

Societal Inclusion through Acknowledgement of Cultural Diversity

Experiences of Europe and Japan in the Era of Global Pandemic

12 March 2021 (Friday)

Follow-Up Summary

[\(CLICK HERE for the Concept Note and the Speakers' Bio\)](#)

SUMMARY

1. Opening by Consul General Takeshi AKAMATSU

The Consul General stresses that there are different categories of minorities in Japan despite the fact that only few people are aware of it, unlikely to how the European situation in the matter is widely known. This seminar represents a good opportunity to start exchanging points of view.

2. Opening by Mr. Hallvard GORSETH, Head of anti-discrimination Department, Directorate General of Democracy, Council of Europe.

Mr. GORSETH congratulates Japan for the 25th anniversary of its accession to the status of Observer state to the Council of Europe. He rapidly presents the Council of Europe, its creation after the WW2, its 47 member states, and its mandate to promote Human Rights, Democracy and the Rule of Law. Non-discrimination is an important cross-sectional issue to these shared values, and the CoE settled a number of tools such as international agreements, monitoring committees and study groups to tackle it. However, sharing experiences is necessary.

3. Keynote speech "Cultural diversity in Japan" (Prof. Yasuzo KITAMURA)

Respecting and fostering cultural diversity is important to ensure both peace and democracy, especially in times of massive breaches such as pandemics. Unlike what is commonly believed, Japan is not a mono-ethnic state, and the four biggest minority groups are: Ainu people, Okinawans, Koreans and more recent migrants. After a strong policy of assimilation for both Ainu people and Okinawans roughly from the 19th century to the end of the WW2, the evolution of international legal standards about protection of minorities implemented new opportunities for them to promote their languages and cultures. As for the rights of Koreans and migrants, the concern is more about hate speech and social media harassment. The government introduced in 2016 a non-coercive anti-hate speech act.

Session 1: Diversity and inclusion

4. “Diversity and inclusion in the era of Covid-19 pandemic: What can the national government learn from international human rights law?” (Prof. Akiko EJIMA)

Prof EJIMA placed the unique European human rights protection system in the context of international human rights law and expressed her preference for such pluralistic, non-hierarchical and circulatory system. She gave the background information about human rights law and the reality of foreigners’ situation in Japan. Covid-19 pandemic has amplified vulnerability and difficulties of particular individuals and groups (foreigners, ethnic minority groups, women, LGBTIQ people, the elderly, prisoners, etc.). Tools have been used to tackle discrimination against them: 2016 Anti-Hate Speech Act, local governance by law, “Japan Platform for Migrant Workers towards Responsible and Inclusive Society (JP MIRAI)” and Sustainable Development Goals. Sharing good practices, evidence-based research, easy-to-read materials can improve the situation. In conclusion, diversity and inclusion prevent discrimination, and vice versa. Covid-19 pandemic has raised the question of what kind of society we want.

5. “The Council of Europe’s new Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI)” (Dr. Wolfram BECHTEL)

Dr. BECHTEL presented the CDADI, its experts from the member and observer states, and its terms of reference: it steers the CoE intergovernmental work to promote equality for all and to build more inclusive societies where diversity is respected through offering effective protection from discrimination and hate. Race, national and ethnic origin, colour, citizenship, religion and language, sexual orientation and gender identity are grounds of the discrimination identified by CDADI. The Committee works particularly on setting a policy framework for intercultural integration, analysing and evaluating areas related to “Roma and Travelers” inclusion, drafting a Committee of Ministers (CM) recommendation on combatting hate speech, identifying good practices in member states on active political participation of national minority youth, contributing to intergovernmental work on artificial intelligence, and drafting CM guidelines on upholding equality during Covid-19 pandemic.

Session2: Protection of cultural and linguistic rights for ethnic minorities

6. “History and Current Status of Japanese Minority Languages: The Cases of Ryûkûan Languages and Ainu Language” (Prof. Maki NISHIUMI)

The Ryûkûan and Ainu languages are both minority language in Japan. The Japanese Government were eager to build a modern State from the Meiji Era, which led to adopt an assimilation policy towards Ryûkûan and Ainu people, by imposing the common official language and prohibiting the local one. It constituted the structural violence towards the minority people. But we must also see in it the socially forced will of marginalized people to master the common language in order to express freely their opinion, be understood by other people, and be regarded as the same and equal Japanese people. Japanese government has gradually recognized the necessity of preserving and promoting them. if we want them to be sustainable as living language, it is primordial to give a vitality to them, by heightening their expression capacity through importing common language vocabulary, meeting with the needs of speakers and finding an appropriate teacher and method etc. Sustaining minority languages as such will contribute to realizing a society where the cultural diversity is acknowledged and thus different people is respected.

7. “Minority protection in Europe: Council of Europe instruments and monitoring mechanisms” (Dr. Elise CORNU)

In matters of minorities protection, the CoE issued two treaties, entered into force in 1998 and which are opened to non-Member States.

- a. The framework convention for the protection of national minorities (39 States parties + Kosovo): the convention is a human rights treaty. Its implementation is monitored by an independent committee of 18 experts dedicated exclusively to minority rights: the Advisory Committee. It works on the basis of a report prepared by each state party every 5 years, followed by fields visits. The opinions adopted by the Advisory Committee contain recommendations for improving the implementation of the framework convention.
- b. The European Charter for regional or minorities languages (25 States parties): the charter aims at promoting and protecting minority or regional languages, as part of the cultural heritage of Europe. It is monitored by a committee of 25 independent experts, which operates in a manner like the Advisory Committee (state reports and visits followed by the adoption of evaluation reports).

