



Strategic thinking  
on equality and mobility

**Policies on integration and diversity in some OSCE participating States**  
**An exploratory study prepared by the Migration Policy Group**



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## **Executive Summary**

### ***Introduction***

1. This report has been written in response to the request of the OSCE Parliamentary Assembly to the High Commissioner on National Minorities to "initiate a comparative study of the integration policies of established democracies and analyse the effects on the position of new minorities". The report compares the integration policies of Canada, Denmark, France, Germany, the Netherlands, Sweden and the UK, and thus does not purport to be comprehensive, rather it offers a guide to policy and practice across the seven countries concerned, noting trends and changes, and comparing strengths and weaknesses along the way.

### ***Integration Debates***

2. In all the countries studied, the composition of the population is changing. This in turn requires that institutions and services change and adapt to adequately reflect and cater to a more diverse population. Immigration and integration have moved up the policy agenda as these issues gain increasing salience. At the same time, the view that integration has failed is becoming widespread in many of the countries concerned. In some countries concerns about (too much) diversity causing societies to become fragmented and leading to declining support for the welfare state are gaining ground. In others, debates centre round the difficulties in reconciling different value systems where diverse (and according to some opposing) cultures and religions come into closer contact. In general the impact of the 'war on terror' has resulted in an increased focus on Muslim immigrants, often problematising their ability to integrate into liberal Western societies. In the same vein, discussions frequently turn to the position of immigrant and ethnic minority women. Evidence on the possible spatial segregation of some communities raises concern about a drift into 'ghettoisation', while disturbances in the UK and France illustrate the potential risk of escalation of ethnic tensions.
3. The upshot of these concerns has been a trend towards using integration policy as a means to promoting social cohesion. With immigrants and ethnic minorities continually overrepresented among disadvantaged groups, efforts directed at ensuring greater equality and an eventual convergence of outcomes are in evidence in all the countries. Across the board, theoretical and ideological discussions about integration models are giving way to often more pragmatic discussions on participation and equality of access. While increasing immigration has resulted in a dominant focus on 'newcomers', there is also a need for renewed efforts aimed at the inclusion of settled immigrant populations and their descendants to prevent persisting inequalities from becoming entrenched.

### ***Chapter 1 The changing composition of the population and 'new minorities'***

4. Although the term 'new minorities' has no generally agreed definition and is not accepted by some States, for the purposes of this study it is taken to mean those minority groups settled in the country whose presence is a result of more recent immigration. While this study is about integration, not immigration, it has to be noted that immigration laws and policies have a close relationship with the integration of these groups as they provide a regulatory framework to many areas of immigrant life, spelling out the criteria for family reunion and naturalisation.

Immigration also impacts on integration as immigration policies have some impact on the selection of migrants admitted to a country and attitudes towards immigration colour the reception of immigrants.

*Immigrants and 'new minorities'*

5. Those targeted by integration policies depends on how immigrant and minority groups are defined. Terminology and definitions vary widely across the countries in this study. This impairs the comparability of the study somewhat as the integration policies identified here target differently defined groups. Immigrants can be defined as foreign-born persons or foreign nationals. Where immigrants are defined as foreign nationals, naturalisation thresholds in citizenship legislation impact on the size of the immigrant population as citizenship take-up rates can vary considerably. Some countries use definitions such as descendants or people with a foreign origin, which include people born in the country to foreign-born parents, while some countries use minority categories which others find problematic. In addition, the existence and size of the undocumented immigrant population is a matter of much contention.
6. As well as varying terminology and definitions, the regulation of data collection varies across the countries studied. There is a fine line between the need to protect personal information and restricting its collection to legitimate uses and the need to have accurate information to allow policy interventions to be developed and monitored. Differences in regulation mean that the extent of data collection varies considerably.
7. While some of the definitions used identify a particular element comprising a 'new minority' population – such as descendants – in none of the countries was it possible, given the currently available data, to comprehensively map what could approximate a 'new minority' population. However, the policies and methods used to promote integration are of interest even if the populations targeted by them are not exactly the same.

**Chapter 2 The Role of Government in Integration**

8. The report found that the role of governments in integration policy is threefold: they act as regulators, facilitators and role models.
9. As regulators, governments provide a framework within which integration policy takes place by determining entry requirements, conditions of residence and anti-discrimination laws. Within the European Union, the adoption of the Common Basic Principles for Immigrant Integration Policy in 2004 and the establishing of National Contact Points on Integration as a consultation mechanism shows this area of policy receiving more co-ordinated input at a supra-national level.
10. As facilitators, governments co-ordinate the work of government and non-government agencies in devising and implementing integration policy. With integration policy becoming more practical, the input of government at local and metropolitan level is increasing.
11. As role models, governments have the opportunity to show leadership and demonstrate good practice. Across the countries studied, an increasing focus on



the public sector as an arena for enforcing and demonstrating positive action on integration is in evidence.

#### *Integration Policy Infrastructure*

12. All of the countries exhibited what could be called an 'integration infrastructure'. By this we mean the institutional frameworks responsible for managing and facilitating integration processes - including the institutions themselves and structures within those institutions involved in the planning, evaluation and resource management of integration policy. However, the institutional settings vary considerably depending not only different migration histories, but also on different political traditions and constitutional arrangements. Responsibility for different aspects of integration policy can lie with different government departments. In federal states responsibility can be largely devolved allowing greater variations in policy within such countries (Canada, Germany). In many States, departments have been set up specifically tasked with integration policy (Denmark, Sweden, and Germany). For integration to be properly implemented the development of an effective integration infrastructure is vital and clarity regarding ultimate responsibility and accountability is needed.

#### *Mainstreaming*

13. Mainstreaming has emerged as an important concept in implementing integration policy. Mainstreaming takes place when specific groups in society (such as immigrants and minorities) are provided for within broad programmes or policies addressing the needs of such specific groups as part of an integrated approach to meet the needs of society as a whole. All of the countries in this report used a mix of general and specific programmes. However, there is a trend away from separate service provision towards targeted policy interventions being delivered through specialised parts of mainstream services. Mainstreaming can help service providers to better reflect the diversity of their clients.

#### **Chapter 3 Equality and anti-discrimination**

14. Equality is the cornerstone of integration policies. Equality policies are a mixture of an individual rights approach (anti-discrimination) and a pro-active equality approach (positive action and equality impact assessments). In the European context, major changes took place in the development of anti-discrimination law in all EU Member States as a result of new Community anti-discrimination law. Member States were obliged to adapt their national legislation to European standards, requiring an overhaul of existing anti-discrimination law in all these countries. In Canada protection is available on wide-ranging grounds in the fields of employment and service provision.
15. Significant developments in the European context include recognition of indirect discrimination, instruction to discriminate and harassment. The burden of proof is shared and enforcement agencies have been established. There is a tendency to develop more comprehensive anti-discrimination law covering many grounds of discrimination, not only including race or ethnicity, but also religion, gender, age, sexual orientation among others. This places advances in race equality in the context of greater overall equality. However, discrimination on the basis of

nationality is often omitted in non-discrimination law, especially when third-country nationals are concerned.

16. Difficulties remain and not all countries are currently in compliance with European Community law. The scope of anti-discrimination protection continues to vary and while employment and employment-related training are usually covered, the extent of protection in relation to the provision of goods and services differs. Tests for indirect discrimination also differ and it is still too early to judge the efficacy of enforcement mechanisms.

#### ***Chapter 4 Inclusiveness - participation in public life***

17. Participation in public life involves all people having the opportunity to be involved in institutions and society. The more open and inclusive public institutions and public life are, the better they are able to reflect the opinions and aspirations of all members of society.
18. The research found that criteria on the eligibility to vote varied considerably. In relation to national elections, the right to vote was generally restricted to citizens. While most countries require that one must be a national to vote in general elections, the process of acquiring nationality was varied; for example the requirement regarding conditions of residency varied from three years in Canada to nine years in Denmark.
19. Many countries allowed non-citizens to vote at local level. However the scope and significance of local election rights varies as the power and responsibility of local authorities varies between different countries with different constitutional structures. EU citizens have the right to vote in local elections across the EU. Third-country nationals are granted voting rights at local level in the Netherlands, Denmark and Sweden, although these are subject to certain requirements regarding conditions of residence .
20. Data recording voter turnout in relation to immigrant background or minority status is patchy, although information that does exist indicates that turnout is generally lower among immigrants and minorities. Socio-economic factors are often used to explain this difference. Additionally, a decisive factor in explaining voter turnout appears to be the number of organisations that exist within a community and membership of ethnic organisations: the larger the number of organisations and the denser the network between these organisations, the greater the level of participation in local elections. Some countries like Sweden are creating initiatives to increase political involvement among groups that currently take little part in political processes.
21. Beyond formal political participation, involvement in the wider civil society through community organisations provides immigrants and minorities with routes to participation. Moreover, in all seven countries in the study consultative bodies for foreign residents and/or minorities have been created. These are an important mechanism for representation and participation. However, the status of such bodies varies and often remains advisory. There is scope for such bodies to be better institutionalised.

## **Chapter 5 Inclusiveness - participation in the labour market**

22. Integration into the labour market is arguably the most important area in establishing immigrant integration, helping immigrants to gain independence and contribute to society. It is often thought of as spearheading the integration process: leading to other forms of social and cultural inclusion through the involvement of immigrants in working life.
23. In all of the countries in this report there is evidence that immigrants are disadvantaged in the labour market in comparison to natives. However levels vary with disparities in the overall participation rate highest in Denmark, the Netherlands and Sweden. Moreover this gap increased in Sweden, Canada and the Netherlands between 1993 and 2003 but decreased in the other countries. Women suffer larger participation disparities although the data suggests a complementary relationship between the employment rates of men and women.
24. The difficulties immigrants and minorities face in gaining access to the labour market are generally similar to those of other disadvantaged groups. However, they can also face special difficulties such as language barriers. Policies promoting labour market inclusion include those that focus on supply-side factors by trying to better equip immigrants for the labour market and policies that address the demand-side by trying to open up labour markets to diversity.
25. In terms of policies connecting people to work, many countries run programmes targeted at increasing state language proficiency. This is a mainstay of integration policy in Denmark and Germany. Countries are also introducing more specialised employment advisers for immigrant and minority groups. In terms of policies that encourage positive action among employers, the increase in anti-discrimination measures provides a legal framework. Countries are encouraging or investigating the options for persuading employers of the benefits of diversity in the workplace. The public sector is being increasingly used as a model and driver of workplace diversity. This is particularly developed in the UK and Canada, but has also been taken up in Germany, Denmark and Sweden. Monitoring and evaluating progress is becoming more widespread and targets are becoming more commonplace. However, where data is unavailable or is not disaggregated it becomes more difficult to set and monitor targets or to create targets that are attuned to particular needs.

### *Entrepreneurship among immigrants and minorities*

26. Entrepreneurship among immigrants and minorities is also on the increase and many of the countries studied are beginning to recognise the need to foster ethnic entrepreneurship as part of their integration strategies. The European Commission agenda on promoting entrepreneurship includes specific reference to immigrants and ethnic minorities as a target group. However, this is only explicitly taken up by two of the 2005 country reports on the entrepreneurship agenda.
27. To what extent 'new minorities' will benefit from integration policy efforts to influence labour market inclusion will depend on their ability to compete with more recent immigrants for the additional positions and services opening up for immigrants and minorities overall. Care needs to be taken that the disadvantages



faced by 'new minorities' do not become entrenched. The strengths of current policy initiatives are shown where programmes address employment disadvantage from multiple perspectives; taking into account both the need to provide specialised help which addresses immigrant-specific disadvantages, while also insisting that employment becomes more open and inclusive and provides equal opportunities for all.

## **Chapter 6      *Inclusiveness – access to education, health care and other services***

28. In diverse societies, promoting social cohesion and integration requires equal access to services and that services cater to all sections of the population. Chapter 6 explores integration policy in the areas of education, housing and health.

