

Freedom from hate

**State of
the World's
Minorities
and Indigenous
Peoples 2014**

Events of 2013

Edited by Peter Grant

Minority Rights Group International



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

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

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

Central America

**Janet Oropeza Eng and
Cecilia Toledo**

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

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

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

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Case study by Livia Saccardi
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Using street theatre to tackle discrimination in the Dominican Republic

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

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

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

In this challenging context, beginning in 2010, MRG partnered with a local organization, Movimiento De Mujeres Dominico Haitiana (MUDHA), to challenge commonly held racist attitudes and stereotypes through drama and theatre. This provided an opportunity to engage ordinary members of the majority community in debates about diversity, difference, discrimination, equality



and justice. MUDHA, having recruited a theatre troupe with a mix of Dominico-Haitian and Dominican actors, then developed the focus of the play through research. This involved spending time with the minority community – talking with different community members, cleaning a local children's playing area, organizing baseball games – to identify the main challenges for the Dominico-Haitian population. Through this approach, it became clear that the main obstacle confronting them was the absence of official recognition, citizenship and identity documentation.

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



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

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

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

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

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

the region. The latter expresses in Article 13 that:

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

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

Guatemala

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