This focus on economic growth, concentrated among the burgeoning middle class, by both the government of India and the international community, rather than widespread development, perpetuates the "invisibility" of Dalits at both levels. Naumann convincingly employs economic indicators, such as stagnant employment rates and incomes, to demonstrate the lack of improvement in Dalit quality of life as other Indian socioeconomic groups flourish with India's rapid economic development.

Ninian, Alex. 2008. "India's Untouchables: The Dalits." *Contemporary Review* 1689: 186-192.

Annotation: Ninian presents a concise overview of the history of untouchability in India, connecting the historical evolution of caste-based discrimination to the current status of Indian Dalits. He describes the nature of untouchability practices facing Dalits, who comprise 16-20 percent of India's population, particularly in rural areas where caste division remains entrenched. Ninian analyzes constitutional provisions and policy measures undertaken by the Indian government towards Dalit inequality, including affirmative action measures designed to help Dalits socially, economically, and in the realm of education. Despite these measures, he asserts that the status of Dalits has remained largely the same. India's 200 million Dalits are among the 700 million Indians earning less than \$1000 per year, a fact that the author suggests will seriously impact India's attempt to become a global economic superpower.

Prove, Peter. 2003. "Caste and the Universal Declaration of Human Rights." Lutheran World Federation.

Annotation: This background paper details the controversy and debate surrounding the inclusion (delineated or implied) of caste discrimination in the Universal Declaration of Human Rights

(UDHR) and of the 1965 United Nations International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The author presents the position of Indian representatives, as well as other actors, on the inclusion of caste in the UDHR, which India favored, and the interpretation of caste discrimination as included under the auspices of the ICERD, which India contested in its reports to the United Nations Committee on the Elimination of Racial Discrimination (CERD). He delves particularly into the eventual inclusion of “descent” as a category of racial discrimination, which, despite later objections by Indian representatives, was in fact introduced in an amendment to the Convention proposed by Indian delegates and eventually unanimously approved by the General Assembly. Though the paper refrains from commentary, this revelation is significant in analyzing Indian domestic policy toward caste discrimination.

Robert F. Kennedy Center for Justice & Human Rights. 2010. “Understanding Untouchability: A Comprehensive Survey of Practices and Conditions in 1589 Villages.” Washington: Navsarjan Trust and Robert F. Kennedy Center for Justice & Human Rights.

Annotation: The report, a collaboration between the Navsarjan Trust and the Robert F. Kennedy Center for Justice & Human Rights, represents the first comprehensive effort to collect data on untouchability practices across a statistically significant area (1,589 villages in the Indian state of Gujarat). Prior to this study, a lack of sufficient data perpetuated an underestimation of the degree to which untouchability is practiced across India and the severity of the practices; this resulted in a lack of political will to combat untouchability, as well as impunity for the perpetrators of grave abuses, the most severe of which include caste-motivated rape and murder. The report offers a succinct overview of untouchability, followed by a discussion of the study methodology, a comprehensive analysis of the data, and suggestions for how the study findings and methodology can be used to both improve service delivery to Dalit populations and to effect policy change. The study, while providing a comprehensive picture of the daily lived experiences of Dalits, also offers insight as to how the Dalit rights movement may evolve in the future.

Sengupta, Amit. 2006. "Untouchable India." *Index on Censorship* 4, 82-84.

Annotation: Sengupta provides a brief but powerful description of the conditions of Dalits in the village of Burj Jhabber in the state of Punjab, India. He profiles Bant Singh, a Dalit activist and singer, whose unique story provides a stark contrast to what Sengupta terms the “archetypal conditions” of Burj Jhabber’s Dalits. Sengupta provides a useful window into both the violence and injustice that Dalits continue to face and the local dynamics of the Dalit struggle for economic and social justice. His account suggests that Punjab is ripe for resistance, and even violence, similar to movements that have recently occurred in states such as Bihar.

Shah, Ghanshyam, ed. 2001. Dalit Identity and Politics. Edited by Simon R. Charsley and G. K. Karanth. Vol. 2, *Cultural Subordination and the Dalit Challenge*. New Delhi: Sage Publications.

Annotation: The second volume in a series, this collection includes thirteen essays on a wide range of topics of both historic and contemporary relevance to the issue of Dalit rights. The ultimate aim of the contributors is to examine the nature of Dalit politics and the challenges faced by the political movement in contemporary India. About half of the essays focus on the history of untouchability and Dalit activism, while the other half deal with contemporary issues and personalities in the movement. The topics covered include history, relationships between religious groups, economics, politics, literature, and sociology—namely, Dalit identity. Together, the essays in this volume

provide an important foundation for understanding contemporary Dalit rights' issues and political activism.

Smith, Peter. 2008. "Going Global: The Transnational Politics of the Dalit Movement." *Globalizations* 5 (1): 13-33.

Annotation: Smith provides a comprehensive analysis of the Dalit movement over the last two decades. The movement has recently become a major transnational effort, evolving from disjointed locally-oriented organizations into domestic and international networks such as the National Campaign for Dalit Human Rights (NCDHR). Smith describes how targeted participation in the 2001 UN World Conference Against Racism, the 2004 World Social Forum, and the 2006 Asian Social Forum led to a strategy focused on globalizing awareness of casteism in order to precipitate domestic change in India. This strategy has already wrought success in deepening UN involvement in caste-discrimination issues and in prompting countries such as Canada, France, Greece, and the UK to seriously address the issue. Smith concludes that while the movement continues to face obstacles from within and without, the transnational political growth discussed is a major step forward.

Thorat, Sukhadeo, and Katherine S. Newman, eds. 2010. *Blocked by Caste: Economic Discrimination in Modern India*. New Delhi: Oxford University Press.

Annotation: Contributors to this edited volume focus on the repercussions of caste-based economic description, both as it impacts Dalit populations and overall development and economic health in India. The authors use a variety of current data to paint a detailed picture of the discrimination Dalits face in various markets, particularly labor, and in the delivery of public services such as health and education. The data also portrays the consequences of caste discrimination as reflected in the inequality of access to capital assets, business, employment, education, health services, and widespread poverty. This volume targets the under-researched economic elements of caste discrimination, fostering a more holistic picture of individual Dalit realities and the impact of perpetual caste discrimination on overall economic progress in India.

Waughray, Annapurna. 2010. "Caste Discrimination and Minority Rights: The Case of India's Dalits." *International Journal on Minority and Group Rights* 17 (2): 327-353.

Annotation: In this article, Waughray investigates the classification of Dalits within Indian domestic law, as well as within international law. Caste discrimination has been prohibited under international law since 2000 and included under the umbrella of racial discrimination by the UN Committee on the Elimination of Racial Discrimination since 1996, yet Dalits are not legally classified as a minority under Indian law. Waughray analyzes the provisions on "Scheduled Castes" and "Scheduled Tribes" (the Indian government's classification of Dalits) and minorities, respectively. In addition, arguments for the inclusion of Muslim and Christian Dalits within domestic provisions such as affirmative action based on caste are addressed in the article. Waughray concludes by calling for a reexamination and reclassification of the legal categories pertaining to caste discrimination. This article provides context regarding the domestic and international legal context of Dalit rights that is crucial to understanding contemporary Dalit issues and activism.

Yokota, Yozo, and Chin-Sung Chung. 2009. "Final Report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the Topic of Discrimination Based on Work and Descent."

United Nations. Available Online:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/CRP/A-HRC-11-CRP3.pdf>

Annotation: This report on the United Nations Sub-Commission on the Protection and Promotion of Human Rights presents a revised draft of the Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent, produced during an informal expert consultation organized by the International Dalit Solidarity Network in collaboration with the United Nations Office of the High Commissioner on Human Rights. The report presents perhaps the most detailed definition of discrimination based on work and descent of any United Nations document thus far. It concludes with recommendations that the Human Rights Council undertake the study of discrimination based on work and descent and that the council adopt the draft Principles and Guidelines and submit them to the General Assembly for adoption. The report is a comprehensive and critical tool in understanding the international human rights dialogue concerning discrimination based on work and descent.

## Security Now: Addressing the Needs of Darfur's Children

By Nicole Judd

In the Darfur region of Sudan, over 2.3 million children have been affected by the ongoing genocide (UNICEF 2008). Unlike their adult counterparts, children are impacted more severely by the consequences of warfare as they are undergoing a fragile developmental process. While each one of the affected children has had their basic human rights violated in some form, the narrative of trauma differs between groups. Sexually-exploited girls, boy soldiers, unaccompanied children, and those who remain in under-resourced camps have experienced the protracted violence in unique ways. To mitigate the effects of war, each group should receive individualized humanitarian assistance as pertaining to their particular needs. However, as the conflict wages on, the one unifying factor that would benefit all of the children is the immediate and lasting promise of security.

In April 2003, the Government of Sudan (GoS) enacted an organized campaign to destroy native black Africans of Darfur's Fur, Zaghawa, and Masalit tribes in response to a rebel attack.<sup>1</sup> Manipulating tensions caused by poverty and ethnic divide, Sudanese President Omar al-Bashir armed and abetted Arab militia groups known as the *Janjawiid*, and provided orders to "change the demography of Darfur and empty it of African tribes" (Flint and de Waal 2007, 128). Following aerial bombardment by the Sudanese army, the "Devil on Horseback" (a common name for the *Janjawiid*) would commonly surround and charge the smoldering village, kill adult males, rape women and girls, and abduct boys for later use as child soldiers. Cattle and other critical foodstuffs would either be looted or destroyed, and wells were often poisoned by the bodies of the dead. Although particular details may vary, this scenario serves as a consistent and general pattern of attack; one which reflects the very definition of genocide. The impact of such terror on a child is exponential.

During the height of the Darfur genocide, from 2003-2004, the attacks on villages subjected children to each and every type of the United Nation's Six Grave Violations Against Children During Armed Conflict. Though not an exhaustive list of grievances, these six violations are considered by the Security Council to "warrant priority attention" and include: killing or maiming of children; recruitment or use of child soldiers; rape and other forms of sexual violence against children; abduction of children; attacks against schools or hospitals; and the denial of humanitarian access to children (Office of the Special Representative 2009). In cruel irony, Sudan has ratified both the Convention of the Rights of the Child (CRC) and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

After the majority of rural villages were razed and their inhabitants displaced, the Khartoum regime shifted its genocidal strategy. Since 2005, the GoS has ordered the tactical relocation of citizens into displacement camps, the manipulation of inadequate humanitarian aid provisions, and the maintenance of a disjointed *Janjawiid* presence. In doing so, the GoS has instilled just enough fear to prevent people from returning home. In what has been labeled "genocide by attrition," insidious state policies facilitate new forms of rights abuses that harm children's long-term development. Most detrimental to the growth of young minds and bodies is the lack of access to

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<sup>1</sup> For the purpose of this publication, a more complete history of the conflict could not be presented. The reader should note, however, that entire books have been dedicated to the precursors of the genocide and that the events of April 2003 served as the spark to an historical powder keg. For more information, please reference Daly (2010); Prunier (2007); Flint (2008); and Steidle (2007).

food, water, education, housing, medical care, basic physical security, participation in cultural life, and necessary social services. Currently, there are an estimated 4.9 million internally displaced persons (IDPs) in Sudan with over 2.7 million of them languishing in overcrowded, unsanitary camps (Office for the Coordination of Humanitarian Affairs 2010).

As an act of defiance to external pressure, Omar al-Bashir expelled thirteen international, and dissolved four national, non-governmental organizations (NGOs) in March 2009, leaving millions of children exposed to starvation, malnutrition, and slow death. Even when food is available, certain youth may be unable to access aid due to their status as unaccompanied minors. These children may have crossed the hostile terrain of Africa's largest country alone, and the absence of family often compounds the stress of displacement. An intact family unit is one of the most important predictors for a child's psychosocial well-being during complex emergencies. Separated youth lack the enormous benefit of family guardianship, including: emotional solace; the ability to navigate access to humanitarian aid; and shelter from predatory recruitment into armed services.

In 2007, the United Nations (UN) reported that 7,000 to 10,000 Darfuri children were forcefully conscripted from refugee camps on the eastern border of Chad (Waging Peace 2008). As the conflict has deteriorated, the two main rebel groups have fragmented into what are now over 30 individual factions. Paramilitaries like the *Janjawiid* grow increasingly alienated from government sponsorship. In need of operational resources, these groups patrol the borders of refugee and IDP camps. Vulnerable children, whose hunger necessitates a life-or-death trip to collect firewood, are abducted to fill the dwindling ranks of both *Janjawiid* and rebel troops. Forced conscription violates children's rights as articulated in the minimum military recruitment age of Article 38 of the CRC and Articles 1- 4 of the Optional Protocol. In addition, the everyday life of a child soldier is wrought with abuses that violate the right to be cared for by family, to be protected from physical and mental violence, to freedom from torture and cruel treatment, to education, and the inherent right to life. Child soldiers face an ongoing assault on human rights which, even amongst the high level of suffering, is particularly deplorable.

The plight of female children warrants unique attention as well. Rape has been a "dominant characteristic of the humanitarian crisis" (Watson 2007, 1), and the abduction of girls by the *Janjawiid* for bondage as sexual slaves and service as 'wives' is rampant. During village raids, Arab militiamen used rape as a weapon to 'purify' the race and to extinguish African viability, compounding the trauma of abuse with the possibility of HIV infection and the likelihood of pregnancy. Along with the severe psychological harm of gang or multiple-episode rapes to young girls, children born of wartime rape will undoubtedly suffer myriad developmental complications. Heightened stress and malnutrition during pregnancy may cause neurological disabilities for the child, while mother-to-child HIV transmission is a direct threat to life. After birth, the maternal bond necessary for a child's healthy emotional growth may be severed by feelings of resentment. Finally, in a culture where sexual relations out of wedlock are considered reprehensible, rape victims may be driven from their communities and deprived of a critical social support network.

Confronting the horrific accounts of abuse, what are we to expect for the future of Darfur? Over 700,000 children have grown up knowing nothing but a life of war (UNICEF 2008), and a "refugee-camp childhood" can rob young boys and girls of critical life-skills, such as formal education or learning the trade of their agricultural heritage. The capacity for a child's resilience should not, however, be underestimated. Young brains are malleable -- a characteristic that generates



proclivity to adaptation and healing-- but in order for positive results to prevail, certain interventions must be implemented at once. First, children in displacement camps deserve a sense of security that is tangible and intractable. Family tracking programs must be put in operation to reunite children with their most essential safety structure. Schools can also serve as a multifaceted system of protection, particularly during emergencies. Education actively combats the detrimental effects of war, even as it is waged just outside the walls of the camp. School serves as a source of consistency in a chaotic environment; it is an important feature of a child's ability to trust and feel secure. A holistic educational program can distribute nutritional supplements to combat malnutrition and to equip adolescents with vocational skills for a viable future. Most importantly, children in classrooms are children out of danger. Opportunities within the camp must inspire substantial promise to outweigh the lure of military recruitment.

The government of Sudan bears the responsibility to protect children, yet is simultaneously responsible for acts of violence against them. Inability to implement the suggested protections is not for lack of initiative by NGOs. In addition to the 2009 mass expulsion, al-Bashir recently ordered the removal of top leadership staff from the International Organization for Migration, the UN High Commission for Refugees, and the famously neutral International Committee of the Red Cross-- among others (Reeve 2010). Scant remaining agencies are restricted from accessing entire regions of Darfur<sup>2</sup> and are inadequate to provide the necessary humanitarian aid even to those within their reach. Despite the presence of the world's most expensive peacekeeping mission, the African Union/United Nations Hybrid operation in Darfur (UNAMID) has been unable to deter attacks by uniformed GoS soldiers on its own UN forces, let alone safeguard Darfur's vulnerable populations.

For Darfur's children, a long-term humanitarian goal is to provide psychosocial assistance to each group, tailored to the unique ways in which they have suffered. Yet the immediate need to be safe and protected from re-traumatization is a short-term remedy that can benefit children of all kinds, regardless of background. The international community must dismantle Sudan's shelter of impunity and demand the presence and unfettered operation of humanitarian aid and peacekeeping troops on the ground. The future and very existence of Darfur's children depend on it.

### **Annotated Bibliography**

Betancourt, Theresa, Jessica Agnew-Blais, Stephen Gilman, David Williams, and Heidi Ellis. 2010. "Past Horrors, Present Struggles: The Role of Stigma in the Association between War Experiences and Psychosocial Adjustment among Former Child Soldiers in Sierra Leone." *Social Science & Medicine* 70 (1):17-26.

Annotation: Based on a review of Betancourt's articles, it is apparent that the author is contributing greatly to the library of empirical literature regarding conflict-affected children. In this article, Betancourt teams with other authors to explore the role of stigma in the reintegration process of former child soldiers. The authors explain how discrimination against former child soldiers underlies the relationship between past involvement in wounding/killing and subsequent increases in hostility. Not only an interesting topic of

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<sup>2</sup> Specifically the Eastern Jebel Marra mountain range of Darfur, currently under the control of the Sudanese Liberation Army (SLA); a rebel group considered to be an enemy of the GoS.

research for anyone in the human rights field, this is a great piece to segue into more specific issues, such as post-conflict peacebuilding with children.

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\_\_\_\_\_ and Kashif Tanveer Khan. 2008. "The Mental Health of Children Affected by Armed Conflict: Protective Processes and Pathways to Resilience." *International Review of Psychiatry* 20 (3):317-328.

Annotation: In this article, resilience as a one-dimensional concept is dismissed through the authors' argument that a child's propensity for resilience is based on a number of contributing factors. In support of their point, the authors adapt Uri Bronfenbrenner's Social Ecological Model to illustrate the interaction of both risk and protection factors, and how they relate to children in armed conflict. Although they have yet to be fully understood, the issues addressed in this article are pressing matters in the human rights field. In addition, Betancourt's willingness to embrace such issues is credited to a developed background in child psychology within uniquely hostile environments.

Crilly, Rob. 2010. Saving Darfur: Everybody's Favourite African War. London: Reportage Press.

Annotation: This portrait of the crisis in Darfur is quite unlike most publications on the topic. Crilly is a critic of the celebrity-endorsed Save Darfur movement that has developed into (the subtitle of the book) "everybody's favourite African war." The author spent many years as a journalist in Darfur and now challenges the perception of the crisis the mainstream media has disseminated. Opposed to the idea that what is happening in Darfur is a simple war between the "good" rebels and the "evil" government, this book goes into depth on the events leading up to the genocide to dispel the reader's misconceptions. While his account is rather controversial, it presents an important viewpoint from a credible source and is therefore worth reading. I would recommend this book both to those who are unfamiliar with the conflict, and to those who consider themselves well-versed but in need of a fresh perspective.

Daly, M.W. 2010. Darfur's Sorrow: The Forgotten History of a Humanitarian Disaster. New York: Cambridge University Press.

Annotation: The purpose of this book is to correct the current misconception that the conflict in Darfur began with rebel attacks in April of 2003. By providing a wealth of documentation, Daly explains that the roots of the genocide date, in fact, centuries back. Placing the Darfur crisis within a larger historical framework, the reader is able to understand the motivations of the National Congress Party and how the North-South Civil War is at once an entirely separate, yet directly influential, issue. This publication is useful in the difficult task of understanding how a group of human beings can possibly devolve into a government and society of *génocidaires*. Chapter 12, "The Destruction of Darfur," may be appropriate for those interested in the conflict's more immediate origins, beginning with the 1989 accession to power of Omar al-Bashir.

de Silva, Harendra, Chris Hobbs, and Helga Hanks. 2001. "Conscription of Children in Armed Conflict—A Form of Child Abuse. A Study of 19 Former Child Soldiers." *Child Abuse Review* 10 (2):125-134.

Annotation: In this study, de Silva, Hobbs and Hanks interview 19 former child soldiers from Sri Lanka to evaluate their lives both before and after conscription into the armed forces. By means of informal interview, the authors provide a stark perspective on the experiences of child soldiers, and the inevitable rights violations that occur as a result. Besides the foremost violation of being a member of the armed forces under the age of 18, other abuses documented include: exploitation for labor when punished by superiors; physical abuse by beatings, as well as becoming vulnerable to injuries and casualties during war; and the severe psychological manipulation inherent in the recruitment and training of children to become murderers. Sexual assault, commonly experienced by child soldiers, was not reported. This may be due to fear or pride in reporting such instances and thus highlights the small sample size and absence of girls in this study.

Flint, Julie and Alex de Waal. 2008. Darfur: A New History of a Long War. London, New York: Zed Books.

Annotation: Experts on the subject of the Darfur conflict, Flint and de Waal can be counted on to provide a brief but comprehensive account of the genocide. This book is recommended for anyone who would like to gain a more in-depth understanding of Darfur's history as each chapter covers an additional aspect of the conflict. The authors explain Sudan's different tribes and groups, as well as all of the individuals who have held or are seeking power in the country. The regional players, such as Libya, Chad, and Eritrea, who are seeking to keep Sudan destabilized for their own personal gain are also examined. Finally, the context of the North-South civil war and the complications stemming from the international community's reaction are explained. Personally, I find some of de Waal's work to be controversial since he has criticized the international community for labeling the conflict 'genocide,' but the reader should be compelled to form their own opinion on this matter. For more of de Waal's writings about Sudan and criticisms of the aid industry in Africa, the reader should reference *War in Darfur and the Search for Peace* and *Famine Crimes: Politics & the Disaster Relief Industry in Africa*.

Halvorsen, Kate. 2005. "Alone and Far from Home: Are Separated Refugee Children Adequately Protected?" *Human Rights Review* 7 (1):76-91.

Annotation: This article exposes the ways in which people resort to increasingly dangerous means of escaping violence due to declining refugee acceptance in host countries. Looking only to remove their children from immediate harm, parents within conflict zones are searching for alternative means of repatriating their children with the hope of reuniting at a later time. Bypassing legitimate asylum-seeking procedures sometimes requires parents to put their children in the hands of human traffickers and smugglers. Halvorsen points out the increased probability that a child will endure severe human rights violations while en route, and explains the effects of prolonged separation from family on child development. The author proposes a significant augmentation of protection services for unaccompanied and

separated children, and the renovation of such services currently espoused by international legal standards.

Hepburn, Amy. 2006. "Running Scared: When Children Become Separated in Emergencies". In Boothby, Neil, Allison Strang, and Michelle Wessells (eds.). A World Turned Upside Down: Social Ecological Approaches to Children in War Zones. Bloomfield, CT: Kumarian Press, Inc.

Annotation: In her chapter on separated children, Hepburn breaks down the nature of separation in emergencies by type and specification. Differentiating between voluntary and involuntary separation, the author suggests that plans to reunite a child with his or her family should be evaluated on an individual basis and tailored to the unique set of circumstances experienced by the child post-departure. Hepburn elucidates both the long and short-term impact of separation on a child's emotional, social, and developmental well-being. A portion of the commentary is dedicated to particularly vulnerable children such as those with disabilities or chronic medical needs (including HIV/AIDS), female children, those living in child-headed households, and children under five years of age. The author believes prevention is the optimal method of ensuring a child's best interests are maintained and therefore urges humanitarian aid providers to be aware of factors that may unintentionally separate children from their families. However, as separation is often unpreventable in times of crises, current and aspiring aid workers would be wise to understand the factors that both strengthen and threaten a child's psychosocial resiliency.

Ismail, Omer and Laura Jones. 2010. "Neglecting Darfur." Enough Project. Available online: <http://www.enoughproject.org/publications/neglecting-darfur>.

Annotation: The Enough Project is a subdivision of the Center for American Progress, which operates with the goal to end genocide and crimes against humanity through advocacy work and by building a permanent anti-genocide constituency. This organization is a leading source of information for not only the Darfur genocide, but also for conflicts in a number of African countries including the Democratic Republic of Congo, Uganda, Somalia, Chad, and Zimbabwe. The Enough Project publishes regular reports based on information collected by their agents on the ground. In this publication, Ismail and Jones provide an update of events in the region and focus on the expulsion of humanitarian aid workers by President Omar al-Bashir, as well as describe how recent events are further jeopardizing the safety of the Darfuri people. The two authors go into detail about how al-Bashir's new plans for relocating internally-displaced persons (IDP) camps serve as a facade to the international community for the further destruction of IDP livelihoods. The report goes on to discuss the possible failure of the Doha Peace Process, as well as the referendum that will decide whether or not Southern Sudan will secede from the North.

Mapp, Susan C. 2011. "Children Affected by War and Conflict". In Global Child Welfare and Well-Being. New York: Oxford University Press.

Annotation: Mapp's opinions and evaluations of global child well-being are formed by only the most recent research undertaken within the human rights field. Chapter 5 focuses on rights violations of children who are affected by war and conflict and includes well-resourced information to substantiate the author's claims. Touching on a child's right to physical and psychological recovery following armed conflict, education, protection from landmines and sexual violence, and assistance as a refugee, Mapp analyzes the intricacies of rights protection for children during times of war and exposes gaps in the delivery of such protection. Well-written and backed by progressive and numerous sources, the material in this chapter provides the reader with a comprehensive analysis of the current plight of conflict-affected children.

McEvoy-Levy, Siobhán. 2007. "Human Rights Culture and Children Born of Wartime Rape". In R.C. Carpenter (ed.), Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones. Bloomfield, CT: Kumarian Press Inc.

Annotation: Conceptualizing the development of a 'human rights culture,' McEvoy-Levy lists three levels of necessary activity. First, legal and political activity must be established to protect human rights. Second, a resulting transformation of culture and values surrounding human rights must occur. Third, there must be mechanisms available for individuals or groups to process and reconcile past events. Based on this context, the author of this chapter goes on to explore the role of children born of wartime rape in creating a human rights culture in post-conflict societies. McEvoy-Levy presents three types of 'conflicts over rights' faced by children born of war and states that they must each be resolved in order to attain the first step in creating a human rights culture. Provocatively, the reader is also confronted with the dissonant notion that the line between victim and perpetrator is oftentimes blurred in war, particularly in the case of child combatants as rapists. The author then discusses additional conceptual and practical dilemmas to the creation of a human rights culture and concludes by envisaging children born of wartime rape as active agents for creating and sustaining new human rights cultures.

Mendez, Perinaz Kermani. 2007. "Moving from Words to Action in the Modern 'Era of Application': A New Approach to Realising Children's Rights in Armed Conflicts." *International Journal of Children's Rights* 15 (2):219-249.

Annotation: In this article, the author is clearly frustrated with the current state of protection for Children in Armed Conflict (CAC) and communicates that despite the strong international standards and initiatives developed in recent years, violence against children continues relentlessly on the ground. Considering current challenges, Mendez scrutinizes the role of the United Nations Security Council and criticizes the ways in which the permanent members of the UN are handling the issue of CAC, referring to the situation as a "cruel dichotomy" Not merely presenting grievances, Mendez goes on to prescribe a detailed solution which involves new approaches to non-compliant state actors, improving the established normative framework for CAC, and revising information gathering techniques. Going so far as to brainstorm possible challenges to her proposed solution, it is evident that the author has spent a great deal of time compiling a well-documented and well-researched critique and proposal.

Nanda, Ved. 2004. "History and Foundations for Refugee Security, Health, and Well-Being under International Law". In *International Law, Human Rights, and the Well-Being of Refugees and Displaced Persons*. Edited: University of Hawaii.

Annotation: Nanda, a professor and J.D. at the University of Denver's Sturm College of Law, begins this chapter by reviewing the legal foundations of International Refugee Law. To explain the framework of international protection for refugees, the author refers to historical documents, including the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol, Organization of American States (OAS) Cartagena Declaration on Refugees (1984), UN International Covenant on Civil and Political Rights (1966), Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa (1969), and the UN Declaration on Territorial Asylum (1967). Despite the established mechanisms to protect refugee rights, Nanda warns the reader that full protection for this population is far from complete. Neglecting their obligations of treaty and customary law, some host countries continue to deny the rights of due process and *non refoulement* to the vital detriment of those fleeing persecution. In a realistic assessment, the author suggests that co-financial burden-sharing between Northern and Southern countries to ameliorate the need for strict entry regulations, and an increased respect for non-refoulement and asylum by host countries are, perhaps, all that can be done at the present time. Conclusively, as a preventative measure, Nanda calls on the international community to enforce accountability for massive violations of human rights even if threats of economic sanctions and collective humanitarian intervention are required.

The New York Times. 2008. "UN officials say Darfur conflict is worsening." *The New York Times* (23 April). Available online: [http://www.nytimes.com/2008/04/23/world/africa/23iht-darfur.1.12258799.html?\\_r=1](http://www.nytimes.com/2008/04/23/world/africa/23iht-darfur.1.12258799.html?_r=1).