### *Access to education*

29. The integration of immigrants and minorities in education is extremely important given the pivotal role education plays in preparing for working life and achieving social cohesion. Access to education is guaranteed in all seven countries as they make education available and affordable to immigrants and minorities. Schools also provide a forum for children to learn about each other and an opportunity to overcome language barriers and other obstacles to integration. However, ensuring equality of access in terms of outcomes has proven to be difficult.
30. Mapping educational outcomes for immigrants reveals significant disparities between immigrant outcomes and those of the native population. A recent OECD (Organisation for Economic Co-operation and Development) study shows that gaps persist not only for first-generation immigrants, but also for the second generation, despite having higher levels of interest and motivation, and more positive attitudes to education than natives. These differentials cannot be fully accounted for by socio-economic factors, lower educational outcomes for immigrants and their descendants are indeed partly due to their immigrant status. Therefore although education is formally accessible to immigrants in all of the seven countries, equality of outcomes remains elusive.
31. Integration policies include outreach programmes. These vary from the production of immigrant language leaflets to inform immigrant parents about the education system (Germany, the Netherlands, Denmark) to the more active involvement of immigrant parents in devising education policy by including them on advisory bodies (the Netherlands, Canada). In terms of overcoming language barriers, differences exist on the extent to which this is accomplished within mainstream schooling (the UK) or in programmes set up to run parallel to mainstream education (Germany).
32. Schools can be instrumental to the promotion of social cohesion and intercultural awareness. All seven countries include elements of intercultural awareness in their curricula. However the content of this varies. In some countries the approach focuses on educating children in the cultures of other countries, while in others the emphasis is on an understanding of cultural pluralism within the country. The way in which schools adapt to the differing cultural and religious needs of their students varies widely across the seven countries. Approaches range from schools accommodating difference by adapting to different needs in dress codes



(particularly in the UK, Sweden and the Netherlands) to encouraging similarities by consigning these differences to the private sphere and requiring school dress codes to be devoid of obvious religious and cultural signs (France).

#### *State language education for adults*

33. All seven countries have courses for immigrants wishing to study the State language as a 'second language'. With the policy emphasis on newcomers there has been an upsurge in funding of State language training programmes within the framework of general integration courses. Germany in particular has instituted a large national programme where there previously was none.
34. However, in some countries the programmes are also open to immigrants who have been in the country for some time (the Netherlands, Germany). In others there are opportunities to learn the State language in adult education courses. Across all seven countries there is an increasing awareness of the need to make courses available within a flexible framework that suits work and childcare commitments. In some countries, language programmes are increasingly being linked to programmes assisting immigrants in entering the job market thus establishing a connection between language proficiency and success in securing employment (Denmark, the UK, and Canada).

#### *Access to housing*

35. Immigrants generally occupy a disadvantaged position with regard to housing. In all seven countries there is evidence of higher levels of homelessness among immigrants, as well as a higher incidence of overcrowding and poor quality housing conditions. In addition, overlaps between deprived areas and immigrant areas are common. There is evidence that racial discrimination plays a role in the housing conditions of immigrants and minorities in the seven countries. However, even where anti-discrimination measures exist in the housing sector they are difficult to enforce and there is a need for greater monitoring and accountability in order to devise a workable and an enforceable integration policy in housing.
36. Policies to provide affordable housing are one of the instruments governments use to tackle housing inequalities. This includes increasing social housing provision or improving chances of homeownership or private rented accommodation through measures providing financial support to tenants or prospective homeowners. Other mechanisms include providing sufficiently robust protection for tenants to make rented accommodation secure, such measures have a disproportionate effect on immigrant and minority communities who are more likely to be affected by slum landlords.
37. Many countries have devised policies to tackle urban disadvantage which is often associated with fears of increasing racial segregation. The evidence on segregation remains inconclusive, as different ways of measuring segregation will lead to different results. Furthermore it remains disputed whether spatial segregation is of itself an integration barrier. There can be many reasons why people of a similar background become concentrated in a specific location. For instance, the need to access certain culturally specific goods and services or the functioning of social networks within particular communities. Often this clustering has no damaging effects on integration, but rather provides communities with a

stable base from which they engage in wider networks. However, there is a need to address the problems that arise in areas where high ethnic concentrations are accompanied by economic deprivation or social and cultural isolation. Urban policies directed at particularly deprived neighbourhoods are to be found in several of the countries studied, including France, the UK, the Netherlands and Denmark. Several countries have policies in place that go beyond the renewal of housing and facilities, and provide other support measures to improve the quality of living in deprived areas (Sweden, Canada, the Netherlands).

38. However, the isolated use of area-based regeneration policies to tackle the material deprivation of segregated neighbourhoods is contested. In Sweden evaluation of such policies has found that they do not influence either institutions or structures outside the targeted residential area, and nor do they affect the wider problems of the functioning of labour markets and economic inequality. Given this limitation of area-based policies, there is a need to use these in conjunction with policies that tackle disadvantage and discrimination more broadly.

#### *Access to healthcare*

39. Health outcomes are not shared equally among all sectors of the population. Immigrants and minorities have lower health outcomes partly because they are disproportionately represented among lower socio-economic groups and partly because of additional disadvantages they face as immigrants.
40. In order to tackle health inequalities, policies are being developed to improve health, prevention and promotion, to improve access to health-care services (such as reducing costs of health care) and to reach out to certain target groups, as well as the efforts being made to monitor health inequalities. Several such policies are being developed at central level, but policies regarding outreach are being decentralised
41. While most health promotion programmes address the population as a whole, some do specifically target immigrant and minority groups. In terms of outreach, many health promotion policies target low-income groups among which immigrants are disproportionately represented. Besides translation and interpretation, in most countries there is evidence of hospitals and other health-care services being adapted to respond to the needs of a culturally diverse clientele. For instance in Germany nursing training includes promoting intercultural competency.
42. The involvement of patients has been receiving increasing attention in recent years as a means of identifying barriers to health equality. In all countries researched there is a tendency towards encouraging more patient involvement through patients' boards and forums, and in many countries health-care policies are also increasingly being decentralised. This development could be beneficial for the involvement of immigrants in the design and delivery of services, which seems to be illustrated by the practice in the UK, for example. In addition, improving the accessibility of health care has resulted in an improvement in provision in areas where inequalities are particularly acute.
43. The importance of monitoring inequalities as a basis for designing appropriate policies and for measuring the effects of policies in the field of housing, health care

and education is broadly recognised. However data collection remains incomplete, particularly in the areas of housing and health-care provision.

### **Chapter 7 Respect for diversity**

44. Concern about fragmenting societies and multicultural policies that may further embed inequalities has led to integration policy moving generally towards a greater emphasis on cohesion and shared values, especially in Europe. This trend provides an interesting counterpoint with the approach to groups recognized as national minorities with its focus on protection of identity and integration into society. Several countries argue that groups that would constitute a 'new minority' population are excluded from the more concrete provisions for the maintenance of culture, language and religion provided under national minority rights standards.

#### *Support for maintenance of language, culture and religion*

45. In practice, measures for the maintenance of language, culture and religion do exist outside these minority rights standards but usually outside public funding. Education in a minority language is sometimes provided for large immigrant groups through their country of origin (France, Germany). Alternatively, education in the mother tongue can be available under the national curriculum as a foreign language. Sweden is the only country with legal entitlement to mother tongue tuition. In addition to language tuition within the State school system, opportunities exist in some countries for the establishment of independent schools. In Sweden, education regulations allow independent schools with particular religious or ethnic profiles to be set up under public funding schemes. In the UK, the government is looking to diversify the range of faith schools.

#### *Own language broadcasting*

46. Broadcasting is a powerful medium for the transmission of culture, language and ideas. Broadcast regulation varies widely and approaches to diversity in broadcasting and the provision of own language broadcasting range from ad hoc approaches to the far more institutionalised Ethnic Broadcasting Policy of Canada. In Canada, guidelines are set on the portrayal of ethnic minorities in the media and the regulatory body is charged with developing broadcasting services that reflect Canada's cultural and linguistic plurality. The weakness of ad hoc approaches is that minority programming risks being sidelined and regulation remains retrospective.

#### *Measures promoting intercultural awareness*

47. Integration policies also involve raising intercultural awareness among the population as a whole. Approaches can be broadly split into countries that view intercultural awareness as raising awareness of foreign cultures (France, Denmark) and countries that focus on awareness of cultural diversity at home. In some countries raising intercultural competence and valuing diversity are cornerstones of school curricula and should thus permeate education as a whole (Sweden, the UK). Across many countries, events celebrating cultural diversity and marking different religious festivals are commonplace.



48. Funding which sustains diversity and maintains cultural differences can play an important and positive role in fostering integration and preventing conflict by establishing and demonstrating respect for different cultures and equal treatment. However, there is concern in many countries that funding for multicultural policies serves to entrench differences and thereby entrenches existing inequalities. It is important to distinguish between recognising differences and entrenching those differences as something insurmountable. Recognising differences requires governments to develop specialised approaches aimed at helping people to accommodate and negotiate their differences in ways that allow for genuine equality and help to minimise the risk of conflict.



## Introduction

49. This report has been written in response to the request of the OSCE Parliamentary Assembly to the High Commissioner on National Minorities to "initiate a comparative study of the integration policies of established democracies and analyse the effects on the position of new minorities". It focuses on the policies and practices of seven OSCE participating States namely Canada, Denmark, France, Germany, the Netherlands, the UK and Sweden.
50. As societies change in terms of the size and composition of their population, societal arrangements change too. In democratic societies this should lead to an opening up of institutions and organisations, and an adaptation of policies and service provision, all with a view to reflecting the increasingly diverse population. Equally, policies should be put in place that set favourable conditions for social cohesion.
51. Migration and integration rank high on the policy agendas of the countries included in this report. These countries may have different migration and integration histories, and their migration histories may also vary in length and in the reception and selection conditions applied to immigrants. However, all of these countries view integration issues as matters for public policymaking.
52. Integration is a complex, long-term and non-linear process involving many actors. It cannot be considered as an isolated policy area but requires a multi-faceted approach. A great variety of policies have been designed and many concrete measures have been put in place by a great many actors. These actors include governmental and non-governmental agencies operating at various levels.
53. It would not be possible to present in a report of this kind an exhaustive overview of all policies and practices in the seven countries.
54. Consequently, the report should not be read as presenting a complete picture of the policies and practices of the seven countries, but rather as a guide that may help the reader to better understand the issues at stake. Further, this report will chart some of the strengths and weaknesses of the measures put in place to address these issues. The report is written in such a way that it is complementary to other reports and highlights, by way of example, specific aspects of integration policies. In mapping integration policies across the seven countries, this report limits itself to official documents and data.
55. The choice of concepts used to describe, analyse and compare policies in this report is inspired by human rights standards and by principles promoted by international organisations or institutions such as the OSCE High Commissioner on National Minorities. The authors also took note of policy evaluations. In particular they have taken account of the role of the High Commissioner as an instrument of conflict prevention and his policy approach of looking for the right balance between integration and respect for diversity to promote stability and security. Consequently, this report contains chapters that focus on both inclusion and diversity.

### *Integration debates*

56. Debates on integration are extremely complex. Not only are they about immigrants, but they are also about the changing societies into which immigrants are to be incorporated. Immigrant integration is an issue in debates that highlight the disintegrating forces of globalisation and the inability of traditional societal arrangements to cope with the consequences. These arguments arise in what could be called the 'reform of the welfare state debate'.
57. A different debate focuses more on values and questions how, against the backdrop of individualism and secularism, people with different (religious and cultural) values can live together. This could be called the 'Western values debate'.
58. Generally speaking, in most countries debates on integration have begun to shift towards cultural issues. The renewed attention on cultural issues is different from debates in the 1980s and 1990s when the focus was on various approaches to multiculturalism and diversity. In these earlier debates cultural diversity was generally held to be of paramount value.
59. Nowadays, for fear that (too much) diversity creates overly fragmented societies the emphasis is on promoting unity and social cohesion. Within this approach it is deemed necessary that values be shared and some degree of similarity is required.
60. Some examples can help to elaborate these broad statements. In Germany there have been discussions about the necessity for immigrants to follow the German 'lead culture'. In countries such as Denmark and the Netherlands so-called integration contracts are concluded with immigrants, which contain the obligation that immigrants learn about the national values and *mores* of these societies. These policies are expressions of a desire to establish shared values.
61. Countries that had previously declared multicultural policies seem to have withdrawn somewhat from that position (for example, the Netherlands), whereas countries that traditionally emphasised pluralism, albeit within a rather homogenous environment, now increasingly stress the national context and culture (Denmark, France and Germany).
62. In Canada and the United Kingdom the debates on multiculturalism and diversity have raised questions regarding issues of community cohesion. Concern about 'social segregation' has increased, given concentrations of large numbers of immigrants with the same ethnic and national background, particularly after disturbances among minority groups broke out (in the UK).
63. A recurring issue in the debates in all seven countries is the position of immigrant and minority women. The wearing of headscarves has generated much debate in most of the seven countries. In France, Germany and the Netherlands this has led to the exclusion of immigrant and minority women and girls from schools or certain jobs. In Canada and the United Kingdom more pragmatic solutions have been found which accommodate the views and practices of the communities involved and the requirements of educational institutions.
64. In Canada, a proposal to give an Islamic institution a role in mediation on family matters met with fierce opposition and lead to heated debates. Sweden remains

an exception in that questions of religion tend not to dominate the debate on integration. While religion has become a topic of debate in Sweden, it continues to be discussed separately from general integration issues.

