

FIFTEEN YEARS LATER...

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In March 1994, when I came to Strasbourg to attend the first ECRI meeting, I could not imagine that I was taking part in the creation of this rather special Commission, which at that time had no name and no programme of activities; it had no identity and no profile either. Then we baptised the newly born entity *European Commission against Racism and Intolerance* and I soon was convinced that was worth investing time and efforts. And I am certain that those of you who have been with ECRI from the beginning share this feeling. It was worth the effort from a personal point of view; but the members of the Commission don't gather in this room for their personal satisfaction. The question that remains open is whether through our efforts, we have contributed –even in a very small way– to changing mentalities, widening the field of human rights, and, I hope, to improving the situation of some of the victims of racism and intolerance all over Europe.

Now, more than fifteen years later, we should all try and be as frank as possible. Have we experienced enough changes to the better at national and international levels, regarding racism, xenophobia and intolerance?

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Or should we admit that, in spite of all our efforts, the situation, all in all, is by no means significantly better?

The most dramatic and lasting change at international level is, of course, the aftermath of 11 September 2001. A change accompanied by huge repercussions all around the world, including two major military implications in Iraq and Afghanistan. The widespread feeling of insecurity among Europeans and the related mistrust –to say the least– towards people of a certain ethnic and religious affiliation, combined with the unprecedented flow of immigrants that occurred across Europe during the same period has rendered the situation anything between delicate and explosive. I remember when I was leaving the chair of this Commission exactly eight years ago, I stressed that any attempt to build a theory of collective responsibility of people of certain origin or religion should be fought in the most determined manner. We Europeans, I mentioned then, using Mary Robinson’s words, should show the rest of the world that, whatever measures have to be taken against terrorism, human rights should never been put on the shelf. While stressing that terrorist acts are unjustifiable, any measures for combating them must remain consistent with democratic values, the rule of law and human rights. We have to show that our culture can and shall endure the hard test of the present difficulties. I am not so sure that subsequent events have proven in practice the eloquence of that theory... The question of national or ethnic *identity* that seems to regain importance in several countries as a corollary of the purported clash of cultures and civilisations could easily slip into an attitude in favor of discrimination by channeling the discourse towards dilemmas touching upon the quality of democracy and its attachment to equality, while freedom and liberty are kept at bay.

It would be too ambitious to expect ECRI to change the world – or even Europe – especially in such a period of crisis. But if one has to conclude that the problem of racism, xenophobia and intolerance remains all around our continent as serious as it used to be 15 years ago and that all efforts undertaken have not managed to render it significantly smaller, then it is difficult to claim victory. We are, more or less, at the same point as when we started this exercise.

We used to praise ECRI's flexibility, as a "third model" type of institution, not being limited in its activities by the definitions and terms of a convention. This flexibility is also meant to allow it to respond, with a relative rapidity, which is unusual in international work, to new challenges and new threats. Thus, in its country reports, wherever necessary, it has expressed its concern at the use of racist and xenophobic discourse in political life. It has drawn attention to the fact that Islam is often falsely portrayed through stereotypes which present it as a threat; it even issued a general policy recommendation which lays out a series of guidelines for combating Islamophobia. As an example, in its recent 4th report on Switzerland, ECRI regretted the initiative for the constitutional ban of the construction of minarets. And yet, two months later, i.e. less than three weeks ago, the Swiss ballot for a ban on mosques having any new minarets was voted by a comfortable margin: A development that amounted to "a dangerous backslide for religious liberty in a country that prided itself on tolerance". ECRI's statement the next day could do nothing but bemoan the inescapable fact. If we want to measure the effectiveness of ECRI's work in the instant example, it is obvious that producing reports and statements is not enough. As it is also the case with the national and international regulatory inflation of recent years: enacting and subsequently enforcing anti-racist rules is essential but not

sufficient. Rules are good, provided that they are used mainly in a preventive manner. Should they be needed as a daily repressive tool, this would mean the failure of “theory” by a “practice” of confrontation and, at the end of the road it would lead to a disruption of the social tissue. In such a case the supporters of discrimination would claim to be *a contrario* justified.

What has changed for the victims of racism because of ECRI’s work? This is the question it must continually be asked. How often is the answer a positive one? If we look at the Annual Report on ECRI’s Activities for 2008, we read that “the overall picture as regards contemporary forms of racism and racial discrimination is complex and worrying. Throughout Europe, these issues are giving increasing cause for political and social concern. [...] Virulent manifestations of racism and intolerance can be observed in member States of the CoE.” The answer, therefore, once more, is not really a positive one. For the last 15 years the members and the secretariat have made an impressive effort; but the adverse circumstances have proven to be stronger. Could the situation become better?

Moving from theory to practice, from *thinking* to *doing*, remains a cardinal problem. Mainly a State responsibility, to act is nonetheless an obligation for the societies at large – for each one of us individually – to join efforts and achieve at all levels a difficult combination of analysis and passion.