Annotation: John Holmes, the under-secretary general for Humanitarian Affairs at the United Nations, is quoted in this article as making a more realistic assessment of the toll of death and destruction in Darfur than had previously been supplied. Earlier figures were significantly outdated and underestimated. It should be noted that while statistical data is merely an abstract account of the reality of human suffering, it is, unfortunately, required in order to make valid arguments in favor of political action. Also, while the figures were put forth by an official UN representative, they have yet to be published in a formal UN statement or document.

Ngokwey, Ndolamb. 2004. "Children's Rights in the Central Africa Sub-Region: Poverty, Conflicts and HIV/AIDS as Context." *International Journal of Children's Rights* 12 (3):183-216.

Annotation: A major point made in this article is that the challenges to development faced by the sub-region of Central Africa are immense. While some progress has been made, the reality of realizing the rights of children to survival, development, protection, and participation follows a generally downward trend. The author demonstrates this with examples such as the implications and difference between ratification of the UN's Convention on the Rights of the Child (CRC) and the African Charter on the Rights and

Welfare of the Child (ACRWC) created by the Organization of African Unity (currently referred to as the African Union). Yet the underlying tone is surprisingly optimistic. The author gives realistic recognition to the challenges ahead, while forbidding defeatism as an option. As a basis for hope, Ngokwey points to the shift from a focus on children's needs to their basic rights through changing the international community's motivation to act from moral charity to legal obligation.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict. 2009. "The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation." Available online: <http://www.un.org/children/conflict/documents/SixGraveViolationspaper.pdf>.

Annotation: The Convention on the Rights of the Child enumerates a list of standards that must be respected by signatory governments. However, the United Nations Security Council has recognized that during times of war, not only are the basic rights of children ignored, but that there are six specific violations that amount to a grave breach of human rights. These include: killing or maiming of children; recruitment or use of child soldiers; rape and other forms of sexual violence against children; abduction of children; attacks against schools or hospitals; and the denial of humanitarian access to children. In this report, the six grave violations are considered in depth and their basis in international law is explored. In doing so, the Office of the Special Representative for Children and Armed Conflict attempts to clarify the six violations so that civil society, non-governmental organizations, national governments, and other groups can better identify and report them when they occur.

Office of the UN Resident and Humanitarian Coordinator. 2010. "Darfur: Beyond Emergency Relief." Khartoum, Sudan: United Nations: Sudan.

Annotation: This report captures trends and priorities for all United Nations agencies working in Darfur. It highlights specific areas of environment, livelihoods, education and human capital, governance and capacity development, and structure and approach. The strength of this publication is that it provides empirical data within each of these topics and incorporates the data to make policy recommendations for the future. For the purposes of this paper, the report was referenced in order to discern the number of internally displaced persons within Sudan.

Prunier, Gérard. 2007. Darfur: The Ambiguous Genocide. Ithaca, NY: Cornell University Press.

Annotation: For a comprehensive history of the conflict, Prunier's book is recommended in conjunction with the works of Flint & De Waal, Daly, and Steidle. These publications provide a wide array of interpretations on the domestic and regional events leading up to the April 2003 rebel attack that is widely seen as the beginning of the Darfur conflict. Prunier's version of events, though a bit tedious, is well-written and well-chronicled. The author does a good job of presenting Darfur not as an Arab versus African conflict, but as a multi-ethnic mosaic whose intricacies defy simple explanation. As an "ambiguous genocide," Prunier also delves into the controversy surrounding the label of genocide and whether or not it applies to the case of Darfur.

Reeves, Eric. 2010. "Darfur Humanitarian Update." *Sudan Tribune* (31 August). Available online: <http://www.sudantribune.com/spip.php?article36141>.

Annotation: Eric Reeves is one of the most prominent experts currently writing on the topic of Darfur. Reeves works closely with Sudanese information sources and his analyses are always based on up-to-date, reliable information. In this article written for the *Sudan Tribune*, the author explains the current medical crisis in Kalma camp, a refugee settlement in Southern Darfur. The weakness of African Union/ United Nations Hybrid operation in Darfur (UNAMID) in providing protection in this situation is criticized, as is the Sudanese government's restrictions on humanitarian operations in Darfur. Reeves has consistently served as a watchdog against the abuses of the Khartoum regime since the conflict first made headlines. He is a dedicated intellectual and activist who provides weekly updates and commentary. Anyone interested in the Darfur crisis is encouraged to visit [www.sudanreeves.org](http://www.sudanreeves.org).

Sossou, Marie-Antoinette. 2006. "Mental-Health Services for Refugee Women and Children in Africa: A Call for Activism and Advocacy." *International Social Work* 49 (1):9-17.

Annotation: This article is particularly relevant to readers who want to gain a more in-depth understanding of problems within refugee camps, specifically in Africa. The author has a solid working knowledge of the issues at hand as well as the history of the countries and continent of Africa. Sossou applies this knowledge to the treatment of individuals with mental health disorders and advocates for social-work interventions for African women and children in refugee camps. To expand on this topic, the interested reader might follow material referenced in the article (specifically that of Potocky-Tripodi).

Steidle, Brian and Gretchen Steidle-Wallace. 2007. *The Devil Came on Horseback: Bearing Witness to the Genocide in Darfur*. New York: PublicAffairs.

Annotation: Brian Steidle is a former U.S. Marine and one of the first outside observers to document the genocide in Darfur. Working with an independent group known as the Joint Military Commission, the author was hired in 2004 as a patrol leader to monitor the North-South ceasefire. Although he was not assigned to report on happenings in Darfur, the American soldier incidentally found himself witness to government attacks on the rural villages of Darfur. The Steidles' book is a quick and interesting read. With no prior text upon which to base their knowledge, the authors' narrative is based entirely on first-hand accounts. After viewing the brutal attacks and speaking with survivors, Steidle felt compelled to publicize his knowledge so that the world might take action in the interest of the Sudanese people. The author, with the help of his sister Gretchen Steidle-Wallace, broke many rules in order to bring photographs and documents back to America to publish. While much has unfolded in Sudan since the writing of this book, it remains one of the most accurate and reliable descriptions of *Janjawiid* and Government of Sudan attacks to date. The international community owes much to Mr. Steidle and Ms. Steidle-Wallace, for providing some of the only empirical evidence upon which substantial claims of genocide could be made in the early years of the "Save Darfur" campaign.



UNICEF. 2008. "Darfur: Overview." Available online:

[http://www.unicef.org/infobycountry/sudan\\_darfuroverview.html](http://www.unicef.org/infobycountry/sudan_darfuroverview.html)

Annotation: Found on UNICEF's website, this overview on Darfur is brief but contains a plentitude of statistics that refer specifically to children. In the first paragraph of this paper, I combined two separate statistics to come up with the opening statement that over 2.3 million children have been affected by the conflict, that some 4.7 million people are currently directly affected by the conflict, and that half of those affected are children. I drew from this website's statistics once again when referring to the number of children under five years of age who have grown up knowing nothing but war. I recommend this webpage for anyone who wishes to learn more about the impact of the genocide on children, although it appears as though the last update was in December of 2008.

UNICEF. 2009. "Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World." New York.

Annotation: The first Machel Report was drafted in 1996 by Graça Machel, the former minister for education and culture of Mozambique. Intended to answer the call of the secretary-general's request for an in depth study into the impact of armed conflict on children, the report was considered groundbreaking at the time and continued to serve as a relevant resource for policymakers for years to follow. Based on a 10-year strategic review in 2006, this most recent publication was created by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations Children's Fund (UNICEF) to evaluate existing gaps in services and to include nascent conflicts that were previously unaccounted for. The 2009 strategic review has been updated to incorporate the impact on children of global terrorism, evolved systems of trafficking and sexual exploitation, and the rise of piracy. It has, as an essential component, recommendations for improved protection ranging from stricter reporting requirements for civil society actors to the participation of children in Truth and Reconciliation commissions.

UNICEF Innocenti Research Centre. 2007. "Children and Armed Conflict". In Law Reform and Implementation of the Convention on the Rights of the Child. Florence, Italy: UNICEF Innocenti Research Centre.

Annotation: This section was a small part of a larger publication on law reform and the Convention on the Rights of the Child (CRC). While this section was used to gain a rather specific bit of information regarding the age limit to recruit children into the armed forces, the greater publication may be helpful in understanding how the CRC is implemented in conflict zones today, and how it affects the lives of children including child soldiers, sexually-exploited girls, and other vulnerable groups.

United Nations General Assembly. 2005. Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict (25 May). Available online: <http://www2.ohchr.org/english/law/pdf/crc-conflict.pdf>.

Annotation: This international treaty was created to codify the rights of children as they apply specifically during times of war. The optional protocol was referenced in this paper regarding the minimum age at which an individual can be voluntarily recruited into, or enlist in the armed forces.

\_\_\_\_\_ 1989. Convention on the Rights of the Child, United Nations, Treaty Series, vol. 1577 p.3.

Annotation: The Convention on the Rights of the Child (CRC) is considered the definitive standard for human rights as they apply specifically to children. For the purpose of this research paper, the CRC is referenced to measure what rights of refugee children may be violated by circumstances produced during times of conflict and complex emergencies.

United Nations Treaty Collection. 2010. "Multilateral Treaties Deposited with the Secretary-General Database: Status of Treaties. UN Charter Chapter IV, 11 and 11b." United Nations.

Annotation: This database includes over 500 major multilateral instruments deposited with the secretary-general of the United Nations, including the texts of reservations, declarations, and objections. It is updated in real-time so that if a country should sign or ratify, the database is automatically revised. This is a great resource for anyone interested in which countries have ratified a given treaty, and what conditions have been declared by each signatory. The only criticism I have of the database is that you cannot search for dissenting results: while you can see who has ratified a treaty, you cannot see who has not.

van Ommeren, Mark, and Mike Wessells. 2007. "Inter-Agency Agreement on Mental Health and Psychosocial Support in Emergency Settings." *Bulletin of the World Health Organization* 85 (11):822-A.

Annotation: Recognizing a history of poor coordination of mental health and psychosocial support in many emergencies, the Inter-Agency Standing Committee (IASC) has created guidelines intended to mend the division between conflicting approaches in the field of humanitarian aid. Whereas in the past, some organizations would treat disaster-affected populations using a clinical model, others focused more on community self-help. With an emphasis on cooperation, the guidelines have produced 25 minimum-response action sheets that establish an overarching protocol to be implemented during the acute phase of complex emergencies. The action sheets are a feasible complementary approach based on the inclusion of disaster-affected people to organize their own support systems and to participate fully in the aid process. The guidelines also provide examples of good practice, targeted to reduce the risk that aid is provided in harmful ways.

Waging Peace. 2008. "Trafficking and Forced Recruitment of Child Soldiers on the Chad/Sudan Border: A Waging Peace Briefing." Available online: [http://www.wagingpeace.info/files/20080606\\_WagingPeaceReport\\_ChildrenSoldiers.pdf](http://www.wagingpeace.info/files/20080606_WagingPeaceReport_ChildrenSoldiers.pdf).

Annotation: This briefing was published by a non-governmental organization known as Waging Peace. The agency had been working with refugees on the Chadian border and

found that children as young as nine were being actively trafficked and used as child soldiers, despite the presence of peacekeeping troops in the region. The briefing was cited in a number of highly-visible publications and continues to be one of the few sources of statistical information on the use of child soldiers in this conflict. More research and investigation needs to be implemented to address this issue.

Watson, Alison M. S. 2007. "Children Born of Wartime Rape: Rights and Representations." *International Feminist Journal of Politics* 9 (1):20-34.

Annotation: Relatively absent from current international discourse, the unique plight of children born of wartime rape-- known as 'war babies'-- is an issue introduced by Watson in this article. By means of acute reflection, Watson presents the reader with the possibility that the conception of a child used by the United Nations Convention on the Rights of the Child (UNCRC) is based on a fundamentally Western understanding. As food for thought, the author argues that outside of conventional socio-political structures, many children assume the role of caretaker, employee, or even soldier as young as six or seven years old. This claim is then used to culminate the author's overall argument that the current structure of international protection fails to account for the particular needs of war babies. Although children born of wartime rape fall outside of the mainstream framework, Watson presses that these children must be included in international policy in order for their rights to be secured.

Wessells, Michael G. 2009. "Do No Harm: Toward Contextually Appropriate Psychosocial Support in International Emergencies." *American Psychologist* 64 (8):842-854.

Annotation: As one of the most prominent professionals in International Disaster Psychology, Wessells' research and theories are considered highly progressive. Within the discipline, there has been much debate concerning the appropriateness of Western psychosocial disaster intervention. Wessells is well-known for offering culturally sensitive alternatives to the basic Western model of treatment. In this article, he continues the conversation on the topic by reminding practitioners of their ability, though likely unintended, to jeopardize vulnerable populations with inappropriate Western-centric interventions. The work of Michael Wessells is recommended for every aspiring human rights practitioner who wants to abide by the motto "Do no harm."

Zwi, Anthony B., Natalie J. Grove, Paul Kelly, Michelle Gayer, Pilar Ramos-Jimenez, and Johannes Sommerfeld. 2006. "Child Health in Armed Conflict: Time to Rethink." *Lancet* 367 (9526):1886-1888.

Annotation: Zwi and his colleagues investigate the particular vulnerabilities of children under five years of age during complex emergencies. The focus of the article is primarily on medical health issues, yet a range of secondary threats to mental health, such as limited access to shelter, safety, education, and a consistent adult caretaker, are also considered. As conflict and instability create ever more complex humanitarian challenges, a child's ability to secure basic needs grow weaker. The cost of living below a minimum level of need is not only detrimental to the individual child, but also significantly impedes the ability for conflict-

affected regions to achieve the Millennium Development Goals. According to the authors, in order to confront these issues, those in the development and humanitarian aid fields will have to create innovative health programs that fully engage the community and provide children with a degree of independence in their healthcare choices.

## The Irony of Refuge: Gender-Based Violence against Female Refugees in Africa

By Liz Miller

The Sudanese soldiers and the *Janjawid* invaded her village. When she tried to escape, they gang-raped her. At that time, she was eight months pregnant and described giving birth to a dead baby afterward and being very sick. She could not make it with her group to the border to flee to Chad so she had to walk alone. Once she got to Chad, she was raped by a Chadian soldier outside of the camp and became pregnant. Afterwards, her husband divorced her, and she now lives with the stigma of being a rape victim. She has been expelled from her family and has a child who is a product of this rape (Sharp 2009).

The woman recalling this story is one of hundreds of thousands of women who have experienced gender-based violence. Refugee women are more affected by violence than any other population of women in the world, and all refugee women are at risk of rape or other forms of sexual violence (Vulnerable Women's Project 2009). Gathering specific statistics of gender-based violence against refugees is problematic; sexual violence is often under-reported and the instability of conflict zones can disintegrate civil society. Among the myriad challenges related to gender-based violence, the major themes warranting global attention include: viewing sexual assault and rape as security risks; eliminating the culture of impunity for offenders; empowering victims; and creating appropriate treatment facilities for victims.

Refugees are affected by sexual violence both as victims of war-related rape crimes, and also as victims of increased domestic abuse that occurs during conflict. Additionally, evidence shows that domestic violence may even intensify post-conflict (Vulnerable Women's Project 2009). The sexual abuse of women during conflict is not new, but it has remained an under-researched and under-documented issue. Sexual violence has become a strategic weapon of war used to destabilize, punish, coerce, and instill terror in refugee populations, and it has been institutionalized in many countries by security forces and places of supposed "refuge."

The International Criminal Tribunals of both Yugoslavia (ICTY) and Rwanda (ICTR) introduced several groundbreaking decisions in the 1990s and 2000s. The ICTR produced the precedent setting *Prosecutor v. Jean-Paul Akayesu (1998)* case, where Akayesu, a mayor in a region of Rwanda during the genocide, was convicted of sex crimes treated as a means of genocide. Furthermore, the ICTY set new standards in international law in the *Celebici Case (1998)* and in *Prosecutor v. Anto Furundzija (1998)*, where defendants were convicted for using rape as a means of torture.

Gender-based violence against women is a widespread issue in many countries, in times of peace and in times of war. Moreover, the issue deserves attention and research regardless of context, but female refugees experience it in a slightly different way. When a refugee uproots her family to flee persecution, her entire frame of reference is altered, and the social structure that she knew turns out to be only a thing of the past. Changes in access to services, community support, resources, and security diminish the capacity of refugees to feel empowered (Ganeshpanchan 2005). The setting in which a refugee lives, often a refugee camp, forces her to rely on others in a way that

makes her increasingly vulnerable to violence. For example, if she is no longer able to contribute to the family income, she becomes dependent on male support, increasing the likelihood that she will endure abuse in order to meet her needs. Also, there have been documented cases of humanitarian aid workers committing acts of rape and other violence against women and girls inside the camps (Amnesty International 2009).

Refugee camps, however, are not the only problem. Reports by Amnesty International (2009) have highlighted the particular risk faced by females when leaving the relative safety of refugee camps to search for firewood. Families frequently decide to send out women and girls to do these tasks because it is considered “less dangerous” in armed conflict and displacement zones; females are seen as risking “only rape,” while it is believed that men and boys will most likely be killed (Marsh, Purdin & Navani 2006).

The most difficult element of “rape culture” for advocates to overcome within refugee populations is the cultural perception of rape. First of all, sexual violence is a difficult and painful topic for victims to discuss because sex is a taboo topic, and to report rape feels like an invasion of privacy. Moreover, in many communities the act is seen as an embarrassment to the community and to the victim’s family. Some African beliefs assert that a raped woman is untouchable, dirty, or somehow defective. From this perspective, the social stigma of rape creates an intense form of psychological trauma, caused by the rejection from husbands and communities. How can refugee victims of rape receive any justice if they are consistently placed in circumstances where they are judged by those who are supposed to help?

Gender-based violence puts women’s health at an extremely high risk for both physical and psychological problems. According to an article in *Global Public Health*, “reproductive health outcomes alone include: trauma to reproductive organs, including fistula; acquisition of sexually transmitted infections, including HIV; and unwanted pregnancies that can lead to unsafe abortions and other complications.” *Global Public Health* also includes several psychological consequences of sexual violence, including “anxiety, shame, post-traumatic stress, depression, loss of sexual pleasure, fear of sex, and a loss of function in society” (Laurie & Petchesky 2008). Furthermore, in a crisis situation, victims who are refugees are at an even higher risk for medical complications due to the unstable environment, unfamiliar territory, and increased exposure to violence.

According to Amnesty International, individuals who commit rape and other violence against women and girls often enjoy near total impunity. Some of the barriers to justice for these crimes include: inability of victims to identify their attackers; lack of will by authorities to investigate; threats and intimidation techniques to prevent victims from testifying; weaknesses in the legal framework; and the use of traditional customs of conflict resolution that do not discourage perpetrators from negative behavior. The documentary “The Greatest Silence” illuminates another devastating fact: sometimes there simply are not enough authoritative figures to make a huge difference. For example, in the Democratic Republic of Congo there is only one person who investigates sex crimes in the eastern portion of the country.

Even when rape crimes go to trial, prosecution can be difficult. According to one source, one of the primary obstacles is insufficient evidence. The trend in these cases is that the prosecution “must meet higher evidentiary standards in these cases than in other types of cases” (SaCouto & Cleary 2009). Additionally, even when women are able to testify against their perpetrators,

international tribunals often “do not serve their need for creating a record, achieving justice, remembering, or forgetting” (Mertus 2004).

As refugee victims of sexual violence, many attempt to gain political asylum. Refugees must overcome many obstacles and known issues in order to get any chance at asylum, including “the underreporting of rape, the inability of the victim to ‘tell the story’ in her own words, a hostile adjudicative environment, and the tendency to regard factors such as late disclosure, narrative inconsistency, and calm demeanor with suspicion” (Bailot, Cowan & Munro 2009).

In the last twenty years, significant progress has been made in the human rights field focusing on gender-based violence against refugees. For example, in 1995 the United Nations High Commission for Refugees (UNHCR) published *Sexual Violence against Refugees: Guidelines on Prevention and Response*, the first field manual “to address prevention and management of gender-based violence from the acute emergency phase to the more stable phases of displacement” (Marsh, Purdin & Navani 2006). More recently, the primary focus on the 2010 United Nations State of the World Population report is women— specifically, gender-based violence, education, consequences and effects from conflict and crisis, and the inclusion of females in peacemaking processes.

Steps are being taken toward the improvement of women’s rights internationally, but there is much to be done. Although many NGO, individual activist, and governmental reporting mechanisms are maintaining a strong awareness of the negative circumstances women face daily, the war waged against females continues. Some of the most important parts of ending this “war” include: eradicating the impunity for perpetrators; creating modalities of empowerment for women in refugee communities; stepping up the level of protection for women in times of conflict and peace; encouraging women to report crimes; raising children in a culture that does not condone sexual abuse; enhancing the support mechanisms for refugee health and well-being; enhancing and strengthening the legal system to enforce punishment and justice; and finally, to show victims that the international community is listening, respecting, and doing everything possible to create safer and healthier lives for all.

### **Annotated Bibliography**

Amnesty International. 2009. “No Place for Us Here’: Violence against Refugee Women in Eastern Chad.” London: Amnesty International Publications.

Annotation: This report from Amnesty International highlights the details surrounding the issue of rape and sexual violence in Darfur, Sudan, and Eastern Chad. The main points of the report include: the current context of the violence in Eastern Chad; the safety illusion of refugee camps; a culture of impunity for rape in Chad; and an assessment of the international response. The report draws on statistical data from research in the area, but also includes several call-out boxes that illuminate the stories of particular individuals-- many of them rape victims-- in eastern Chad. The report establishes a strong connection with the reader by not only presenting solid information, but by also providing a personal perspective. This combination is an extremely effective way of educating and of also creating compassion.

Anker, Deborah E. 2002. "Refugee Law, Gender, and the Human Rights Paradigm." *Harvard Human Rights Journal* 15:133-154.

Annotation: This article explores some of the international women's rights issues that refugee law is now addressing. Anker explains that the refugee regime is producing a serious body of law that creates basic human rights norms and has important implications in—and beyond—the refugee context. However, Anker posits that despite the growing understanding for this type of law, international human rights law continues to distance itself from refugee law. The author claims that refugee law is often treated like a “poor cousin,” as many human rights activists are hesitant to engage in refugee advocacy, especially through individual claims. Although Anker heavily discusses these points in a legal context, the article is accessible to readers with no legal background, and it grants an interesting perspective regarding what options refugees have after claiming such status.

Atlani, Laatia, and Cecile Rousseau. 2000. "The Politics of Culture in Humanitarian Aid to Women Refugees Who Have Experienced Sexual Violence." *Transcultural Psychiatry* 37 (3):435.

Annotation: Atlani and Rousseau delve into the issue of sexual assault against refugees from a mental health perspective. They explore the most effective ways psychiatry can be used to help victims of sexual violence, particularly refugees, and how “traditional” psychiatry needs to be modified in order to cater to this specific population. They analyze cases in which psychiatric methods have been successfully used to treat sexual violence victims and draw conclusions about what makes these particular instances effective compared to those which are not as effective. Not only do the authors look into psychiatric methods specifically, but they correlate these treatment plans with the type of action coming from the U.N. and NGOs. The article eloquently articulates important features of well-planned care for victims, and it is an essential topic to understand when treating mental health issues stemming from sexual violence.

Bailot, Helen, Sharon Cowan, and Vanessa E. Munro. 2009. "Seen but Not Heard? Parallels and Dissonances in the Treatment of Rape Narratives across the Asylum and Criminal Justice Contexts." *Journal of Law & Society* 36 (2):195-219.

Annotation: The authors explore possible parallels and dissonances in the treatment of rape across several legal contexts, using the findings of a 2007 study to support their claims. Some of the problems within the rape context have contributed to the difficulty in getting asylum claims granted, including: under-reporting of rape; the inability of the victim to ‘tell the story’ in her own words; a hostile adjudicative environment; and the tendency to regard factors such as late disclosure, narrative inconsistency, and calm demeanor with suspicion. The authors also emphasize the complex intersection of race, gender, culture, and nationality in this context. Bailot, Cowan and Munro produce an extremely useful analysis that probes deeper into the more philosophical understandings of identity and how they relate to the process of obtaining asylum.



Erjavec, Karmen, and Zala Volčič. 2010. "'Target', 'Cancer' and 'Warrior': Exploring Painful Metaphors of Self-presentation Used by Girls Born of War Rape." *Discourse & Society* 21 (5):524-543.

Annotation: When looking at the issue of gender-based violence against refugees, the authors of this article point to the prolonged effects that the progeny of rape victims endure. Although many research studies focus on the victims, Erjavec and Volčič create a new viewpoint from which future generational development can be better understood. They assert that children of war rape are often ignored and marginalized within society, and also discuss the metaphors associated with these female children. Additionally, the authors effectively create a greater understanding of female identity in populations affected by war rape and sexual violence.

Ferris, Elizabeth G. 2007. "Abuse of Power: Sexual Exploitation of Refugee Women and Girls." *Signs: Journal of Women in Culture & Society* 32 (3):584-591.

Annotation: The article highlights the sexual exploitation of refugee women and girls in the areas of Liberia, Guinea, and Sierra Leone. The article presents information from a report entitled "Sexual Violence and Exploitation: The Experience of Refugee Children in Liberia, Guinea, and Sierra Leone," which was written by staff members from the United Nations High Commissioner for Refugees and Save the Children UK. Data related to the issue showed that sexual exploitation practices were carried out by warlords, soldiers, armed gangs, and border guards. The article asserts that the more disturbing information from the data shows that sexual exploitation was also being carried out by aid workers, peacekeepers, and community leaders. The article offers a perspective in stark contrast with many other articles on the same topic, and it is well-cited and based on an empirical study, granting it more legitimacy than a simple opinion piece. One of the most disturbing points that the article emphasizes, and can be noted by individuals in research, is the fact that as long as some humanitarian workers hold access to life's necessities, women and children will continue to be exploited in order to have their basic needs met.

Ganeshpanchan, Zinthyia. 2005. "Domestic and Gender based Violence among Refugees and Internally Displaced Women." *Human Dignity and Humiliation Studies*. Available Online: <http://www.humiliationstudies.org/research/teamlong.php#ganeshpanchan>

Annotation: Ganeshpanchan authors an incredibly detailed and explicit article describing the mechanisms of violence affecting refugees and internally displaced women. She lists many of the ways that violence has emerged in refugee populations in particular, and also discusses the nature of the impact of violence. Embedded within the article are anecdotes and quotes from victims of violence, giving the article a more personal and compassionate perspective. The article appropriately serves as a way to understand, explicitly, how violence emerges both during conflict and in times of peace. She describes not only what occurs to victims as the result of those within the conflict, but also the family members who are affected by the displacement as well, leading them to inflict violence against female refugees.

Gruber, Aya. 2009. "Rape, Feminism, and the War on Crime." *Washington Law Review* 84 (4):581-660.

Annotation: Gruber presents a strong critique of the methods and mechanisms of feminism in response to “rape reform,” “those animating the modern American penal state” and “the destructive effect criminalization efforts have on feminist discourse and the feminist message.” The author asserts that criminal rape law reform negatively affects female sexuality in many ways, and that gender norms create an impossible avenue for social justice to emerge. The author uses heavy philosophical and legal language, making this article difficult for those without a background in those fields. For a better understanding of refugee identity, this article is not helpful because it has a heavy bias towards feminism.

Hajdukowski-Ahmed, Maroussia, Nazilla Khanlou, and Helene Moussa (eds.). 2008. Not Born a Refugee Woman: Contesting Identities, Rethinking Practices. New York: Berghahn Books.

Annotation: Not Born a Refugee Woman explores the identity construction of refugee women. The book examines current identity concepts, policies, and practices in a globalized world, and in the post-September 11th context. The authors emphasize refugee women's incredible abilities to counteract the struggles they endure with creativity and resilience in the continuum of domestic, civil, and transnational violence and conflicts, whether in transition or during their uprooted journey and beyond. By assessing local examples and international case studies, the authors critically examine gendered and interrelated factors such as location, humanitarian aid, race, cultural norms, and current psycho-social research that affect the identity and well-being of refugee women. This volume is designed for a wide audience of scholars, students, policy-makers, advocates, and service providers interested in new developments and critical practices in domains related to gender and forced migrations.

Hynes, Michelle and Barbara Lopes Cardozo. 2000. "Sexual Violence against Refugee Women." *Journal of Women's Health & Gender-Based Medicine* 9 (8):819-823.