65. In response to terrorist attacks and other manifestations of radical Islam, public debates have become more focussed on religious issues. This is evident in countries such as the Netherlands, Germany and France. In the UK the term 'Islamophobia' was coined to describe this new form of discrimination on the basis of a particular religion. Increasingly, debates on immigration and integration begin to refer to 'Muslims' rather than 'immigrants', 'migrant workers' or 'ethnic minorities'.
66. In France, a long debate on the country's integration policies led to the adoption of an influential report reconfirming the strict separation of religion and the state (laïcité) and the fundamental principles underpinning integration policies. France's republican integration policies put the emphasis on individual and equal rights of all citizens, irrespective of racial, national or ethnic origin.
67. The fact that these policies formally guarantee equality has not prevented large groups of people with an immigrant background from being discriminated against and being marginalised. This became clear when young people in many urban areas protested violently against their marginalisation.
68. The idea that integration has failed has become dominant in a number of countries. This currently seems to be the case in Denmark, France, Germany and the Netherlands. Frequently, debates alternatively point a more or less accusatory finger at immigrants or society as having failed to make the necessary adjustments.
69. In some instances, policies are considered to have been too soft and paternalistic with new policies being proposed that aim to make immigrants more responsible for their integration. The Netherlands, Denmark, Germany and France are good examples of this approach with the implementation of integration contracts and various compulsory measures.
70. At other times, integration policies are considered to have been inadequate in scope or focus. So new policies are proposed that are intended to better address the socio-economic disadvantages of particular groups (mobilisation and emancipation). In both instances clear distinctions are made between 'newcomers' and 'settled' migrants, between younger and older migrants, and between women and men, with different policies being aimed at different parts of the immigrant or minority population.
71. Policies directed at 'newcomers' have dominated public and policy debates over the last couple of years. Measures were adopted aimed at introducing these persons to the language, values and customs of the receiving countries. Some of these measures are also being applied to well-established immigrants – for which the term 'oldcomers' was coined in the Netherlands.



72. It is not easy to summarise the debates taking place in the seven countries, but it seems fair to say that fundamental principles of equality and inclusiveness have been put to the test. As will be demonstrated in the following sections, immigrants and minorities are overrepresented in the various categories of disadvantaged groups and they are underrepresented in societal organisations.
73. The population of all seven countries is becoming more diverse as larger numbers of immigrants arrive from a greater variety of countries. This high degree of diversity and the, often, large gap between the culture and values systems of the receiving societies and those of the immigrants has made culture an important topic in the integration debates once again.
74. Societies must begin to learn how to deal with this diversity and how to deal with conflicting values. This poses difficult questions for liberal democratic States when trying to balance a panoply of principles such as equal treatment, religious freedom, non-discrimination, tolerance and freedom of speech. The role of Islam and other non-western religions in secularised societies provides one area of difficulty where tension between different values is played out. These values differ not only between immigrants and recipient societies but also within these groups.
75. At the same time, family life, education, voluntary work, political parties, trade unions, organized religion, social dialogue, and other mechanisms and institutions are changing shape under the influence of rapid socio-economic changes.
76. Robust equality policies and intercultural competence are necessary ingredients of responses to these challenges. Strategies of life-long learning of individuals and of organizations need to be developed. In this way, societies will become learning societies enabling them to deal and experiment with diversity. Exchanges of experience, of good and bad practices at national and international level are part of the process. Peer reviews and benchmarking are other methods that may be used to prevent societal conflicts.
77. Indicators can help to measure and compare progress, monitor trends and developments, reflect immigrant and minority participation rates and their sense of belonging, as well as the level of acceptance of immigrants among the population at large. In short they can provide some insight into the process of integration. Indicators can also help to measure the role and impact of policy measures, identify shortcomings and aid the effective targeting of resources. Given the complexity of the integration process, societal integration can be disaggregated into particular aspects where the measurement of developments and results, and policy-relevant impact assessments may be possible.

78. There are different types of indicators, ranging from statistics to more qualitative pointers. They are used for different purposes and different audiences. Which and how many indicators are used also depends on available resources. Ideally a mix of different indicators should be used and governmental and non-governmental actors encouraged to use similar indicators.
79. 'Objective' and 'subjective' indicators can be developed to capture the different aspects of integration. 'Objective' or 'hard' indicators are often statistical or legal in nature and measure, for instance, employment and unemployment rates or access to certain legal rights such as the right to vote in local elections. 'Subjective' or 'soft' indicators look more at attitudes or perceptions, for instance job satisfaction or feelings of belonging in a particular country or environment. As governments increasingly pay attention to the personal dimensions of integration and in particular to the frequency and intensity of social interactions, subjective indicators are growing in importance.
80. Although subjective indicators are often more difficult to measure than objective ones, they should not be considered as unreliable or unimportant. Surveys (such as the European Values Survey, the Eurobarometer and the British citizenship surveys), interviews with migrants or other public opinion data can be used to answer questions about subjective integration.
81. Finding information often involves participatory methods, which makes the indicators relevant for immigrants and minorities. The attitudes of the receiving society are equally important; for instance feelings about citizenship and nationhood (or foreigners and minorities). Information on attitudes can also serve to explain 'objective' indicators: for instance, the attitudes of employers towards immigrants and minorities could explain the number of these persons employed in 'local' companies.
82. In the European context and in particular in Denmark, the Netherlands and the United Kingdom, there is considerable debate on the development (can integration be measured?) and use of integration indicators (how helpful are they in policy formation, monitoring and evaluation?).
83. Increasingly, integration debates take place at local level and concentrate more and more on practicalities: how to keep neighbourhoods, metropolitan districts and urban areas together. This moves the debate away from the more theoretical and ideological discussions about integration models (traditional notions of assimilation versus multiculturalism) to the often more pragmatic discussions on participation, active citizenship and equality of access.
84. In these discussions, integration is considered as a process that leads to a convergence of outcomes. The focus is on the elimination of the persistent and often considerable inequalities between immigrants (first and subsequent generations) and the 'native' population. These inequalities are evident in terms of economic inclusion and mobility (as employees or entrepreneurs), education (attainment and career development), health and social services (not yet sufficiently tailored to the needs of a diverse population) and societal participation (underrepresentation in political life, the voluntary sector and cultural life).



85. In a diverse and integrated society, the outcomes of people of different backgrounds in terms of education, the labour market, health, etc. should converge, irrespective of their ethnic or cultural characteristics, with outcomes of nationals. The promotion of equality and inclusion are the main policy challenges for which robust measures need to be put in place.

## Chapter 1      The changing composition of the population and ‘new minorities’

86. When comparing integration policies across different countries it is in principle desirable to establish to what extent policies are aimed at the same population groups. In this chapter we detail how the subjects of integration policies are defined across the different countries studied. This will highlight important differences in definitions and terminology. We also discuss the different regulations concerning data collection. These again impact on what types of data are available for comparison. It is also important to note from the outset the relationship between integration policy and immigration. How immigration is approached has important consequences on integration policy. We therefore begin with an elaboration of the immigration-integration nexus across the different countries.

### **1.1 The immigration-integration nexus**

87. The composition of the populations of the seven countries is constantly changing. Europe’s population is declining and becoming older. Immigration accounts for a good deal of population growth, which is rather new for Europe but not for Canada. While Europe’s population has always been diverse, immigration is adding to this diversity. Canada’s population is also becoming more diverse because of migration. In order to be able to benefit from this diversity and to respond to the challenges associated with it, policies are put in place to manage this diversity. As we will argue, there is a close interplay between the policies that aim to manage diversity and promote integration and the policies related to immigration.
88. All seven countries attract immigrants from across the world and policies dealing with immigration vary per country and change over time.
89. Immigration and integration are inseparable. Successful immigration policies rely heavily on the successful integration of immigrants. When immigrants contribute to the economy and find their way in society, the immigrants’ case can be made much more convincingly.
90. Equally, immigration policies impact significantly on integration. Targeted recruitment, creative assessment of skills, equal treatment and facilitation of professional and social mobility enhance immigrant integration potential. Socio-economic arguments thus firmly underpin immigration and integration policies. Family reunion fosters family life, and stable and integrated families contribute to stable and integrated societies.
91. This link between immigration and integration policy can be seen more clearly when we look at an example like Canada. Some countries are more open to immigrants than others and facilitate immigration. Canada, often referred to as a traditional immigration country, has put in place pro-active immigration policies. Through the selection of immigrants (the so-called point system), Canada aims to attract immigrants whose skills are needed and this greatly enhances their integration into society, for which labour market integration lays the foundation.

92. However, recent decades have seen a decline in immigrant labour market outcomes and an increase in poverty. This is probably due to the changing language ability and other country of origin characteristics of immigrants, as well as a marked decline in pre-immigration labour market experience. In addition, it is in all likelihood caused by a decline in overall outcomes of all new labour markets entrants – Canadians and immigrants alike.
93. In some European countries, policies are designed to actively recruit highly skilled immigrants or skilled immigrants for certain sectors (for example IT and health care). Examples are the green-card type of systems in the Netherlands and Germany, countries that previously experimented with the guest-workers system.
94. Seasonal migration is facilitated in certain sectors (for example, agriculture in France, the Netherlands and the United Kingdom). In the UK and to a lesser extent France and Germany, and to an even lesser extent the Netherlands, policies were adopted to attract students. All countries, however, (Sweden and Denmark probably to a lesser extent) have to deal with undocumented migration.
95. In terms of integration, it is generally assumed that the highly skilled would integrate rather easily, whereas seasonal workers are expected to return to their country of origin. Undocumented workers do not officially exist and are not supposed to remain in the country or to integrate into society, despite the fact that in many individual cases they are integrated economically and even socially.
96. New arrivals are given introduction courses so as to enable them to find their way into society. Such courses typically combine language lessons and a general introduction into the basic values and institutions of the receiving country.
97. At the same time, policies are adopted for non-economic migrants (in particular those re-uniting with their families) which make the knowledge of the receiving country's language a pre-requisite for admission. Other measures set a maximum age for the reunification of children with their parents. The rationale behind these measures, adopted in countries such as Denmark, Germany and the Netherlands, is that this would positively impact on the integration process.
98. Studies are underway in these countries to assess the impact and effectiveness of these measures. Human rights organisations and the European Parliament have challenged these measures on the basis that they may be infringing human rights commitments.
99. By contrast, in Canada immigration is considered essential for building the nation. It is part of the country's history and identity, and therefore broadly supported across a broad spectrum of Canadian society. As a result, the acceptance of immigrants is rather higher, which is an integration-facilitating factor.
100. A straightforward naturalisation process facilitates immigrants' integration into society. Citizenship is actually seen as the main vehicle for integration and can therefore be acquired after a relatively short period of time. As citizens, these 'new Canadians' contribute economically, socially and culturally to society and participate in decision-making and public life on the basis of equality with all Canadians.

101. Integration is thus a matter of contributing and participating in society. General policies on education, housing and other social matters apply to all Canadians, irrespective of whether they have a recent immigration background or not. In Europe this would be called 'mainstreamed policies'.
102. Integration policy in the Canadian context is therefore 'limited' to matters related to reception and settlement. That is, it gives priority to getting immigrants into work and to learn the national language. Recently, some attempts have been made to disperse immigrants over this vast country so as to avoid high concentrations of immigrants in large cities. Doubts have been raised as to the success of such programmes. Additionally, the official adoption of multicultural policies in Canada under the Canadian Multiculturalism Act provides for a series of programmes aimed at promoting inclusion and respect for diversity.
103. Europe's migration history is different. Despite the fact that migratory movements from and towards Europe are part of the old continent's history, most European countries do not consider themselves as countries of immigration. During certain periods of time there have been exceptions. France, for example, considered itself as an immigration country before World War II. Similarly, after the Second World War targeted immigration policies led to successive waves of immigrants in order to build up the economies of countries such as the United Kingdom, France, Germany and the Netherlands.
104. Many immigrants come from the former colonies or have other ties with the countries of destination (such as for example ethnic Germans from Eastern Europe). Descendants of these immigrants are established and large numbers are well integrated. Frequently the historical links between the countries of origin and destination facilitate integration, while the personal links of (extended) families lead to continuing immigration.
105. Refugee movements and family reunion accounted for the biggest influx of immigrants throughout the 1990s. Germany became the biggest immigration country in Europe taking in, together with a few smaller European countries such as the Netherlands, large numbers of refugees. As a consequence immigration policies were seen as a humanitarian response and a social obligation. At the same time, immigration became a phenomenon that was to be prevented and offering asylum a burden that had to be shared between countries.
106. Sporadically immigration is seen as a strategy to remedy labour market mismatches and demographic imbalances. This is currently demonstrated in debates in the UK and Sweden, and to a lesser extent Germany and the Netherlands.
107. Consistent immigration policies are not in place in any of the European countries mentioned in this report. They are rather ad hoc and limited in scope. However, immigrant integration policies are in place in all these countries. In other words, considerable policy efforts are being made to integrate those who immigrated despite the absence of consistent and coherent immigration policies.
108. This paradox may help to explain the half-heartedness of certain elements of the integration policies. Family reunion, once seen as an integration instrument ('stable families make stable societies') has become more difficult. Although

residence is fairly well secured (in Sweden and France, for example), the residence permit system is still rather complicated and vulnerable to changes that draw back acquired rights.

