

# Joint Symposium: “Past and Present Discriminations”

Paris, 18 April 2015



On 18 April 2015, International Movement Against All Forms of Discrimination and Racism (IMADR) joined the [Joint Symposium on “Past and Present Discriminations”](#) organised by [MRAP \(Mouvement contre le Racisme et pour l’Amite entre les Peuples\)](#), a long-standing partner organisation of IMADR. The Symposium was opened by **Ms. Bernadette Hetier**, co-President of MRAP, who introduced the history of MRAP as an anti-racism organisation established in 1949. She also shared the struggles of Buraku people in Japan and their determination to

fight for equal rights of people in the world through establishing IMADR. [The Central Council of German Sinti and Roma](#) was cordially invited to join the panel in the afternoon.

\*\*\*\*\*

## Morning session

### Genesis of IMADR as result of the Burakumins’ struggles



**Ms. Catherine Cadou** presented the [Levelers Declaration](#) to the audience of Paris. The Declaration adopted in 1922 in Kyoto, Japan, lyrical and revolutionary at the same time, can be considered as a one page guide to introduce the long history of buraku discrimination. This very ancient discrimination traces back as far as the 10th century where the noun Eta can be found who were considered as filthy because they were engaged in occupations seen as dirty as they were related to death or animals, such as

undertakers or butchers. There also existed another category of marginal people called Hinin (non human) who were out of control of the society as beggars or entertainers. These Senmin – the impure - constituted a formal social discrimination in the 17th century at the time of the “social glaciation” when the shogun established the Status System freezing the society into four castes. They needed outcastes in order to consolidate the system and they put the Eta and Hinin outside the villages making them live in “specific hamlets” (tokushu buraku). The Status System was formally abolished in 1871 but the discrimination continued all through the next fifty years and even after. At the time of the Taisho era (1911-1925) which is considered as the cradle of democracy in Japan, many revolutionary and political movements emerged among which the Buraku Liberation movement took the great initiative to proclaim the Levellers Declaration which can be considered as the first Human Rights Declaration of Japan.

- “- *The time has come for us to be proud to be called Eta.*
- *It is fundamental for us to organize a new collective movement in order to liberate ourselves by promoting the respect of human dignity.*”

This powerful and enlightening declaration served as the basis of the movement of international solidarity which was strongly promoted until after the second World War by Matsumoto Jiichiro considered as a father by the 3 millions burakumin of Japan. He established links with the dalits in India, Roma people in Europe and participated in the movement against apartheid.

After the war, the former Levellers Association became the Buraku Liberation League (BLL) whose struggles gained momentum when the Japanese government recognised the Buraku discrimination as the most serious social issue. The Dowa Special Measures Law was introduced in 1969 for housing and education. The Law replaced the term “Buraku” with “Dowa” and was enforced till 2002. BLL followed the implementation of the Law closely.

In the modern times, Buraku people experienced many achievements and pullbacks. They succeeded to make school textbooks free for the compulsory education. The arrest of Mr Ishikawa Kazuo in 1963 became a symbolic case of Buraku discrimination, in which interrogators targeted Mr. Ishikawa because of his Buraku background Mr. Ishikawa has been still fighting to clear his name over 50 years. Illegal lists of Buraku areas were circulated which still have been used to find out people’s Buraku origins in occasions of marriage and employment. Nowadays, hate speech against Buraku people among other minorities remains in the Japanese society, especially on the internet.

In the meantime the BLL continued developing international solidarity which led to the establishment of IMADR as an international NGO with the UN ECOSOC status. IMADR and other Japanese organisations struggled to make Japan ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Finally, the Levellers Declaration is being promoted by Mr. Mushakoji Kinhide, president of IMADR Japan Committee, to become a UNESCO heritage as a unique human rights declaration, with its aim to create a world full of warmth and bring light in the hearts of all human beings.

**Ms. Bernadette Hetier** added that MRAP's "ancestor", LICA (International League Against Anti-Semitism), started combatting racism and anti-Semitism before World War II. The ancestor of MRAP, MNCR (National Movement Against Racism), was created clandestinely during the war. As of 1945 onwards, LICA gave birth to two different antiracist associations: LICRA (LICA adding Racism to its acronym); and a new association, MRAP, a continuation of MNCR. Both put efforts for the adoption of an anti-racism law in France, which was facilitated by the country’s ratification of the ICERD. The first Law against racism in France was thus unanimously approved by the French Parliament and promulgated on 1st July 1972.