Annotation: This article gives a comprehensive overview of many of the elements associated with gender-based violence, including defining what it is, who the perpetrators are, why it prevails during times of conflict, the constraints of assessing it, and health consequences. However, the more important and helpful part of the article is the second half, in which the authors discuss the state of current research on gender-based violence, including prevention and response. Additionally, they offer several suggestions on how research could be improved and how they see it functioning in the future. The best use of this article would be for individuals looking to understand gender-based violence on a very basic, general level but who are also interested in pursuing the topic more in-depth and may need advice on how to continue.

Jackson, Lisa F (dir.). 2007. The Greatest Silence: Rape in the Congo. New York: Jackson Films, The Fledgling Fund, and HBO Documentary Films.

Annotation: Lisa Jackson, the director and producer of this documentary film, spent six months in the Democratic Republic of Congo interviewing rape victims, authority figures in

villages, and even rapists themselves. Jackson reveals in the course of the film that she was the victim of gang rape earlier in her life, and it becomes a strong connecting point between her and the victims she interviews. She sets out to assess what measures are being taken in the DRC to prevent, protect, and help heal victims, finding that few resources are available to victims in the country. One of the most fascinating parts of this film is her interview with self-identifying rapists, and she asks personal and in-depth questions that reveal hypocrisy and an utter disregard for humanity. The film is extremely well-produced and put-together; it is a powerful demonstration of the reality of rape during conflict, and it goes beyond the normal scope of interviewing and research to produce an incredibly moving story.

Jager, Kathleen Burns and Marsha T. Carolan. 2010. "The Influence of Trauma on Women's Empowerment within the Family-based Services Context." *Qualitative Social Work* 9 (2):267-283.

Annotation: Jager and Carolan introduce the topic of women's participation in family-based therapy services. In particular, the women they discuss have a history of traumatic experiences. The authors conducted a research study, interviewing sixteen women and gathering evidence for understanding the function of a woman's influence on a community. They discover that women who have participated in a family empowerment process, even when informed by previous trauma, are more efficient at handling obstacles and creating stronger communities. The authors essentially achieve what they set out to do: to demonstrate a strong positive connection between women's empowerment and the effect on a community.

Jayasinghe, Udara. 2006. "Women as Members of a Particular Social Group." *Alternative Law Journal* 31 (2):79-83.

Annotation: This article presents the nature and various forms of sexual and gender-based violence that females have endured. The author primarily examines the experiences of asylum seekers in Australia and discusses the ways that Australian law has constructed mechanisms to persecute perpetrators of sexually-based crimes. Additionally, the author looks into the specific definition of refugee and how disagreement over its meaning have kept many claims from going forward in the court system. Although Jayasinghe's article is detailed, the focus on Australia does not provide enough broad insight on the situation. Additionally, the article reads too dense in legal context for an average reader to grasp meaning.

Kivlahan, Coleen, and Nate Ewigman. 2010. "Rape as a Weapon of War in Modern Conflicts." *British Medical Journal* 340: 468-469.

Annotation: Kivlahan and Ewigman offer a general and basic article setting up the context of rape in the midst of conflict. They explain the causes behind rape as a weapon of war and share details that explain how women are targeted, vulnerable, and when they are most at-risk for assault. The authors also use various statistics to emphasize the issue. Although the article is short and concise, Kivlahan and Ewigman do an excellent job explaining the issue thoroughly-- especially to readers who may be unfamiliar with the context in war.

Laurie, M., and R.P. Petchesky. 2008. "Gender, Health, and Human Rights in Sites of Political Exclusion." *Global Public Health* 3 (S1):25-41.

Annotation: In this report, the authors examine the intersections of gender, health, and human rights in sites of political exclusion. The main points of the report include the increasing intensity of sites of conflict, highly-gendered effects of conflict, contradictions within refugee and IDP camps, connections between political participation and health outcomes, and the necessity for a rights-based understanding of humanitarianism. Laurie and Petchesky demonstrate examples from many different areas of the world, including the Middle East and Africa. They efficiently achieve what they set out to do, and they include many relevant examples.

Marsh, M., S. Purdin, and S. Navani. 2006. "Addressing Sexual Violence in Humanitarian Emergencies." *Global Public Health* 1 (2):133-146.

Annotation: Marsh, Purdin, and Navani explore the harmful acts of gender-based, particularly sexual, violence in humanitarian emergencies. They discuss: the roots of this type of violence; its impact; how it relates to conflict; causes; addressing it through a humanitarian response; and recommendations for improving support systems in the future. The authors articulate specific evidence relating to the topic, and they also present the information in a way that can be understood by audiences who may be unfamiliar with the issue.

McGinn, Therese. 2000. "Reproductive Health of War-Affected Populations: What Do We Know?" *International Family Planning Perspectives* 26 (4).

Annotation: In this article, data on fertility and family planning, safe motherhood, sexually transmitted diseases (STDs) and HIV, and sexual and gender-based violence are reviewed, from both published and unpublished sources, to determine if, and how, reproductive health status is affected by refugee or displaced status. McGinn states that if researchers can uncover the ways in which refugee women's reproductive health problems are both similar to, and different from, those of women in settled populations, it can help policy-makers and programmers more effectively address the needs that are specific to refugees. This article is particularly helpful in determining some of the health effects that are found on refugees post-violence. McGinn makes several useful recommendations for advancing the research in this field.

Mertus, Julie. 2004. "'Shouting from the Bottom of the Well: The Impact of International Trials for Wartime Rape on Women's Agency.'" *International Feminist Journal of Politics* 6 (1):110-128.

Annotation: This article analyzes the assumption that international adjudication of wartime rape cases advances the interests of survivors. The author states that, just as many domestic women's rights organizations understand the difficulty in trying rape cases using solely testimonial evidence they should also understand this same difficulty exists at an international level when rape cases are tried as crimes of war. Mertus establishes that international tribunals are extremely limited in their ability to try these cases, and those

organizations that focus on this issue should look for alternative mechanisms to succeed in a legal context. Mertus uses one case as an example in her article, and though she delves deeply into the specifics, it would be more helpful to see a variety of other examples to determine patterns and trends.

Mitchell, Jenny and Ignacio Correa-Velez. 2010. "Community Development with Survivors of Torture and Trauma: An Evaluation Framework." *Community Development Journal* 45 (1):90-110.

Annotation: Mitchell and Correa-Velez claim that, despite many new community development action plans in refugee populations, there still needs to be a framework in place that evaluates the effectiveness of these programs. Using the example of the Forum of Australian Services for Survivors of Torture and Trauma, the authors demonstrate what a basic evaluative framework might look like and how it could work. Additionally, the authors state that evaluating the mechanisms of community programs settings that survivors of torture and trauma attend can create an increased sense of empowerment and positive community building.

Musalo, Karen and Stephen Knight. 2002. "Unequal Protection: When Women are Persecuted, It's Often Described as a Cultural Norm Rather than a Reason to Grant Asylum." *Bulletin of the Atomic Scientists* 58 (6):56-62.

Annotation: Karen Musalo and Stephen Knight describe the unpredictable nature of women's rights in international law, particularly in cases involving asylum. The article explores the progress that has been made in the past decade with regard to international development for women, but the authors assert that this progress has been slow. The article's main focus is on the current status of women's rights and protection in the eye of the law, and how this is changing (or not changing) in countries around the world. The authors present several astonishing stories of women who have suffered human rights violations, and one of the most powerful parts about the article is the inclusion of photographs that match with each victim's story. The photographs supplement the strength of the article and create a more vivid display of what reality looks like for the women who endure an ongoing struggle for protection and safety.

Nagai, M., U. Karunakara, E. Rowley, and G. Burnham. 2008. "Violence against Refugees, Non-refugees and Host Populations in Southern Sudan and Northern Uganda." *Global Public Health* 3 (3):249-270.

Annotation: This article was an assessment and data analysis of a study that surveyed Sudanese refugees and Ugandan nationals in Arua district, Uganda, and Sudanese non-refugees in Yei County, Sudan. The article reflects data related to violent events experienced and witnessed, both to document the frequency and nature of violent events and to assess the potential burden of psychological trauma. The article is helpful to readers who want hard facts, empirical data, and a well-written analysis of the information. Though technical in nature, the article does effectively explore an extensive amount of factors that create powerful and disturbing understandings of reality.

Nanda, Ved P. 2007. "History and Foundations for Refugee Security, Health, and Well-Being under International Law," in J.D. White and A.J. Marsella (eds.), Fear of Persecution. Lanham, MD: Lexington Books.

Annotation: Ved Nanda, a highly distinguished and well-known professor and scholar in the global international law community, offers a look into the current status of refugee law in the international community. He examines both the history of refugee law and the current problems associated with its structure, implementation, and consistency in the context of globalized society. Nanda's piece clearly and eloquently spells out the terms of refugee law, while also articulating his dissatisfaction with the current state of affairs.

Nowrojee, Binaifer. 2008. "Sexual Violence, Gender Roles, and Displacement," in D. Hollenbach (ed.), Refugee Rights: Ethics, Advocacy, and Africa. Washington, D.C.: Georgetown University Press.

Annotation: This book provides an analytical framework for advocacy on behalf of refugees and internally displaced people. Topics discussed include the fundamental right to freedom of movement, gender roles and the rights of women, the effects of war, and the importance of reconstruction and reintegration following armed conflict. One of the most compelling parts of the book is the introductory narrative chronicling the story of Abebe Feyissa, an Ethiopian refugee who spent over fifteen years in a refugee camp. Introducing the book with this piece creates a poignant connection between the reader and the topic, enabling the reader to view the subject matter with more compassion and understanding.

Peters, Julie and Andrea Wolper (eds.). 1995. Women's Rights, Human Rights: International Feminist Perspectives. New York: Routledge.

Annotation: The over-arching theme of this book is that regardless of political systems, conflict, or peace zones, women's human rights are violated daily and often systematically. The authors in this compilation detail the types of abuses that many women endure globally, including disenfranchisement, rape/sexual abuse by authority figures, forced marriages/pregnancies, and strict policies on how to raise children. The United Nations' Universal Declaration of Human Rights proclaims that "all human beings are born free and equal in dignity and rights," yet the authors within this book argue that women's freedom, dignity, and equality are consistently compromised by laws and by customs in ways that men's are not. The authors assert that the mere extension of existing human rights protection to women is insufficient; women's rights must be understood as human rights.

Pittaway, Eileen and Linda Bartolomei. 2001. "Refugees, Race, and Gender: The Multiple Discrimination against Refugee Women." *Refugee* 19 (6):21-32.

Annotation: This paper analyzes race and gender discrimination in refugee populations, in particular the various forms of discrimination against refugee women. The authors argue that racism and the gendered nature of the refugee experience have strongly influenced the

human rights violations that have occurred in this part of the population. The article explores these topics as they relate to the treatment of sexual violence in international and domestic law, and in policy, armed conflict, refugee camps, asylum, and countries of resettlement. The article is extremely detailed, and the research is presented in a well-stated, clear fashion. Due to the authors' intensive research, this article effectively demonstrates the relationships between race, gender, and the refugee experience for females.

SaCouto, Susana and Katherine Cleary. 2009. "The Importance of Effective Investigation of Sexual Violence and Gender-Based Crimes at the International Criminal Court." *American University Journal of Gender, Social Policy & the Law* 17:337-359.

Annotation: Susana SaCouto and Katherine Cleary are the director and assistant director, respectively, of the War Crimes Research Office at American University's Washington College of Law. The article effectively demonstrates how gender-based violent crimes are tried at the international level and grants insight into the challenges and features that make these cases particularly unique. The article is helpful in determining what types of obstacles both the victims and the prosecutors face when attempting to seek justice for crimes motivated by war and conflict, targeting both citizen and refugee populations.

Schafer, Loveness H. 2002. "True Survivors: East African Refugee Women." *Africa Today* 49 (2):29.

Annotation: The article details many of the types of crimes that have been committed against women and how these crimes were dealt with in the process of filing for asylum in Malawi. Schafer argues that both international conventions and individual host countries should modify the laws for admitting refugees. One unique part about this article is that Schafer explores the different ways in which men and women experience applying for asylum, and how each gender perceives their individual role within the refugee population. Her assessment paves a way toward understanding the ways in which women are more easily targeted and attacked. Another very effective research point in Schafer's article is the way in which female refugees respond to the violence, whether passively or aggressively. This distinction is important because it gives readers more understanding into how they can partner with the victims to empower and/or to generate more effective aid for them.

Seu, Bruna Irene. 2003. "The Woman with the Baby: Exploring Narratives of Female Refugees." *Feminist Review* (73):158.

Annotation: In this article, Seu uses a social constructivist framework to explore the issue of female refugees. She explores the identity of a female refugee not from the perspective of the refugee herself, but from the various global viewpoints that construct a female refugee's identity. Seu conducts interviews across the globe to discover what people believe about female refugees and the plight of transition. Her goal in conducting this research is to reveal many of the stereotypes, images, and perceptions that she claims can be an important instrument in understanding not only female identity, but the constructed identity of a female refugee as well. The article provides a unique perspective on refugee issues, and Seu creates a comprehensive look at common views, beliefs and the influence of societal beliefs on the refugee experience.

Sharp, Jeb. 2009. "Darfur Refugees Still Suffering in Chad." *Public Radio International's "The World"* (June 1). Available Online: <http://www.pri.org/theworld/?q=node/26677>.

Annotation: This short clip from the radio show "The World," part of a Public Radio International (PRI) broadcast, includes a discussion of Darfur refugees and their experiences in Chad. Jeb Sharp, the show's host, interviews several physicians who work overseas as part of an organization called Physicians for Human Rights. The physicians explain their experiences and tell stories they heard from people during a trip to Sudan. Although the clip is short, its message is powerful, and the doctors interviewed give a realistic, yet disturbing, portrayal of their time spent in Sudan.

Some, Jane. 2008. "GBV in Post-election Kenya." *Forced Migration Review* (30):56-56.

Annotation: The article illustrates that three agencies, the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), and the Christian Children's Fund (CCF), have found that the risk of rape and sexual abuse is high for young girls and women displaced by Kenya's post-election conflict between December 2007 and January 2008. As per the agencies' assessment of gender-based violence (GBV), women in Nairobi have expressed fears and concerns about sexual victimization linked to refugee camp design and services, including lighting and sanitation facilities. This article is most pertinent to those who are interested in research focused on the recommendations made to improve the settings in which refugees live. Additionally, details from the article are rooted in victims' perspectives. The most effective point made by the article is that the lack of reporting mechanisms in refugee camps allows much of the violence to persist.

Steinhardt, Ralph G., Paul L. Hoffman, and Christopher N. Camponovo. 2009. International Human Rights Lawyering: Cases and Materials. St. Paul, MN: Thomson/Reuters.

Annotation: Ralph Steinhardt, Research Professor at The George Washington School of Law, and his associates offer a technical look at the cases of rape and sexual crimes as they occur in the context of human rights law. Not only does the work illustrate the legal definitions that determine what constitutes these crimes, but it also outlines several cases in which these crimes have been prosecuted under international law. This reference is extremely useful when trying to understand what can be prosecuted and determined as a crime against humanity. In particular, a more interesting point that the authors note is that rape has also been determined as a crime of torture. This can be particularly important to victims, as evidence of "lack of consent" can be tricky to find, and torture may be relatively easier to use as a basis for understanding evidence.

United Nations Office for the Coordination of Humanitarian Affairs (prod.). 2004. Our Bodies, Their Battleground. IRIN: Humanitarian News and Analysis. Available Online: <http://www.irinnews.org/film/?id=4128>.



Annotation: This short film, hosted by the Integrated Regional Information Networks website (a project of the U.N. Office for the Coordination of Humanitarian Affairs), describes the disturbing nature of rape and gender-based violence presently happening in the Democratic Republic of Congo. The film highlights several victims of rape, allowing them to share their stories and experiences following the act. Additionally, the film shares statistics and informative briefs about the health and well-being of rape victims, including what organizations in the area are doing to create a more peaceful, supportive environment for victims.

Varkey, Prathibha, Sarah Kureshi, and Timothy Lesnick. 2010. "Empowerment of Women and its Association with the Health of the Community." *Journal of Women's Health & Gender-Based Medicine* 19 (1):71-76.

Annotation: Varkey, Kureshi, and Lesnick present data and analysis from a research study conducted to discover what type of effect the empowerment of women has on a community. Although the article is written in a research and data-oriented way, the information grants substantial insight into the role of female empowerment in community development. The results of this study suggest that the empowerment of women is associated with several key health indicators at a national level. The authors assert that they need further research to understand the cause-effect mechanisms associated with the conclusion, but that the fact alone is beneficial in the development of communities.

Vulnerable Women's Project. 2009. "The Vulnerable Women's Project: Refugee and Asylum Seeking Women Affected by Rape or Sexual Violence - Literature Review." London: Refugee Council.

Annotation: This is a widely comprehensive literature review published by the British Refugee Council, known as the Refugee Council. The report extensively details a number of causes, effects, contexts, understandings, history, procedures, challenges, and concerns related to sexual violence. In particular, the report includes anecdotes by victims and statistics by nationally recognized NGOs and governmental institutions. This report is one of the most helpful and interesting, and it entails the exact type of material needed for any analysis on this topic.

Ward, Jeanne and Beth Vann. 2002. "Gender-based Violence in Refugee Settings." *Lancet* 360 (9350):s13.

Annotation: Jeanne Ward and Beth Vann both gender-based violence officers at the Reproductive Health for Refugees Consortium, examine gender-based violence in refugee settings. They provide a legal context in which the reader can easily understand how gender violence has become intertwined with international law; they primarily focus, however, on the mostly ineffective means by which humanitarian assistance is implemented. They also provide an excellent, yet brief, background on what causes sexual violence to occur during times of conflict. Most importantly, their main point is that the current policies and programs in place to eradicate this type of sexual violence during war are not adequate, despite many advances. This article would be helpful to anyone needing a greater

understanding of the legal and social context of gender-based violence, in addition to a perspective on current programming needs.

Wilson, John P., and Boris Drozdek. 2004. Broken Spirits: The Treatment of Traumatized Asylum Seekers, Refugees, War and Torture Victims. New York: Brunner-Routledge.

Annotation: This book examines refugees and asylum seekers from a mental health perspective. Wilson and Drozdek note that there are few materials that exist describing the conditions that these population sets endure, such as complex post traumatic stress disorder (PTSD). The authors assert that issues such as forced migration and cultural sensitivity are often overlooked in diagnosis and treatment of people with mental health conditions, which often require extensive knowledge into the events that precede them. Although a majority of attention in this area focuses on current events and causes, this book delves into the minds of the actual victims, offering recommendations that may lend more insight into the situations that refugees face.

## **American Muslim Minorities: The New Human Rights Struggle**

By Ashley Moore

*“Muslims have their work cut out. Just like African-Americans during the Civil Rights Era had to join together to address the issues of discrimination and hatred toward them, so too will Muslims and it will not be without challenges.”*

*--Constance Rice, civil rights activist*

The ramifications of the attacks of September 11, 2001 are felt throughout the United States. However, no minority community is as deeply affected as the American-Muslim minority. Since the attacks on the World Trade Center, Muslims residing in the United States have experienced violations of economic and political liberties, as well as ongoing social discrimination. Media stereotypes and government legislation continually exacerbate these human rights abuses and entrench institutional, social, and economic discrimination deeper in American society. At the heart of this discrimination are clear misunderstandings about Islam and those who practice the faith. In an effort to combat these challenges, Islamic organizations are fighting to protect the community's civil liberties. Is America turning a corner in the treatment and understanding of Muslim minorities?

### **American and Islam: An Uneasy Relationship**

As of 2010, six million Muslims live among an American population of about 300 million. This small minority is the subject of deep social anxiety towards Islam, known as *Islamophobia*. Muslim minorities in the United States are seen through the sphere of “otherness,” which many Americans relate to stereotypes that are perpetuated through popular media and literature. Many polls conducted between 2001- 2009 echo American misconceptions regarding Islam. A 2003 Pew poll shows that nearly 45 percent of Americans believed that Islam is more likely than other religions “to encourage violence among its believers.” In addition, a 2009 survey indicated that 36 percent of Americans could not recall basic facts about Islam. The fear of Islam is so palpable that during the 2010 elections, Oklahoma voted to ban sharia law from being used in judicial matters. Americans continue to see Islam and Muslims as one-dimensional caricatures.

The reasons behind the American misunderstanding of Islam can be traced to media stereotypes that have permeated American pop culture. The two most typical Muslim stereotypes are the images of the Muslim-Arab, terrorist male and the oppressed, veiled Muslim woman. In most media, Muslim men are portrayed in traditional Arab dress indicating fundamentalism. Almost all Muslims are portrayed as Arabs, despite the fact that only about 20 percent of the worldwide Muslim population identify themselves as Arabs. Muslim women are most often portrayed wearing the veil, burqa, or niqab. These images conjure ideas that Islam subjugates and oppresses women.

These stereotypes fail to account for the pluralistic character of the Muslim community. In fact, American Muslims have their own unique nature illustrated by varying origins, ethnic and racial make-up, and political beliefs. Altogether, Muslims from nearly 80 nationalities and cultural backgrounds constitute today's American-Muslim residents. According to a study by CAIR (Council on American-Islamic Relations), three ethnicities make up most of the nation's Muslim population:

South Asians (33%), Arab (20%), and African-Americans (30%). Other ethnicities include: African, Bosnian/European, and Iranian immigrants. Like the diversity of its practitioners, Islam itself is pluralistic. For example, veiling often comes from a woman's cultural background; it is not necessarily a blanket practice among the faithful. However, despite the pluralism of the Muslim community, Muslims continue to face different prejudices.

### **Institutional Discrimination**

In the wake of the World Trade Center attacks, the U.S. government cracked down on immigration policy and national security measures. In October 2001, the U.S. Patriot Act was signed into law with almost no Congressional debate. The Patriot Act allowed the attorney general to detain non-citizens suspected of terrorism without a warrant, and authorized new surveillance guidelines for U.S. law enforcement agencies. Additionally, in July 2003, the Clear Law Enforcement for Criminal Alien Removal Act (CLEAR) was passed to give local law enforcement the power to enforce federal immigration laws. The combined implementation of the Patriot Act and the CLEAR Act resulted in increased surveillance of Muslims. Muslims (citizens and non-citizens) have been denied council and formal charges while being detained for extended periods of time. According to the Office of Inspector General (OIG), the average time from arrest to clearance was 80 days. Surveillance of Muslims is ongoing in mosques, on the Internet, and through library records, bank accounts, and places of employment.

Nearly a year after the events of 9/11, the Attorney General announced the introduction of the National Security Exit-Entry Registration System (NSEERS). The "special registration" program applied to men ages 16 to 45 who were predominantly from Arab/Muslim countries residing in the United States on temporary visas. The men were required to report to INS offices for multi-phase registration that included fingerprinting, photographing, and questioning. This program failed in two very distinct ways. Firstly, the department failed to put out clear information regarding the requirements of the program, which led to many unnecessary deportations. Secondly, the program reportedly used harsh detention methods on participants. It is clear that this program resulted in mistreatment and rights violations. While this program is no longer active, the U.S. Patriot Act and the CLEAR Act have both been reauthorized and are used by law enforcement.

The results of these policies devastate the relationship between the Muslim community and the U.S. Government. The U.S. Patriot Act and the CLEAR Act negatively impact the civil liberties of Muslim minority groups, particularly Arab minorities and Muslim immigrants. Muslim organizations maintain that these governmental programs and policies create feelings of anxiety, ostracism, and isolation that detach Muslims from the American mainstream. In addition, the government's use of racial profiling encouraged media and organizational stereotyping.

### **Social Discrimination**

In addition to legislative violations of civil liberties, Muslims face physical abuses and social discrimination. The Civil Rights Division of the U.S. Department of Justice reports that allegations of abuse include: telephone, internet, and face-to-face threats; minor assaults; vandalism; shootings; and bombings of homes, businesses, and places of worship. In 2007, CAIR reported receiving about 1,900 complaints of abuse and noted that anti-Muslim physical violence increased by 52

percent between 2003 and 2004. These attacks create fear throughout the community as Muslims are targeted in perceived safe places such as mosques and their homes. Additionally, nearly ten years after 9/11, a loud debate has arisen in the mainstream concerning the building of mosques around the nation.

A proposed Islamic center near Ground Zero has caused a culture war that spread across the United States. One side of the debate believes it is disrespectful to the memory of those who died in the WTC attacks to have an Islamic religious center so near the site that Islamic fundamentalists destroyed. Proponents frame their argument as a matter of religious freedom, that any religion in the United States has the right to build places of worship without persecution. The building of mosques has been controversial throughout the United States. Unfortunately, this has led to severe attacks on Islamic centers, including bombings in Texas and Tennessee. The outcry against mosques and Islamic centers continues to fuel religious profiling.

### **Economic Discrimination**

As recently as September 2010, Muslim workers have reported that they have been victims of employment discrimination. Workers report name calling by co-workers, such as “terrorist” or “Osama,” and complain that employers bar them from wearing the headscarf or participating in prayer times. Complaints like these in 2010 are up nearly 60 percent from 2005. Mary Jo O’Neill, regional attorney of the Equal Employment Opportunity Commission, remarked, “There’s a level of hatred and animosity that is shocking” (Greenhouse 2010). Astonishingly, while Muslims make up only 2 percent of the U.S. population, they compose nearly one quarter of religious discrimination claims filed by the EEOC in 2010. Economic discrimination in the U.S. against Muslims is predicted to climb as the recession continues.

### **Islamic Organizations Protect Muslim Civil Liberties**

Mirroring the pluralism of the Muslim community, a myriad of Islamic organizations has begun to meet the challenges faced by the community. Some of these organizations focus on education and spiritual awareness, while others are more concerned with human rights and democratic issues. At times, the organizations struggle to agree on ways to reach the greater “mainstream” community. However, these organizations have become leading mediators between the American “mainstream,” the government, and the Muslim community.

Leading Islamic and human rights organizations lobby and actively raise awareness about the abuses suffered by Muslims. Organizations like Amnesty International, CAIR, and Muslim American Society (MAS) have provided Muslims with education on civil rights. These organizations have also coordinated with various law enforcement groups in order to encourage conflict resolution. Additionally, many of these organizations have fostered conversations within the Muslim community about the challenges of assimilating into American culture while still remaining a faithful Muslim. Most Islamic organizations in America have reached out to the public in an effort to foster a greater understanding about Islam.

### **Conclusion**

It is clear that the American-Muslim community faces extreme and difficult challenges from institutional, social, and economic discrimination. They face complex challenges from 'mainstream' America that are hard to combat for the simple reason that these challenges come from stereotypes perpetuated throughout the nation. However, Islamic organizations have begun to combat these issues by reaching outside of their community while still maintaining dialogue with the faithful. It falls now on the leadership of the community to spread real knowledge about Islam, to reach out to the mainstream community in an effort to combat the ongoing cycle of fear and hatred aimed at the Muslim community.

There are clear methods that can help to alleviate some of the hatred and misunderstanding of Islam. Islamic organizations can provide a forum for education on Islam and invite outside participants to Islamic conventions and meetings to develop better relations with the external community. They can also create an American narrative of Islam, similar to the African-American story. While none of these suggestions can completely fix the relationships that developed in America, these can help expand the average American's knowledge of Islam and its basic tenets. With an increase in knowledge, discrimination and abuses are more likely to be alleviated.

### **Annotated Bibliography**

Ayers, John W. 2007. "Changing Sides: 9/11 and the American Muslim Voter." *Review of Religious Research* 49 (2): 187-198.

Annotation: This article focuses mainly on the shifting voting trends of the American-Muslim population following 9/11. The author, John Ayers, uses statistical data to conclude that the majority of American Muslims have shifted away from voting for religious candidates. Ayers writes that 40 percent of American Muslims believe "the U.S. is fighting a war against Islam" and nearly 40 percent have reported anti-Muslim discrimination since 9/11. The data was derived from complex statistical methodology. While containing valuable information, the article is difficult to read.

Berger, Peter, Grace Davie and Effie Fokas. 2008. Religious America, Secular Europe? Burlington: Ashgate Publishing Company.

Annotation: The authors of Religious America, Secular Europe? unpack the idea that America is fundamentally a religious country, while Europe is thought to be more secular. The most relevant section for research on Muslim rights is Chapter Three: Contrasting Histories. In this chapter, Berger discusses the pluralism of religion in America and the idea that Americans have a fundamental liberty to practice religion. In particular, the chapter illustrates the strong connection between immigration and religion. This book, though not directly related to Muslim minority rights, endeavors to explain the tradition of American religiosity, which could be useful for anyone researching the diversity of religion in America today.