109. Naturalisation rates remain low despite some important changes in Germany and France, making it easier to acquire citizenship. In France, the United Kingdom and the Netherlands naturalisation exams have been introduced which test candidate citizens on their knowledge of the language and basic values of the country. In these countries citizenship ceremonies have also been introduced (inspired by the long-standing Canadian practice).

## **1.2 Immigrants and 'new minorities'**

110. Comparing immigrant groups across the seven countries is rendered problematic not only by different immigration histories, but also by the different terminology and definitions used to categorise different immigrant groups. Therefore while policies aimed at 'immigrant integration' exist in all of the countries studied, these policies are frequently aimed at rather different populations depending on how a particular country defines who is an immigrant.
111. Some countries define immigrants as foreign-born persons; other countries define them as foreign nationals. The difference in these definitions is not negligible. In the ten years 1992-2001, 5,855,000 people became naturalised citizens in the EU 15. Thus almost 6 million people could be categorised as immigrants if one defines immigrants as foreign-born people, but these same people would not be immigrants if one defines immigrants as people who are foreign nationals. Furthermore, some countries exclude those among the foreign-born population who do not have permanent residence status (Canada), while others include immigrants with more temporary status (UK).
112. Different migration histories also mean different migrant populations. The composition of countries' immigrant populations differs on several counts. Different immigrant countries of origin, different reasons for 'in-migration', different skill levels among the immigrant population, different rates of naturalisation. These differences are myriad and have complex causes: colonial histories can create migration networks, immigration policy criteria impact on the composition of immigrant flows and, different laws and entitlements around citizenship affect naturalisation rates.
113. Consequently, when policies on integration are compared, it must be borne in mind that these policies target different groups of people and that these policies act in different policy contexts which are themselves shaped by different migration histories and experiences.
114. Integration policies are applied to a wide range of different groups and persons, from national minorities to recently arrived immigrants. The term 'new minorities' is for the purpose of this study taken to mean those settled minority groups that have been formed through more recent immigration. Its use is not intended to have any legal implications. Furthermore, it should be borne in mind that under the principle of self identification every person has the right to freely choose to be treated or not as part of any 'minority' and that no disadvantage should result from this choice.



115. Both in data collection and in policy programmes it is often difficult to separate out this group from either the wider immigrant population or the general native population, depending on how countries define and record their immigrant populations.
116. Additionally, while some countries record ethnic minority populations others consider this problematic. Furthermore, within minority or immigrant populations there is frequently no way of identifying lengths of settlement and distinguishing long-term migrants/minorities from those who are temporary. In the following section various definitions employed by the countries in this study will be outlined. In each case we will briefly address whether it is possible to identify a group within the data that corresponds to 'new minorities'.
117. In Canada the term 'visible minorities' is defined as persons, other than Aboriginal persons who are not white in race or colour. The 2001 census includes 3.9 million visible minorities in a total population of 29.6 million. The largest group is Chinese, followed by South Asian, Black and Filipino populations.
118. 'Immigrants' are defined as foreign-born people excluding temporary immigrants (those who do not have permanent residence status). The definition also includes children born in Canada to parents who are foreign nationals and foreign-born children who are Canadian by birth, born to Canadian parents.
119. In 2001 Canada had an immigrant population of 5.4 million (18 per cent). Canadian statistics also record the year/period of immigration enabling a distinction to be made between recent immigration and earlier immigration. The year of immigration refers to the year in which permanent residence was granted. The data for 2001 shows that 3.6 million people had immigrated before 1991: 42 per cent of these immigrants are from the UK and Europe, 37% from Asia and the Middle East and 11% from the Caribbean or Central or South America.
120. The 'visible minorities' definition would not include any white immigrant groups. It also makes no distinction regarding the length of settlement in Canada and therefore cannot be used to identify 'new minorities' in Canada where one aspect of this definition is a longer period of settlement. Although the 'immigrant' definition, when coupled with the period of immigration variable, is able to identify part of the 'new minority' group. However, immigrants only include those with permanent residence status; one would need to understand how the move from temporary to permanent residence status is managed and whether it affects all groups equally.
121. The more immediate descendants of immigrants who have naturalised are difficult to isolate in the statistics. Data on ethnic origin exists but this usually traces ancestors further back than a grandparent and therefore does not allow for the identification of second- or third-generation immigrants whose parents had acquired Canadian citizenship before their birth.
122. In Denmark immigrants are defined as persons born abroad whose parents were born abroad or are foreign citizens. In 2005, immigrants numbered 343,367 and made up 6.3 per cent of the 5.4 million population. The largest group

of immigrants were from Turkey (30,923) followed by Germans (22,594) and Iraqis (20,771).

123. 'Descendants' are defined as persons born in Denmark whose parents are either immigrants or descendants with foreign citizenship. In 2005 persons classified as descendants numbered 108,728, making up 2 per cent of the population. The largest groups of descendants are those from Turkish parents (23,936), followed by people descended from persons born in Lebanon (10,155) and Pakistan (8,657).
124. This definition of descendants includes at least part of a 'new minorities' population. However, it would exclude people who are third-generation descendants when their parents are descendants with Danish citizenship. Some of the persons defined as immigrants may also be long-term residents in Denmark who could be included in the 'new minorities' category. However, there is no way of identifying the period of immigration in the data.
125. In France, a 'foreigner' is defined as a person with a foreign nationality, and only includes those with permanent residence status. In 1999 there were 3.2 million foreigners in France. Foreigners by nationality or origin are defined as foreigners and persons who became French citizens by acquisition (this includes children of foreign nationals who automatically acquire French citizenship upon birth in France). In 1999 there were 2.4 million people who were French by acquisition.
126. The number of foreigners by nationality or origin was 5.6 million, nearly 10% of the population. 'Immigrants' are defined as persons born abroad with a foreign nationality who have the intention of residing in France permanently. Persons born abroad to French nationals are not included. A foreigner remains defined as an immigrant even if he acquires French nationality. French statistics do not include information of the length of stay in France, therefore it is not possible to identify long-term migrants who could be included in a 'new minorities' definition. Descendants are also not enumerated so it is not possible to identify second or third generations.
127. In Germany, 'foreigners' are defined as persons who do not have German citizenship. In 2003 there were 7.3 million foreigners in Germany (8.8 per cent of the population). This figure includes not only persons who migrated to Germany themselves but also the children of foreigners. Data on foreigners in Germany includes information on length of residence. In 2003, about 61 per cent of foreigners had been living in Germany for at least 10 years and about 34 per cent had lived there for 20 years or more.
128. The largest groups of foreigners are made up of Turkish citizens (1.88 million or 25.6 per cent of all foreigners), Italians (600,000 or 8.2 per cent), citizens of Serbia and Montenegro (570,000 or 7.7 per cent). By identifying foreigners who have been resident in Germany for a long period of time, a population that could be described as a 'new minority' can be isolated. However, the statistics exclude people who migrated to Germany and acquired German citizenship. This exclusion would cover the repatriate population who are ethnic Germans from the former Soviet bloc countries who are entitled to German citizenship as well as other groups who have naturalised as German nationals.

129. In the Netherlands, people with a foreign background are defined as all persons who were born abroad or who have at least one parent who was born abroad. In 2005 just over 3 million people had a foreign background in a population of 16 million. Among this group the statistics can distinguish between first-generation and second-generation persons born abroad. First-generation people with a foreign background are those persons who themselves were born abroad. These numbered 1.6 million in 2005. Second-generation persons with a foreign background are those who have at least one parent born abroad. These numbered 1.5 million in 2005.
130. The category of second generation persons with a foreign background captures part of a 'new minority' population. However, this remains incomplete as it does not include further generations or settled long-term first generation immigrants.
131. In Sweden, 'immigrants' are defined as persons born abroad, who migrated to Sweden and have been granted permanent residence in Sweden. Sweden has 1,149,198 (12.7 per cent) persons categorised as immigrants. In 2005 the largest groups of immigrants were from Finland (183,685), Yugoslavia (74,032) and Iraq (72,553).
132. In Sweden there is also a category of persons with a foreign origin who are defined as immigrants and persons who have at least one parent born abroad. The number of persons with a foreign background goes up to 1,393,248 (15.4 per cent).
133. Again the definition of persons with a foreign origin includes a second generation who clearly form part of a 'new minorities' population. The difficulty here is that further generations do not appear to be included in the definition nor is it clear whether it is possible to isolate second-generation people from the immigrant population. Records are not kept of the length of stay in Sweden among the immigrant population so long term immigrants who might also form part of a 'new minority' group cannot be identified.
134. In the United Kingdom, the census records immigrants as foreign-born people defined as persons born abroad, including children of UK nationals born abroad. In 2001, 4.9 million (8.3 per cent) of the total population of the UK were born overseas. Other immigration data defines immigrants differently, including those with the intention of staying in the UK for at least 12 months.
135. The largest groups of foreign-born people by ethnic classification are white (2.6 million), followed by Indian (569,800) and Pakistani (336,400). By country of origin the largest groups were born in India (466,400), Pakistan (320,800) and Germany (262,300).
136. Since 2001, ethnic classifications in the census consist of five main groups with further sub-group classifications in each creating 12 groups. In 2001, 4.6 million (or 7.9 per cent) people belonged to ethnic groups other than white.
137. The way data is collected in the UK makes it difficult to separate 'new minorities' from the foreign-born population or the ethnic minority population. The

former does not distinguish in terms of length of stay nor does it include second-generation immigrants. The latter excludes white immigrants and again does not include any information on length of stay.

### *Undocumented Immigrants*

138. When describing the population of established immigrants, reference should be made to immigrants having no legal residence rights. The presence of these undocumented migrants is much debated in some of the countries studied (Germany, the Netherlands, the UK, France) and is an increasing issue of debate in others (Sweden, Denmark).
139. Part of the 'new minorities' in the countries investigated is undocumented, and their situation affects minorities who are legally present as well as society at large. Since many ethnic communities include large numbers of undocumented compatriots and mixed-status families, measures geared towards undocumented immigrants are likely to have a knock-on effect on documented established migrants. Local authorities in some countries refuse to execute repressive policies, socially excluding undocumented migrants. They experience directly the negative repercussions of such policies on social cohesion in cities and communes, as feelings of insecurity tend to increase rather than decrease with the presence of an ever-larger number of marginalised persons.
140. There is obvious tension when it comes to the presence of substantial numbers of undocumented immigrants and 'integration policies': governments are primarily concerned with eradicating all measures that might send out the wrong signals of giving undocumented migrants a longer-term perspective. A society that adapts to the needs of 'new minorities' will however need to be adapted to the lack of legal status of many of them.
141. Many governments are currently experimenting in order to reach the right policy mix that would be to the benefit of all. In such a policy mix, social policies are not used to pursue immigration goals, and immigration policies are not contradicted by social policies.

### **1.3 Data Collection**

142. In order to provide services to a diverse population, set targets for integration and measure results, countries need to have information about the composition of the population. Mapping the population is therefore important. It is also a sensitive issue. The following section provides a brief overview of some of the difficulties encountered in collecting data across the countries in this study.
143. In Canada, ethnic and racial origins are covered by several questions in the Canadian census. Besides the 'visible minority' category data collected to meet the needs of equality programmes, ethnic origin is recorded directly via a specific question. Additionally, there are questions on mother tongue languages (known and practiced), country of birth, immigrant status and citizenship. Statistics Canada has carried out in-depth (and longitudinal) surveys on these questions and recommends using the same ethnic origin (and 'visible minorities') definitions and categorisations in censuses, surveys and administrative documents to allow for comparability.

