

**Contribution on October 17, 2024, on
ECRI's 30 year-anniversary
by ECRI's first Chair,
Dr jur Frank Orton**

Dear friends, dear colleagues in human rights,

Great thanks for this opportunity to address you! I would like primarily to share with you some reflections on implementation, on impact on reality, from my four decades in the human rights field.

But first, I would like to mention an experience from yesterday afternoon. I had envisaged a dull and sleepy bus ride from Frankfurt Airport to Strasbourg on my way from Sweden. But how wrong I was! It turned out that I had been seated next to a very interesting and interested ECRI member. During our most vivid conversation I learnt that ECRI had naturally developed over the years but its *modus operandi* today in a number of respects was very much as in its very first days, and I got moved and glad and proud.

The CBC approach is still there producing much more and concrete texts than was envisaged in beforehand, not to forget its creating networks and friendships by the working together in small groups.

The General Policy Recommendations are still there - although still none on indigenous people - including no 2 on equality bodies and no 3 on combating racism and intolerance against Roma/Gypsies, which both have been cited more than once today and which both I was very happy being contributing to their coming about as the ECRI Chair, not the least the one on antiziganism, which was said by Roma people back home to be the very first international document specifically on that matter or at least one of the first ones.

The plenaries are still on first name basis, something ECRI's first executive secretary, the immensely clever and efficient Isil Gachet here next to me, was hesitant would be approved by the Council of Europe leadership at the time, but it was. We were even on nickname basis – the respected former Polish minister, professor Andrzej Sicinski, was always addressed as “Andy”, “Now, you have the floor, Andy!”

And Thursday evening during a plenary is still designed to social gathering, directed then by the wise and nice and then very open-minded Alenka Puhar from Slovenia.

Such elements, close CBC-working, often *in situ* in one of the working members' own country, first name basis communication and easy-goingly organised social gathering made it fun to work and to be an ECRI member.

In addition, I learnt from my bus neighbour of yesterday, that the ECRI members' integrity and their independence of their respective government are without question today. That was by no means the case from the beginning, but we acted as if it was the case, thereby trying to establish facts on the ground, which obviously has eventually been completely accepted.

So, let me switch to my main focus and to what I had planned to share with you today - the importance of implementation, of impact on reality, something primarily and basically of course being the responsibility of governments.

It is common knowledge that efforts to promote Human Rights are not much worth if they are not concretely directed to change the real world. Conferences and seminars and resolutions and statements and reports could be interesting but are far too often not enough focused on changing reality, the day-to-day situation of the man in the street, the woman in the field, the factory worker or the office servant.

In that spring of 1994, when in March I had totally unexpectedly and unplanned found myself as the very first ECRI chair by my ECRI colleagues, I reflected back and forth on how this very new body could make a change. Particularly two strategies or devices came to my mind on how we could work to promote implementation of our considerations.

Firstly on my implementation vision - given that the situation in the Council of Europe countries varies, ECRI could - instead of "only" produce general recommendations and statements - provide advice, good concrete advice, especially and individually adjusted to the situation in each particular Council of Europe country.

This is the background of ECRI's now well-known country-by-country approach.

Secondly on implementation vision - in our first round of country reports, the idea was not to be criticizing and finger-pointing - if so, governments would not have allowed us to continue - but to provide good advice. In our second round, or cycle as is nowadays obviously the label, we were to take note of and praise

achievements in line with our first report as well repeat advice not yet followed and, as appropriate, add new advice.

In our third cycle, my vision included being more questioning the governments as to the reasons why our advice had not been followed. My vision further contained the possibility, that, when publishing our fifth and following cycles, ECRI could, if our advice had still not been followed, at well-announced press conferences *in situ*, publicly question the government's sincere interest in doing whatever it could to counter racism and intolerance.

“If you are really interested in combatting racism and intolerance, why haven't you followed our advice? Don't you care?” My belief during those early ECRI days was that this could be a comparatively effective device, a decent device given the situation - governments had had their chances - to pressure governments to take real action in all possible respects.

Having been a human rights ombudsman of sort in two different countries, it's my sincere belief that one could do wonders to combat racism, discrimination and intolerance with the help of mass media and public opinion, provided that one bases oneself on well-founded facts and wise views.

I would like to end this presentation of mine by stating that it's my impression that ECRI is an extremely constructive and able think-tank. Although being such a diverse international body, it has been able to produce such impressively much of well-expressed and wise thoughts. It's unquestionably a great achievement!

However – hoping for your understanding, I would like to formulate the following somewhat provocative question, “Would the situation in Europe, the situation for the man in the street, the woman in the field, the factory worker, the office servant, the Roma traveller, the indigenous people up North, have been worse if ECRI had not existed?” In other words, “Which impact on the real world has ECRI had?”

Dear ECRI, implementation is the name of the game! Be smart! Be loud! Be tough! Make impact!