Dossa, Shiraz. 2008. "Lethal Muslims: White-Trashing Islam and the Arabs." *Journal of Muslim Minority Affairs* 28 (2): 255.

Annotation: Shiraz Dossa analyses in this article the underlying anti-Muslim currents running through many Western countries post-9/11. The author states that this kind of discrimination is

often driven by both racial and class conflict, and even goes so far as to maintain that Westerners see Muslims as "poor white trash." The article looks at Western imperialism, and states that the West believes there is something intrinsically superior in Western culture. While well-written, the author fails to account for the pluralistic nature of Islam in the West.

Gottschalk, Peter and Gabriel Greenberg. 2008. *Islamophobia*. Lanham: Rowman & Littlefield Publishers, Inc.

Annotation: In this book, the authors discuss the rise of the term "Islamophobia" in the years after 9/11. The authors use cartoons, pictures, and other social media to describe the ongoing American stereotyping of Muslims and Muslim Americans. In particular, the authors draw attention to the images of the victimized Muslim woman and the violent Muslim man that are frequently present in media and the social world. The book is well-written and provides visible traces of American-Muslim stereotypes.

Greenhouse, Steven. 2010. "Muslims Say They Face More Discrimination in Workplace." *Honolulu Star* (24 September). Available Online: [http://www.staradvertiser.com/news/nyt/20100924\\_Muslims\\_say\\_they\\_face\\_more\\_discrimination\\_in\\_workplace.html](http://www.staradvertiser.com/news/nyt/20100924_Muslims_say_they_face_more_discrimination_in_workplace.html)

Annotation: In this recent article, the author, Steven Greenhouse, aptly details the rising employment discrimination many Muslims face working in the United States. According to Greenhouse, Muslim workers filed nearly 60 percent more discrimination claims this year than in 2005. Common complaints include coworkers calling individuals "terrorist" or "Osama," and employers refusing to allow Muslim women to wear headscarves. The author writes that although Muslims make up less than 2 percent of the U.S. population, they accounted for a quarter of the religious claims last year.

Gurbuz, Mustafa E. and Gulsum Gurbuz-Kucuksari. 2009. "Between Sacred Codes and Secular Consumer Society: The Practice of Headscarf Adoption among American College Girls." *Journal of Muslim Minority Affairs* 29 (3): 387-399.

Annotation: The article by Mustafa Gurbuz and Gulsum Gurbuz-Kucuksari is a comprehensive study of the trend among American college girls of wearing the hijab. The authors remark that Muslim girls are often caught between mainstream culture and the values of the Islamic faith. The study reflects the trend that the hijab has become a way of expressing this religious identity in a secular world. The article is thoroughly researched and the writing is very clear-- which allows for a wide range of readership.

Haddad, Yvonne Yazbeck and Jane I. Smith. 2002. *Muslim Minorities in the West*. Oxford: Altamira Press.

Annotation: In this book, Haddad and Smith describe the various misperceptions and stereotypes Muslims face in mainstream Western culture. As the Muslim community continues to grow throughout America and Western Europe, part of the challenge for the burgeoning community is the struggle between mainstream culture and their Muslim identities. The book is well-researched but expansive.

Halim, Fachrizal. 2006. "Pluralism of American Muslims and the Challenge of Assimilation." *Journal of Muslim Minority Affairs* 26 (2): 235-244.

Annotation: This article by Fachrizal Halim reviews the pluralistic nature of the American Muslim community. Halim discusses an ongoing struggle for the Muslim community to interact with American society, which has met the growing population of Muslim immigrants with hostility and a fundamental misunderstanding of Islam. The author goes on to argue that the diversity of the Muslim population will force the community to assimilate not only within broader American society, but also within itself.

Haniff, Ghulam M. "The Muslim Community in America: A Brief Profile." *Journal of Muslim Minority Affairs* 23 (2): 303-311.

Annotation: This article illustrates the growth of the Muslim community in America over the 20<sup>th</sup> Century, and outlines the make-up of the Muslim community as of 2003. In addition, the author details the pluralistic features of Islam, such as racial and denominational differences, that have become a challenge in recent years. Haniff outlines specific organizations which, because of these challenges, seek to represent the Muslim community to the American public in a positive light. The article is relevant to this research because it illustrates the evolution of the community in recent years.

Huda, Qamar-UI. 2006. "Conflict Prevention and Peace-Building Efforts by American Muslim Organizations Following September 11." *Journal of Muslim Minority Affairs* 26 (2): 187-203.

Annotation: Qamar-UI Huda details the struggles that American Muslims face in the aftermath of 9/11. Some of these issues include racial and religious discrimination, harsher immigration laws, and stereotyping. Additionally, Huda discusses the various national and regional groups that are working, through interfaith dialogue and other forms of outreach to create resolution between the two communities. This article is intended for an academic audience as it includes reliable research and a wide variety of source material.

"Islam, the American Way." 2007. *The Economist* (30 August). Available Online: <http://www.economist.com/node/9724266>.

Annotation: This article, from *The Economist*, discusses the fact that as Muslim minorities participate more and more in the political arena, inflamed politics can whip-up fears and stereotypes in mainstream Westerners. The author draws a difference between Europe and America, remarking that America offers better protection for those groups building mosques than for those in other Western cultures. However, in almost all Western cases, the legal and constitutional systems take the side of religious freedom. This article is very brief, and would have been more useful with idea expansion and sources.

Jamal, Amaney. 2009. "The Radicalization of Muslim Americans," in Abdulkader H. Sinno (ed.). Muslims in Western Politics. Bloomington Indianapolis: Indiana University Press.

Annotation: This chapter clearly addresses the state of civil liberties for Muslim and Arab Americans after 9/11 and the passage of Patriot Acts 1 and 2. Jamal remarks that the new laws have caused high levels of fear and anxiety among Muslim and Arab -American communities. In addition, immediately following the attacks of 9/11 many Americans favored profiling Muslims. The chapter contains data and tests that illustrate the rise in the radicalization of Muslim Americans.

Kahera, Akel Ismail. 2002. "Urban Enclaves, Muslim Identity and the Urban Mosque in America." *Journal of*



*Muslim Minority Affairs* 22 (2): 369-380.

Annotation: Akel Kahera, PhD from Princeton University, discusses the plurality of the Muslim community through the urban mosque. The author notes that the urban mosque has faced many challenges because of the diversity of the Muslim population in large cities. He argues that the urban mosque has become the arena for resolving conflict and promoting cooperation among inner-city residents and organizations. The article has some personal inflection from the author but overall is a well-researched work.

Knickerbocker, Brad. 2010. "Americans Remain Wary of Islam." *The Christian Science Monitor* (26 September). Available Online: <http://www.csmonitor.com/USA/Society/2010/0926/Americans-remain-wary-of-Islam>.

Annotation: This article details the perceived increase in American fear towards Islam and the Muslim community. The author, Brad Knickerbocker, notes that there has been a substantial rise in documented discrimination against the Muslim community, including land-use and employment discrimination. The author uses reputable sources in his article, such as the Pew Forum on Religion and Public Life, and figures from the U.S. Department of Justice Civil Rights Division.

Leonard, Karen Isaksen. 2003. Muslims in the United States: The State of Research. New York: Russell Sage Foundation.

Annotation: Leonard uses in-depth research in this book to illustrate the challenges that the Muslim-American community faces. Many of these issues include the pluralism of the community, the conflicting discourse between Islam and mainstream American culture, and the challenge of assimilation in America. Leonard aptly describes the environment and situations that Muslim Americans have found themselves in since 9/11.

Lugo, Luis and Andrew Kohut. 2009. "Views of Religious Similarities and Differences: Muslims Widely Seen As Facing Discrimination." The Pew Research Center for the People & The Press. Available Online: [http://pewforum.org/uploadedfiles/Topics/Religious\\_Affiliation/Muslim/survey0909.pdf](http://pewforum.org/uploadedfiles/Topics/Religious_Affiliation/Muslim/survey0909.pdf).

Annotation: This article explains and evaluates the findings of a Pew survey on religious similarities and differences with concern to American Muslims. The results of the survey are based on telephone interviews conducted by the Princeton Survey Research Associates International. The survey consisted of a nationwide sampling of 4,013 adults (18 and over). The survey found that 58 percent of Americans believe Muslims face more discrimination inside the United States than any other major religious group. The survey clearly details the knowledge of the average American about Islam through reliable statistical methodology.

Mahmood, Saleha S. 2009. "A Word about Ourselves." *Journal of Muslim Minority Affairs* 29 (3): 289-290.

Annotation: In Saleha Mahmood's brief position piece, she discusses the recent challenges to the Muslim community since 9/11. The article focuses mainly on Muslim communities living in America and Europe, and the author remarks that problems such as nationalism, racism, and Islamophobia are at the heart of issues in the West. In response, several civil rights, human rights, education, and interfaith dialogue groups have organized to combat these challenges. Although her article is an opinion piece, it provides an apt and quick overview of the topic.

Murphy, Dan. 2010. "Is Ground Zero Mosque Part of Culture War or Symbol of Tolerance?" *The Christian Science Monitor* (20 August). Available Online: <http://www.csmonitor.com/World/Europe/2010/0820/Is-Ground-Zero-mosque-part-of-culture-war-or-symbol-of-tolerance>.

Annotation: This article clearly illustrates the various arguments for and against the "Ground Zero Mosque." According to the author, Dan Murphy, several Americans believe that to build the mosque blocks away from the Twin Towers would be disrespectful, while others hold that the mosque would be a symbol of tolerance and religious freedom. Murphy remarks that the opinions mentioned are extremely polarized and alarmist.

Nacos, Brigitte L. and Oscar Torres-Reyna. 2007. Fueling Our Fears: Stereotyping, Media Coverage, and Public Opinion of Muslim Americans. Plymouth: Rowman & Littlefield Publishers, Inc.

Annotation: In this book, the authors present evidence that the media has had a profound effect on American public opinion regarding Muslims. The book illustrates that the media can be a source of both blatant stereotyping and also a voice of protection for Muslim Americans. The authors show that following 9/11, the media drew a link between the Muslim community and terrorism. This created a snowball effect that targeted the minority community. Well-written and researched, this book is an easy read for any audience.

Nisbet, Erik C., Ronald Ostman, and James Shanahan. 2009. "Public Opinion toward Muslim Americans: Civil Liberties and the Role of Religiosity, Ideology, and Media Use," in Abdulkader H. Sinno (ed.). Muslims in Western Politics. Bloomington and Indianapolis: Indiana University Press.

Annotation: In this chapter, the authors illustrate the role of television news outlets and the Christian right in producing anti-Muslim attitudes and reducing tolerance within the United States. Additionally, the authors note that this attitude is mirrored in the accusations made by television outlets in the Muslim world, which foster anti-American attitudes. The authors conclude by remarking that mass intolerance toward a targeted group results in broad constraints on that group's civil and political liberties. This attitude "socially marginalizes" members of the Muslim minority group.

Pena, Aisha. 2007. "Protecting Muslim Civil and Human Rights in America: The Role of Islamic, National, and International Organizations." *Journal of Muslim Minority Affairs* 27 (3): 387-400.

Annotation: The author, Aisha Pena, writes about Muslim civil rights and human rights movements in the United States. Pena organizes her paper into sections according to challenges the community faces on a daily basis. In her conclusion, she writes about several ways to successfully combat these issues. Pena uses several charts that lay out each organization's focus (*i.e.*, civil rights education, legal outreach, etc.). She also has a detailed bibliography that can be referenced.

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\_\_\_\_\_. 2009. "American Muslims' Civil Liberties and the Challenge to Effectively Avert Xenophobia." *The Muslim World* 99 (1): 202-220.

Annotation: Aisha Pena describes the pluralistic make-up of the American-Muslim community, and attempts to give voice to this diverse group. She discusses the role of Islamophobia in recent

literature and mainstream media. Additionally, she records the unique challenges facing African-American Muslims, as well as their history. Interestingly, she contrasts the abilities of African-American Muslims and immigrant Muslims to assert their rights within the American legal structure. The article was published in a magazine format and is written with a common audience in mind.

Rubin, Trudy. 2010. "Fomenting Hatred of Muslims Hurts U.S." *The Philadelphia Inquirer*. (19 September). Available Online: [http://articles.philly.com/2010-09-19/news/24975349\\_1\\_american-muslims-islamic-center-mosque](http://articles.philly.com/2010-09-19/news/24975349_1_american-muslims-islamic-center-mosque)

Annotation: Rubin addresses in this article the current debate surrounding the "Ground Zero Mosque," and remarks that the media approach has caused a new wave of discrimination against the Muslim community. Rubin writes that in this new age of the blogosphere, when many Americans are fearful of economic changes, Americans are more likely to be susceptible to demagoguery. Though the article is well-written and accessible, the author fails to back up some of her arguments with written evidence.

Suleiman, Michael W. 1999. "Islam, Muslims and Arabs in America: The Other of the Other of the Other..." *Journal of Muslim Minority Affairs* 19 (1):33-48.

Annotation: This article presents a study of the views of the United States towards Islam, Muslims, and Arabs in the country pre-9/11. The study indicates that even before the events of September 11, there was deep-seated discrimination against Arab/Muslim Americans. In addition, the article illustrates the various factors that affect American views towards these minorities. The article presents information in a clear and scientific format.

## Waging Peace for Colombia's Youth: Countering the Attack on Education

By Phil Price

*"Education shapes the future. This is even more true in countries up-ended by fighting or disaster, where all sense of normalcy has been lost. Education is the first step towards restoring security and hope."*

--Asha Rose-Migiro (United Nations Deputy Secretary-General)

After nearly five decades of internal armed conflict, Colombia's children and education system remain firmly under siege. Boys and girls as young as thirteen are pulled out of classrooms and thrown into battlefields. Teachers routinely disappear and/or are subjected to extrajudicial executions. Guerrillas, paramilitaries, and the Colombian army all utilize school buildings as posts for their combatants. School zones have become littered with landmines. Child displacement and poverty have reached epidemic levels. In direct contradiction with the Rome Statute and the Colombian Ministry of Defense Directive 30743, the Colombian government is guilty of war crimes by employing children as spies and informants (Amnesty International 2008). Despite this multifaceted attack, however, dedicated individuals and organizations are working tirelessly to safeguard Colombia's youth by ensuring access to education and implementing innovative curriculum that cultivates a vibrant civil society based on the values of peaceful *convivencia*.<sup>3</sup>

This collective effort is creating positive change every day in Colombian schools, and has managed to garner widespread support and credibility due to program successes and a solid empirical grounding. Internationally, organizations such as Save the Children, UNICEF, the United Nations, and the Inter-Agency Network for Education in Emergencies all concur that education plays an essential role in peace-building. It is the stance of all these agencies that the immediate effects of ensuring the basic human right to education during times of emergency renders children less vulnerable to being recruited into armed groups. Moreover, in severe cases such as Colombia's protracted conflict, education can provide the foundation for post-war reconstruction, foster tolerance, generate respect for human rights, and break the grinding cycle of poverty.

Within Colombia, this shift away from military intervention as the primary means to establish peace was evidenced in the meteoric rise of Antanas Mockus during the 2010 presidential election. Mockus, the former Rector of the Universidad Nacional de Colombia and two-term mayor of Bogotá, ran a brilliant campaign, nearly gaining the Colombian presidency under the slogan "*Con educacion todo se puede*" ("With education, everything is possible"). A political outsider by choice, Mockus is known throughout Colombia for his probity, fiscal austerity, innovative policies, and peculiar behaviors (He once mooned an auditorium of students when they became too unruly. He also famously donned a Spandex suit as "Super Citizen" in order to teach civics). However, eccentricities aside, Mockus was able to elevate himself above the current milieu of "parapolitics" and to rally a disenfranchised public by drawing from the concrete and positive changes he achieved as mayor of Bogotá, as well as from his message of peaceful coexistence.

Under Mockus' stewardship, Colombia's capital city became a laboratory for using education to create a "new sense of urban culture based on mutual respect between citizens" (Montezuma

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<sup>3</sup> *Convivencia* is a Spanish word with no precise translation into English. It means peaceful interaction and coexistence among member of a social group (Chaux 2009).

2005). Mockus characterized this attitude as *cultura ciudadana* (“civic culture”) and defined it as “the sum of habits, behaviors, actions and minimum common rules that generate a sense of belonging, facilitate harmony among citizens, and lead to respect for shared property and heritage and the recognition of citizens’ rights and duties” (Montezuma 2005). While Mockus may have employed unorthodox methods in striving for these goals, his results were the envy of politicians nationwide. For example, during Mockus’ tenure as mayor, Bogotá’s homicide rate fell drastically from 69.69 to 47.08 per 100,000 people (Cala 2010). It is important to note that sole credit for this decline in hostilities cannot be placed on Mockus’ doorstep; however, his progressive societal framework aimed at “first changing the mindset, then the infrastructure” did play a significant role in the reduction of violence (Cala 2010, Negrón 2004).

On a more micro level, Mockus’ ideology can be witnessed in classrooms throughout the country. Under the Colombian General Education Law, schools are highly decentralized. In practical terms, this pedagogical approach allows each institution leeway to decide on its own, without permission from the Ministry of Education, how much emphasis should be given to peace and democratic education. According to education specialists Enrique Chaux and Ana M. Velasquez, schools that integrate these subjects have been successful in imparting civic competencies and a respect for pluralism, and have developed attitudes, beliefs, values, and behaviors that help prevent violence. Furthermore, they note that the autonomy granted to each school to implement programs with these progressive aims is beneficial for youth in several ways – three will be briefly addressed here.

First and foremost, Chaux and Velasquez believe that the fundamental mission of education is the comprehensive development of the members in society – emphasizing both knowledge and competencies. In this respect, the independence granted to each school allows for the implementation of creative programs that move away from rote memorization and teacher driven lesson planning in favor of a more holistic educational approach. Secondly, according to a public opinion study conducted by the Institute of Political and International Relations, Colombia’s schools enjoy a higher level of legitimacy than many other government institutions. Thus, the innovative programs that schools employ are usually met with a high level of community support. Finally, Colombia’s pedagogical flexibility allows schools to develop and encourage civic competencies through active and participatory learning. Chaux and Velasquez posit that the development of competencies such as critical thinking, conflict resolution, democratic participation, and the capacity to curb aggression are essential to peacebuilding due to their ability to foster individual and group change. Two such programs of particular note are *Escuela Nueva* (New School) and *Proyecto Ciudadano* (Project Citizen).

First developed in 1975, *Escuela Nueva* has transformed under the leadership of Vicky Colbert (among many others) from a local initiative to accommodate the special needs of rural area schools to Colombian national policy. Through a variety of creative methods, *Escuela Nueva* successfully combines participatory and student centered learning to achieve both short-term goals, such as improved academic achievements and self-esteem, and long-term goals like creating a more democratic and egalitarian society. Praise rightly abounds for this foundation. Along with glowing reports from numerous individual evaluators highlighting increased academic scores and more developed peaceful and democratic attitudes among participants, the World Bank named *Escuela Nueva* “one of the three most outstanding reforms in the developing countries worldwide that has

gone to national scale,” and the United Nation's 2000 Human Development Report selected this ever-expanding program as one of Colombia’s three main achievements (escuelanueva.org).

The second program, *Proyecto Ciudadano (PC)*, is housed under the auspices of the Bogotá based organization *Fundación Presencia* – led by executive director Susana Restrepo. This urban focused program is aimed primarily at secondary school youth and uses a participatory active-learning approach to impart democratic values and teach students how to effectively utilize public policy to engage with their government in solving community concerns. To highlight some basic numbers, over the course of the past three years this program has directly affected over 900 teachers and 37,000 students in numerous cities across Colombia (fundacionpresencia.com 2010). Furthermore, under Restrepo’s guidance, *Proyecto Ciudadano* has now spread across the country’s borders and is formally partnering with sister organizations across South America to implement an adapted model of PC that employs a human rights framework when identifying and addressing problems in the community.

As this brief report illustrates, education’s salient role in Colombia’s peacebuilding process must not be ignored. Programs such as *Escuela Nueva* and *Proyecto Ciudadano* along with the actions of numerous organizations and individuals are creating tangible positive results through peace and human rights education. Colombia’s youth have been protected from physical harm, violent behaviors, and attitudes muted, and instead, values essential for peace have been engendered in new generations of students. Yet in order to construct a future without war, the attack on education in Colombia must be seriously confronted and ultimately halted. Colombia now sits at a crossroads. The new administration could choose the well-worn path of violence and retribution, or it could embark in a new direction in which more peaceful means shape more peaceful ends. As aptly stated by Robert Blair, “[i]f the armed conflict is ever to end, the new generation must learn to clamor for peace” (Blair 2008).

### **Annotated Bibliography**

Amnesty International. 2009. "Everything Left Behind: Internal Displacement in Colombia." London: Amnesty International.

Annotation: In June of 2009, Amnesty International (AI) released this qualitative report using both interview responses from Internally Displaced Persons (IDPs) and historical data to explain the causes and ramifications of the displacement of hundreds of thousands of Colombians each year. The report also focuses on targeted and vulnerable groups such as women, girls, indigenous peoples, and Afro-descendent communities. The report concludes with a call to action to for all parties involved in the conflict to respect the rights of civilians not to be drawn into the hostilities.

----- . 2010. "The Struggle for Dignity and Survival: Human Rights Abuses against Indigenous Peoples in Colombia." London: Amnesty International.

Annotation: In this report issued by Amnesty International (AI), the plight of Colombia’s indigenous population is detailed through first-person victim accounts, field research, and

document review. Through this triangulation of data, AI is able to succinctly portray the social denigration of Colombia's indigenous groups that are forcibly removed from their traditional lands. As argued by AI, displacement of these peoples is particularly devastating due to a host of factors. These include, but are in no way limited to, the loss of livelihood, disorientation when forced into cities, and the complete fracturing of traditional norms. This report is most useful for gaining a cursory knowledge of the aforementioned issues, as well as for a brief introduction to the progress being made in regards to indigenous peoples in Colombia (*e.g.*, the endorsement of the UN's Declaration on the Rights of Indigenous Peoples in 2009).

----- . 2008. "Leave Us in Peace!: Targeting Civilians in Colombia's Internal Armed Conflict." Available Online: <http://www.amnesty.org/en/library/info/AMR23/023/2008/en>.

Annotation: Amnesty International report, *Leave Us in Peace*, delivers a holistic account of both the multifaceted issues that continue to extend the protracted Colombian conflict, and the ramifications of these problems, which are inflicted on the general population. Of particular note is the depth in which the authors describe the gross human rights violations suffered by civilians – specific topics highlighted include violence against women and girls, children, and the indigenous and Afro-descendent communities. The report blends scholarly research along with first-person victim accounts to paint a grim picture detailing how thousands upon thousands of Colombian civilians are suffering under the combined repression of internal violence and massive governmental failures.

Anaya, James. 2010. "The Situation on Indigenous Peoples in Colombia: Follow-up to the Recommendations Made by Previous Special Rapporteur." Human Rights Council. New York: United Nations.

Annotation: This report documents the findings of James Anaya, UN Special Rapporteur on the situation of human rights and fundamental freedoms, on his July 2009 mission to Colombia. While he states it is evident that the Colombian government is making strides towards improving indigenous rights, the undeniable situation on the ground belies any claims of significant achievement. Anaya further argues, *inter alia*, forced relocations, extrajudicial executions by all warring parties, lack of educational and medical resources, and illegal land expropriation practices all demonstrate the Colombian government's gross negligence and direct criminal involvement in threatening the very survival of marginalized indigenous and Afro-descendent groups.

Blair, Robert. 2008. "Waging Peace." *Educational Leadership* September: 32-36.

Annotation: In a succinct account of his research conducted in Colombia, Robert Blair (Fulbright Fellow 2006-2007) offers four lessons that he feels will help transform the atmosphere of Colombian schools. The first is start early. Blair suggests that introducing basic conflict-resolution techniques as early as second grade is essential if aggressive behaviors are to be curbed. Second, opportunities must be created for aggressive students to learn from peaceful peers. To this point, Blair cites current programs in place that are having dramatic positive affects by mixing more aggressive students with more peaceful

ones. Third, give students ownership of the rules. Blair argues that aggressive students are more apt to adhere to rules they helped create. Finally, Blair states that students are capable of managing their own conflicts, all they need is practice.

Bouvier, Virginia M. 2006. "Harbingers of Hope: Peace Initiatives in Colombia." *Special Report 169*. Washington D.C.: US Institute of Peace.

Annotation: In this report Virginia M. Bouvier, Jennings Randolph Program for International Peace, US Institute of Peace, argues that civilians involved in the Colombian conflict are increasingly becoming protagonists searching for ways to end the violence. This movement, states Bouvier, has resulted in the creation of numerous peace initiatives and social movements throughout the country, which have permeated throughout all strata of the population. From a redefining of civil society in conflict zones, to national, local, regional, and international initiatives, the Colombian populace is seeking new and innovative ways to end the violence that has lasted for over five decades. Bouvier closes her report with insightful ways forward derived through the research presented in this report.

----- . 2009. "Building Peace in a Time of War," in Virginia M. Bouvier (ed.). *Colombia: Building Peace in a Time of War*, 3-18. Washington D.C.: US Institute of Peace.

Annotation: In the opening chapter of her book, *Colombia: Building Peace in a Time of War*, Virginia M. Bouvier (US Institute of Peace) gives a detailed overview of the protracted conflict in Colombia. Yet Bouvier deviates from most historical accounts by providing a thorough description of Colombia's peace movements as well as giving precedence to the victims of the conflict instead of the armed actors. Bouvier also presents a five-section outline for the organization of her edited book. Part one provides historical context for the conflict, part two includes case studies of specific peace initiatives, part three discusses the relationship between gender, ethnicity, and the peace process, part four provides a sample of successful local initiatives, and finally, part five offers policy analysis of the role of international organizations in the Colombian conflict.

----- . 2010. "Cautious Optimism for Peace in Colombia." *Peace Brief*. Washington D.C.: US Institute of Peace.

Annotation: This report drafted by Virginia Bouvier of the US Institute of Peace, outlines the challenges and opportunities for the incoming Colombian president Juan Manuel Santos. Bouvier highlights Colombia's dynamic relationship with the United States, regional tensions with Venezuela, and the internal divides between Colombia's various armed actors. As in similar reports, Bouvier combines astute field observations with erudite scholarship when providing recommendations. In this particular report, her findings point to the necessity for "bold leadership" on the part of the Colombian government and of the country's largest guerilla group, FARC, to end decades of violence. Additionally, Bouvier speaks to the need of strengthening civil society in order to ensure the gains made are not ephemeral.



Cala Buendia, Felipe. 2010. "More Carrots than Sticks: Antanas Mockus's Civic Culture Policy in Bogota." *New Directions for Youth Development* 125: 19-32.

Annotation: In this article, Felipe Cala Buendia documents the rise and reasons behind the successes of Bogota's two-term mayor Antanas Mockus. According to Cala, Mockus was able to reorganize Bogota's society through a creative variety of initiatives developed and implemented under a rubric focused on civic culture. One example that Cala focuses a great deal of attention on is the decline in violence during Mockus's tenure as mayor. In his appraisal of this change, Cala does not give Mockus sole credit for this drop, but he does acknowledge Mockus as a key agent for change during this period. This article is one of a handful that deals with Antanas Mockus in a scholarly manner. There are many articles highlighting his eccentric behavior, but this article separates itself due to the rigorous manner in which the author collected and presented the data.

Chaux, Enrique. 2009. "Citizenship Competencies in the Midst of a Violent Political Conflict: The Colombian Educational Response." *Harvard Educational Review* 79, no. 1:84-93.

Annotation: In this article, Enrique Chaux, University de los Andes, uses the protracted internal conflict in Colombia as a framework to explore what role civic education can play in muting aggressive behavior developed by children who are exposed to multiple forms of violence. Chaux begins by briefly describing the Colombian conflict and the literature that highlights the interconnected nature of community violence and development of aggressive behavior in students. He then examines two methods in Colombia currently being employed to address this issue: The Colombian Program of Citizenship Competencies and Aulas de Paz. Chaux concludes with the promising evaluation findings of each program and emphasizes the importance of these types of programming in creating peaceful relationships between children.

Chaux, Enrique, and Ana M. Velasquez. 2009. "Peace Education in Colombia: The Promise of Citizenship Competencies," in Virginia M. Bouvier (ed.). *Colombia: Building Peace in a Time of War*, 159-72. Washington D.C.: US Institute of Peace.