144. The positive action provisions of the 1982 Charter, as well as those included in the 1986 Employment Equity Act and the 1988 Multiculturalism Act, also have a considerable influence on the data collected in the census. The inclusion of a 'black' category in 1986 complied with the Employment Equity Act, although this was not really sufficient to cover the spectrum of minorities likely to face discrimination. Therefore the evaluation of the population covered by the Equity Act proved to be difficult and so the law introduced the concept of 'visible minorities' under the 'designated groups' benefiting from its provisions. 'Visible minorities' is understood to mean 'persons who are non-Caucasian in race or non-white in colour and who are recognised as such by their employer or accept this recognition of themselves'. The list includes groups divided into geographic origins, but makes implicit reference to attributes relating to colour or appearance ('Native-born blacks and natives of the Caribbean and Africa'; 'Migrants from South-East Asia, China and the Philippines'; 'Migrants from Latin America'; 'Arabs and Middle-Easterners'; 'Migrants from the Indian subcontinent').
145. In Sweden, the Act on Personal Information sets the general rules on registering personal information. There is a general prohibition of registering (among other things) such 'sensitive personal information' as ethnicity, religion or other beliefs and information concerning health and sexual life including sexual orientation. However, employers are permitted to keep records on such things only to the extent that this is really necessary for meeting the requirements of the labour law. There is also a general exception whenever legal claims make keeping record of sensitive information are necessary in an individual case and this is also the case when the person registered has explicitly agreed to the registration. Punitive and economic damages can be claimed in the case of actual practices not complying with these norms.
146. For general statistical purposes there is, however, the population register managed by the tax authorities. This register contains information on the place of birth and nationality of a person as well as the place of birth of his/her parents and the date residence was taken up in Sweden. Religion and beliefs as such are not registered but membership of a church may be registered and in the case of membership of the Swedish church this is always registered.
147. In the United Kingdom there is a general statutory duty upon most British public authorities to eliminate unlawful race and disability discrimination and to promote equality of opportunity between persons of different ethnic groups and for all persons with disabilities. As part of giving effect to this duty, public authorities are often required to monitor the ethnic composition of their workforce and service users, as well as the numbers of disabled persons whom they employ and whom use their services. The Commission for Racial Equality publishes guidance on how public authorities should conduct this monitoring of ethnic composition and which ethnic categories should be used. Standard practice is to use the following categories: a) White, with options for White British, White Irish, White Other; b) Mixed, with options for White and Black Caribbean, White and Black African, White and Asian or any other mixed background; c) Asian or Asian British, with options for Pakistani, Bangladeshi, Indian and Other Asian background; d) Black or Black British, with options for Black African, Black Caribbean, or Other Black background; e) Chinese or Other Ethnic, and f) mixed categories. It is also beginning to be more common for data to be collected on Roma and Travellers.

148. Many employers collect data on the ethnic composition of their workforce. It is still rare for data on sexual orientation and religious belief to be collected, although certain organisations have introduced some data collection in these areas, albeit with considerable caution and sensitivity.
149. In the Netherlands, according to Article 16 of the Personal Data Protection Act, information about a person's race, political convictions, religion or belief, health, sexual life and membership of a trade union are 'special data' or 'classified data'. This means that strict conditions and rules apply when collecting and using this sort of data. The data can only be compiled and used by institutions granted this authority by law or with the explicit permission of the persons concerned. Under Article 18 of the Act an exception to this rule is made in the case of positive action. The supervision of this legislation is in the hands of the Dutch Data Protection Authority.
150. The laws relating to information systems, data and the protection of freedom govern data collection in France. They cover the collection and manipulation of personal information relating to computerised and non-computerised information and files, and are enforced by the National Commission for Data Protection. In general, processing sensitive data is prohibited. However, employers can keep records for the purpose of combating discrimination as this constitutes a 'legitimate endeavour' as defined by the Law. In order to monitor national or ethnic origin, the employer can collect the information regarding the surname of a (candidate) employee: the first name, the current nationality, the nationality at birth, the place of birth, the nationality and place of birth of parents and the address.
151. With the authorisation of the National Commission, data can be collected in small-scale multi-criteria surveys and studies under the supervision of national statistical agencies (based on a maximum representative sample of 5,000 selected people). It is not collected in institutional or corporate records, for example employers' records. The treatment of such data must be confidential, anonymous and reserved for use by the group monitoring the implementation of the particular survey and destroyed immediately after completion of the study.
152. The 2005 recommendations of the National Commission state that the use of data to establish ethno-racial profiles is prohibited. This is mainly because there is no general methodology or approved ethno-racial indicators developed for managing such statistics in France. The relevance of such indicators remains controversial. The National Commission recommends consultation between government, unions, employers and the public services in order to implement a relevant approach to monitoring.
153. In Germany, the Federal Statute on the Protection of Data provides as a general principle that a public authority is allowed to collect data provided this is necessary for the fulfilment of its tasks. This norm sets out further restrictive conditions as a precondition of the data collection for these purposes. The different detailed groups of cases can be summarised as demanding a strict test of proportionality of the collection of data which has to serve the higher public good in order to give the fundamental right to informational self-determination its due



protection. These general rules are specified in legislation dealing with certain areas of public law.

154. The Federal Statute on the Protection of Data further provides that the collection, storing, adjustment and communication of personal data by private natural or legal persons is permissible, 1) if these actions serve the aim of contractual relations, 2) if they serve the justified interest of the party collecting the data, if there is no reason to assume that there are contrary interests of the other party that can be legitimately expected to be protected, or 3) if the data is publicly accessible; if there is no legitimate interest of the other party that these actions are not taken.

155. The data on the population encompassed current nationality, religion, age and disability. The Commissioner for Foreigners publishes periodical reports on the situation of foreigners in Germany, including statistical data.

#### **1.4 Conclusion: changing populations and 'new minorities'**

156. Immigration policies impact significantly on integration. Although this is not a report on immigration, the way in which immigrants are admitted, and the choice of who is admitted, needs to be considered in the light of how it impacts on integration. As it currently stands in European countries, integration policies are being developed and implemented even though there are no consistent and comprehensive immigration policies.

157. Data collection on immigrants is problematic, as was revealed by the description of terminologies in this chapter. In many cases long-term immigrants, including second-generation immigrants and naturalised immigrants, are subsumed into the broader native population. As a result, it is not possible to assess how these immigrants score with regard to different indicators in the field of education, health, employment and so on.

158. Different countries use different definitions and categorisations for immigrants. Accordingly, integration policies are being developed for different target groups in the countries studied. Comparison of data on immigrants on an international scale is therefore complicated as is the comparison of integration policies. Policies differ considerably if the groups they are designed for are named differently and are being differently conceived.

159. The description of the terminology and definitions concerning immigrants used in the countries studied also revealed that it is impossible to deal with 'new minorities' as a category. In some of the countries it is possible to identify some parts of the population that correspond to 'new minorities', but this is by no means a comprehensive mapping of the 'new minority' population.



## Chapter 2      **The Role of Government in Integration**

160.            This chapter explores what is meant by public policy on integration by outlining the key ways in which governments act to influence integration outcomes and by providing a brief tour of the institutional infrastructures that exist to develop and implement integration policy. As well as outlining the key ministries responsible for devising, implementing and monitoring integration policy across the different countries, this chapter discusses important concepts in integration policy such as 'mainstreaming'.

### **2.1      *The roles of governments***

161.            As regulators, governments legislate on entry and residence, equality and anti-discrimination, and naturalisation and citizenship. Governments set the parameters controlling the presence and entitlements of immigrants and minorities. In setting up regulatory frameworks, governments also have to take into account international and supranational frameworks that increasingly define immigration law and integration policy.

162.            International conventions, for example, set out the right to seek asylum and entry conditions of immigrants and members of their families. European directives, in addition to other international documents, set standards on anti-discrimination.

163.            In 2004, the European Union adopted the Common Basic Principles for Immigrant Integration Policy in the European Union. These principles lay the foundation for a common immigrant integration framework that will shape European and national integration policies.

164.            Mechanisms for consultation (the National Contact Points on Integration) and the exchange of good integration practices have also been put in place under the Common Basic Principles.

165.            The complex task of effectively implementing legislative standards involves governments consulting stakeholders and experts, and conducting impact assessments. One of the difficulties with integration policy is that the complexity of migration flows often results in responses with different and sometimes conflicting aims. Security and control objectives may also have a negative impact on integration outcomes and these objectives often have a prominent place on policy agendas.

166.            Governments are well placed to act as facilitators of the integration process, stimulating co-operation within and across governmental and non-governmental agencies. Integration policy involves a wide range of public policy fields – education, employment, health, housing, culture and communities – frequently requiring cross-departmental working activities. Co-operation between different government departments can facilitate the design of common and complimentary policies and thus reduce inconsistencies.

167.            Co-ordination between different levels of government is also required. In a federal State like Germany, the jurisdiction to act on integration is divided over the

individual states (Länder). In Canada, the provinces and territories have considerable power over areas such as education, health and anti-discrimination. These 'lower' levels of government are becoming more important for the design and implementation of integration policies, as is metropolitan-level government, in all seven countries.

168. There is a need for clearly defined areas of responsibility and for the assignment of specific lead ministries to co-ordinate the different arms of such a multifaceted policy agenda. This involves not only the evaluation and monitoring of programmes, but also input into policy debates and information on best practice.
169. As facilitators, governments can also act beyond the borders of their own competences and promote co-operation with and among non-state actors. The role these actors play varies considerably in the seven countries. In France, the state plays a very important role in both policy design and implementation.
170. In countries like Germany and the Netherlands many integration programmes are 'outsourced' to non-governmental agencies that are sometimes attached to churches, trade unions or to independent and not-for-profit 'service providers'.
171. In Scandinavian countries, welfare-state agencies play a crucial role and operate on the basis of a high level of transparency and parliamentary scrutiny. In the UK the voluntary sector is an important player as are the quasi-governmental agencies.
172. National governments can also help to share good practice and exchange expertise and experience with other States. In Europe, this is done between individual countries (and with Canada) and at European level in such forums as the Council of Europe and the European Union.
173. This networking function of governments extends to civil society where organisations and individuals can provide valuable information and feedback into policy processes. The business sector is also becoming more involved in integration programmes.
174. As a role model, governments offer leadership and demonstrate good practice to society as a whole. Within public bodies there is considerable scope for the employment of positive action methods. Governments can show the way by actively implementing anti-discrimination and equal opportunity measures in its own employment and procurement practices.
175. Governments can foster intercultural competence within their own departments and during service provision. These practices can also be integrated into Quality Mark standards for government departments. Governments are large employers, purchasers and service providers.
176. By making sure that public bodies reflect wider society, governments both implement integration policy and demonstrate it to their citizens. In countries such as Canada, the United Kingdom and the Netherlands, governmental programmes aim to appoint more persons from minorities as civil servants and to include minority businesses in their lists of suppliers.

## 2.2 *Integration policy infrastructure*

177. Integration infrastructure is vital to the implementation of integration policy. By an integration infrastructure is meant the institutional frameworks responsible for managing and facilitating integration processes. These include institutions themselves and structures within those institutions involved in the planning, evaluation and resource management of integration policy.
178. Countries with a longer migration history and a longer tradition of policy-making in this area have developed such infrastructures. In all seven countries studied this implies, among other things, the putting into place of an overall legislative framework that defines (minimum) legal requirements (for example on admission conditions, residence and work permits, equal treatment, access to citizenship etc). It also implies the putting in place of mechanisms for law enforcement and policy implementation as well as monitoring, evaluation and accountability.
179. Another building block of the integration infrastructure is the design and adoption of a policy framework that sets policy goals and targets, considers the balance required between mainstream and targeted programmes, and allows space for negotiations on programme priorities.
180. A feature of the integration infrastructure in almost all countries is the use of concepts and methods which have been developed and tested in the business sector, hence terms such as 'migration and integration management', 'benchmarking' and 'integration targets'. The usefulness of these concepts for integration policies still remains to be proven: can success in integration be measured in the same way as commercial success?