The audience expressed their strong interest in the Buraku discrimination in Japan and asked various questions such as the population of Buraku people, religious influences on the discrimination and intensifying racism in Japan. **Mr. Régis de Gouttes**, former member of the UN Committee on the Elimination of Racial Discrimination (CERD), explained the Committee’s position on Buraku discrimination as discrimination based on descent under the Convention, though the Japanese government has never accepted the view. The absence of an anti-racial discrimination law in Japan was also highlighted in the discussion.

## IMADR, a rich geographical presence

**Dr. Nimalka Fernando**, president of IMADR, thanked MRAP for organising the symposium. She started her presentation from her first encounter with Japanese activists. She was a young activist in human rights and development in Sri Lanka, and at that time she met Japanese activists and scholars in late 1980's who were working on the issue of water pollution by Japanese ODA. When she first came to Japan, she did not expect to hear stories of discrimination. She listened to stories of Buraku discrimination and met the BLL leaders and Mr. Mushakoji. They discussed about caste and Buraku discrimination issues. Historical struggles of people in different regions have brought IMADR together, which facilitates the movement to give warmth to people and seek solutions for racial discrimination. IMADR is also guided by the principles of the ICERD.



She highlighted human rights violations against Dalit women as one of the most serious discrimination issues. She accused the contradictory standards of dominant caste men who sexually abuse Dalit women to shame their communities while they practice the untouchability of Dalit women. In 2001, IMADR brought the issues of caste and Buraku discrimination to the World Conference against Racism in Durban, South Africa (Durban Conference), where IMADR and MRAP also encountered. She further shared challenges which included intimidations and harassments against IMADR members who were called as traitors as a result of speaking up at the international forum. It is also a challenge to make States recognise discrimination based on work and descent as racial discrimination. As a part of the struggles, IMADR helped to form the International Dalit Solidarity Network (IDSN).

Trafficking and exploitative migration is one of the main agendas in IMADR, as it tries to identify racism in such form of exploitation of human beings. IMADR also established a partnership with the Central Council of German Sinti, and visited Roma communities in Eastern Europe. In Latin America, IMADR worked with a Colombian NGO and maintains a desk in Argentina. IMADR has also been working for truth, justice, accountability and reconciliation for serious human rights violations and war crimes in Sri Lanka. Dr. Fernando faced reprisals in Sri Lanka as a result of cooperation with the UN. In Geneva, IMADR work at the UN level, driven as a solidarity movement. IMADR aims to give strength to activists working on discrimination and other human rights issues.

The questions posed by audience included the purpose to make the Levelers Declaration recognised by the UNESCO, a lack of progress at the UN after the Durban Conference and the human rights situation in Sri Lanka after the internal war. **Mr. de Gouttes** reiterated the IMADR's active participation in the CERD on the Buraku issues. He asked Dr. Fernando regarding the claims of Indian and Nepali governments on progress on the promotion of Dalit rights. Dr. Fernando expressed her concern on the lack of implementation of laws and policies to protect and promote human rights of Dalits in India and Nepal as well as existing discriminatory practices in society.

## IMADR's participation in the UN and other international mechanisms

On behalf of **Mr. Theo Van Boven**, IMADR Executive Committee member and Emeritus Professor of International Law of Maastricht University, **Mr. Taisuke Komatsu**, UN Advocacy Coordinator of IMADR, delivered his speech.

Mr. Van Boven highlighted the increasing number of participations by civil society organisations (CSOs) in the United Nations for human rights. He shared the number of CSO involved in the drafting of the Universal Declaration of Human Rights (1946-1948), the First World Conference on Human Rights (1968) and the Second World Conference on Human Rights (1993). The number increased from 15 to 150, and then to 1500. It was therefore natural for IMADR to seek consultative status with the UN as a means to facilitate access to and participation in UN human rights meetings and also as a label to enhance reputation and credibility.