Annotation: Chaux and Velasquez argue that education has enormous potential to transform Colombian society and foster sustainable peace. The reason for this, posit the authors, is that education's fundamental mission is the development of society, and that educational institutions have nation-wide credibility and are a setting for social and academic learning. To support their claims, Chaux and Velasquez offer numerous examples of such programs currently underway in Colombian schools, as well as outline the risks and opportunities of the country-wide Colombian Citizenship Competencies Program. This article clearly highlights the authors' belief that, without taking education into account, the peace initiative in Colombia is at serious risk of only producing short-term gains.

Denissen, Marieke. 2010. "Reintegrating Ex-Combatants into Civilian Life: The Case of Paramilitaries in Colombia." *Peace and Change* 35, no. 2: 328-51.

Annotation: In this article Marieke Denissen discusses the challenges inherent in the demobilization process of former guerillas and paramilitaries in Colombia. Denissen argues that while the decline in violence and an increasing number of former combatants laying down their weapons is promising, without increased investment for the reintegration of ex-combatants these actors are likely to take up arms again-- thereby greatly undermining the efforts for sustainable peace. Denissen discusses in detail five elements she deems essential to keep demobilized actors from returning to the conflict: livelihood security and individual approach to reintegration; prevention of rearming and new recruits; increased community involvement; and decentralizing the demobilization process.

Fernandez, Carlos, Mauricio Garcia-Duran, and Fernando Sarmiento. 2004. "Peace Mobilization in Colombia: 1978-2002" *Accord* 14: 18-23.

Annotation: In *Peace Mobilization in Colombia: 1978 – 2002*, authors Fernandez, Garcia-Duran, and Sarmiento trace back through the history of Colombia's peace movement to illustrate the impact it had on society. Divided into sections by time period, this report allows the reader a succinct account of 24 years of history in five pages. This is both a strength and a weakness. While the breadth of reporting is wide, the brevity of the report does not allow for much depth. Yet this is a good piece with accurate information and is suitable for anyone looking to get a broad overview of the signposts that made up this social movement.

Geske, Mary B., and Mark Ensalaco. 2005. "Three Prints in the Dirt: Child Soldiers and Human Rights," in Mark Ensalaco and Linda C. Majka (eds.). *Children's Human Rights: Progress and Challenges for Children Worldwide*, 111-126. New York: Rowman & Littlefield Publishers, Inc.

Annotation: In 16 concise pages, Geske and Ensalaco provide a well-researched and readable history of children's rights. While the primary focus revolves around the 1989 Convention on the Rights of the Child, and the role this document, and its optional protocol, has played in influencing international norms regarding the recruitment of and penalties for the use of child soldiers, the authors also highlight how advocacy has become action. By including information on the international advocacy network, which was instrumental in bringing about concrete changes in international/US policy, Geske and Ensalaco add a crucial component to the discussion about children's rights, which is often neglected.

Human Rights Watch. 2005. "Colombia: Displaced and Discarded, the Plight of Internally Displaced Persons in Bogota and Cartagena." New York: Human Rights Watch.

Annotation: Human Rights Watch (HRW) issued this report, which examined the barriers that internally displaced persons face in the Colombian cities of Bogota and Cartagena in regards to humanitarian assistance, education, and health care, in 2005. HRW notes that this is not an in-depth comprehensive report but focuses primarily on the immediate needs of displaced families. Keeping that goal in mind, this report achieves its aims. The format employed by HRW provides a brief historical account of the events that have led to the current crisis. Then subsequent sections are included to outline the aforementioned issues

and the underlying complexities that make their resolution so difficult. In particular, this report succeeds in underscoring the problems inherent in providing a free and compulsory education for displaced Colombian youth.

Isacson, Adam, and Jorge Rojas Rodriguez. 2009. "Origins, Evolution, and Lessons of the Colombian Peace Movement," in Virginia M. Bouvier (ed.). *Colombia: Building Peace in a Time of War*, 19-38. Washington D.C.: US Institute of Peace.

Annotation: In this chapter, Isacson and Rodriguez offer a detailed history of the Colombian peace movement since its emergence in the early 1990s. To accomplish this, the authors describe the movement's non-linear history, its primary proponents and detractors, as well as the challenges, setbacks, and hopes for the future. This chapter is a useful reference for a reader who is interested in both the history of Colombia's conflict and its peace movement. However, perhaps the most interesting aspect of Isacson and Rodriguez's work is how well they illustrate the complexity of Colombia's current situation. The authors are able to weave the history of Colombia's peace process into the multi-faceted questions that shape it. This method grants the reader three benefits: one, an understanding of facts on the ground; two, the clear divisions between the guerillas, the government, and peace movements; and three, the paradoxical rifts between human rights workers and peace activists.

Jaramillo, Rosario, and Jose A Mesa. 2009. "Citizenship Education as a Response to Colombia's Social and Political Context." *Journal of Moral Education* 38, no. 4: 467-87.

Annotation: Rosario Jaramillo of the Colombian Ministry of Education and Jose Mesa from Colegio San José, provide a detailed analysis of-- and context for-- the current programs in place that engender civic competencies in Colombia. The authors do a superb job of tracing the history of civic and moral education in Colombia as it transitioned from the standards set by the Catholic Church to a more inclusive, constitutional, and secular curriculum. Jaramillo and Mesa also highlight the progression of individual programs and governmental initiatives that are fostering a participatory democratic environment. Overall, this article provides a readable history of why civic competencies are necessary in the Colombian context, as well as what programs have been implemented to reach the country's goals. However, one weak point is the section entitled "a critical appraisal." Their brief description of program hurdles are far from complete, and the arguments for increased funding for civic competencies could use more supporting evidence.

McFarland, Maria. 2009. "Obama's Chance to Shift Gears on Colombia." New York: Human Rights Watch.

Annotation: In this persuasive report, Maria McFarland, senior researcher for the Americas Division at Human Rights Watch, calls on the Obama administration for a dramatic shift in its Colombian policy. Throughout the article, McFarland describes the negative ramifications of the collusion between the Uribe government and paramilitary forces. This covert, and illegal, relationship was responsible for thousands of civilian deaths, and was blatantly ignored by former President George W. Bush. As McFarland notes, America's

“special relationship” was justified by claiming Colombia was a bulwark of democracy and stability in the region – even though this is obviously not the case. Therefore, McFarland strongly urges Obama to strengthen his stance that these illegal behaviors will no longer be tolerated if Colombia desires the United States’ continued financial assistance.

McGovern, Jim, Jan Schakowsky, Donald Payne, and Mike Honda. 2010. "Letter on U.S. Aid to Colombia." *Sent to U.S. Secretary of State Hillary Clinton*. Washington D.C.

Annotation: This letter, which has now been signed by 53 U.S. congressmen, was sent to Secretary of State Hillary Clinton as a recommendation to reevaluate the United States’ financial investment in Colombia. The signatories of this correspondence propose the status quo in Colombia needs significant adjustment, and should shift from costly military offensives to a more holistic policy that focuses on the displaced population, strengthening the court system, and supporting human rights, the rule of law, and democracy. This letter offers an abrupt change in policy and is based on research from numerous international human rights agencies.

Montezuma, Ricardo. 2005. "The Transformation of Bogota, Colombia, 1995-2000: Investing in Citizenship and Urban Mobility." *Global Urban Development* 1 (1).

Annotation: In this article, Ricardo Montezuma examines the transformation of Colombia’s capital city of Bogota under two mayors – Antanas Mockus and Enrique Penalosa. The author divides this transformation into four sectors: space, society, economical, and political. An interesting note about this article is that Montezuma displays the environment that each mayor left for the other. For example, Mockus’ innovative campaigns to foster a sense of civic culture granted Penalosa an audience willing to adhere to many of his policies. This article also clearly distinguishes the primary goals between these two men. Mockus focused heavily on improving the mindset of the populace while Penalosa devoted time and resources to public works projects.

Moor, Marianne. 2007. "A New Start, an Open End. The Reintegration of Individual Demobilized Combatants in Colombia " *Colombia Intervention* 5 (3): 191-202.

Annotation: Marianne Moor’s article is divided into two main segments based off a study conducted in Colombia that examined the problems of the government run reintegration program for former combatants. The first offers a litany of reasons why the reintegration process in Colombia is failing its participants. Then, in the second section, Moor takes the lessons learned from the faltering government program and assists the indigenous organization *Asociación de Cabildos Indígenas del Norte del Cauca* (ACIN) in developing their own social reintegration program focused on the “homecoming” of former indigenous fighters. Through the hard lessons learned by government mistakes in conjunction with infusing traditional indigenous values and social norms, the ACIN is making progress in its reintegration program.

Morgenstein, Jonathan. 2008. "Consolidating Disarmament: Lessons from Colombia's Reintegration Program for Demobilized Paramilitaries." *Special Report 217*. Washington D.C.: US Institute of Peace.

Annotation: Morgenstein's report, which was based on the findings of a three-week field assessment, offers valuable lessons learned from Colombia's program to disarm, demobilize, and reintegrate (DDR) former paramilitaries, guerillas, and child soldiers. As Morgenstein states, the disarming and demobilizing of armed actors has progressed surprisingly well, yet Colombia has faltered significantly in reintegrating former combatants into society. Throughout the report, the author notes governmental shortcomings in areas such as educational opportunities, the dispersal of promised stipends, and lack of medical and psychological care. According to Morgenstein, there is a limited time to carry out the reintegration process, and if the Colombian government fails to provide ex-combatants with a sustainable alternative to support themselves and their families, the DDR process could actually hinder peace efforts.

Novelli, Mario. 2010. "Education, Conflict, and Social (In)Justice: Insights from Colombia." *Educational Review* 62 (3): 271-85.

Annotation: Mario Novelli, University of Amsterdam, draws from his own fieldwork experience in Colombia to highlight education's potential as both a tool for building peaceful coexistence and a catalyst for instigating and perpetuating conflict. To explain this phenomenon, Novelli includes a history of the Colombian conflict since the early 1960's, provides an overview of relevant literature between education and conflict, and illustrates why educators are frequently targeted by armed actors. Additionally, Novelli addresses the transnational economic, diplomatic, and military practices of powerful donor nations that complicate and sustain the current violent environment in Colombia.

Sanin, Francisco Gutierrez. 2010. "Organizing Minors: The Case of Colombia," in Scott Gates and Simon Reich (eds.). *Child Soldiers in the Age of Fractured States*, 121-42. Pittsburgh: University of Pittsburgh Press.

Annotation: Sanin takes an unemotional look at a few of the fundamental reasons why the recruitment of child soldiers in Colombia persists, as well as why this practice is not sustainable for the groups who utilize the youth for military purposes. Throughout the chapter, the author provides a detailed analysis on the push and pull factors that cause children to enlist in armed groups, the advantages and disadvantages for guerilla groups who employ child soldiers, and finally the incentive structures that each militarized group offers. This final aspect of study is Sanin's most useful and unique. Many authors and organizational reports discuss the reasons why Colombian children "join" a guerilla or paramilitary group, yet few discuss the intricacies of the varying actors. This analysis is important because each group fosters a distinct personality in its member, and these differences should be taken into account when creating reintegration programs.

Save the Children. 2009. "Rewrite the Future: Education in Emergencies." Available Online: [http://www.ineesite.org/uploads/documents/store/Education\\_in\\_emergencies\\_ReWrite\\_the\\_Future\\_Brief.pdf](http://www.ineesite.org/uploads/documents/store/Education_in_emergencies_ReWrite_the_Future_Brief.pdf).

Annotation: In this policy report, Save the Children outlines education's salient role in emergency situations and protracted humanitarian crises. The report is divided into three primary sections and discusses why education is needed in emergencies, the progress that has been made, and areas that still require more work. Though brief, the information is delivered in a succinct manner and would be useful for anyone interested in learning about education in emergencies or for practitioners looking for concise information on this subject.

Shifter, Michael. May 4, 2010. "President Spandex?" *Foreign Policy*. Available Online: [http://www.foreignpolicy.com/articles/2010/05/04/the\\_post\\_uribe\\_president](http://www.foreignpolicy.com/articles/2010/05/04/the_post_uribe_president).

Annotation: In this article, Michael Shifter provides a brief look at the reasons behind the rise of Antanas Mockus in the 2010 Colombian presidential elections. According to Shifter, Mockus, who is almost as well known for his eccentric behavior as his innovative policies, offers the frustrated Colombian populace a change in direction without straying too far from the "democratic security" policies of the Uribe administration. The author also notes two salient reasons that Mockus is gaining widespread support. First is the concrete positive results he created as the mayor of Bogotá, and second is that Mockus is an incredibly shrewd, yet austere and honest, politician.

United Nations Development Group. 2010. "MDG Good Practices: Together We Can Do More." Available Online: <http://www.undg-policynet.org/?q=node/11>.

Annotation: The second chapter of the UNDG's report, MDG Good Practices, provides concrete examples from participating countries in the realization of Millennium Development Goal number two – universal primary education. This entire report is useful for teachers and policy-makers alike, due to the fact that examples provided have been proven successful and are replicable in various circumstances and environments. In the Colombian context, the section dealing with the School Fee Abolition Initiative (SFAI) is particularly relevant. Today, thousands of Colombian youth that are eligible to attend public schools are denied access due to the related costs associated in attending. Therefore, Colombia's participation in programs such as SFAI would give students struggling with poverty the opportunity to gain at least a primary education.

UNICEF. 2010. "The Central Role of Education in the Millennium Development Goals." *2010 MDG Summit High-Level Round-Table, New York*. Available Online: [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/ED\\_new/images/education\\_for\\_all\\_international\\_coordination\\_new/PDF/analyticalnote.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/ED_new/images/education_for_all_international_coordination_new/PDF/analyticalnote.pdf).

Annotation: The United Nations Children's Fund (UNICEF) drafted this report with two separate, yet interrelated purposes. The first addresses the need for increased funding by both governments and individual donors for the realization of the Millennium

Development Goal (MDG) of universal primary education. The second highlights the fact that this alarming shift in resources is undermining hard fought gains, hindering the realization of universal primary education, and actually having a detrimental effect on the actualization of other MDGs such as gender parity, poverty relief, and the reduction of child mortality rates. The bulk of the report is spent providing evidence that successfully supports these claims. Additionally, this document is useful for anyone with a general interest in the topic, policy makers seeking information to support claims for increased educational funding, or teachers seeking best practices.

-----, 2007. "UNICEF Humanitarian Action Update: Colombia." (2007), Available Online: [http://www.unicef.org/infobycountry/files/Colombia\\_HAU\\_Sep\\_2007.pdf](http://www.unicef.org/infobycountry/files/Colombia_HAU_Sep_2007.pdf).

Annotation: The humanitarian action update describes the current situation on the ground in Colombia as well as provides information on the work that UNICEF is currently undertaking for the protection of women and children in this war torn country. The report is useful for the reader searching for quantitative analysis of the conflict or those interested in understanding UNICEF's salient role in preserving a sense of stability in the lives of marginalized populations caught in Colombia's protracted internal struggle.

## Peeking Out From Behind the Curtain

By Ian Reese

### Introduction

Absconded by airport security to middle-of-nowhere Russia, Nikolai Alexeyev sat for several days in early September 2010 unaware of his infractions or of his fate. Like a page from a Cold-War spy novel, the point of his abduction was to terrorize; Alexeyev's abductors psychologically tortured and berated him with homophobic remarks. Nikolai Alexeyev is the leading gay rights activist in Russia and has been a twisting thorn in the side of local and national government for several years. Upon his release, he resolved to agitate further by leading a public demonstration to boycott the Swiss International Air Lines for its involvement in his kidnapping. On October 4, 2010, protestors rallied in the streets of Moscow to support Alexeyev when no recourse was taken against his kidnappers and, essentially, to exercise newfound rights. Although members of the media nearly equaled the number of protesters, the rally symbolized progress—a distinct break from the way things were. This particular rally was the first government-sanctioned demonstration by the Lesbian, Gay, Bisexual and Transgender (LGBT) community in the Russian capital (*The Moscow Times*, 2010).

The fall of the Iron Curtain and dissolution of communist regimes opened Eastern Europe to the idea of liberal democracy and to all of its trappings. It liberalized its economies, politics, and social order, flooding many countries with as many opportunities as trials. Opportunities appeared for sexual minorities as the prohibition of homosexuality died with the crumbling of the Soviet Union; the official Stalinist ban on homosexuality was lifted in Russia in 1993. However, members of the Russian Duma have taken action in the last decade to reinstate the discriminatory law; though. Ultimately, they have failed. Russia has called itself an open democracy for nearly two decades, though it falls short in practice. The state of current human rights for lesbians and gays<sup>4</sup> in Russia remains grim, albeit recent actions have given the cloud that hangs over the LGBT community a silver lining.

### Public Disservice

The power of assembly has engendered inclusivity for human rights, given some much needed comfort, and brought governments to their knees. It is an integral part of healthy communities and a foundation for democracy. The sexual revolution of the 1990s, emboldened by the advent of the Internet, propped open the closet door for many gays and lesbians, providing opportunities to meet and associate. The LGBT community has legally been allowed to organize and to commune since the Stalinist ban was lifted. However, they have been forced to live in secrecy and to assemble away from the public sphere.

As previously mentioned, the government only recently sanctioned the first public demonstration of the LGBT community in Moscow. Prior to this rally, government officials refused to allow peaceful assembly and condemned any attempt at pride parades. The Gay Pride parade—a staple of LGBT activism and awareness throughout the world—has never been given approval in Russia. Yuri Luzhkov, mayor of Moscow from 1992 until his removal from office in 2010, denied permits to the Russian gay community for

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<sup>4</sup> Gay and lesbian will be often used as blanket terms to denote all members identifying as a sexual minority. This includes men who have sex with men, women who have sex with women, bisexuals, and transgendered, intersexed and queer persons. LGBT community and gay community will be employed interchangeably.



the last five years of his term. His vehement opposition increased when he branded the parades ‘satanic activity’ and called on Russians to realize the blasphemous, radical agenda being promulgated by the gay community (*The Other Russia* 2010). Gay activists were not just denied the permit, which they have argued in Russian court as their right under Russia’s constitution, but were physically brutalized by anti-gay extremist attackers and by police who were dispersing crowds that tried to march in 2006, 2007, and 2008. Marchers avoided direct violent conflicts in 2009 by moving the location of the parade at the last minute; although once found, all participants were arrested. In 2010, they disbanded at the first sign of police and reemerged to march a while longer in another part of Moscow. This blatant disregard for a basic human rights inhibits progress on several levels, most obviously gays’ and lesbians’ ability to enter the public sphere.

### “Diskriminatsia Normalnaya”

Official laws of non-discrimination, while offering protection on the basis of ‘social status’, do not explicitly include sexual minorities or transgendered persons. Russian society at-large may afflict the LGBT community with any number and combination of discriminatory acts without recourse. Thus, gays and lesbians continue to live secretly throughout Russia, remaining closeted even to friends and family for fear of persecution. Persecution takes several forms, including verbal and physical harassment, forced migration, reparative medical treatments, and disregard for health and its necessity for a full life.

Discrimination is inherent in Russian verbiage down to the terms used for sexual minorities: *nenormalnyi* (not-normal) or *netraditsionnyi* (non-traditional). The separateness induced by such language affects lesbians and gays at every level of society. Harassment plagues the LGBT population in their villages and their government. Public officials from its national legislative body—the Duma—sought to recriminalize homosexuality within the last decade. The recently removed Mayor of Moscow, Yuri Lushkov, described opposition to gay rights as an axiom that all Russian society should acknowledge. The Governor of Tambov Oblast, Oleg Betin, advocated that, “Faggots must be torn apart and their pieces should be thrown to the wind! ... This rotten nest must be wiped out!” Intolerant language like this breeds, and even begs for, intolerant acts of physical violence.

However, the numbers for hate crimes committed against LGBT are elusive and obscured. Police rarely denote whether a crime was motivated by hatred of gays, often having been the ones perpetrating such crimes. Courts have failed to recognize sexual minorities as ‘social groups’ when cases of hate crimes have been brought to criminal trials. Without safety or recourse from abuse, gays and lesbians remain private members of their communities, never considering open acknowledgement of who they are, let alone engaging in public displays of affection with one another. The silence perpetuates their situation to where little empirical evidence exists to make a claim for discrimination abuses.

Silence in the field of medicine also led Russia to be one of the last-developed countries to depathologize homosexuality when it adopted the World Health Organization’s classifications of diseases in 1999, which left homosexuality and bisexuality off the list (Kon 2010, 18). This declassification—transgender is still considered throughout the international medical community as a mental disorder—did little for the stigma placed on gays and lesbians by society, and by their families. National surveys conducted by the Levada Center in 2005 revealed 31 percent of the Russian population believes homosexuality to be a disease or caused by mental trauma (Kon 2010, 19). Reparative therapies, including electric shock therapy, continue to be used to ‘cure’ gays and lesbians of their homosexuality. Fear of persecution through medical treatment became the pivotal argument for a Russian lesbian, Alla Pitcherskaia,

in a U.S. asylum case in 1999. Hers was the first case to grant asylum based on widespread reparative therapies use, establishing the ‘well-founded fear’ necessary in such cases.

Aggressive—and unsubstantiated—treatment is not the only place in medicine negatively affecting the rights of gays and lesbians. Social stigmatization of the LGBT community has also infringed on their right to health (and life) by ignoring education of and treatment for the HIV/AIDS pandemic. The virus is transmitted through bodily fluids; sexual contact has replaced intravenous drug use as the highest form of transmission in Russia. The Executive Director of UNAIDS, Dr. Peter Piot, spoke to an assembly of Eastern European and Central Asian Ministers on the HIV/AIDS epidemic in Moscow in 2005. He pressed for urgent action to combat the virus that had flourished at the fall of the Soviet Union. He asks for prevention programs and access to medical care to halt HIV/AIDS with subtext that implores attending leaders to stop ignoring entire portions of the population. In an address a few months earlier, Dr. Piot warned of the implausibility of containing HIV/AIDS without shifting public attitudes toward youth sexuality, in particular, homosexuality. However, altering a society’s norms and morals is no simple task.

Russian society is deeply entrenched in Orthodox Christianity. It maintained a large underground presence even during the Soviet era, where the state replaced religion and where communism replaced God. Church leaders use their clout today to admonish gays and lesbians and condemn them as destroyers of Russian society. Youth Orthodox organizations have responded to the October 2010 European Court of Human Rights’ (ECHR) decision with unflagging commitment to overturn the ruling and to perpetuate the hostile environment for gays and lesbians. Orthodox organizations and leaders have railed against the parades and public activism, calling gays abnormalities and threatening violence if demonstrations were to take place. Clashes with members of Orthodox organizations when gay activists try to demonstrate have occurred repeatedly in the last five years. The Russian gay community seems finished with covert organization and accepting intolerance and violations of basic human rights.

### **Future Outlook**

The public sphere is where exposure to, and eventually personal contact with, gays and lesbians has proven to curb homophobia and to increase the acceptance of the LGBT community. Russian gays and lesbians have only recently gained a small presence in the public sphere. In 2010, Mayor Luzhkov was removed by President Dmitry Medvedev amidst speculation that his removal from power went further than disagreement with the Kremlin. Some suspect that the Russian federal government finally saw his outspoken hatred of gays as unfavorable on the world stage. The recent ECHR ruling, legal demonstration and change in government forecasts Russia’s movement towards secured rights for the gay community. They have just begun to peek out from behind that iron curtain.

### **Annotated Bibliography**

Alekseyev, Nikolai (Trans. by Mark Windsor). 2010. “As It Was... My Abduction.” *UK Gay News*. Available online: <http://www.ukgaynews.org.uk/Archive/10/Sep/1901.htm>.

Annotation: Nikolai Alekseyev, Russian gay rights activist, recounts the ordeal of his detainment in various prisons in Russia in September of 2010. He conveys his confusion and fear when airport security absconded him to unknown locations without explanation. Alekseyev describes the

'psychological torture' he endured and the security officers blatant homophobia as they relentlessly berated him with insults. This critical firsthand account elucidates the entrenched stigma and persecution of gays and lesbians in Russian society and the state.

\_\_\_\_\_. 2010. In *Journal Alexeyev*. Moscow.

Annotation: This primary source from Russian gay rights activist Nikolai Alexeyev, covers the latest progress and pitfalls for LGBT rights in Russia. Alekseyev responds to Lyudmila Mikhailovna's announcement on the European Court of Human Rights' decision to punish Russia's violation of the gay community's right to assembly. He questions her flippant attitude toward the ruling, as she doubted any change, especially in Russian legal process, would come of it--only the 30,000 Euro fine. Concerned with the *Ekho Moskvy*--the nation's last independent radio station--announcement, Alexeyev laments Lyudmila's downplay of such a significant step forward for the Russian LGBT community. This online blog presents timely dialogue on LGBT rights and simultaneously highlights skepticism from someone outside the movement that any real progress has been made.

Amnesty International. 2008. "Overview of Lesbian and Gay Rights in Eastern Europe." Available online: [http://www.amnestyinternational.be/doc/IMG/pdf/doc\\_18433.pdf](http://www.amnestyinternational.be/doc/IMG/pdf/doc_18433.pdf).

Annotation: This report by Amnesty International is an in-depth survey of lesbian and gay life in Eastern European countries. It dates the legal status of homosexuality and any subsequent non-discrimination legislation and recognition of partnerships as of 2008. The report also comments on current homophobia cases and includes quotes from national leaders to contrast the reality of lesbian and gay life with national and international conventions which governments have signed.

Baer, Brian James. 2002. "Russian Gays/Western Gaze: Mapping (Homo)Sexual Desire in Post-Soviet Russia." *GLQ: A Journal of Lesbian and Gay Studies* 8 (4):24.

Annotation: In this article, Brian James Baer, a leading author on conceptions of homosexuality in Russia, describes the social status of lesbians and gays since the collapse of the Soviet Union. He recounts the debates of when homosexuality became despised, how it was hidden away at the dawn of the Soviet era, and the anemic reawakening at its end. Baer critically analyzes the flood of (homo)sexuality in media that prompted many in the West to declare a new day for Russian gays and the reality that Russian gay movements would take a different path-- initially failing. The article becomes a dissection of literature in which Baer deconstructs characters of novels and memoirs to portray Russian sexual identity. He rightly claims that Russian sexism profoundly impacts its homophobic tendencies and aversion to embracing gay rights as human rights, or even embracing gender equality.

\_\_\_\_\_. 2009. "Making a Spectacle of Homosexuality: The Problem of Gay (In)Visibility ". In *Other Russias: Homosexuality and the Crisis of Post-Soviet Identity*. New York: Palgrave Macmillan.

Annotation: Prompted by his essay 'Russian Gays/Western Gaze', Baer completes a book examining Russian identity and homosexuality in the post-Soviet era. Chapter two describes the role of gay invisibility, in which gays are blamed for being detrimental to the heterosexual male identity, and are also forced to keep their homosexuality hidden from society. Baer notes Russian psychologists' and

sex pathologists' attempts to explain homosexuality through feeble heterosexual identities. Concerning these identities, he explains a 'disciplinary project' to restore Russian heterosexual male masculinity. Though mostly understanding identity in cultural and media contexts, Baer reveals the circular plight of the homosexual in post-Soviet Russia as he is closeted by fear-mongering 'science' and unable to convey anything different because of public fear.

Caceres, Carlos F., Mario Pecheny, Tim Frasca, Roger Raupp Rios, and Fernando Pocahy. 2009. *Review of Legal Frameworks and the Situation of Human Rights Related to Sexual Diversity in Low and Middle Income Countries*. Porto Alegre: UNAIDS.

Annotation: In this report, Dr. Caceres, et al., study legal systems, policies and regulations concerning homophobic practices and human rights violations in developing countries throughout the world. For Eastern Europe, their findings portray a disconnect between the civilist legal systems that provide some non-discrimination provisions and the widespread fear of disclosure by LGBT populations and the prevalent hate crimes committed against them. The authors convey more egregious abuses of human rights: in Eastern Europe, there lacks liberty and security of person, peaceful assembly, freedom from torture and cruel, inhuman, or degrading treatment or punishment, and the highest attainable standard of physical and mental health. The study provides well-constructed recommendations for logical and considerate development of LGBT rights within each country's legal system.

Diene, Doudou. 2007. Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Addendum: Mission to the Russian Federation: United Nations General Assembly.

Annotation: This addendum to a larger 2007 UN report recommends certain objectives for the Russian Federation to combat racism, racial discrimination, xenophobia, and related tolerance. It advises that Russia establish an independent institution devoted to the promotion and protection of human rights and to combat against all forms of discrimination, including sexual orientation.