### *Lead ministries*

181. The integration infrastructure that exists in the countries studied varies widely. This reflects the different governmental traditions and different integration and policy histories of these States. A brief survey follows of the key institutions and other frameworks of accountability and governance that are responsible for integration policies in the different countries. In Canada, the lead responsibility for integration policy is roughly divided between Citizenship and Immigration Canada – responsible for the integration of newcomers, and the Canadian Heritage Department – which takes over lead responsibility after the first few years. Canadian Heritage administers the multiculturalism policy under the Canadian Multiculturalism Act. Its work includes funding and programmes on cultural diversity, anti-racism and human rights.
182. Given the structure of the federal system, in many policy areas responsibility for service provision is devolved to provincial governments. Consequently, many of the integration policy initiatives related to service provision are the responsibility of regional and provincial governments. However, in some instances special councils have been set up to enable the different government ministers to consult and act on matters of mutual interest (e.g. Council of Ministers of Education)

183. The responsible government department in Denmark is the Ministry for Refugee, Immigration and Integration Affairs, set up in 2001 after responsibility for different policy areas was transferred from various government departments to this new Ministry. For instance, teaching Danish as a second language was transferred from the Ministry of Education and matters concerning the labour market integration of refugees and immigrants were transferred from the Ministry of Labour. The integration department within the new Ministry is responsible for co-ordinating integration policy initiatives with other ministries, local authorities and migrant organisations. The finance and analysis division is tasked with planning, resource management and quality assurance of the programme.
184. In France, the Inter-Ministerial Committee on Integration meets annually to produce an action plan on integration. The Committee is composed of 25 ministers and headed by the Prime Minister. Alongside this high-level Committee, the High Council on Integration reflects on integration issues and makes proposals to the Prime Minister on request. Various other agencies conduct research and execute elements of integration policy. For example the administrative agency FASILD (*Le Fonds d'action et de soutien pour l'intégration et la lutte contre les discriminations*) is working on three themes: immigration, integration and foreigners in France. These themes are prioritised by the Social Cohesion Plan (30 June 2004) of the Ministry of Employment and Social Cohesion. The Ministry of Social Affairs also defines and encourages actions on integration and discrimination under the Directorate of Population and Migrations. In this undertaking the Ministry co-operates with other ministries and other local authorities.
185. In Germany, the Federal Ministry of the Interior manages immigration on the basis of the Immigration Act; it views the integration of immigrants as a task shared by all at the federal, state and local levels and by society as a whole. Within the Federal Ministry, the Federal Office for Immigrants and Refugees has been charged since 2005 with co-ordinating the linguistic and social integration of immigrants. In particular, the Federal Office is responsible for developing and implementing integration courses, which include language and orientation instruction for immigrants and fostering projects to strengthen immigrant integration nation-wide. To achieve this, the Federal Office has instituted a network of regional co-ordinators. As a federal State, many aspects of service delivery fall under the jurisdiction of the Länder and can differ widely. Other Federal Ministries also institute programmes in their particular fields that can include immigrants as a disadvantaged group.
186. In the Netherlands, it is the Ministry of Justice that deals chiefly with integration policy. The department promotes a shared citizenship programme: its policies include an equal opportunities programme specifically aimed at improving the position of women and girls from minority groups, and a National Action Plan against Racism. The Ministry works closely with other ministries, local authorities and other organisations on matters relating to immigration and integration. The Ministry of Housing, Spatial Planning and the Environment for example has a town and planning policy to prevent the formation of ghettos and improve living conditions and social cohesion in areas where large numbers of immigrants live.
187. In Sweden too, integration and diversity is the responsibility of the Ministry of Justice. The Swedish Integration Board founded in 1998 is the central

administrative agency and is tasked with monitoring the situation and progress of integration policy objectives within various sectors of society; promoting integration and preventing and counteracting ethnic discrimination, xenophobia and racism; and developing introductory procedures for new refugee arrivals. It also has departments dedicated to analysis, development and administration. The Board works with other government departments and agencies such as the Swedish Administrative Development Agency and the Office of the Ombudsman against Ethnic Discrimination.

188. In the United Kingdom, three units in the Home Office deal with integration policy: the Community Cohesion Unit, the Race Equality Unit and the Immigration and Nationality Directorate in charge of refugee integration. The Home Office co-operates with various other government departments on aspects of policy relevant to integration (e.g. the Department for Education and Skills and the Department of Health). Cross-governmental working groups have also been set up to tackle specific integration issues and often include civil society stakeholders. For example, the Ethnic Minority Employment Task Force is made up of ministers from several government departments (Work and Pensions, Trade and Industry, Education and Skills, the Treasury, the Home Office and the Office of the Deputy Prime Minister) and the Confederation of British industry, the Trades Union Congress and the Commission for Racial Equality. In addition, the Commission for Racial Equality is in charge of the monitoring and promotion of race equality legislation.

### **2.3 Mainstreaming**

189. Mainstreaming takes place when specific groups in society (such as immigrants and minorities) are provided for within broad programmes or policies which address the needs of such specific groups as part of an integrated approach to addressing the needs of society as a whole.

190. Targeting, on the other hand, takes place when specific services are provided to address the specific needs of specific groups in society without necessarily being part of an overall plan for society as a whole.

191. All countries included in this report are simultaneously applying general and specific policies and programmes to integrate 'new minorities'. In the former case specific groups in society, such as 'new minorities', are provided for within broad programmes or policies. The needs of specific groups are addressed as part of an integrated approach addressing the needs of society as a whole. Nowadays, this is called mainstreaming.

192. There is a tendency towards the phasing out of targeted activities. For example, as the integration of immigrants progresses, they are less likely to require special measures: over a period of time as they integrate into the recipient society, they learn to use general services more effectively.

193. The extent to which general services can replace specialised measures depends on the categories of immigrants arriving in the country and on the success of the initial phase of integration. It also depends on how effectively mainstream organisations respond to the diversity of their clients.

194. Mainstreaming initiatives can take different forms and can vary in the degree to which they are reactive or proactive, which can in turn affect how mainstream organisations generally operate. Mainstreaming requires anti-discrimination policies and practices, screening of programmes by using impact assessments and the building of intercultural competence.

#### **2.4 Conclusion: Government roles in integration**

195. Governments have to act as legislators in the field of integration. They have to draft and implement effective legislation, which is a challenging task in view of the complexity of societal integration and the different and sometimes conflicting interests at stake.
196. Governments are also well placed to act as facilitators of integration, by stimulating co-operation between policy fields (such as health, education, employment) and between different levels of governance. As 'lower' levels of governance become more important for the design and implementation of integration policy, this facilitating role of governments becomes increasingly important. The need for co-ordinating lead ministries to manage multifaceted integration agendas has been indicated. Such leading agencies exist in most of the countries studied, either in the form of a ministry dedicated to immigrant integration, as an inter-ministerial committee, or as a department or agency within the Ministry of Interior or Justice.
197. Another aspect of the facilitating role of governments is to promote and co-ordinate co-operation with non-governmental actors. This is demonstrated in countries such as Germany and the Netherlands where many integration programmes are outsourced to non-governmental actors. Part of the facilitating role of governments is their networking function, through which they may help share good practices and exchange expertise and experience with other States and with civil society.
198. The role of governments is however not limited to regulating and facilitating. In view of the fact that governments are large employers, purchasers and service providers, they can act as a role model offering leadership and demonstrating good practice. It is advisable that governments both implement and demonstrate integration policies by employing people with an immigrant background, by improving the intercultural adaptation of their departments and services, by including minority businesses on their lists of suppliers, etc.
199. For integration to be properly implemented, the development of an effective integration infrastructure is vital. This implies an overall legislative framework, mechanisms for law enforcement and for monitoring and evaluation. Part of such an infrastructure is also a policy framework with goals and targets, which leaves space for negotiations on programme priorities. A good balance between mainstream and targeted programmes is also crucial. Ideally, there would be a phasing out of targeted measures as the integration of immigrants progresses. The extent to which mainstreamed programmes can replace targeted programmes depends however partly on the success of the initial phase of integration, and on how effectively mainstream organisations adapt to the diversity of their clients.



## Chapter 3 Equality and Anti-Discrimination

200. Equality is the cornerstone of integration policies in all seven countries. Equality policies are a mixture of an individual rights approach (anti-discrimination) and a pro-active equality approach (positive action and equality impact assessments). This chapter will give a succinct overview of elements of anti-discrimination law. Anti-discrimination legislation has recently undergone significant development in European countries due to legal impetus at the European level. This means that in some countries change is still underway, with new legislation still in draft form. These recent changes also mean that it is difficult to come to an accurate assessment of the emergent strengths and continuing weaknesses of the protection frameworks as the legislative changes still need time to bed down.

### 3.1 Overview of anti-discrimination frameworks

201. Canadian anti-discrimination law prohibits discrimination on a range of grounds, including those that are of particular importance for 'new minorities' such as race, ethnicity and religion.

202. The Canadian Charter of Rights and Freedoms (1982), which is part of the Constitution Act, states that everyone is equal before the law and has the right to equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

203. Under the Canadian Human Rights Act (1977), all persons living in Canada have the right to equality, equal opportunity, fair treatment and an environment free of discrimination. Discrimination is prohibited on the following grounds: race, national or ethnic origin, colour, religion, age, sex, marital status, family status, sexual orientation, disability and conviction for which a pardon has been granted.

204. These provisions apply to employers or service providers that fall under federal jurisdiction. According to the Act, discriminatory behaviour includes differential treatment of an individual or a group of individuals based on a prohibited ground and all forms of harassment and systemic discrimination, i.e. a seemingly neutral policy or practice which is in fact discriminatory (indirect discrimination).

205. In Canada, the issue of discrimination based on a person's origin applies to linguistic minorities, whose constitutional rights are mostly identified with the right to education and access to public services; to the Aboriginals, who are targeted by dedicated ministries but who are also targeted by affirmative action schemes in the field of employment and education, and to ethnic and 'visible' minorities who, beyond basic immigrants integration schemes, are the cornerstone of the affirmative action scheme in the field of employment and anti-discrimination policies.

206. Anti-discrimination legislation also exists at the provincial level. Each province and territory has its own human rights commission. All provincial and





territorial human rights acts prohibit discrimination on racial grounds according to definitions included in the United Nations Convention on the Elimination of all Forms of Racial Discrimination. Race and colour as grounds for discrimination are thus included in all the acts, as well as religion or creed or both.

207. All acts cover access to places, activities, and opportunities and prohibit discrimination in employment, the rental of dwellings or commercial accommodation, services and facilities available to the public, and in the publication and/or display of discriminatory notices, signs, symbols, emblems or other representations. The provinces of New Brunswick, Nova Scotia, British Columbia, Manitoba and Saskatchewan also prohibit discrimination in the sale of property. The Quebec Act is the most comprehensive.
208. An important aspect of anti-discrimination law is its enforcement. Mechanisms need to be put in place to make the law work, including the creation of equality or human rights agencies.
209. The Canadian Human Rights Commission investigates complaints and decides if a case should be referred to the Canadian Human Rights Tribunal. If the Tribunal establishes that discrimination has occurred, it decides how to compensate the victim and prevent similar cases of discrimination in the future. The Tribunal restricts its rulings to federally regulated employers and service providers. As well as following up discrimination complaints, the Canadian Human Rights Commission may also investigate cases on its own initiative or in order to help find an arrangement between the opposing parties. If it deems necessary, it may also offer to arbitrate in the conflict, or offer to seize the federal Human Rights Tribunal and to represent the complainant before that Tribunal.
210. In the European context, major changes have taken place in the development of anti-discrimination law in all EU Member States as a result of new Community anti-discrimination law. Member States were obliged to adapt their national legislation to European standards. This entailed a major overhaul of existing anti-discrimination law in all these countries. However, not all countries are in compliance with Community law and this could lead to the European Commission starting infringement procedures for non-implementation of the EC Directives concerned.
211. European Community law introduced a definition of discrimination that includes direct and indirect discrimination. This is of great importance, not least for immigrants and minorities. Indirect discrimination occurs when an apparently neutral measure or practice puts persons having a particular religion or belief, racial or ethnic background at a disadvantage compared with others. Community law also prohibits instruction to discriminate as well as harassment.
212. While European Community anti-discrimination law provides protection against all forms of discrimination in the spheres of employment, education and the provision of services, it unfortunately limits the protection against discrimination to certain grounds of discrimination, such as race and ethnicity, outside these areas.