In 2018 and 2019, the two mechanisms have been reformed by the Committee of Ministers in order to strengthen their effectiveness. The Covid-19 pandemic has shown that the Council of Europe standards regarding the rights of persons belonging to national minorities are relevant and that what was often lacking was their full implementation before the emergency period started. Although progress can be seen in many countries, it has been noted that states are not always following the recommendations made to them, and that the experts must repeat their recommendations, cycle after cycle. This is the case in particular for education in and of minority languages, or for communication of health information in these languages.

Q & A

Q1 Can the application of the 2016 Act lead to criminal prosecution for hate speech?

A1 Japan takes a soft approach but the existence of the Act creates many changes on the attitude of public authorities. The city of Kawasaki, a neighbouring city of Tokyo, passed a local regulation (*Jorei*, 条例) which introduces fine up to 500,000 yen against the repeated act of hate speech.

Q2 How AI work against social discrimination? I am wondering if their database itself have including prejudice.

A2 It is true that some data include bias and prejudice which already exist in a human society. Therefore, first, it needs to examine the result of the analysis produced by AI. When a problem is discovered, it is helpful to examine how and why problems occurs (the problem of data collection, the problem of data quality, the problem of algorithm, etc.) and tackle them. This may lead to establish common principles of the human-centric AI through a trouble-shooting process based on transparency and accountability.

Q3 How to balance the contact tracing and private information protection?

A3 First, the system of contact tracing should be based on law. Second, the practice of contact tracing needs to be observed by an independent oversight body. Third, individuals and groups should have an opportunity to make a complaint when they find out that their privacy is violated. In this circulatory mechanism, an adequate balance can be reached if every voice of diverse stakeholders are heard.

Q4 Could you kindly share the good practices of the CoE to combat discrimination and social inclusion for irregular migrants regardless of legal status, if any?

A4 Please consult General Policy Recommendation No. 16 of the European Commission against Racism and Intolerance here (<https://bit.ly/3tIDZOm>). This document is available in Japanese as well (<https://bit.ly/2OrlvMu>). Regarding the Covid-19 crisis, we have put together this compilation of good practices. You will find there some good practices also regarding migrants in irregular situation (<https://bit.ly/3qLXVYR>).

Q5 Even among United Nations, there are different views that UNESCO is conserving multilingual as much as possible but some other is more focusing on effective and keeping working language, especially translating cost. How do you think the balance of effectiveness and diversity?

A5 One important approach is multilingualism - the approach to learn at the same time the/one official language of the country (this will allow to participate and contribute to avoid discrimination) and the language of the minority/community one is part of.

Q6 Could you please remind us of what *Hogen-fuda* means?

A6 The word consists of "*Hogen* (dialect)" and "*Fuda* (card/tag)". It was a system of punishment used in Japanese regional schools, especially in Okinawa, from 1910s to 1960s, whose purpose was to assure the using of common language. If a pupil in elementary and middle schools speaks in the local language in school, she or he is forced to carry a card in which was written "the person who lose this card will be severely punished". This pupil has to continue to hang it before he or she finds another pupil speaking the local language. In France also, the same measures were taken against the local languages like Occitan, Provençal and Breton from 1880s.

Q7 The 78 languages protected by the Language Charter include only "minority languages", or do they include all languages recognized to be used in Europe?

A7 The languages listed in the Charter are only minority languages in a country. A language having the official status in a country can be a minority language in another country (e.g. Hungarian is the official language of Hungary, but at the same time, one of six minorities' languages recognized under the Charter vis-à-vis Austria).

Q8 Is Ainu language taught in some schools outside Ainu communities?

A8 Yes. For a long time, Ainu language remained only the academic object, but from 1975, Ainu language education began in Waseda University (Tokyo), for students and citizens. Now it is implemented in several universities and civil associations in Hokkaidô or Tokyo.

Q9 Assimilation policy seems not only for Ainu and that seems discrimination or destruction of identity but to create nation, it seems necessary some adaptation. How do you think about it?

A9 I completely agree with you. I think learning the common language is more or less the socially forced will of marginalized people, in order to express freely their opinion, be understood by other people, and be regarded as the same and equal people. So it is important for them to learn and master the common language. But at the same time, the local language must be respected and protected from the viewpoint of multicultural society and equal dignity of peoples who speak it, I think.

Q10 Are Ainu still regarded in Japanese legal framework as "former indigenous people" or has the word "former" been deleted?

A10 In Japan, Ainu is now recognized as “indigenous people”. In 1997, Sapporo District Court gave his judgement on the *Nibutani* case in which the legality of the Japanese Government action to build a dam at the cost of Ainu Sanctuary was the point. This judgement qualified the Government action as illegal and also Ainu as indigenous people. In 2019, a New Law about Ainu was adopted in Japanese Diet. Its purpose is to promote the policies of realizing a society in which the pride of Ainu is respected. The article 1 of this law says that “Ainu’s tradition and culture which are origin of the pride of Ainu, indigenous people of the North part of Japanese Islands and especially of Hokkaidô...” Thus, Ainu as indigenous people was recognized for the first time in the Japanese Law.

DOCUMENTS

PowerPoint Presentation

[Prof Kitamura](#)

[Prof Ejima](#)

[Dr Bechtel](#)

[Prof Nishiumi](#)

[Dr Cornu](#)

Recording

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