Donnelly, Jack. 2001. "Non-Discrimination and Sexual Orientation: Making a Place for Sexual Minorities in the Global Rights Regime," in P. Hayden (ed.), *The Philosophy of Human Rights*. St. Paul, MN: Paragon House.

Annotation: Jack Donnelly, professor at the University of Denver, makes a compelling case for the inclusion of sexual minorities in the international human rights agenda. He explains the history of human rights as the inclusion of minority groups through political struggle for non-discrimination. He recounts the centuries of discrimination faced by sexual minorities and proffers strategies of inclusion, which need to be multi-tiered. Donnelly writes for the student of international affairs and human rights groups, but also for the logical individual willing to empathize with this issue.

Ferris-Rotman, Amie. 2010. "Gays Win Landmark Rights Case against Russia." Reuters (21 October). Available online: <http://www.reuters.com/article/idUSTRE69K1LD20101021>.

Annotation: This newspaper article highlights the landmark decision on 21 October 2010 by the

European Court of Human Rights for the Russian LGBT community. The Court passed down a ruling that admonished the Russian government for its consistent human rights violations of gays' and lesbians' rights to assembly and non-discrimination, concerning its refusal to allow Gay Pride parades in Moscow. This article recounts past discrimination, including police brutality against parade marchers, and refers to the deep societal prejudice against gays and lesbians. It quotes Nikolai Alexeyev's hope for the LGBT community, as he calls it a 'crippling blow to Russian homophobia.' This article is a solid synopsis of the Court's decision and the events surrounding it, as well as an extremely current source regarding the LGBT rights struggle in Russia.

Francoise F. Hamers, and Angela M. Downs. 2003. "HIV in Central and Eastern Europe." *Lancet* 361 (9362):10.

Annotation: In this article, Doctors Hamers and Downs research the growing HIV epidemic in Central and Eastern Europe and further east in post-Soviet countries in Asia. They chronicle the spread of HIV during the years since the dissolution of the Soviet Union with regard to the most common ways the virus is spread: intravenous drug use; sexual contact; and mother-to-child transmission. The conclusions showing low numbers of infection in homosexuals were most important. The authors assert that numbers may reflect the social vulnerability of homosexual and bisexual men of the post-Soviet bloc rather than the actual occurrence of the disease. This article is slightly outdated but the predictions concerning many of the eastern countries HIV rates actually came to pass.

"Gays Hold First Legal City Rally." 2010. *The Moscow Times* (4 October). Available online: <http://www.themoscowtimes.com/news/article/gays-hold-first-legal-city-rally/418263.html>.

Annotation: This article from *The Moscow Times*, a Russian newspaper for English speakers, reports on the first legal rally held by the gay community in Moscow. The reporters explain the protesters intentions--the boycott of Swiss International Air Lines for its mistreatment of Russian gay rights activist, Nikolai Alexeyev--and the scene that unfolded as a result. According to the article, police protected the protesters from a group of hooded 'neo-Nazis' bent on disrupting the rally. It juxtaposed police protection with the crackdown and crowd dispersion of previous public LGBT rallies and parades. This article reveals some of the most current issues and events of the struggle for LGBT rights in Russia.

Healey, Dan. 2001. Homosexual Desire in Revolutionary Russia. Chicago: The University of Chicago Press.

Annotation: In his book, Healy conveys the most comprehensive account of homosexuality in Russia from about 1870 to 1991. He mostly explores medical and legal documents from Tsarist and Soviet Russia to examine the attitudes toward gays, lesbians and other dissenting sexual/gender identities. He argues that silence has been the most pervasive common thread toward homosexuality over the last century in academia and, certainly, the public sphere as court cases and convictions never made it to Soviet newspapers. He concludes that Russia has viewed itself as the innocent in a tripartite 'geography of perversion' between the corrupt, neurasthenic West and the depraved East. His account critically reveals a psyche that lingers in modern Russian attitudes toward the LGBT community.

\_\_\_\_\_. 2010. "Active, Passive, and Russian: The National Idea in Gay Men's Pornography." *Russian Review* 69 (2):21.

Annotation: In this article, Healy argues that the development of Russian pornography, although influenced by globalization and Western culture, is embedded in a distinctly Russian gay desire. Concerning erotic imagery, he explains the root of male archetypal roles and fantasy in gay pornography. He details the history of gay press throughout the 1990s and the conservative backlash that generated the rise of Vladimir Putin and erased any progress towards gays in the public sphere. Healy recounts the past decade's attempts and successes of the government to deny gays and lesbians civil and political rights, such as association and expression. His analysis is intriguing, specifically his portrayal of the relationship between the emergence of purely Russian gay pornography and Russian gays' and lesbians' struggle to reconcile public openness and good citizenship.

Kon, I. 2010. "Homophobia as a Litmus Test of Russian Democracy." *Russian Social Science Review* 51 (3):22.

Annotation: Arguably the leading scholar of homosexuality in Russia, Kon describes the present state of public attitudes toward gays and lesbians in the Federation and uses it as a measure for Russian democracy. He chronicles the 'official' position of Russia concerning homosexuality, from decriminalization in 1993, to depathologization in 1999, to the current situation as political and social outcasts without rights or security. His research conveys a positive shift in public opinion regarding civil rights for homosexuals, though the overwhelming hostility that exists is rooted in traditional homophobic indoctrination from the Orthodox Church and lingering Soviet attitudes. He adds blame to a less-than-free press that downplayed the violent events that unfolded after the prohibited Gay Pride parades proceeded anyway in 2005 and 2007. In response to these events, international members admonished Russia for its human rights abuses, including its apparent indifference to a growing HIV epidemic. Kon concludes with an appeal to his country to obey its own laws without deference to Church or national traditions.

"Luzhkov Calls Ban on Gay Parades 'An Axiom.'" 2010. *The Other Russia*. Available online: <http://www.theotherussia.org/2010/01/25/luzhkov-calls-ban-on-gay-parades-an-axiom/>.

Annotation: This online article gives a lengthy translation of comments made by Mayor of Moscow Yuri Luzhkov pertaining to the Russian gay community. The article details Luzhkov's historically staunch opposition to 'Moscow Pride' since 2006, which he described as 'satanic activity'. Citing words uttered like 'blasphemy' and 'propaganda,' it conveys Luzhkov's commitment to branding gays and lesbians as depraved members of society. The article closes by mentioning the outcome of the 2009 Moscow Pride, which ended in the arrest of all 30 participants. This balanced article comes from an independent news source, outside the grasp of the Kremlin.

Nartova, Nadya. 2007. "'Russian Love,' or What of Lesbian Studies in Russia?" *Journal of Lesbian Studies* 11 (3/4):8.

Annotation: Nadya Nartova, a sociological researcher and PhD student in St. Petersburg, explains the lack of study concerning strictly feminine issues in gay academia, or lesbian issues, in Russia. Her conclusions are oriented toward homosexuality in general, though her discussion harangues the

current academic situation that neglects lesbian culture and issues particular to women. She briefly mentions the access to press and association in modern Russia. The article seems to be more of a diatribe on the absence of serious study of lesbians rather than a critique of inhibitors to lesbians in society.

Omel'chenko, Elena. 2000. "My Body, My Friend?' Provincial Youth Between the Sexual and the Gender Revolutions," in S. Ashwin (ed.), Gender, State and Society in Soviet and Post-Soviet Russia. London: Routledge.

Annotation: Administrator at the Ul'yanovsk State University, Omel'chenko studies Ul'yanovsk's youth and their views on sexuality as it unfolds after the fall of the Soviet Union. She uses the provincial Russian town as the perfect setting to examine the dissemination of the sexual and gender revolutions of the 1990s. As a researcher, she skillfully asks open-ended questions to young men and women of different socio-economic statuses about sexuality and the contemporary conception of sexuality in Russia. Her conclusions regarding homosexuality reveal intrigue among young women and disdain among young men, reflected also in the perceptions of their own sexuality. Citing I. Kon, she argues that the transformation from an extremely homophobic (and generally sexually repressed) Soviet Russia to the acknowledgement of the right to exist for homosexuals today will be further ameliorated when Russian youth relate to their own sexuality more tolerantly. Omel'chenko provides a critical outlook on (homo)sexuality in Russia, especially outside its major cities.

Ottosson, Daniel. 2010. "State-Sponsored Homophobia:" International Lesbian, Gay, Bisexual, Trans and Intersex Association.

Annotation: This is the latest full International Lesbian, Gay, Bisexual, Trans and Intersex Association's report on homophobic laws throughout the world. David Ottosson breaks down the ways in which countries are homophobic and homophobic. He details states that legally oppress gays and lesbians--with distinct levels of severity -- and asserts that these laws are usually harsher toward gay men. He also lists the countries with legalized homosexuality and equal age of consent for homosexual and heterosexual acts, and the years in which these homophobic laws were adopted. This is useful to understanding the distinction between legality and reality: a government might adopt laws while continuing to disenfranchise a group.

Piot, Peter. 2004. "Breaking the Barriers - Partnership to Fight HIV/AIDS in Europe and Central Asia." Paper read at Ministerial Conference (23 February), Dublin.

Annotation: In his opening plenary speech at the Ministerial Conference devoted to AIDS in Europe and Central Asia, UNAIDS Executive Director and United Nations Under Secretary-General Dr. Peter Piot details some of the successes of HIV prevention campaigns throughout Europe, reminding his audience that HIV is once again on the rise in European countries--especially in Russia and Ukraine. Dr. Piot rightly blames social exclusion and stigma for the spread of the virus, specifically homophobia in the Caucasus and in Central Asia. He presents the challenges ahead and the approach that should be taken, emphasizing the necessity to openly discuss 'young people's sexuality, homosexuality, and injecting drug use.' This speech is an important address on HIV and homophobia in Eastern Europe and Central Asia.

\_\_\_\_\_. 2005. "Keynote Address." Paper read at Meeting of East European and Central Asian Ministers on 'Urgent Response to the HIV/AIDS Epidemic' (31 March), Moscow.

Annotation: In this keynote address speech from 2005, Dr. Peter Piot, executive director of UNAIDS, critically looks at the future of the HIV/AIDS epidemic in Eastern Europe and Central Asia. He conveys the rampant outbreak of the virus in the last ten years, placing Russia and Ukraine at the top of the list for the highest rates of infection in Europe. He explains that AIDS is most common among youth and has immense impact on a state's public health, security and future economic development. He entreats the political leadership of Eastern Europe and Central Asia to take a proactive stance on fighting the spread of HIV, particularly in creating accessibility to HIV treatment and medical care. His speech is for specific audiences who often have trouble hearing criticisms or touching on taboos. Without condemning or judging, Piot provides a comprehensive strategy to slowing, if not halting, the HIV/AIDS epidemic.

"Russia Extended Oral Statement." 2010. Paper read at International Women's Rights Action Watch Asian Pacific, 46th Session. Available online: [http://www.iwraw-ap.org/resources/pdf/46\\_oral\\_statements/Russia\\_Extended\\_Oral\\_Statement\\_DRAFT.pdf](http://www.iwraw-ap.org/resources/pdf/46_oral_statements/Russia_Extended_Oral_Statement_DRAFT.pdf).

Annotation: In this draft of a statement to an International Women's Rights Action Watch forum, the speaker discusses discrimination particular to rural women, lesbians, bisexual women and transgender people in Russia. The author condemns the Russian government's indifference to discrimination against women and LGBT people, citing poor healthcare, the absence of anti-discrimination law and open discourse of the 'propaganda of homosexuality.' The author is a member of several LGBT organizations in Russia and writes this draft to draw attention to the grave civil, political, and social rights abuses sanctioned by the government and culture.

Stulhofer, Aleksandar, and Theo Sandfort. 2005. Sexuality and Gender in Postcommunist Eastern Europe and Russia. New York: Haworth Press.

Annotation: Doctors Stulhofer and Sandfort are prominent figures in sociological studies of sexuality and gender. In this book, the authors comprehensively evaluate the social constructs that shape gender and sexuality in post-Soviet Eastern Europe. They posit that the three main factors that affect gender roles and sexuality are religion, family, and societal institutions. Due to an entrenched legacy of the aforementioned factors, responses of each society to newly found economic and social liberalism has left women and sexual minorities frustrated with limited progress and even subjugation.

\_\_\_\_\_. and Ivan Rimac. 2009. "Determinants of Homonegativity in Europe." *Journal of Sex Research* 46 (1):9.

Annotation: This article is a social scientific analysis of the factors that cause negative attitudes toward homosexuals in Europe. Aleksander Stulhofer and Ivan Rimac examine three main sources of social regulation of sexuality: religious tradition; processes of modernization; and post-modernization, or a shift in values. Their study uses two indicators to gauge homonegativity: social



distance, measured by the percentage of people who would not want a homosexual neighbor; and justification of homosexuality, measured by percentage of people who think homosexuality can be justified. It places Lithuania, Romania, Ukraine, Russia, and Belarus as the most homonegative societies of the 31 countries assessed. Stulhofer and Rimac conclude that modernization processes have a central role in social tolerance of homosexuality and that persisting religious traditions, specifically Eastern Orthodox Christianity, limit the effects of modernization.

UNAIDS Programme Coordination Board, 26<sup>th</sup> Meeting, 2010. "Reducing HIV Transmission among Men Who Have Sex with Men and Transgender People (UNAIDS/PCB(26)/10.10)" Geneva, Switzerland. Available online:

[http://www.nfi.net/downloads/homepage/Other%20recent%20useful%20document-27%20july%202010/May2010-Reducing%20HIV MSM transgender UNAIDS.pdf](http://www.nfi.net/downloads/homepage/Other%20recent%20useful%20document-27%20july%202010/May2010-Reducing%20HIV%20MSM%20transgender%20UNAIDS.pdf)

Annotation: In this conference room paper, the UNAIDS Programme Coordinating Board presents the current status of efforts to lower HIV transmission among men who have sex with men and among transgender people throughout the world. The Board reviews capacity-building and coordination activities in Ukraine and Russia. It also gives updates on UN-cosponsored human rights efforts regarding sexual minorities and HIV prevention practices. Some of it only lists the dates at which new information pertaining to HIV prevention for men who have sex with men (MSM) will be released.

Ungar, Mark. 2000. "State Violence and Lesbian, Gay, Bisexual and Transgender (LGBT) Rights." *New Political Science* 22 (1):15.

Annotation: In this article, Ungar dissects the various forms of state violence against lesbians, gays, bisexuals, and transgender persons throughout the world. His levels of state-endorsed violence range from legal and semi-legal state violence to extra-judicial violence. Eastern European countries are referenced mostly in the semi-legal violence section where he describes hidden-- but sanctioned-- 'pink lists' used by police and forced reparative therapy of the LGBT community.

## **Combating Discrimination against the Roma in Europe: Why Current Strategies Aren't Working and What Can Be Done**

By Erica Rosenfield

*We have set our sights high, but the goal is simple: let us ensure that Roma enjoy the same rights and opportunities as anyone else. Roma are no different from anyone else. Give them a chance to study and they will learn. Give them a chance to find a job and they will work...*

-Viviane Reding, Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizenship, Córdoba, 8 April 2010

### **Introduction**

In the summer of 2010, the forced expulsion of many Roma from Western to Eastern Europe captured headlines and world attention, yet this practice simply represented the latest manifestation of anti-Roma sentiment in Europe. Indeed, the Roma—numbering over ten million across Europe, making them the continent's largest minority—face discrimination in housing, education, healthcare, employment, and law enforcement; widespread prejudice against this group shows no evidence of receding. There is, however, certainly no shortage of national and supranational policies aiming to promote inclusion and equality for the Roma. The Organization for Security and Cooperation in Europe (OSCE)'s *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*, the *Decade of Roma Inclusion 2005-2015*, and the European Union's (EU) *Common Basic Principles for Roma Inclusion* are but three examples. A number of major legal developments at the EU level have also addressed Roma rights violations, particularly in the area of childhood education. However, progress has stalled and many Roma have not experienced any tangible improvements in their lives—despite earnest attempts by EU policy-makers. In essence, the Roma are caught in a classic vicious cycle: as more programs are designed and implemented specifically for them, their stigmatization and isolation increases; yet if no such programs are devised, their suffering will continue unabated (Nicolae and Slavik 2007). After providing a brief overview of the current state of Roma rights, this essay will argue that there are three major obstacles which stand in the way of full Roma equality: insufficient data on the current status of the Roma; the absence of a Roma civil rights movement; and the continuous prejudices of the non-Roma, which have not received enough attention in current policies. Only by addressing all three of these issues simultaneously can the human rights of the Roma be fully realized.

### **Setting the Scene: Anti-Roma Discrimination in Europe**

In direct contravention of EU principles such as the protection of minorities and the prohibition of discrimination, the Roma continue to experience a multitude of human rights violations. The use of disproportionate force against the Roma by police officers across Europe is widespread. Obtaining legal residences with secure living conditions remains problematic, and forced evictions, inadequate alternative housing, deficiencies in civil and voter registration, and educational segregation also continue to plague the Roma community. Roma are fully absent from the work forces of many major sectors, especially white-collar areas, and research from the European Roma Rights Centre indicates that 64 percent of working-age Roma have experienced

discrimination in employment. Most commonly, Roma are rejected from employment opportunities because they can be visibly identified as belonging to this group (The Glass Box 2007). When asked if they could name an organization that would help them if they had been discriminated against, 86 percent of Roma surveyed by the EU Agency for Fundamental Rights could not name any (European Union Minorities and Discrimination Survey 2009). In addition, 69 percent of Roma respondents considered discrimination on the basis of ethnicity to be widespread in their country, and a further 25 percent of Roma respondents were victims of personal crime (including assaults, threats, and serious harassment) at least once in the previous twelve months. Between 65 and 100 percent of Roma, depending on the country surveyed, did not report this personal victimization to the police, citing doubt in the ability of the police to remedy the situation. Equally concerning as societal prejudice is the expression of this prejudice in the political sphere. As economic conditions have deteriorated across Europe, members of extreme-right political groups with anti-Roma agendas have gained popularity and have won seats in national parliaments, signaling their viability in mainstream politics. In sum, prejudice against the Roma is a deeply ingrained structural feature of European society, and negative myths about the Roma are ubiquitous and permeate the fabric of everyday life.

### **The Roma “Data Deficit”**

The first major barrier to greater Roma equality and inclusion in Europe is a lack of reliable and authoritative data on the socioeconomic standing of the Roma. There are virtually no countries in the European Union that collect data that is disaggregated for ethnic group affiliation. Simply put, European censuses generally do not divide populations by ethnicity; instead, all citizens are grouped together, resulting in a complete lack of statistical indicators on the social, political, and economic status of the Roma. This shortage of disaggregated data allows policymakers to ignore, to be unaware of, or to deny the existence of ongoing injustices endured by the Roma. As argued in the Open Society Institute’s *No Data – No Progress* report, the almost complete unavailability of reliable statistics on issues such as Roma employment and incarceration rates makes it impossible to measure if positive initiatives, such as the *Decade of Roma Inclusion*, are spurring on any sort of meaningful change. To cite one example, there is no statistical information available on primary school completion rates for Roma children in two-thirds of the countries participating in the *Decade* (McDonald and Negrin 2010, 10). This so-called “data deficit” must be resolved before any other outstanding issues are addressed. Without authoritative indicators of progress, state implementation of EU-wide directives cannot be properly measured and evaluated, and European politicians and policy-makers will not be able to determine with any degree of certainty whether or not the initiatives are, in fact, meeting their stated goals.

### **A Fledgling Civil Rights Movement**

The shortage of empirical data on the well-being of the Roma is the first obstacle to be addressed if Roma rights are to be taken seriously. A second major hindrance to genuine progress on Roma rights is the lack of a cohesive Roma civil rights movement. Throughout history, marginalized minorities able to organize themselves politically and to advocate for their own rights have had the most success in combating discrimination and fostering social inclusion. In the *Report on Roma Education Today: From Slavery to Segregation and Beyond*, author Jack Greenberg—a professor of law at Columbia University who once headed the NAACP Legal Defense Fund and argued the landmark *Brown v. Board of Education* case in 1954—makes this case convincingly. Greenberg explores the parallels between the educational segregation of Roma children and the earlier experiences of

African-Americans in the United States, and concludes that a vibrant civil rights movement provided the impetus, more than anything else, for the granting of full equality to African-Americans. In the absence of a comparable Roma civil rights movement, Greenberg doubts that meaningful advances in Roma rights will be achieved.

Although there are obvious differences between the plight of the Roma today and the earlier suffering of African-Americans, the need for organized political mobilization remains clear. A plethora of transnational advocacy networks and human rights-oriented NGOs across Europe have taken up the cause of Roma rights and have made significant legal advances on behalf of the Roma. Moreover, some Roma have been elected to governments in Central and Eastern Europe. These efforts need to be matched, however, with robust collective organization and the emergence of Roma leaders who can act as representatives of their population and can provide an official point of contact between national leaders and the Roma community. Dusan Ristic, a Romani artist and activist from Serbia, argues this point clearly: “On a larger level, the Romani movement does not exist. To the extent that the movement does exist at the European level, it is full of outside influences...It is time to start to build the Romani movement from the bottom up, with our own initiatives and resources” (Sigona and Trehan 2009; 63). The *Roma Diplomacy* program is a promising initiative in this regard; it trains well-educated and successful Roma men and women in diplomacy and community advocacy (Nicolae and Slavik 2007). However, until the political organization of this minority is more cohesive and widespread across Europe, it remains doubtful that progress on Roma rights will be durable and long-lasting.

### **Persistent Prejudice**

In addition to a dearth of disaggregated data and the absence of a cohesive Roma civil rights movement, the lack of attention paid to the entrenched discriminatory attitudes of non-Roma is hampering efforts toward Roma equality and inclusion. In essence, current policy initiatives aimed at promoting and enhancing Roma rights neglect, or do not sufficiently attend to the prejudices of the non-Roma. This is arguably the greatest and most intransigent obstacle that needs to be overcome if real change is to occur. A number of surveys and studies have documented and exposed the overt intolerance exhibited by many Europeans toward the Roma. For instance, research conducted by the Open Society Institute in Central Europe revealed that “non-Roma respondents consistently expressed negative views of the Roma overall, describing the Roma as dishonest, aggressive, unhygienic, lacking work ethic, unemployed, poorly educated, and prone to criminality” (*Open Society Institute*, 2005). Furthermore, most non-Roma respondents insisted that their attitudes toward the Roma were not the result of stereotypes or racism, but rather stemmed from the behavior and traits of the Roma themselves. This panoply of negative perceptions is consistent and common across Europe. The EU Minorities and Discrimination Survey (EU-MIDIS), conducted from May to July 2008, asked Roma in several Central and Eastern European states about their experiences with discrimination in nine different subject areas, including: employment; housing; social services; and banking. Importantly, of all the minorities that were surveyed for the EU-MIDIS project (including North Africans, Turkish, former Yugoslavians, Sub-Saharan Africans and others), the Roma reported the highest overall levels of discrimination. On average, every second Roma respondent reported being discriminated against at least once in the previous year on the basis of their ethnicity.

### **Conclusion**

It is clear that any top-down, government-sponsored initiative for improving the situation of the Roma will be met with resistance at the local level because of deep-rooted and widespread intolerance. Indeed, this is precisely what is occurring today in Europe. Persistent discrimination at the local level is inhibiting the effective implementation of national and supranational policies aimed at ameliorating the lives of the Roma. The principal dilemma for Roma rights advocates and policy-makers is therefore the following: How can European societies rid themselves of prejudicial attitudes toward the Roma, or at the very least, suppress such negative attitudes so that the Roma can enjoy equal rights? Without addressing this key question, visible and enduring positive changes will not occur, despite the best efforts of EU bureaucrats and Roma rights activists. It is thus apparent that any strategy to improve the human rights of the Roma should be multi-faceted. It must include the aforementioned three ideas: rigorous data collection on the social, political, and economic status of the Roma; the emergence of a Roma-led civil rights movement; and the tackling of non-Roma prejudice. On this last point, a variety of strategies can be adopted. Complete educational desegregation can be accompanied by the amendment of elementary and high school curricula to include tolerance, multiculturalism, and the history and culture of the Roma. Financial penalties can be imposed on those who blatantly discriminate in employment, housing, and healthcare, and police forces can be provided with training on culturally-sensitive approaches to the Roma. Countries in which institutional and systemic discrimination persists can be fined by the European Union or denied some of the privileges that EU membership confers. Only by concurrently addressing ingrained European prejudices, collecting data, and promoting political mobilization can the plight of the Roma be assuaged — anything short of this will only perpetuate the status quo.

### **Annotated Bibliography**

Atanasoski, Neda. 2009. "Roma Rights on the World Wide Web: The Role of Internet Technologies in Shaping Minority and Human Rights Discourses in Post-Socialist Central and Eastern Europe." *European Journal of Cultural Studies* 12 (2):205-218.

Annotation: In this article, Neda Atanasoski analyzes the relationship between internet technologies, human rights discourse, and post-socialist transition. She suggests that although the internet has brought the struggle of the Roma to the fore, many Roma themselves are unable to avail themselves of online resources. Indeed, because of the combination of a proliferation of online resources about the Roma and the inability of many Roma to access the internet (owing primarily to widespread poverty), they have become 'virtual' subjects of rights. Atanasoski is also highly critical of Western European governments, and argues that their concern about the human rights of the Roma is exceeded by their desire to prevent the Roma of Central and Eastern Europe from seeking asylum in the West. This article is innovative in its subject matter, yet the connection between the role of the internet and the supposed hypocrisy of Western governments is unclear.

Cahn, Claude 2003. "Racial Preference, Racial Exclusion: Administrative Efforts to Enforce the Separation of Roma and Non-Roma in Europe through Migration Controls." *European Journal of Migration and Law* 5 (4):479-490.

Annotation: Claude Cahn, former programmes director of the European Roma Rights Center, examines the way in which the Roma have become the central focus of migration politics in Western Europe. He argues that forced expulsion stemming from long-standing discrimination constitutes the core of European policies towards the Roma. Cahn explains that the concepts of itinerancy and ethnicity have become increasingly linked in European migration policies, and explores why numerous European states have hampered the ability of refugees to claim asylum within their borders. He argues that migration should be re-framed as a fact and not as a problem in European politics, and calls for greater legal protection for the Roma and for refugees. It should be noted that because this article was written in 2004, some of the information is no longer pertinent; however, forced expulsions of the Roma continue to occur, and as a result, this article is useful in providing legal and historical context for this practice.

Cahn, Claude and Elspeth Guild. 2008. "Recent Migration of Roma in Europe." The Hague: OSCE High Commissioner on National Minorities. 1-86. Available Online: [http://www.coe.int/t/commissioner/Activities/themes/RomaMigration\\_2009\\_en.pdf](http://www.coe.int/t/commissioner/Activities/themes/RomaMigration_2009_en.pdf)

Annotation: This report aims to assist Council of Europe Member States and Organization for Security and Cooperation in Europe (OSCE) participating states in formulating policies to meet the needs of Romani migrants. The authors attempt to balance the oft-competing demands of managing the flow of migrants with respecting human rights. The stated objective of the report is to determine which legal measures exist to provide security for Roma migrants. However, the article also explores the interaction between anti-discrimination law and migration policies. The report includes a brief summary of Romani history in Europe, followed by two broad sections: the first analyzes the European legal and policy framework on migration and discrimination, and the second looks at Roma access to education, employment, health care, and housing within the context of migration. Written in 2008, this report is relatively recent, and is useful for those seeking a detailed description and analysis of Roma migration issues in Europe.

Corsi, Marcella, Chiara Crepaldi, Manuela Samek Lodovici, Paolo Boccagni, and Cristina Vasilescu. 2008. "Ethnic Minority and Roma Women in Europe: A Case for Gender Equality?" European Community Programme for Employment and Social Solidarity. Available Online: [www.ec.europa.eu/social/BlobServlet?docId=4833&langId=en](http://www.ec.europa.eu/social/BlobServlet?docId=4833&langId=en).

Annotation: This European Commission-sponsored report explores the extent to which ethnic minority and Roma women are discriminated against in daily life across Europe. The socio-economic conditions and perspectives of ethnic minority and Roma females are presented, and disadvantages in terms of education, healthcare, housing, employment, financial services, and social benefits analyzed. The principal legislative and policy responses that have been adopted at the national level across Europe are also described, and various examples of good practices provided. Importantly, this report addresses the reality that Roma women are not solely discriminated against by the non-Roma population, but also by their male counterparts. The patriarchal culture and family structure of many Roma

communities is assessed alongside external sources of discrimination. By delving into the social structure of the Roma community itself, this report goes beyond typical assessments of non-Roma prejudice and explores how male Roma attitudes are hampering opportunities for Roma girls and women in all facets of life.