213. In addition, countries take different approaches to combat discrimination, either by employing penal, civil or administrative law or a combination of them all.
214. In Denmark, criminal law, namely the Act on Prohibition against Differential Treatment on Grounds of Race, Colour, National or Ethnic Origin and Religion, prohibits racial discrimination in relation to goods and services, housing, transportation, etc. The 1971 Criminal Act, however, does not cover the labour market.
215. Another piece of legislation, namely the Act on the Prohibition of Differential Treatment in the Labour Market, covers direct and indirect discrimination on grounds of race, colour, national or ethnic origin, sexual orientation and religion. In order to transpose all aspects of protection against discrimination in the labour market, a new Bill was approved on 30 March 2004 including amongst other the shared burden of proof. A new civil Act on the Prohibition of Unequal Treatment on Grounds of Ethnic Origin was passed in 2003. This included a ban on direct and indirect discrimination on grounds of race or ethnic origin in housing, education, social advantages, etc..
216. There is no general provision for special or positive measures in Danish law. There is a right to take special measures, but this right does not apply to employers who want to improve employment opportunities for people with, for instance, a different ethnic or religious background. According to the Act on the Prohibition of Differential Treatment in the Labour Market, such special measures require legal authority and are primarily to be taken at ministerial level in the course of public projects. This makes it very difficult, for example, for private companies to take special measures to integrate minorities into the labour market.
217. At the European level, an important step forward was made in terms of enforcement by the introduction of the principle of the sharing of the burden of proof. In addition, enforcement mechanisms were put in place such as the creation of specialised anti-discrimination or equality bodies.
218. In Denmark, the principle of a shared burden of proof applies in all cases of discrimination in the labour market, including cases concerning harassment due to religion or belief and cases concerning unlawful instructions to treat people unequally. The Danish Centre for Human Rights aims (among other things) to promote equal treatment of all persons without discrimination on the grounds of racial or ethnic origin. It can do that by providing independent assistance to victims of discrimination in pursuing of their complaints about discrimination, by conducting independent surveys concerning discrimination, by publishing independent reports and by making recommendations on any issue relating to discrimination. New legislation included a provision giving the Institute a mandate to establish a Complaints Committee, which can receive individual complaints from victims of discrimination on grounds of race or ethnicity.
219. In France, the legal regime concerning discrimination is found in statutes and codified law, i.e. the Labour Code, the Penal Code and the Civil Code. Administrative law, on the other hand, is mostly jurisprudential and based on the implementation of a formal theory of equality. All texts prohibiting discrimination in national legislation list the same discrimination grounds as European anti-discrimination law but do not define them.

220. The general protection against discrimination covers all individuals and the principle of equality is applicable to non-nationals unless the legislator can justify a difference in treatment on the basis of conditions of public interest.
221. France introduced the principle of the sharing of the burden of proof but in practice this remains difficult to enforce. French law provides the possibility for representative trade unions and NGOs, which have been in existence for over five years, to take part in legal action on behalf of a victim. As a general principle, remedies to discrimination in French civil law include compensatory pecuniary damages. The Penal Code allows additional sanctions, such as posting or publication of the judgment, the closing down of a public place, etc.
222. The implementation of European anti-discrimination law has led, among other measures, to the creation of a specialised equality body. This body, called HALDE (Haute Autorite de Lutte contre les Discriminations et pour l'Egalite), has the mandate to promote equal treatment and has the power to make recommendations on all issues relating to discrimination, to identify and promote good professional practices and to co-ordinate and conduct studies and research.
223. The HALDE also has competence to investigate individual and collective complaints and has investigative powers allowing it to request explanations from any public or private person.
224. Germany is a federal State, with 16 Länder, which all have their own legislature, executive and judiciary. Most legislative competencies concerning anti-discrimination law thus reside at federal level.
225. Germany currently has no comprehensive anti-discrimination legislation but a new anti-discrimination law – which is a major step in the right direction – is pending before the national Parliament. The draft aims to translate Community anti-discrimination law into national law and covers 'race' or ethnic origin and religion or belief. This draft and previous draft laws have sparked a lot of negative response from many important actors, particularly employer organisations.
226. The draft law takes the definition of discrimination from the European anti-discrimination law. However, it includes many exceptions and limitations. It allows religious organisations to make exceptions in their employment policies arguably to protect the religious character of these organisations.
227. The draft law also introduces a number of enforcement measures but whether the draft fully complies with Community law is still an open question, which might have to be settled by the European Court of Justice.
228. In the Netherlands, a number of laws outlaw discrimination and all contain a prohibition of direct and indirect distinction, harassment, the instruction to discriminate and a prohibition of victimisation. The concept of 'direct distinction' aims to prohibit blunt instances of discrimination (e.g. no black people permitted; dismissal because the employee is a woman). Direct discrimination occurs – according to Dutch law – in cases where the contested 'behaviour' is on grounds of a protected status or on grounds of a (wrongly) assumed protected status.

229. The legal concept of 'indirect discrimination' is more elusive. Its aim is to combat structurally embedded and thus latent forms of discrimination. In contrast to 'direct discrimination', indirect discrimination is group oriented. A claim of indirect distinction is often sustained in reference to statistics. There is no mention of the notion of 'particular disadvantage'. Indirect discrimination is also susceptible to 'objective justification'. Hence, an employer might convincingly argue that the contested 'behaviour' serves a legitimate aim and that the behaviour is an appropriate means to achieve this aim. However, the employer must prove that the behaviour is necessary.
230. The main exceptions to strict equal treatment are: the genuine occupational requirement exception; positive action (for race and sex only) to overcome past disadvantage (e.g. special training programmes for underrepresented groups); and exceptions for employers, educational establishments and organisations/associations with an ethos based on religion or belief. Similar exceptions exist elsewhere in Europe.
231. The law applies to the areas of employment and occupation, the provision of goods and services (including education) and, only in the context of racial discrimination, the area of social security and protection and health care.
232. Civil law and administrative law procedures lead to a legally binding outcome. In practice, the equality norm is enforced through a special low-threshold procedure before the Equal Treatment Commission, a specialised – semi-judicial – equal treatment body. No legal representation is required. The Commission's case law is non-binding but nevertheless morally authoritative.
233. In Sweden, anti-discrimination legislation was reinforced as a result of European obligations. A number of fairly recent acts deal with workplace discrimination on the grounds of ethnicity (and religion and other belief), sexual orientation and religion or other belief. The law also prohibits discrimination in higher education on grounds of sex, ethnicity and religion and other belief, disability or sexual orientation. Most recently, the law also prohibits discrimination in other areas of society than working life, such as labour market policy activities, membership of trade unions and occupational organisations, goods and services (including housing), social security and related benefit systems as well as health care.
234. A shared burden of proof of discrimination is included in all the non-discrimination acts. The Ombudsmen who counteract discrimination on various grounds are the key public institutions for the promotion of equal treatment. Each Ombudsman has the right to investigate complaints as well as the right to represent individuals in discrimination cases. Furthermore, Ombudsmen are also required to provide advice and support in a more general way to individuals and institutions. The role played by NGOs other than trade unions and employer organisations in Sweden is weak.
235. Anti-discrimination legislation has been in force in the UK since 1965. Since then many legislative measures have been adopted on other grounds of discrimination and covering many fields of application. In the UK, the principle of 'equality of opportunity' is generally interpreted as requiring something more than

the avoidance of discrimination. There is a race equality duty which requires public bodies to take equality issues into account when adopting new policies and also requires them to monitor the impact of their policies and practices (the so-called equality impact assessments); this also applies to the contracting out of public functions.

236. The Race Relations Act defines racial grounds as including grounds of colour, race, nationality and ethnic or national origin. It prohibits discrimination in the carrying out of all functions of public authorities, including, for example, exercise of police powers. Another piece of legislation prohibits discrimination on grounds of religious belief in access to goods, facilities and services, and disposal and management of premises.
237. The shift of the burden of proof applies in discrimination cases on all grounds and successful complainants may be awarded compensation, which as well as covering pecuniary loss include compensation for injury to non-pecuniary loss. The legislation does not permit the equality bodies, trade unions or any other organisation to bring proceedings on behalf victims, and currently there is no scope for 'class actions'.
238. The Equality Act 2006 establishes the Commission for Equality and Human Rights (CEHR). It will take on the work of the existing equality commissions (Commission for Racial Equality and Equal Opportunities Commission) and will also assume responsibility for combating unlawful discrimination on the basis of religion or belief.

### **3.2 Conclusion: equality and anti-discrimination**

239. All of the countries studied have anti-discrimination policies in place, mainly based on a legislative anti-discrimination framework, which prohibits discrimination on more than one ground. Usually the grounds include race and ethnicity and other grounds relevant to the position of immigrants and minorities such as religion or language.
240. Sometimes specific laws combat discrimination on a single ground in other cases comprehensive anti-discrimination law covers many grounds. In yet other cases anti-discrimination provisions are dispersed over civil, administrative and criminal law. Legal protection against discrimination on the basis of nationality is often not included.
241. There are marked differences in the fields of application of anti-discrimination law. Usually it covers employment and employment-related matters such as vocational and other training. Access to goods and services is also covered but often to a lesser extent.
242. In all seven countries there is a tendency to develop comprehensive anti-discrimination law covering many grounds of discrimination and many fields of application. This can be seen as a clear attempt to promote equality in a society in which the population is diverse in terms of national and social origin, ethnicity, age, disability and sexual orientation.



243. Mechanisms to enforce anti-discrimination law have been strengthened, *inter alia* by the introduction of the principle of the sharing of the burden of proof, the role of NGO's in legal action and the creation of specialised anti-discrimination bodies.

## **Chapter 4      *Inclusiveness - Participation in Public Life***

244.            Openness and inclusiveness is about people changing the institutions they are part of and interact with as workers, clients, members or other stakeholders. There are a number of ways in which this can be achieved. In this chapter and the following, it will be elaborated how inclusiveness can be enhanced in various ways in different institutions, structures and services.

245.            A direct way to influence society and its institutions and structures is to participate in political life. Through voting and standing for election, immigrants can participate directly in the political life of the countries in which they are residing. Other paths to political participation also exist such as membership in local consultative bodies.

### **4.1      *Rights to formal political participation***

246.            The general aim behind the introduction of electoral rights for foreigners is to prevent the exclusion of a sizeable part of the population from political participation. Countries can either opt for granting foreign residents the right to vote and be candidates in elections, or to facilitate access to citizenship so that those concerned can participate as equal citizens.

247.            Considerable differences exist in the requirements put forward by States for naturalisation. To be eligible for the acquisition of the nationality of the country of residence, States prescribe a minimum number of years of residence. This period varies from a minimum of three years in Canada and a minimum of nine years in Denmark. The same disparities exist with regard to the acquisition of nationality by spouses of nationals.

248.            In relation to descendants, a minority of countries automatically grant citizenship to second- and third-generation immigrants who were born in the country (France). In most countries, additional requirements, such as the obligation to renounce the original foreign nationality between the age of 18 and 23 (Germany), need to be met. An eligibility criterion that several States implement is setting a maximum length of time that a person can be absent from the country prior to citizenship acquisition. Again, this maximum period of time varies considerably, from periods of less than six months to periods of over nine months.

249.            In addition to fulfilling eligibility criteria, many States set additional conditions that need to be fulfilled to actually acquire citizen status. Such conditions vary and can include simple or high-level language tests, citizenship exams testing knowledge of the history, culture and institutions of the receiving country and the swearing of oaths of allegiance. Some countries also impose an economic resources requirement as well as the requirement that prospective citizens have no criminal record.

250.            Some countries have introduced electoral rights for non-citizens at local level. Conditions for the access to these rights, and the numerical size of the groups of foreigners who can actually benefit from these rights, are rather diverse. Electoral rights at national level for foreigners, in contrast, are still exceptional. In all countries studied the right to vote and stand for election in national elections is



reserved for citizens, with the exception of the UK where the equal treatment of Commonwealth citizens and Irish nationals with respect to electoral rights also applies at the national level.

*Voting rights in local elections*

251. All EU-citizens residing in another EU Member State have the right to vote and run for office in elections at local level. There are differences in the way this rule is implemented in each Member State. Because of different political structures and the different responsibilities of local authorities in each country, the scope and significance of electoral rights at local level also vary considerably. As a general rule, foreign EU-citizens have the same electoral rights as citizens of the respective State. However, Member States are allowed to make certain exceptions and to request that certain conditions be met before the right to vote and/or the right to be elected is granted. In some countries foreign EU-nationals are for example required to make a formal declaration or present an attestation to prove that they have not lost the right to stand as a candidate in their country of origin (only in cases of doubt, or in every case). This is the case in some German federal states and in France. No proof concerning the right to stand as a candidate in the country of origin is required in Denmark, Sweden or the United Kingdom.
252. Furthermore, the German federal states of Bavaria and Saxony, and France exclude foreign EU-citizens from being elected or appointed to the position of mayor and, in some cases, also from holding certain other offices. Member States may require voters to formally express their wish to make use of their right to vote, but they may also register them automatically on the electoral roll. There may also be certain requirements concerning a minimum duration of residence; however these requirements normally also apply to all voters, regardless of their citizenship, and concern minimum residence in the respective municipality. The right to vote (which is also the precondition for the right to stand as a candidate), for example, is dependent on a minimum residence of six months in France.
253. Denmark, the Netherlands and Sweden grant electoral rights to foreigners (non-EU nationals) at local level. Conditions for participation in such elections are in general easier to fulfil than at national level. The period of residence in Denmark and Sweden required to qualify for participation in local elections is three years, and in the Netherlands five years. In Sweden and the Netherlands it is specified that this period of residence should be 'uninterrupted'.
254. To measure the actual voter turnout of immigrants in national elections is problematic in some countries, as official statistics only record non-nationals. This is the case in Germany and in France. Survey evidence in Germany however indicates that voter turnout is lower among German nationals with a foreign background. A Berlin survey showed that native Germans expressed an 87-per cent likelihood of voting, 'Turks' 73 per cent, while among 'Russians' this fell to 63 per cent. This is confirmed by research in countries such as the Netherlands and the UK: the British Electoral Survey data on the 2005 election for example shows that 56 per cent of Black and minority ethnic groups voted, compared with 68 per cent of White people. So although differences might exist between regions and between elections at local and at national level, in general the turnout is lower for people with an immigrant background.