With the international headquarters in Tokyo and its Geneva office, IMADR has participated in meetings of the UN human rights mechanisms. The Human Rights Council (HRC) has been one of the main bodies for the IMADR's engagement. While civil society participation in the HRC through oral statements, written statements and side events was illustrated, the importance of informal contacts with delegates and other stakeholders by way of lobbying, briefing and providing reports was highlighted. IMADR has actively engaged with the work of the HRC including:

- Campaigning for truth, justice, peace and democracy in Sri Lanka with a view to achieving pro human rights decision-making by the Council;
- Following closely and spreading information relating to the Universal Periodic Review (UPR) with respect to countries and issues that are of special interest to IMADR;
- Alerting and briefing Special Rapporteurs, in particular those carrying out visits to Japan and Sri Lanka;
- Making contributions to the international standard-setting process relating the human right to peace;

Among ten human rights treaty bodies, IMADR has specifically focused on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the treaty body established under this Convention, the Committee on the Elimination of Racial Discrimination (CERD). As a result of tireless efforts of IMADR to utilize the mechanism of the ICERD, it earned the respect and the trust of many CERD's members as a reliable and knowledgeable partner. IMADR has welcomed the CERD for adopting and applying a broad interpretation of the Convention to include a wide range of discriminated groups such the victims of descent-based discrimination including the Burakumin in Japan, indigenous peoples in various continents and the Roma and Sinti in many European countries.

In 2001, IMADR drew up a "Guide for NGOs", edited by Atsuko Tanaka in cooperation with the Minority Rights Group International, a 50 pages manual explaining what the ICERD and the CERD are, how they fit within the UN system and how States, individuals and NGOs can make use of them. Ten years later, in 2011, [an updated version of the manual](#) was prepared by the IMADR Geneva Office.

As an illustration of IMADR's involvement and that of its Japan Committee, he touched upon three types of CERD's activities: (i) the periodic reporting procedure and concluding observations, (ii) the early warning and urgent action procedure, (iii) the adoption of General Recommendations. IMADR played a leading role towards the



recent CERD's concluding observations and recommendations on the periodic report of Japan adopted on 28 August 2014, which addresses: the absence of a specific and comprehensive law prohibiting racial discrimination; the absence of a national human rights institution; the issue of hate speech and hate crimes; the rights of migrant workers; the trafficking in persons, the violence against foreign and minority women; the issue of the "Comfort Women"; the situation of the Ainu peoples; the situation of the Ryukyu/Okinawa people; the situation of the Burakumin; and the absence of a declaration accepting the right of individual petition under the Convention (Article 14).

With regard to CERD's early warning and urgent action procedure it should be recalled that it was due to IMADR's action that CERD seized in March 2012 the government of Japan concerning the construction of a new United States military base in Okinawa, affecting adversely people of Rryukyu/ Okinawa and other Japanese residents, and also seriously affecting the environment, biodiversity and conditions of life.

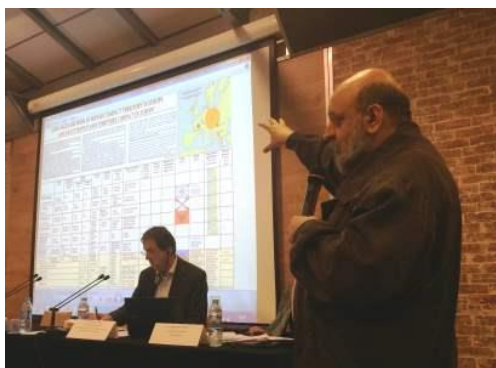
Concerning General Recommendations, three such General Recommendations were specifically mentioned as relevant to the work of IMADR: General Recommendation XXIII on the rights of indigenous peoples (1977); General Recommendation XXVII on discrimination against Roma (2000); and General Recommendation XXIX on descent-based discrimination in conformity with article 1, paragraph 1 of the Convention (2002).

In conclusions, it was pointed out that similar criticisms on shortcomings in combatting racial discrimination, like Japan, should be expressed to practices of racism and exclusion in European countries, notably the resurgence of xenophobic political parties and movements, and the continuous incitement to racial violence, hatred and discrimination. Furthermore, challenges to mobilise and involve younger generations to continue the movement against racism and racial discrimination are highlighted.