European Roma Rights Centre. 2008. "Security a la Italiana: Fingerprinting, Extreme Violence and Harassment of Roma in Italy." Budapest. Available Online: [http://www.errc.org/en-research-and-advocacy-reports-intro-details.php?article\\_id=3050](http://www.errc.org/en-research-and-advocacy-reports-intro-details.php?article_id=3050)

Annotation: This report, commissioned by the European Roma Rights Centre but undertaken in conjunction with a variety of human rights organizations (including the Open Society Institute and the Center on Housing Rights and Evictions), describes the upsurge in anti-Romani sentiment in Italy since 2008. The implications of Romani migration in the EU are explored within the context of rising violence against the Roma in Italy. Changes in the Italian social and political climate are also described in an attempt to understand why violent and racist attacks against Roma, by both state and non-state actors, have become a structural reality in this Western European nation. This report is useful for those seeking first-hand documentation of recent human rights abuses against the Roma in Italy. In addition, the report demonstrates that discrimination against the Roma is not limited to Central and Eastern Europe, but rather is a pan-European phenomenon.

-----, 2007. "The Glass Box: Exclusion of Roma from Employment." Budapest. Available Online: <http://www.erionet.org/site/upload/publications/reports/Glassbox-report.pdf>

Annotation: This report uses empirical research from Bulgaria, the Czech Republic, Hungary, Romania, and Slovakia to document ongoing employment discrimination against the Roma. Adapting the ubiquitous "glass ceiling" metaphor, the report argues that all Roma are constrained by an invisible "glass box" which restricts their upward mobility and hinders their ability to find gainful employment in fields not connected to the delivery of services for other Romani people. The report notes that there is a complete absence of Roma from many sectors of employment, such as white-collar jobs. Moreover, 64 percent of working-age Romani interviewed by the European Roma Rights Centre reported experiencing direct discrimination in employment, particularly in the job search and in recruitment phases. This report provides a comprehensive overview of Roma exclusion from employment and uses authoritative data to substantiate its claims, rendering it a useful resource for those seeking information on the Roma and employment rights.

Farkas, Lilla. 2007. "Segregation of Roma Children in Education: Addressing Structural Discrimination Through the Race Equality Directive." European Commission. Available Online: <http://ec.europa.eu/social/main.jsp?catId=518&langId=en&furtherPubs=yes>.

Annotation: This report, written primarily from a legal perspective, offers suggestions on how to tackle the educational segregation of Roma children. Farkas argues that the Racial Equality Directive (RED)—the principal legal instrument used to combat discrimination in EU Member States—is an effective tool to combat segregation in domestic courts as well as

in the European Court of Justice. Owing to the high level of protection afforded to minorities by the RED in the field of education, Farkas suggests that it should be employed to remedy the human rights abuses faced by Romani children. Focusing on structural and institutional discrimination, Farkas also describes the effects of harassment and victimization, as well as a lack of minority language and integrative education on Romani children. Although heavy in legal concepts, this report is accessible, well-researched, and useful for anyone searching for an understanding of educational segregation and the legal tools available to remedy this ongoing human rights issue.

Goldston, James A. 2010. "The Struggle for Roma Rights: Arguments that Have Worked." *Human Rights Quarterly* 32 (2):311-325.

Annotation: In this article, James Goldston examines the legal arguments that have been successful in advancing the cause of Roma rights in courtrooms across Europe. He suggests that process-based claims (those related to obligations, burdens of proof, and refutable presumptions), arguments based on factual evidence, and arguments that address systemic problems have been the most effective in protecting and promoting the human rights of the Roma. Goldston gives examples of cases at the national and supranational level that have been successful because of these arguments, and lauds the legal progress that has been achieved in the past decade. However, he argues that a disconnect exists between legal outcomes and reality—while significant advances have been made in courtrooms, they have not yet been translated by European parliaments and local governments into specific policies that benefit the Roma. Although this article focuses primarily on legal concepts, it is accessible and succinctly captures the ongoing struggle to convert legal advances into positive changes at the local level.

-----, 2002. "Roma Rights, Roma Wrongs." *Foreign Affairs* 81:146-162.

Annotation: This article presents a broad overview of Romani history and human rights abuses in Europe. Written before several Central and Eastern European countries were admitted to the European Union, this article is slightly outdated; however, much of the information and insights offered are still pertinent today. For instance, Goldston describes the convergence of two trends—the assertion of Roma rights and European integration—and discusses the ways in which EU accession has spurred changes in individual governmental policies toward the Roma. He also explains why minority rights play such a central role in the process of European integration, and comments on the increasing use of legal means by the Roma to remedy abuses such as segregated schooling and police brutality. Although this piece offers only a cursory look at a variety of issues pertaining to the Roma, it is nevertheless useful for anyone seeking a broader historical overview of the Roma in Europe and is an introduction to key concepts and themes.

Greenberg, Jack. 2010. "Report on Roma Education Today: From Slavery to Segregation and Beyond." *Columbia Law Review* 110:919-1348.



Annotation: In this 84-page report, Jack Greenberg—a professor of law at Columbia University who once headed the NAACP Legal Defense Fund and argued the landmark *Brown v. Board of Education* case in 1954—explores the educational segregation of Roma children in Central and Eastern Europe. Greenberg draws parallels between the experiences of the Roma today and the earlier experiences of African Americans in the United States. He argues that American desegregation was largely made possible due to a vibrant civil rights movement, and he laments that no such civil rights movement exists in the Roma community. Greenberg also explores the demography and history of the Roma, and investigates the possibility of a Roma civil rights movement forming in this region. This report is authoritative and highly detailed, and would be of use to anyone seeking to understand the social, political, and legal issues surrounding the educational segregation of the Roma in Europe.

Guglielmo, Rachel, and Timothy William Waters. 2005. "Migrating Towards Minority Status: Shifting European Policy Towards Roma." *Journal of Common Market Studies* 43 (4):763-786.

Annotation: In this article, authors Guglielmo and Waters describe how communities of Roma across Europe have been moving from migrant to minority status. This has corresponded with a shift in European policy away from concern about Roma migration and towards an emphasis on human rights. Although EU politicians and policy-makers remain concerned about the impacts of westward migration, they have nevertheless recognized (at least on a rhetorical level) that this concern cannot override respect for minority rights, particularly as it pertains to the Roma. The authors explain how the EU commitment to 'common values' propelled the development of an internal approach to minority protection, and argue for the integration of the Roma into Europe as minorities and not as migrants because of the legal protection afforded to official minority groups. This article thoroughly traces recent policy developments in the EU towards migration, minorities, and the Roma, and is therefore a useful tool for those who wish to understand the evolution of EU policy in these fields.

Guy, Will, ed. 2001. *Between Past and Future: the Roma of Central and Eastern Europe*. Hertfordshire, UK: University of Hertfordshire Press.

Annotation: In this collection of scholarly essays, three broad themes are explored in great detail: European policy towards the Roma in the past and the present; the International Romani Union; and the diversity of the Romani experience across Europe. Specifically, many of the essays address the impact of the end of Communist rule on the political and economic well-being of the Roma. Editor Will Guy also emphasizes the importance of understanding European history in analyses of the Roma's current situation. A combination of history and policy makes this book useful for anyone seeking to understand how the Roma have become Europe's largest and most marginalized minority group, and for determining solutions at the national and transnational levels to improve the lives of the Roma.

Henrard, Kristin. 2003. "The Building Blocks for an Emerging Regime for the Protection of a Controversial Case of Cultural Diversity: The Roma." *International Journal on Minority & Group Rights* 10 (3):183-201.

Annotation: In this article, Kristin Henrard explores the extent to which individual human rights and general minority rights contribute to the promotion and protection of the cultural diversity of the Roma in Europe. Using the equality principle, the prohibition of discrimination, and the protection of the right to life as guiding legal frameworks (as outlined in the European Convention on Human Rights), Henrard analyzes the way in which individual human rights protect the Roma and their distinct traditions. Cultural rights and minority rights are similarly examined, and the trend toward Roma-specific norms and standards is expounded upon. For those unfamiliar with international human rights law, this article may be slightly challenging, as certain terms and concepts are not defined but used repeatedly. Nevertheless, the article provides a comprehensive overview of developments in the field of human rights law that have benefited the Roma, and is useful for those seeking to understand the intersection between the law and Roma rights.

Hollo, Lanna. 2006. *Equality for Roma in Europe: A Roadmap for Action*. Brussels: Open Society Institute. Available Online: [http://www.erionet.org/site/upload/publications/reports/equality\\_2006.pdf](http://www.erionet.org/site/upload/publications/reports/equality_2006.pdf).

Annotation: This report, produced in part by the European Roma Information Office, identifies the cultural, policy, and legislative changes that need to occur at the national and European level in order for genuine progress in the realm of Roma rights to materialize. The first part of the report summarizes the principal factors that have impeded progress, and the second part provides recommendations to national governments and EU institutions. The report argues that a discrepancy exists between the political agenda across Europe and political will; in other words, while the EU has dedicated a significant amount of resources to this issue, life has not improved for many Roma at the local level because of widespread anti-Gypsyism and deeply entrenched institutional discrimination. This report is comprehensive, accessible, and useful for those who wish to understand what has been done and what still needs to be done in order to achieve Roma equality in Europe.

Ivanov, Andrey. 2006. "At Risk: Roma and the Displaced in Southeast Europe." Bratislava: United Nations Development Programme. Available Online: <http://europeandcis.undp.org/poverty/show/1F1720E9-F203-1EE9-BC7AE7B9E8FA04E4>

Annotation: This United Nations Development Programme (UNDP) report builds upon the 2003 "Avoiding the Dependency Trap" regional report on Roma in Central Europe, and uses quantitative data from cross-country surveys to analyze the situation of the Roma. The report is divided into two main sections: one that focuses on the Roma, and the other which focuses on refugees and internally displaced persons (IDPs). The conceptual focus of this report is vulnerability, and the exposure of Roma and displaced persons to various vulnerability risks constitutes the core of the UNDP's analysis. The specific determinants of vulnerability (such as poverty, lack of educational opportunities, social exclusion, etc.) are

outlined for each group, and the report concludes with a set of group-specific policy recommendations. Heavy in statistical analysis, this report is useful for those looking for authoritative empirical findings regarding the human rights issues faced by the Roma.

McDonald, Christina and Katy Negrin. 2010. "No Data - No Progress: Data Collection in Countries Participating in the Decade of Roma Inclusion 2005-2015." New York: Open Society Foundations. Available Online : [http://www.soros.org/initiatives/roma/articles\\_publications/publications/no-data-no-progress-20100628/no-data-no-progress-20100628.pdf](http://www.soros.org/initiatives/roma/articles_publications/publications/no-data-no-progress-20100628/no-data-no-progress-20100628.pdf).

Annotation: This report, commissioned by the Open Society Institute, assesses the interim progress made by the twelve states participating in the Decade of Roma Inclusion 2005-2015. As the title of the report suggests, the largest obstacle to conducting a comprehensive assessment of how governments are complying with their Decade commitments is the lack of data about Roma communities. For instance, two thirds of participating states do not have any information on primary school completion rates for Roma children. There are virtually no countries in the European Union that collect data that is disaggregated for ethnic group affiliation—as such, the report offers 11 concrete measures that can be undertaken by policy-makers in the next 18 months to address the Roma data deficit. This report is useful for those seeking information on data collection as it pertains to the Roma. For specific details about the Roma policies of various Central and Eastern European states, the longer "No Data-No Progress Country Findings" report should be consulted.

Müller, Stephan and Zeljko Jovanovic. 2010. "Pathways to Progress? The European Union and Roma Inclusion in the Western Balkans." Open Society Institute. Available Online : [http://www.soros.org/initiatives/roma/articles\\_publications/publications/european-exclusion-20100402/pathways-progress-20100402.pdf](http://www.soros.org/initiatives/roma/articles_publications/publications/european-exclusion-20100402/pathways-progress-20100402.pdf)

Annotation: Using the ongoing accession process of the Western Balkan nations as a frame of reference, this report analyzes the approach of the European Commission toward Roma integration. The socio-economic standing of the Roma in Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, and Serbia is assessed, and developments at the European level are enumerated. The report argues that unless the European Commission develops and implements a sustainable long-term strategy toward Roma inclusion in the Western Balkans, the situation for this persecuted group will continue to deteriorate. Although this report utilizes a significant amount of EU-specific terminology that may be confusing to readers unfamiliar with the bureaucratic structure of the EU, it is nevertheless useful as a regional study and as a guide as to how the accession process can promote the human rights of the Roma.

Nicolae, Valeriu, and Hannah Slavik, eds. 2007. *Roma Diplomacy*. New York: International Debate Education Association.

Annotation: The publication of this anthology arose from a long-term training program for Roma-rights activists from 2005 to 2006 entitled “The Roma Diplomacy Project.” This project specifically targeted young Roma “elites”—well-educated and successful Roma who are actively working in Roma national institutions, international organizations, and NGOs. The essays in this volume address the reality that European initiatives aiming to improve the social inclusion of Roma have focused almost exclusively on the elements of the Roma population that fit into negative stereotypes (*i.e.*, people who are uneducated, unskilled, unemployed, poor, etc.) By targeting programs to this population, the stigma attached to the Roma population has increased and successful Roma have often felt compelled to conceal their ethnic identity. This book tackles these issues directly, and includes research by programme participants and essays by academics working in the field of Roma rights. It is of use to anyone searching for well-researched alternative policy solutions for the Roma population of Europe.

O’Nions, Helen. 2010. "Different and Unequal: The Educational Segregation of Roma Pupils in Europe." *Intercultural Education* 21 (1):1-13.

Annotation: In this article, Helen O’Nions analyzes the European Court of Human Rights’ (ECHR) landmark ruling in 2007 regarding segregated schooling and human rights for the Roma, and uses this case to convincingly appeal for intercultural educational curricula across Europe. The ruling, which O’Nions describes in great detail, states that the policy of educational segregation for Roma children is contrary to the human right to enjoy an education. The segregation of Roma students to poorly-funded separate schools is one of the major human rights abuses faced by this group, yet there is a legal framework firmly in place that calls for an end to this practice, O’Nions is hopeful that genuine progress can be achieved in Roma childhood education. The author also delves into the importance of mother-tongue instruction, and outlines recent progress in the European Union in the educational realm. This article is helpful for anyone interested in educational policy towards the Roma and recent legal developments in this field.

----- . 2007. *Minority Rights Protection in International Law: The Roma of Europe*. Burlington: Ashgate Publishing Limited.

Annotation: In this book, Helen O’Nions explores the social and political struggles faced by the Roma in Europe from a primarily legal perspective. She argues that the democratic legitimacy of a state can be measured in large part by the degree to which minority rights are respected. In the European case, the treatment of the Roma is often the best ‘litmus test’ for democratic legitimacy. She argues that individual human rights have often been inaccessible for the Roma people, and cites segregated schooling and systemic discrimination as evidence of this. As a result of the inability of many European states to guarantee individual human rights to the Roma, debate has re-emerged over the usefulness of group rights. Although the focus of this book is predominantly on legal practice, it is a useful resource for anyone seeking a preliminary understanding of the plight of the Roma in Europe, and as a detailed analysis of minority rights protection for this persecuted group.

Open Society Foundations.2005. "Current Attitudes Toward the Roma in Central Europe: A Report of Research with non-Roma and Roma Respondents." Available Online: [http://www.soros.org/initiatives/roma/articles\\_publications/publications/attitudes\\_20050901/romasurvey\\_2005.pdf](http://www.soros.org/initiatives/roma/articles_publications/publications/attitudes_20050901/romasurvey_2005.pdf)

Annotation: This report, undertaken by the Roma Initiatives Department of the Open Society Institute, explores the attitudes of the general non-Roma and Roma population toward Roma integration and broader social, political, and economic issues. The objective of the report is to understand the drivers of attitudes and perceptions amongst these populations, with the aim of informing policy-makers across Central and Eastern Europe. In order to do so, eight focus groups were conducted in nine countries in June 2005: Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, and Slovakia. Overall, both the Roma and non-Roma respondents were very pessimistic about the current situation in their countries, and non-Roma respondents were prone to blaming the Roma themselves for their poor quality of life. Although this report does not provide an analysis of the results of the focus groups, it is nonetheless helpful in gaining a sense of current Roma and non-Roma attitudes towards the plight of the Romani people.

Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights. 2008. "Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area." 2008. Warsaw. Available Online: [http://www.osce.org/publications/odhr/2008/09/33130\\_1186\\_en.pdf](http://www.osce.org/publications/odhr/2008/09/33130_1186_en.pdf)

Annotation: This report, produced in 2008 by the OSCE Office for Democratic Institutions and Human Rights, analyzes the extent to which participating states have implemented the 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area. The categories positive change, visible progress, breakthrough, no change, and negative trend are used to describe states' implementation of policies in fields such as access to education, socio-economic issues, racism and discrimination, and participation in public and political life. The report notes that while positive change has been observed in the development of national strategies for improving the situation of the Roma, states across Europe are nevertheless struggling to translate national policies into specific action at the local level. This report is beneficial for anyone searching for an understanding of human rights abuses faced by the Roma, and the action taken by European states in the past seven years to address these problems.

Pogány, István. 2004. "Refashioning Rights in Central and Eastern Europe: Some Implications for the Region's Roma." *European Public Law* 10 (1):85-105.

Annotation: István Pogány, a professor of law at the University of Warwick, describes how the post-Communist transition has affected the Roma across Central and Eastern Europe. He argues that the transition from Communism to democracy in the early 1990s has paradoxically worsened the situation of the Roma. Whereas the majority of the Roma were able to benefit from a variety of social and economic rights under Communism (including the rights to work, housing, healthcare, and education), many Roma found themselves unable to avail themselves of such rights in the post-Communist climate of rising

unemployment and living costs. Pogány suggests that the marginalization of the Roma has increased since 1990 in both social and economic terms, resulting in the inability of the Roma to take advantage of new rights and freedoms. This article is beneficial for those seeking to understand how political developments at the state level impacted the Roma populations of Central and Eastern Europe during the tumultuous period of post-Communist transition.

Sigona, Nando, and Nidhi Trehan, eds. 2009. *Romani Politics in Contemporary Europe: Poverty, Ethnic Mobilization, and the Neoliberal Order*. New York: Palgrave Macmillan.

Annotation: This anthology explores two broad themes: the Romani political space in Europe, and domestic perspectives on Roma policy. It is a comparative study of both national and transnational policies towards the Romani people, with an emphasis on the consequences of European integration for the Roma. Many of the essays argue that while European integration has opened up new avenues for the respect and promotion of Roma human rights, this process has simultaneously exacerbated well-established patterns of persecution. Indeed, the construction of the European Union has had contradictory effects on the Roma people, which is a major focus of this collection. For instance, despite being European citizens (by virtue of being citizens of Member States), Romani people continue to be deprived of many basic rights in all facets of life. This book is particularly instructive for those seeking a theoretical, as well as a practical, understanding of the current state of Romani affairs across Europe.

Sobotka, Eva. 2003. "Romani Migration in the 1990s: Perspectives on Dynamic, Interpretation and Policy." *Romani Studies* 13 (2):79-121.

Annotation: In this article, Eva Sobotka attempts to dispel misconceptions about Romani migration during the 1990s by chronologically ordering the migration of Roma and policies developed during this time period. Migration policy development and its effect on the migration of the Roma are explored, and various 'push' and 'pull' factors are identified. Sobotka argues that theorists and practitioners place too much emphasis on 'push' factors, such as human rights abuses and social exclusion, as the cause of Roma migration. Instead, she suggests that 'pull' factors such as economic opportunity and the presence of Romani diasporas in the West play an equally important, if not greater, role in spurring Roma movement across Europe. Sobotka also assesses the tension that often arises between the motives of migrants and national migration policies. This article is helpful for those interested in how the Roma affect migration policy and how migration policy in turn affects the Roma.

Stauber, Roni, and Raphael Vago, eds. 2007. *The Roma: A Minority in Europe: Historical, Political and Social Perspectives*. Budapest: Central European University Press.

Annotation: This anthology is a summary of research presented at the first international conference in Israel on the Roma, which took place at Tel Aviv University in 2002. The

essays largely focus on the history of Roma persecution in Europe. Issues explored include questions of ethnic definition and the construction of ethno-national identity, as well as the treatment of Roma citizens in post-Communist settings. While the majority of the essays in this collection are of a historical nature, the last two chapters are devoted to contemporary Roma policy formation and human rights. The effects of the expansion of the European Union on the Roma are explored, and Roma political and social activism is addressed. This book is useful for those interested in WWII-era policies toward the Roma and for those searching for in-depth information about the history of the Roma in Europe. It is less practical for those seeking to understand present-day policy issues surrounding the Roma.

Swimelar, Safia. 2008. "The Making of Minority Rights Norms in the Context of EU Enlargement: The Czech Republic and the Roma." *International Journal of Human Rights* 12 (4):505-527.

Annotation: In this essay, Safia Swimelar explores the development of the Czech Republic's minority rights regime, specifically as it pertains to the Roma, in the period of post-Communist transition and accession to the European Union. Swimelar primarily focuses on the process of domestic human rights norm socialization, and describes how international norms have affected internal policy and politics in the Czech Republic. The author traces the historical processes that led from a complete denial by the Czech government concerning the marginalized status of the Roma as a problem in the early 1990s, to the institutionalization and acceptance at the political level of minority rights norms by the time of EU accession in 2004. Relying heavily on political theory, this article may be challenging for those unfamiliar with this field; however, Swimelar clearly explains her theoretical approaches and offers important insights on the way in which minority rights become entrenched in a nation.

Ram, Melanie H. 2010. "Interests, Norms and Advocacy: Explaining the Emergence of the Roma onto the EU's Agenda." *Ethnopolitics* 9 (2):197-217.

Annotation: In this article, Melanie Ram investigates how the Roma gained international attention and rose to the top of the agenda of EU policy-makers in the last twenty years. The role of non-governmental organizations (NGOs), intergovernmental organizations (IGOs) and the Roma themselves in bringing attention to the Roma of Central and Eastern Europe is explored, and the importance of transnational advocacy networks is emphasized. The author argues that a network of international and domestic advocacy organizations emerged in the 1990s and played a significant role in propelling Roma issues onto the EU agenda. Ram also examines why the EU made improving the circumstances of the Roma a precondition for Union membership. The convergence of EU interest in stemming illegal migration and in increasing support for human rights norms is provided as a potential answer. This article is beneficial for those seeking to understand how the issue of Roma rights gained prominence in the EU—a fact that many now take for granted.

Vermeersch, Peter and Melanie H. Ram. 2009. "The Roma," inn *Minority Rights in Central and Eastern Europe*, ed. B. Rechel. New York: Routledge.

Annotation: In this essay, authors Vermeersch and Ram focus on six broad themes: the current situation of the Roma; the policy responses toward Roma of new European Union (EU) member states; Roma political mobilization; the notion of EU conditionality (*i.e.*, insisting on greater respect for human rights of minority groups as a precondition for entry into the EU); the degree to which various policy initiatives towards the Roma have been implemented across Europe; and perspectives for the future. The authors argue that although Roma activism has increased in recent years and there has been a proliferation of human rights NGOs across Europe, this mobilization has not been matched by significant Roma political participation. While the arguments presented in this essay are not new, the way in which the six themes are presented and connected is innovative and thought-provoking.



## **Indigenous Political Participation: The Key to Rights Realization in the Andes**

By Stephanie Selekman

"There is no way back, this is our time, the awakening of the indigenous people. We'll keep fighting till the end. Brother Evo Morales still has lots to do, one cannot think that four years are enough after 500 years of submission and oppression," said Fidel Surco, a prominent indigenous leader, reflecting on Bolivia's first indigenous president entering his second term (Carroll & Schipani 2009).

The Andean region is particularly appropriate for examining indigenous political rights because 34-40 million indigenous people reside mostly in this region. The actualization of human rights for Andean indigenous groups is an inherently complex issue, especially in Bolivia, Ecuador and Peru, which have similar colonial legacies and have developed along comparable political and economic trajectories. Indigenous communities need political access in order to fight for their rights and to hold their governments accountable. The key to the actualization of human rights for indigenous peoples lies within their greater political inclusion.

The significance of political access for indigenous people's human rights is threefold. First, the existence of relatively stable democracies in Bolivia, Ecuador, and Peru present opportunities for indigenous communities to participate politically through legitimate means. Second, only the indigenous communities truly know the unique challenges they face and must have political representation to voice these concerns and to ensure legislative change. Finally, without the specific knowledge that is held by indigenous peoples, outsiders have few opportunities to appropriately and accurately represent them. This paper will examine the current status of indigenous peoples in Bolivia, Ecuador, and Peru; the status of their human rights; and the obstacles that must be overcome for them to have full political access.

The current status of the Bolivian indigenous as the political minority stands in contrast to the fact that they are the statistical majority, making up 60 percent of the population (Inter-American Commission on Human Rights 2009). The 2006 election of Evo Morales was a major indigenous landmark in Bolivia's history, as was the new Bolivian Constitution in 2007, which includes many provisions for indigenous peoples. Indigenous Bolivians have also aligned with a well-established political party--the Socialist Movement Party (MAS)—which led to the election of Morales. The MAS party also recently gained the majority in the Chamber of Deputies. Significant legislation concerning government decentralization reform was also passed supporting the political rights of the indigenous Bolivians, with the aim of encouraging their political participation. The Law of Popular Participation was adopted in 1994, leading to the creation of new municipalities (314 in total), direct election of municipality officials, and a general increase in available resources and power to these municipalities (Reyes-Garcia 2010). This created many opportunities for the marginalized indigenous groups to participate in decision-making processes at the local level. Instead of political majorities dominating at the federal level, the political arena has expanded in a more participative democratic? democracy-esque way.

Despite progress since the first indigenous mobilization in the 1980s, the need for improvement remains, as evidenced by the lack of adequate indigenous representation in the Bolivian legislative bodies, the Chamber of Deputies, and the Chamber of Senators. There are only

seven of 130 seats in the Chamber of Deputies reserved for representatives from indigenous areas, indicating that pro-indigenous rhetoric surrounding increased representation via ethnic quotas “prove hollow” (Schaefer 2009). Though the MAS are supported by most indigenous groups, this support emerged from the lack of political access in the 1990s rather than from the fact that MAS accurately reflects indigenous peoples’ views. Furthermore, information about the Law of Popular Participation has yet to reach rural areas; therefore, indigenous peoples are unaware of its existence and the corresponding details that apply to them, such as their available options for participation. Consequently, it is no surprise that indigenous peoples have not yet been elected as municipal officers. Ultimately, indigenous Bolivians now have many codified laws to protect and to encourage their rights, yet the legislation does not accurately reflect the reality of indigenous political access.

Similar to Bolivia, the indigenous of Ecuador have made tremendous strides since their first mobilizations in the 1970s and 1980s. They only comprise 20 percent of the total Ecuadorian population, yet they are considered to be the strongest indigenous group in the Americas (Radcliffe 2007; DeShazo 2007). This is mainly due to the formation of the Confederation of Indigenous Nationalities of Ecuador (CONAIE) in the 1990s. In 1995, CONAIE joined the *Movimiento de Unidad Plurinacional Pachakutik*, ( the Pachakutik party) because of the shared goal of uniting minority voices under a single umbrella political party. The Pachakutik party was remarkably successful in its first legislative election in 1996, winning ten percent of the seats in Ecuador’s National Assembly and at one point, nominating a candidate for the presidency (DeShazo 2009; UNHCR 2006).

The success of the Pachakutik was significant yet short-lived. The last elections in April 2009 revealed that most of the larger parties won seats, but the Pachakutik party was not mentioned in the results. Despite the view of CONAIE being one of the most successful indigenous movements in Latin America, much remains to be achieved in terms of their political representation and access to the political arena. For example, Ecuador drafted and passed a new constitution in 1998, including provisions for indigenous political participation, yet this reform has brought “no substantial policy changes” (Schaefer 2009). Also, many indigenous Ecuadorians face discrimination at the polls and the Supreme Electoral Court was reported by the United Nations Human Rights Council as “promoting discriminatory practices against the country’s indigenous citizens” (UNHCR 2006). This illustrates that CONAIE is making progress, but remains an inadequate remedy to the issue. The attempt of the indigenous to politically participate via CONAIE reveals a level of freedom that has yet to be realized in Peru.

