

THE INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

**50th anniversary of the Adoption of the International Convention on  
the Elimination of All Forms of Racial Discrimination  
"ICERD - Fifty years of fighting racial discrimination  
- looking back and moving forward"**

26 November, 2015

**Speaker: Dr. Nimalka Fernando**

**Fifty years of achievements – lessons learned and good practices**

Thank you for inviting me to speak at this significant occasion. The International Movement Against All Forms of Discrimination and Racism (IMADR) was founded in the late eighties (1988) by the leaders of the Buraku Liberation League, in their endeavour to promote human rights and equality as well as to provide a solidarity forum for those who are struggling to combat racism, xenophobia and other discriminatory practices including untouchability experienced by Dalits and degrading treatment arising out of work and descent.

**Modalities of our engagement**

For us, working closely and engaging with the Committee on the Elimination of Racial Discrimination (CERD) receives high priority as the core of our existence is linked to the day to day experiences of men, women and children experiencing discrimination, degrading treatment, exclusion and violence because of their race, colour, ethnicity, descent, caste or nationality. Soon after I was elected as the President, my focus was more at the field level trying to find meaning to the words of various Conventions especially CEDAW and ICERD to our work related to migrant workers and Tamil struggles in Sri Lanka, trafficked women in Nepal, Dalit communities in India, Roma discrimination in Europe and indigenous peoples in Latin America. Geneva and UN for me were at a distance. UN for an activist like me was only full of words and papers. I did not want to waste my time and our scarce resources with such a system. But it was our young staff Atsuko Tanaka based in Geneva who opened my eyes to new possibilities. She was unceasingly working for communities with CERD. Her energy touched my heart. Today as we celebrate the 50th anniversary, I would like to dedicate my speech to her, since she brought me strength and perseverance to struggle within the system.

**ICERD and CERD**

The ICERD has always been considered important by IMADR as it is most closely linked to our mission and objectives. We commend the work of CERD experts for the vision and understanding shown in adopting and applying the terms of the Convention, so as to include groups who have been marginalized and victimized by deeply rooted patterns and long practices of discrimination.

This includes the victims of descent-based discrimination, indigenous peoples and Roma and Sinti.

Responding to its commitment and dedication to ICERD and CERD, IMADR drew up in 2001 a "Guide for NGOs", edited by Atsuko Tanaka in cooperation with the Minority Rights Group International, a manual explaining what the International Convention and the Committee are, and how individuals and NGOs can make use of them. Ten years later, in 2011, an updated version of the manual was prepared by our Geneva Office. This publication is now available in English, Spanish and French.

In addition, IMADR has provided webcasting of the Committee's open meetings. This has facilitated those who cannot afford to come to Geneva to watch live discussions through the internet. We believe using modern technology will pave the way to expand the outreach, to strengthen the resolve of human rights defenders and NGOs to work tirelessly and hopefully to end the scourge of racism, xenophobia and discrimination. It has also helped governments in capitals to support their delegations in Geneva in providing information during the consideration by the Committee. It has promoted media coverage of the sessions. Overall, the webcast has increased accessibility, transparency and public interest in the work of the Committee.

I wish to mention the General Recommendations No. 23, 24, 25, 27 and 29, specifically has assisted IMADR with our work in relation to indigenous communities, Roma, work and descent, women facing multiple discriminations. I remember how thousands of stateless tea plantation workers received the right to citizenship following your recommendations related to Sri Lanka in 2000.

### **Contribution by CSOs**

We believe that civil society organisations (CSOs) have engaged with the Committee not only to give meaning and relevance to the Convention, but also to promote the broad objectives of the UN to wipe out the scourge of racism from this world. Through sharing experiences and inputs at thematic discussions, CSOs have contributed to General Recommendations in developing international human rights standards against racial discrimination. CSOs have also strengthened the monitoring mechanism in submitting alternative reports and attending the examination of State parties' reports to provide objective information from the ground level. We commend the Committee's decision in 2010 to allocate 3 hours for each informal meeting with CSOs, in addition to lunchtime briefings.

Over decades, CSOs and the Committee established a close partnership. This constructive relationship not only contributes to in-depth analysis of country situations and effective concluding observations, but also it empowers civil society actors including victims of racial discrimination, human rights defenders, indigenous and minority leaders to cooperate with the UN human rights system. Unfortunately, working for human rights, especially in the area of combating racism and discrimination against minorities, is often misunderstood and misrepresented. We are often called traitors. We face risks as we collaborate with you. As a human rights defender who faced such risks,

I am pleased to note that the Committee has decided to appoint a rapporteur on the protection of human rights defenders. Civil society actors, especially victims of racial discrimination, must feel free to bring their voices to the Committee.

Moreover, we are encouraged by some State parties which have built a constructive partnership with CSOs from reporting to the Committee to implementation of its recommendations. Since CSOs often work closely with individuals and communities subject to racial discrimination, their hands-on experiences can help States to design effective measures to address racial discrimination issues.

Although CSOs have cooperated with the Committee to combat racial discrimination, it is the primary obligation of State parties to take measures to implement the Convention and regularly report to the Committee. However, as of 25 November 2015, out of 177 State parties, 91 States have not submitted their initial or periodic reports by due date.<sup>1</sup> Moreover, only 57 State parties have made declaration to recognise the competence of the Committee to receive individual communications under the article 14.<sup>2</sup>

## **Conclusion**

CERD's establishment goes back to the late sixties and as the first treaty body in the UN system, it had a pioneering role. Yet unfortunately, the real world is not heeding to our words and efforts. We hear every day reports of violence and discrimination experienced due to racial discrimination and practices of untouchability. The dramatic rise of xenophobic political parties and movements and continuous incitement to racial violence, hatred and discrimination are alarming. Racism and racial discrimination are on the upswing and becoming widespread throughout the world. Today even in democratic societies we see the emergence of strong racist forces. The treatment of immigrants and asylum seekers is such a manifestation. The current global situation is challenging.

The birth of IMADR was from the womb of the discriminated Buraku community. We commit ourselves as CERD celebrates its 50th anniversary to work closely with you, as the former UN High Commissioner for Human Rights stated in her 2009 opinion piece *Tearing Down the Wall of Caste*, *"The time has come to eradicate the shameful concept of caste. Other seemingly insurmountable walls, such as slavery and apartheid, have been dismantled in the past. We can and must tear down the barriers of caste too."*

We hope that today's celebration serves as a new starting point for all stakeholders to cooperate effectively to realise a world free of racial discrimination and untouchability.

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<sup>1</sup> CERD (2015), Status of submission of reports by States parties under article 9 (1) of the Convention (CERD/C/88/2)

<sup>2</sup> United Nations Treaty Collection:

[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-2&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&lang=en)