\*\*\*\*\*

### **Afternoon session**

#### **Roma enslaved "from the first historical traces of their enslavement (1385) to the various abolitions thereof (1848, 1855, 1861) in the danubian principalities" and to the present situation**



The afternoon session was opened by the inviting lecture of **Profession Marcel Courthiande**. He described Sinti and Roma as people without compound territories. Roma, Western Armenian, Armenian, Chaldo Assyrians, Egyptians, Jews, Moeso-Romanian, Samis, Yenish are minorities in Europe, each of whom has experienced a catastrophe at one point in the history. They also have different ways to approach their identity. The origin of Roma people is the city of Kannauj, in northern India whose occupations were dancing and crafting. In 1018, they were deported from the city, and encountered foreign cultures including music. As they joined the crusade in Jerusalem in 11th century, they were called Egyptians by Catholic crusaders which later transformed to the term "Gypsy". All of those terms such as "Afghani" and "Tzigani" were used as religious

insults against minority groups. The term “Roma” came from the association with sounds of drumming.

When Roma came to Europe, locals knew the Indian origin of Roma. Roma people originated from India and took different routes up to date. Roma were referred as “Mandpolini (fortune tellers)”. For long time, Roma people have been mistreated in many parts of Europe, and sometimes called as useless or animals. Those historical tragedies include the first genocide of Roma in Persia in 1720, the Holocaust of Sinti and Roma by the Nazis who used the concept of untouchability. The Roma origin tends to be denied over nationality as well as their roots from India, which has led to the denial of Roma identity. He argued that everyone, who claims themselves as Roma, has to be accepted to claim the Roma ethnicity. He regrets the denial of the genocide of Sinti and Roma and Romani language education. If there are enough political wills, Roma children can be taught the Romani language.

### **The Heidelberg 'Zentralrat Deutscher Sinti und Roma' and its actions for Roma rights**



**Mr. Herbert Heuss** delivered his presentation explain the current situation of Sinti and Roma. He welcomed the decision of the European Parliament on the international Roma Day (8 April) to recommend the Member States to mark 2nd August as the “Roma Holocaust Memorial Day”, which will underline the destiny of Sinti and Roma same as Jews. He also expressed appreciation to the UN Special Rapporteur on minority issues on presenting a report on the situation of Roma people at the Human Rights Council in June.

After introducing positive developments related to Sinti and Roma, he presented the history of Central Council of German Sinti and Roma. Its initial objectives included combatting the special police registration of Roma people which originated from the Nazi regime. Under the registration, Sinti and Roma were constantly checked their movement by police. He told the audience that after WWII, the person who was responsible for deportation of Sinti and Roma people to the Auschwitz concentration camp was re-employed by the German police. The Council has also worked for the acknowledgement of the Holocaust of Sinti and Roma as genocide. Consequently, the German counsellor admitted it as genocide in 1982.

The Council claims that German Sinti and Roma are national minority groups. Along the same line, the German government established a consultative committee on the question of Roma which deals with the issues of national minorities. However, it is also possible to invite migrants and organisations working on migrant issues to the Committee. All over Europe, we are facing a rollback of nationalism which particularly affects Roma. In Germany, between 30% and 50% of the population do not accept Roma and Sinti. More than explicit right wings and anti-Semitism, anti-Roma phenomenon is significantly increasing. He mentioned one example before WWII, in which the German Minister of Interior, a social democrat, also used anti-Roma policies to abuse the power. Although it was impossible for the left wing to be anti-Semitic, they did not have any contradiction to be anti-Roma. Recently, there have been anti-gipsy election campaigns in which the Central Council brought a complaint to the national court. However, the court did not recognise it as a hate speech and claimed that free speech must be protected especially in election periods. The Council believes that such decision would never be allowed if it

happened to Jews. The Council is working on to prohibit anti-“gypsy” election campaigns. He emphasised that the German government should assess the situation of Sinti and Roma people including hatred towards them to comprehend the current situation and form policies.

Hate speech in the internet against Sinti and Roma must be addressed. In one case, the extreme anti-gypsy music video by a German band was online for a long time in YouTube which was showing brutal images of killings of Roma people. It was later banned in Germany, but it is still available in the internet through different service providers based abroad. Another crucial issue is a reservation of burial sites of Sinti and Roma people who were executed by the Nazis. As each Sinti and Roma family has pictures of their family members who were killed by Nazis, it is essential to reserve their burial sites. The Central Council works to tackle negative images of Sinti and Roma in media. The Council used to make complains to the media control body between 60 and 100 times per year regarding negative portrayals of Sinti and Roma. As a part of its efforts, the Central Council now works at the advisory board for media.