Peru has a substantial indigenous population, in which 45 percent of the population identifies as Quechua or Aymara (Morrissey 2009). Unfortunately, there has been scarce recognition at the legislative level concerning indigenous people’s political rights; this results from the attitude of the Peruvian government, which has adopted an “indigenista” policy aimed at the “elimination of the ‘Indian,’ deemed backward and illiterate, and his assimilation into an urban and educated society” (Morrissey 2009). The government’s racist and discriminatory approach permeates throughout every level of society, especially as the media criminalizes indigenous protestors and portrays them as terrorists. One of the regrettable reasons for blatant rights violations by the government stems from mining disputes; mining accounts for 64 percent of Peru’s income and much of the land the government wants to exploit is indigenous land (Poole 2010). Ultimately, the respect for indigenous rights, especially land rights, comes at too high of a cost.

Another obstacle to the mobilization of Peru’s indigenous population is the schism between highland Andean groups and lowland Amazonian peoples. At times they both have united under

various organizational names to discuss issues, yet the Amazonian indigenous groups remain more successful and organized in their solo endeavors. This is partly due to the massive uprising of the Maoist insurgency known as “Shining Path” in the 1980s and 1990s, a group that “actively disdained indigenous ideologies” (Greene 2006). At the same time, the Amazonian indigenous were able to react to Alberto Fujimori’s 1993 Constitution, which annulled the inalienability of indigenous communal land with a petition containing 55,000 signatures (Greene 2006). The Peruvian indigenous must contend with very different issues than their Bolivian and Ecuadorian counterparts and, therefore, have an even more pressing need for political access.

As illustrated above, the indigenous of Bolivia, Ecuador, and Peru have extremely different political statuses; however, they all face the same key impediments to having adequate political representation and access. These obstacles are either developmental or cultural. Developmentally, the indigenous peoples lack physical infrastructure, adequate healthcare, and access to education. Because the majority of the indigenous live in rural and geographically hard-to-reach areas, there needs to be a way for information to reach the indigenous communities; this deficiency is illustrated by the lack of knowledge about the Law of Popular Participation in Bolivia. If the indigenous are not in good health and are illiterate, becoming politically involved becomes nearly impossible. The fact that indigenous has become synonymous with “impoverished” and “poor” ultimately demonstrates the developmental obstacles that have impeded their political participation.

Furthermore, entrenched cultural attitudes toward indigenous peoples have greatly hampered their efforts to become politically involved. In Bolivia, the Ese Ejja fear for their lives outside of their communities and, therefore, refuse to participate politically. The existence of enslavement of the Guarani people in the Chaco region of Bolivia shows that institutions lack the ability to “safeguard” the human rights of this group-- who don’t even realize they have rights at all due to their captivity (IACHR 2009). Discrimination is rampant “in the behavior of public officials at the national and subnational levels and the attitudes of political parties” (IACHR 2009). The Peruvian government’s attitude exemplifies the hegemonic discriminatory views toward indigenous peoples. Unfortunately, this omnipresent issue is not easily remedied; steps can be made through education though, which may alter peoples’ perception of the indigenous-- especially at the non-indigenous level.

In conclusion, the key to actualizing human rights for indigenous peoples lies in their legitimate and successful political participation. Though Bolivia and Ecuador have a longer history of indigenous mobilization and more codified laws concerning indigenous political rights, their full political access is impeded by the same obstacles that face the Peruvian indigenous. The lack of development in these rural areas prevents the indigenous from having the physical infrastructure, education, and healthcare they need to effectively participate in politics. Culturally, the hegemonic discrimination faced by the indigenous even by federal institutions has proven to be extremely problematic. The highly complex nature of this issue suggests it will not be solved in the near future unless drastic economic and cultural changes are made. It is only with perseverance and dedication on the part of the indigenous, with support from the international community, that human rights may finally be realized for this vulnerable population.

## **Annotated Bibliography**

Albro, Robert. 2005. "The Indigenous in the Plural in Bolivian Oppositional Politics." *Bulletin of Latin American Research* 24 (4):433-453.

Annotation: Albro evaluates the move of members of the indigenous population to more urban areas and describes how they are subsequently becoming an integral part of political life in Bolivia. He writes that Evo Morales's rise to power has changed the discourse of what it means to be indigenous. Morales has balanced the indigenous agenda with other Bolivian interests by equating the "indigenous" Bolivian with all Bolivians-- uniting all Bolivians through their shared heritage. This shift towards the shared heritage of all Bolivians helps Morales appeal to every citizen, thereby solidifying his stance as a populist. Most of Albro's article analyzes Morales's political party, the Bolivian Socialist Party (MAS), in regards to how it must strike a delicate balance between championing indigenous groups' rights and appealing to urban Bolivians. The article is very academic and not accessible to all audiences.

Anaya, S. James. 2009. Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People A/HRC/12/34: United Nations. Available online: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4a9d1befd>.

Annotation: This article is very informative about the status of indigenous people in Peru, especially in the Amazon region. There is a specific need for a commission to be set up to address recent violent events in the Utcubamba and Bagua provinces and it was recommended to have the international community participate in this commission. Also, the report recommends certain policies and procedures need to be created as a way for indigenous groups to exercise and to protect their land rights, as the current system is quite inadequate in this regard.

Carroll, Rory and Andres Schipani. 2009. "Evo Morales Wins Landslide Victory in Bolivian Presidential Elections." *The Guardian* (7 December). Available online; <http://www.guardian.co.uk/world/2009/dec/07/morales-presidential-victory>.

Annotation: Carroll and Schipani concisely describe the victory of Evo Morales as the new, and first indigenous, Bolivian president. They paint a picture of the current status of Bolivia at the time of the election in a way that is accessible to all readers. The article is a useful source for anyone needing or wanting a quick idea of the election results and the work that Morales has cut out for him in terms of developmental, social, and economic issues.

Chaplin, Ann. 2010. "Social Movements in Bolivia: From Strength to Power." *Community Development Journal* 45 (3):346-355.

Annotation: Ann Chaplin writes an article that would be of interest to academics studying social movements in Latin America. She successfully outlines how the combined efforts of the impoverished, indigenous, and labor unions impacted the rise of social movements in Bolivia and their ability to forge their way into the political arena. The *campesino*/indigenous movement's efforts culminated in an unprecedented victory with the election of Evo Morales as president in 2006. Under Morales, a new constitution was drafted giving indigenous groups more rights, as much of the language was based on that of the United

Nations Declaration on the Rights of Indigenous Peoples. The new rise and success of social movements in Bolivia has drastically changed the political climate, considering that since the 1980s, political parties only used to cater to the interests of small elite groups.

Colloredo-Mansfeld, Rudi. 2007. "The Power of Ecuador's Indigenous Communities in an Era of Cultural Pluralism." *Social Analysis* 51 (2):86-106.

Annotation: Colloredo-Mansfeld makes a well-formulated argument about the power of community in simultaneously serving as the "base" of the Confederation of Indigenous Nationalities of Ecuador (CONAIE) and potentially undermining the organization by prioritizing community needs as most significant. Although the author realizes the motivation of these communities, he also acknowledges that the identity of the indigenous is at risk. Some Ecuadorian indigenous communities become politically active while rediscovering their roots in order to protect their cultural heritage, while others are inspired to modernize and break ties with the past. Therefore, solidarity under national organizations like CONAIE can be threatened by the importance of the community structure. Ultimately, in the case of Ecuador, the convergence of communities have made the political arena more accessible and will continue to do so in the future.

DeShazo, Peter. 2009. "Outlook for Indigenous Politics in the Andean Region: A Report of the CSIS Americas Program." Washington, D.C.: Center for Strategic and International Studies.

Annotation: Peter DeShazo concisely summarizes a series of expert panels on the status of indigenous politics in the Andean region. Each panel addressed a country in the region, namely Bolivia, Peru, or Ecuador. The general consensus of the panelists is that conditions have been more favorable in Bolivia and Ecuador for indigenous groups to mobilize than in Peru. The impediments to indigenous groups in Peru include: President Garcia's "anti-indigenous policy;" media portrayal of this group as violent and disinterested in dialogue; and the geographical divide between indigenous groups in the highlands and those in the Amazon region. The panelists also conclude that indigenous mobilization creates as a great backlash against neo-liberal policies that have been adopted by their governments. Ultimately, the future for indigenous political participation looks stable in Bolivia and Ecuador but some experts do not foresee indigenous parties having a successful presidential candidate anytime soon. DeShazo creates a fascinating summary of this prestigious conference that is accessible to all audiences

Dunbar-Ortiz, Roxanne. 2007. "Indigenous Peoples and the Left in Latin America." *Monthly Review: An Independent Socialist Magazine* 59 (3):85-94.

Annotation: Roxanne Dunbar-Ortiz gives an overall generalization of the effect of the political left on the indigenous, especially on their right to self-determination. She spends more time on the history of state formation in the Americas and quoting other authors than on describing her own conclusions. The most valuable idea from the article is that indigenous or "Indian" movements in Latin America rely on their historical roots (being in the Americas before the Europeans) and uniting all indigenous groups under one movement to lend them legitimacy. The right to self-determination is the "Indian" movement's main

goal, especially in regards to political and land rights. Dunbar-Ortiz's article leaves much to be desired in the way of a conclusion and would be more helpful to the audience if the overly broad generalizations were supported by specific cases.

Eaton, Kent. 2007. "Backlash in Bolivia: Regional Autonomy as a Reaction against Indigenous Mobilization." *Politics & Society* 35 (1):71-102.

Annotation: Eaton makes an interesting and lengthy observation on the "backlash" that has occurred in Bolivia due to indigenous political mobilization. It seems that having a politically active indigenous population would improve the democratic status of Bolivia's government, but not without repercussions. The economic elite have found indigenous mobilization threatening and, to protect their status, have called for regional autonomy, specifically in the Santa Cruz area. This is interesting in light of the fact that history has shown elites demanding authoritarianism in response to minority uprisings. Eaton makes an interesting case, though for those who are not necessarily economically inclined this may not prove to be an enticing read.

"Election Guide: Bolivia." 2010. In *Democracy Assistance & Election News for the Consortium for Elections and Political Process Strengthening*. Washington: International Foundation for Electoral Systems. Available online: <http://www.electionguide.org/country.php?ID=27>.

Annotation: The International Foundation for Electoral Systems (IFES) offers an extremely useful and user-friendly resource for election results in countries all over the world. The data presented is thorough, accurate, and reliable. It allows you to search by election type, country, and year. It is especially helpful for data from Latin American countries, as political parties change frequently and often without warning. The IFES also offers a translation of political party names into English.

"Election Guide: Ecuador." 2008. In *Democracy Assistance & Election News for the Consortium for Elections and Political Process Strengthening*. Washington: International Foundation for Electoral Systems. Available online: <http://electionguide.org/country.php?ID=64>

Annotation: The International Foundation for Electoral Systems (IFES) offers an extremely useful and user-friendly resource for election results in countries all over the world. The data presented is thorough, accurate, and reliable. It is especially helpful for data from Latin American countries, as political parties change frequently and often without warning. The IFES also offers a translation of political party names into English.

Fischer, Edward F. 2007. "Indigenous Peoples, Neo-liberal Regimes, and Varieties of Civil Society in Latin America." *Social Analysis* 51 (2):1-18.

Annotation: Fischer writes an academic article that may not be helpful to most audiences. For my purposes, his article draws many interesting parallels between civil society participation and neo-liberalism. Although neo-liberalism often undermines the success of marginalized and impoverished groups such as indigenous communities, he argues that it simultaneously engenders the successful political participation of these groups. He draws

upon examples in Latin America to illustrate the delicate balance neo-liberalism creates between allowing for more civic participation, while also disenfranchising vulnerable populations. Fischer argues that this participation is positive, but only in regards to incremental changes as opposed to revolutionary ones. He presents a well-structured argument which draws support from both historical and current events.

Giulino, Meghan E. 2005. "At the Polls and in the Streets: This Rise of Indigenous Participation in Latin America." *Conference Papers -- American Political Science Association*, 2005 Annual Meeting, Washington DC, 1-38.

Annotation: Meghan Giulino writes a lengthy but thorough essay documenting the rise of indigenous political participation in Latin America. She concentrates specifically on Bolivia and Ecuador as their indigenous political movements are one of the strongest in South America. She argues that elections are the most effective way to have indigenous concerns addressed, and that political leaders play a crucial role as "democracy stabilizers or underminers" since they determine the "rules of the game." The indigenous were excluded in the past from voting because of literacy tests, election information available only in Spanish, and geographic inaccessibility. This has changed in Bolivia--especially because of the 1994 Law of Popular Participation, which decentralized the government and split the country into 314 municipalities. Finally, Giulino argues that although the indigenous are able to participate more actively, the electoral systems in Latin America still fail to strike an appropriate balance between "fostering representativeness and creating strong governments." Anyone interested in indigenous political participation in Latin America would enjoy this article.

Greene, Shane. 2006. "Getting over the Andes: The Geo-Eco-Politics of Indigenous Movements in Peru's Twenty-First Century Inca Empire." *Journal of Latin American Studies* 38 (2):327-354.

Annotation: Shane Greene writes a thorough and academically thought-provoking article about the popular notion of the "nonexistence" of indigenous political participation in Peru, which is such because the Andean region has been equated with Peru as a whole. Such a view of Peru completely disregards the very active Amazonian region of Peru and its accomplishments. This can be explained partially by the fact that, historically, "indigena" refers to Andean peoples while "nativo" refers to those groups in the Amazon. He explains the recent silence from indigenous groups as an effect of the relatively recent violence by the Maoist insurgency group known as "Sendero Luminoso," as this group was not partial to indigenous ideologies. Greene ends his well-written and persuasive article with the optimistic prediction that the indigenous groups in Peru will continue to mobilize and that the Andean region will break its silence now that Amazonian groups have set the stage for them to do so.

Inter-American Commission on Human Rights, Organization of American States. 2000." Second Report on the Situation of Human Rights in Peru." Available online: <http://www.cidh.oas.org/countryrep/Peru2000en/TOC.htm>.

Annotation: The Inter-American Commission on Human Rights (IACHR) issued an accessible and informative report on the human rights situation in Peru. Chapter X is of particular significance to this paper, as it illustrates the major obstacles to the indigenous communities fully enjoying their political, social, economic, and cultural rights, namely: discrimination; lack of enforcement and/or implementation of rights outlined in treaties and the Peruvian constitution; intense poverty; and deplorable levels of education and healthcare. Though the article more thoroughly examines land rights, or the lack thereof, the political implications are clear: How are indigenous citizens expected to participate in the political arena when the majority is illiterate, in poor health, malnourished, and unable to physically access state institutions? The IACHR recommends realizing the rights set forth in the International Labour Organization's Convention[ED: I AM NOT SURE WHICH CONVENTION SHE IS REFERRING TO HERE AS THERE ARE SEVERAL. IT MIGHT BE 187?] that Peru signed more than a decade ago, including consulting with indigenous groups in regards to environmental projects and also "promulgat[ing] an indigenous law that develops the individual rights of indigenous peoples."

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\_\_\_\_\_. 2009. "Captive Communities: Situation of the Guarani Indigenous People and Contemporary Forms of Slavery in the Bolivian Chaco." Available online: <http://www.cidh.oas.org/pdf%20files/BOLIVIA-CAPTIVE-COMMUNITIES.eng.pdf>

Annotation: The status of the indigenous Guarani people in the Bolivian Chaco region is examined in this report by the Inter-American Commission on Human Rights. Specifically, information on the "captive communities," or indentured servants, and their lack of land, social, cultural, and political rights is documented in Chapter IV. Although agrarian reforms in the 1950s helped secure land for indigenous communities in the Andean region, they did little for the Guarani in Chaco. The overall findings were that most Guarani do not have any--or have inadequate-- access to healthcare, education, or the political and justice systems. Furthermore, the lack of labor and judicial institutions in the Chaco region have left a vacuum which has been filled by abusive estate owners. The IACHR makes helpful recommendations and pledges to assist the Bolivian government with the implementation of these recommendations; however, the extent and substance of this support is not outlined in this report.

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\_\_\_\_\_. 2009. "Follow Up Report: Access to Justice and Social Inclusion: The Road Towards Strengthening Democracy in Bolivia." In *Annual Report 2009*. Available online: <http://www.cidh.oas.org/pdf%20files/CAP%20V%20BOLIVIA.Segumiento.eng.pdf>.

Annotation: The Inter-American Commission of Human Rights of the Organization of American States released this comprehensive report which is accessible, highly informative, and reliable. Section VI, "Rights of Indigenous Peoples and Peasant Communities," and Section X, "Recommendations," were of special interest as they pertain to the subject of this paper. The IACHR found that the Bolivian government is generally moving in the appropriate direction when it comes to realizing and codifying indigenous political, economic, social, and cultural rights. When it comes to political rights though, there are many discriminatory impediments to the indigenous peoples' access to justice, especially when it comes to land and worker's rights. In addition, the government has yet to implement



the terms of the new Bolivian Constitution when it comes to the autonomy of indigenous justice systems and to their relationship with the national justice system. The recommendations included taking steps to eliminate discrimination, to guarantee participation of indigenous groups in land projects, and to create guidelines for "coordinating official justice with community justice." Though these recommendations are certainly appropriate, not much is offered in the way of their implementation.

Jackson, Jean E., and Kay B. Warren. 2005. "Indigenous Movements in Latin America, 1992-2004: Controversies, Ironies, New Directions." *Annual Review of Anthropology* 34 (1):549-573.

Annotation: Jackson and Warren have compiled a comprehensive article describing the rise of indigenous movements in Latin America and their subsequent challenges and successes. The article is well-written and seems aimed at an academic audience. They examine many complexities that have resulted from these movements, especially when it comes to ethnic identity, anthropological discourse, and the evolution of the depiction of indigenous peoples by states. The lengthy article concludes with suggestions for future research topics that would shed more light on this complex field. Readers with a political and/or anthropological background would be most able to appreciate this article.

Lepri, Isabella. 2006. "Identity and Otherness Among the Ese Ejja of Northern Bolivia." *Ethnos: Journal of Anthropology* 71 (1):67-88.

Annotation: Isabella Lepri describes the Ese Ejja's perception of "identity," especially in regards to Bolivians and other indigenous groups such as the Tacona. She gives valuable ethnographic information about the Ese Ejja and their worldview, juxtaposing their intense fear of being killed by Bolivians with their simultaneous acceptance that "becoming the Other" is their inherent destiny. Lepri uses her field experience to support her argument, lending the article legitimacy and anecdotal evidence that makes for an interesting read for any academic audience.

Morrissey, Laura Fano. 2009. "The Rise of Ethnic Politics: Indigenous Movements in the Andean Region." *Development* 52 (4):495-499.

Annotation: Laura Morrissey succinctly evaluates the rise of indigenous movements in Bolivia, Peru, Ecuador, and Colombia and their common goal of striving to change institutions instead of rejecting them outright. Her analysis of each country is complemented by the inclusion of a brief history of the indigenous political struggle and with subsequent comparisons between each of the countries' indigenous groups. Though Peru's indigenous population is the weakest and least organized in the Andean region, she credits them for the great strides they have made in stopping "invasive development projects and defending their own rights"-- despite an unresponsive government, a problem pervasive in Colombia as well. Morrissey wraps up her informative article with mention of the concept of "el buen vivir," (the good life {ED: I THINK?}) which is championed by the indigenous movements and which calls for inclusion, multiculturalism, and respect for the environment.

Oquendo, Ángel R. 2005. "Indigenous Self-Determination In Latin America." *Florida Journal of International Law* 17 (3):625-631.

Annotation: Oquendo evaluates self-determination of indigenous groups in Latin America through their colonial history of "deeds lagging behind words" and "disparity between written law and legal practice" in regards to rights. By mention of other scholars' works he touches upon the struggle of the Mapuche in Chile, a place where the government has accepted the Chilean population to be homogenous, as opposed to a pluralist society of citizens. He recommends a "progressive nationalist" view in which society would be inclusive, respectful of cultural autonomy, and accepting of free movement between cultural communities. His article would benefit from further development of his recommendations. As is, Oquendo's article would be of interest to academics looking for an overview of the subject matter.

Poole, Deborah. 2010. "El Buen Vivir: Peruvian Indigenous Leader Mario Palacios." *NACLA Report on the Americas* 43 (5):30-33.

Annotation: Deborah Poole eloquently transcribes her interview with Peruvian indigenous leader Mario Palacios for the North American Congress on Latin America's (NACLA) Report on the Americas. Palacios summarizes the Peruvian indigenous struggle, especially concerning access to natural resources. He describes mining as the main source of contention between Amazonian indigenous groups and the Peruvian government. Because mining accounts for 64 percent of Peru's exports, President Alan Garcia is more than reluctant to engage in dialogue with indigenous communities and continues to use the media to criminalize them as violent savages. This is interesting considering Peru ratified the International Labor Organization's Convention [ED: STILL DON'T KNOW WHAT CONVENTION] 15 years ago and has yet to heed its recommendations of consulting with the indigenous before using their land. Finally, Palacios mentions the indigenous goal of "el buen vivir," that is, a political proposal for honesty, egalitarianism, and respect for the environment. Poole's article allows non-Spanish speakers access to the very significant ideals of the Peruvian indigenous groups.

Radcliffe, Sarah A. 2007. "Latin America Indigenous Geographies of Fear: Living in the Shadow of Racism, Lack of Development, and Antiterror Measures." *Annals of the Association of American Geographers* 97 (2): 385-397.

Annotation: Sarah Radcliffe critically examines the effects of neo-liberalism as a post-development approach to the indigenous community in Latin America. She makes a strong case against neo-liberalism, in that it "dismantles corporatist state systems which granted Indians some recognition and representation in decisions over rights" and contributes to the vast economic, political and social inequalities prompting indigenous groups to respond via social mobilization. The article was uplifting and optimistic about the indigenous cause, though very general, which is interesting considering the differences between the political climates of South American states. Radcliffe's article would be of great interest to those in the development field.

\_\_\_\_\_, Nina Laurie, and Robert Andolina. 2002. "Reterritorialized Space and Ethnic Political Participation: Indigenous Municipalities in Ecuador." *Space & Polity* 6 (3):289-305.

Annotation: The various authors of this article produce a compelling and optimistic account of the political participation of indigenous groups in Ecuador. The "re-territorializing" of the area into various municipalities has further enabled indigenous groups to successfully enter the political arena. Some municipalities have indigenous mayors and council representatives, which has led to increased indigenous political participation and the creation of an indigenous political party. Despite these developments, the authors point out that Ecuadorian indigenous peoples still have obstacles to contend with in regards to ethnic and gender discrimination, especially when in contact with the historically-elite white-*mestizo* class.

Reyes-García, Victoria, Vincent Vadez, Jorge Aragón, Tomas Huanca, and Pamela Jagger. 2010. "The Uneven Reach of Decentralization: A Case Study among Indigenous Peoples in the Bolivian Amazon." *International Political Science Review* 31 (2):229-243.

Annotation: The multiple authors of this article report on their findings from a case study of the Tsimane indigenous group in the Amazon region of Bolivia. They examine the dissemination of political knowledge in an attempt to find out how much rural indigenous groups know of the decentralization reform expressed in the 1994 Law of Popular Participation. Although it is six years later, they still find that only a small number of Tsimane people knew about the reforms, which municipality they were located in, who their local municipality officials were, and about their options for political participation. The Tsimane live in the lowlands and are less informed than their organized, highland counterparts. They attribute the reason for this to the high "private costs" of the lowland indigenous for obtaining information, geographically inaccessible areas, unavailable broadcasts or broadcasts not in the local language, lower education levels, and low numbers of people involved in the market economy. The article was insightful, though not all audiences may appreciate the statistical overview.

Schaefer, Timo. 2009. "Engaging Modernity: the Political Making of Indigenous Movements in Bolivia and Ecuador, 1900-2008." *Third World Quarterly* 30 (2):397-413.

Annotation: Schaefer gives a thorough and helpful background on the rise of political indigenous movements in Ecuador and Bolivia in order to give an appropriate context in which to understand their current status. He argues that these groups are undergoing a historical process of political modernization that began decades ago, as opposed to the view that these groups have mobilized due to recent events. He supports his argument by pointing out that many of these indigenous groups have a culture that values and survives through communal politics and that these norms have finally been translated to a national level. Schaefer also makes an appropriately clear distinction between the values and aims of the Amazonian indigenous versus the Andean indigenous. His arguments are thorough and well-presented, though his tendency towards run-on sentences causes the reader to question at times what he is really trying to convey.

Stavenhagen, Rodolfo. 2006. "Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled 'Human Rights Council.'" Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People: United Nations.

Annotation: Stavenhagen, a U.N. Special Rapporteur, gives an extensive and comprehensive report about the status of the Ecuadorian indigenous. He extensively examines the many aspects of the indigenous people's freedoms, including their access to education, healthcare, land, politics, and justice. Though the indigenous of Ecuador are considered one of the strongest political groups through the Pachakutick movement of the Confederation of Indigenous Nationalities of Ecuador (CONAIE), their situation still leaves much to be desired. Stavenhagen found that the Supreme Electoral Court of Ecuador is "promoting discriminatory practices" at the polls and in other facets of the electoral process. When the indigenous protested against a free trade treaty in 2006, they were met with "acts of repression and police brutality in various parts of the country." Overall the Ecuadorian government is moving in the right direction, but there is still much to be achieved in the interests of the indigenous.

U.S. Department of State. 2010. "Background Note: Bolivia." *Bureau of Western Hemisphere Affairs*. Available online: <http://www.state.gov/r/pa/ei/bgn/35751.htm>.

Annotation: The U.S. Department of State is a great resource for general information pertaining to other countries. It gives a comprehensive breakdown of the politics, economy, education, history, and demographics of Bolivia. It is especially helpful when trying to find current information about political leaders, elections, and the demographic breakdown of the Bolivian population. It is extremely accessible and highly recommended, though it would be wise to be aware of the very real possibility of a biased viewpoint.

Van Cott, Donna Lee. 2003. "From Exclusion to Inclusion: Bolivia's 2002 Elections." *Journal of Latin American Studies* 35 (4):751-775.

Annotation: Van Cott examines the great strides Bolivia's "indigenous-movement-based" political parties have made as highlighted by the 2002 elections. She gives a comprehensive background on the indigenous political parties, which have evolved into two prominent groups called the *Movimiento Indígena Pachakuti* (MIP) and the *Instrumento Político para la Soberanía de los Pueblos* (IPSP), known by its affiliation with the *Movimiento al Socialismo* (MAS). The use of charts helps to exemplify the great feats of these parties who won 27 percent of the vote, thereby increasing indigenous representation in the Chamber of Deputies to unprecedented numbers. Van Cott attributes their success to institutional changes: specifically, the decentralization of the government and the subsequent creation of 314 municipalities each with their own elections, local government, and resources; the weakening of the three strongest political parties; increased organization of indigenous movements backing indigenous political parties; frustration with the "Banzer-Quiroga" government; and anti-U.S. sentiment.

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\_\_\_\_\_. 2005. "Building Inclusive Democracies: Indigenous Peoples and Ethnic Minorities in Latin America." *Democratization* 12 (5):820-837.

Annotation: Donna Lee Van Cott examines democracies in Latin America in regards to the political inclusion of minority groups. Interestingly, she find that states which are least ethnically diverse and have the smallest population, such as Colombia, have the most successful and inclusive democracies and usually afford their indigenous populations with sufficient rights. Economics also plays a role in indigenous political access, in that many Latin American governments lack the appropriate financial resources to fund small political parties of ethnic minorities and cannot afford resources to hold themselves accountable in terms of indigenous public policy. Ultimately, Van Cott calls for more pressure from the international community to aid the political mobilization of indigenous groups and for easy access to credible and efficient judiciary systems by which these minorities may protect their rights. This article is intended for an academic audience and is highly informative.

Vera Delgado, Juana, and Margreet Zwartveen. 2008. "Modernity, Exclusion and Resistance: Water and Indigenous Struggles in Peru." *Development* 51 (1):114-120.

Annotation: The authors of this article give a clear and concise account of the political exclusion of indigenous communities in the Peruvian development process via a case study of the Andean communities' struggle with obtaining necessary access to water. While undertaking the Majes Irrigation Project, the Peruvian government completely disregarded the environmental and cultural affect on these communities. Besides needing water for survival, the communities' cultural traditions centering around water has been documented since the arrival of the Spanish in the region. Even when the indigenous groups attempt to remedy the need for adequate water through legitimate political means, they are met with corruption, favoritism, and misuse of funds by their mayor, which ultimately led to a weakly constructed canal needing frequent repairs. The authors place this case in the wider context of developers viewing anything not modern as the unfavorable "other," backwards, and not worthy of consideration.