The Central Council also believes there are plenty of people from Balkan counties such as Serbia and Macedonia who are entitled to refugee status, even though the level of political prosecution is not necessary high. Regrettably, the German and Dutch governments pressured Serbia and Macedonia to prevent people from seeking asylums in their countries. As a result, Serbia and Macedonia now introduced a law to discourage people to seek, which affected the situation of Roma people. Also, there are increasing attacks against refugee buildings in Germany.

The Central Council has received threats including death threats. Even one of those letters had names of senders, which showed that they were not afraid of prosecution. Those racist groups seek publicity in courts and media by revealing their names. The Central Council believes this phenomenon is not only a problem for minorities, but also for majority, which puts democracy in Europe in danger.

The audiences were particularly interested in the work of Central Council in migration and Eastern Europe, Mr. Heuss explained that the Council engages with foreign embassies in Germany, and there is a need of a state institution to deal with affected migrant communities including an emergency agency for Roma. He also shared the proposal of the Council Chairman at the last Roma Summit for establishing a housing fund for Roma migrants. He pointed out that public funds for Roma communities are often misused and do not reach the affected communities.

### **MRAP's testimony: Solidarity with Roma and Travellers in France**



**Ms. Marie-Genevieve Guesdon**, MRAP Executive Board member, Roma Rights sector, presented the current situation of Roma in France. There are meetings in small French towns which stigmatise people living in shanti towns including Roma people. Only half of those places have access to electricity, water and waste disposal facilities. Even some municipalities refuse to provide medical care, family benefits and legal aids to the communities. They are regularly evicted from their settlements. Last year, hundreds of Roma people

were evicted from Paris. The French government has contradictory policies in Roma issues, since all governmental measures are meant to control the movement of Roma people. Some Roma children are not sent to school, even though it is the obligation of municipalities to provide education. The French government claims that it is not supposed to address Roma migrant issues based on their methodology. When the Mayor of Paris evicted the Roma settlements from the Greater Paris, it was claimed that the evacuation was conducted for their better living conditions. A survey, which asked respondents' views on Roma, revealed that majority of French people think Roma people are different from them. Nevertheless, hate speech against Roma is not properly acknowledged, and stigmatisation of Roma is prevalent which portrays them as thieves and foreign criminals. One political leader even described Roma people as birds who "steal and leave". There are urgent needs to provide them health care and housings as well as general awareness raising on racial discrimination. As a member of the national collective of Roma Europe in France, MRAP supports Roma communities in various ways including providing water, electricity and legal support for the prevent of evictions. It has published a booklet on the issues of prejudice, taken legal cases, brought complaints to media and provided educational tools and exhibitions.



**Ms. Martine Platel** from the Traveller's rights sector from MRAP addressed challenges which travellers having been facing in France. Travellers arrived in France during 15th centuries, and later Roma people arrived in 1960. In 1920, nomadic people had to register their names for trade, in which this data was used by the Nazis to prohibit their movement and atrocities against them. In fact, this data existed until 1969. One of the main challenges in today's France, every governmental measure has to be based on

geographical communities. Therefore, it is difficult for travellers to be beneficiaries of the government's policy measures. The French government has placed traveller in an administrative category in their policy measures while claiming the issues of travellers as irrelevant to racial discrimination. Yet, discriminatory signs against travellers can be found in many parts of France, and travellers have to often stay at underprivileged places. In the internet, searching results of the term "travellers" are too often discriminatory including "*how to get rid of travellers*". Also, urban planning projects have affected travellers who tend to settle in under-conditioned "resting areas". Sometimes, those areas are not big enough to accommodate large traveller families. Although they are told that they need to have home municipalities and travelling documents, some of them do not possess any documentation.

She concluded her presentation by sharing one good development initiated by travellers and Roma people as well as further challenges. As a reaction to the racist attacks against Roma and travellers in 2010, they started uniting to tackle the situation. However, some of those in younger generations do not wish to be included in this unity, which has made them difficult to represent the diversity. Roma and travellers are very diverse and have differences in many aspects such as religion and roots. Many of them also do not feel comfortable to reveal their identity in the fear of mistreatments.

\*\*\*\*\*

International Movement Against All Forms of Discrimination and Racism (IMADR)