255. Dutch research on voter turnout at local level shows that ethnic minorities have a lower turnout than nationals, and that there are considerable differences between ethnic groups. Explanations for these differences tend to be sought in contextual factors such as the policies in place regarding these ethnic groups, the characteristics of the ethnic groups and individual factors (such as age, sex and employment status).
256. A decisive factor in explaining voter turnout appears to be the number of organisations that exist within a community and membership of ethnic organisations. These elements refer to the broader concept of 'civic community': the larger the number of organisations and the denser the networks between these organisations, the greater the level of participation in local elections.
257. In Sweden, long-term objectives and policies have been adopted that aim to ensure equal opportunities for all citizens in influencing the political process to a greater extent than is the case today. The report 'Time for Democracy' examines activities set up by government to involve groups that currently take little part in the development of society. Democracy initiatives were launched during the 2003 general election campaign and the 2004 European Parliament election campaign in order to involve groups of people who play little part in community development.
258. A similar initiative is planned for the 2006 general election campaign. In addition, the government set up a Popular Movement Forum in 2002. Its aim is to establish discussion forums with all popular movements to discuss ways and means of helping people to organise themselves and overcome any obstacles to this process. Activities in 2005 included a seminar on the need for public meeting rooms for democratic movements, and themes for seminars planned for the autumn include new social movements, community organisations and power and integration. The government also provides substantial grants for various non-profit organisations in order to enable them to pursue democratic activities.

### *Representation*

259. The level of representation of citizens with an immigrant background in parliaments at national and local levels varies. In the UK, the Netherlands and France these categories are underrepresented. In the UK, BME (Black and Minority Ethnic) members of the House of Commons make up 2.4 per cent of the total whereas they constitute 7.9 per cent of the population. In the Netherlands in 2005, 5 per cent of all councillors at municipal level were of migrant origin whereas 10 per cent of the population is of immigrant origin. However, at the national level about 11 per cent parliamentary members are of immigrant origin. In Denmark and Sweden the percentage of citizens with an immigrant background in parliament approaches the percentage of citizens with an immigrant background in the electorate, although not the percentage in the population as a whole
260. After the 2002 election in Sweden, of 349 parliamentarians 25 had an immigrant background. Considering that immigrants make up to 12 per cent of the population in Sweden, but only 6-7 per cent if those with the right to vote in parliamentary elections as Swedish citizens is taken into account, then the representation today is fair for those who are citizens, as persons with immigrant background make up 7 per cent of the parliament.

## **4.2 Participation in civil society**

261. For some, the lack of formal voting rights and the right to be elected is not an important barrier to political participation, since this can take place in the form of participation through civil society organisations and other alternative forms of participation. Such participation of immigrants in associations is sometimes perceived as a transition towards full political participation.
262. In all countries local consultative bodies for foreign residents have been created. Such consultative bodies are a tool for communication and representation, and are considered important for social and political cohesion in towns that are becoming increasingly multicultural. They are a mechanism for political participation, representation and defending the interests of all foreign residents at local level. At present, Denmark has over 60 integration councils, Germany has about 400 Ausländerbeiräte (foreigners' councils). Such consultative bodies may be set up whether or not voting rights have been granted. Most consultative bodies have two main objectives: 1) to integrate and encourage the participation of foreign residents in local public life; and 2) to improve or harmonise relations between foreign residents and other sectors of the community (authorities, administrative bodies, nationals). Their main activities are political: consultation and promotion of citizen participation. Besides this, consultative bodies can also engage in promoting social and cultural activities pursued by other bodies such as civil society associations.
263. However, the power of such consultative bodies is often limited. Their functioning varies greatly between countries and between municipalities within countries. They are consultative bodies, meaning that locally elected representatives are not legally bound to follow their advice or opinions. For instance, the laws under which consultative bodies are established in a country such as Denmark does not oblige municipal councils to consult such bodies.

#### **4.3 Conclusion: participation in public life**

264. Considerable differences exist regarding the policies in place to include immigrants in political life and political structures. The minimum period one needs to be present in a country to be eligible for naturalisation varies for example between 3 and 9 years, and many States are setting additional criteria. Naturalisation rates are relatively low, except in countries such as Canada and France. Countries such as Germany have made it easier for second generation immigrants to become citizens.
265. Access to voting rights for non-citizens at local level has been introduced in a majority of European countries, including some of those studied in this report, i.e. the Netherlands, Denmark and Sweden. Again, conditions to qualify for voting vary considerably between countries. The right to vote and to stand for election at national level is almost without exception reserved for citizens: only in the UK is this not the case, where Commonwealth citizens and Irish nationals are entitled to electoral rights at national level.
266. In general, data on voter turnout of immigrants is scarce, but the research that was done indicates in various countries a lower turnout for people with an immigrant background. Regarding the representation of immigrants in parliament,



in many countries immigrants are underrepresented, although the Netherlands, Sweden and Denmark appear to do better in this regard.

267. Besides granting the right to vote (and/or to stand for election), the introduction of local consultative bodies for foreign residents is used to include immigrants in the political life of a country. They are considered important for social cohesion in towns that are becoming increasingly multicultural, but their power is often limited. Their functioning varies between countries and within countries, and there is not an obligation in all countries to consult them. It is therefore recommended that consultation mechanisms be institutionalised in order to promote their effective use.

## Chapter 5 Inlusiveness - Participation in the Labour Market

268. Integration into the labour market is arguably the most important area in establishing immigrant and minority integration. Certainly inclusion in the labour market helps immigrants and minorities gain independence from the welfare state and supports arguments in favour of immigration as immigrants contribute to the economy. Economic inclusion is often thought of as spearheading the integration process: leading to other forms of social and cultural inclusion through the involvement of immigrants in working life. However, it also needs to be noted that inclusion in employment is only one arena for integration. Some groups that are well integrated into the labour market may be less so in other spheres and vice versa. This chapter details the current labour market situation of immigrants and minorities across the countries studied. It then goes on to assess the policy efforts that aim to help immigrants into the labour market and open the labour market up to immigrants. Again, the idea of equality of opportunity and access should underpin integration efforts in this sphere by tackling the disadvantages immigrant and minority groups face in entering the workforce.

### 5.1 *Situation in the seven countries*

269. Immigrants and minorities have problems in accessing the labour market. This includes difficulties accessing employment itself and difficulties in the retention and promotion once they are employed. Integration policies related to labour market inclusion address this problem from two angles. First, some policies focus on supply-side factors. They aim to better fit immigrants and their descendants with the skills and qualifications needed in the labour market. Second, some policies focus on the demand-side of the equation. This includes measures designed to open up the labour market for immigrants. The countries in this study all adopt a combination of these two approaches.

270. The differing mix reflects the different situations in countries' labour markets and immigration histories. Each country has a different set of economic factors and differently structured labour markets. Each country also has a different mix of immigrant and minority groups who have a different mix of skills to work with. The type of policies adopted also provides indications as to where countries believe the problems lie in immigrant labour market inclusion. Policies focused on supply imply deficiencies in immigrants' skills, while policies focused on demand recognise a lack of equal opportunities in the labour market.

271. The proportion of foreign nationals in the labour force varied from 19.9 per cent in Canada (this particular figure refers to foreign-born people), 9 per cent in Germany, 5.2 per cent in France, 5.1 per cent in the UK, 4.6 per cent in Sweden, 3.8 per cent in the Netherlands to 3.5 per cent in Denmark in 2003. In nearly all of the countries studied, immigrants constituted a growing proportion of the labour market between 1998 and 2003. The exception was France, which saw a decline over this period. In Denmark, the increase was only 0.1 per cent. However, even in France and Denmark, sizeable numbers of foreigners enter the labour market annually, but this is offset by immigrant outflows or naturalisation which causes foreigners to disappear from the statistics.

272. In all of the countries studied there is evidence that immigrant or minority status is related to an employment disadvantage. Figures for 2003 from the OECD (Organisation for Economic Co-operation and Development) Sopemi Report (2005) show that this was particularly the case in Denmark, the Netherlands and Sweden where the disparity in the overall participation rate between foreigners and nationals was 27.6, 14.9 and 11.1 percentage points respectively. The disparity in the participation rates between foreign or foreign-born women and native women are generally larger than those for men. The difference between native and foreign women's employment rates were particularly high in Denmark (31.1 percentage points) and somewhat less in the Netherlands (17.2 percentage points), Germany (14.4 percentage points), Sweden (13.5 percentage points) and France (12.8 percentage points). Where there are higher employment rates for foreign men, there are correspondingly higher employment rates for foreign women implying a relationship of complementarity.
273. The participation rates of foreign men rose in Sweden, Canada and the Netherlands between 1993 and 2003. This was particularly marked in the Netherlands. However, over the same period the participation rate of foreign men fell in Denmark, France, Germany and the UK. The participation rates of foreign women rose in France, the Netherlands, Sweden and the UK between 1993 and 2003. The increase was particularly marked in the Netherlands where it rose by some 15 percentage points. However, over the same period it fell in Denmark and Canada.
274. Foreigners and foreign-born persons also have higher rates of unemployment. The proportion of unemployed foreigners relative to their share of the labour force was highest in the Netherlands. It was also high in Sweden, Denmark and France; in all of these countries foreigners are at least twice as likely to be unemployed as native workers. In Canada this difference is modest. The unemployment rates of foreign or foreign-born women are also higher than those for native women. In many countries the sectoral distribution of foreign workers varies considerably. Foreigners are often overrepresented in particular sectors of the economy. Though this sectoral distribution varied across the countries studied, foreign workers were often overrepresented in hotels and restaurants; domestic work, manufacturing and energy, health and other community services.
275. The quality of the data countries use to develop their economic inclusion policies varies, with countries using different levels of disaggregation. Briefly: in the UK, employment rates are disaggregated by ethnic minority status and this data can then be broken down by gender, age and religion; in Denmark data is disaggregated by country of origin and gender differences are also mapped; the same occurs in the Netherlands; in Germany, overall data on employment rates of foreigners exists, but this is only disaggregated by country of origin for the Mediterranean countries.
276. In Sweden, employment rates are recorded according to immigrant status as well as the length of stay, gender and different labour market sectors. In Canada, data maps immigrants by countries of origin, and in addition the Longitudinal Survey of Immigrants to Canada tracks the entry of immigrants into the labour market with an analysis of the impact of a range of factors including gender, qualifications, sectors and language skills. In France ethnic minority monitoring of citizens is not permitted.

277. In many countries further in-depth studies have been undertaken to investigate the impact of particular factors on immigrant labour market inclusion. For instance, in the UK research set out to determine whether disadvantages persist even where other factors – like qualifications, age and so on – are held constant as far as possible. The persistence of disadvantage in such cases would provide solid evidence of a penalty that exists solely on the basis of ethnicity.
278. This research found that all minority ethnic groups, with the exception of Chinese, suffer some ‘ethnic penalty’. Black Caribbean, Black African and Indians suffer a five per cent ethnic penalty. However, Pakistanis and Bangladeshis are 11 per cent more likely to suffer non-employment when all factors are controlled.

## **5.2 Labour market integration policies**

279. The OECD notes that a number of the factors affecting immigrant’s involvement in the labour market are no different to those that affect the population more widely. Immigrants tend to have lower education and work experience levels and higher levels of family commitments. Policies to address these issues are the same as policies for many other parts of the population. However, for some groups special factors work to make it more difficult for immigrants to enter the labour market. Here special policy measures targeted at immigrants are needed to give them equal chances in the labour market. For example State language training and the recognition of foreign qualifications.
280. To what extent do States adopt general and special measures to promote immigrant integration in the labour market? The following paragraphs examine the extent to which immigrants are a recognised target group of mainstream employment policies.
281. For the European countries the national action and national reform plans under the European Commission Employment Strategy provide a good overview of the labour market issues the different countries address. Immigrants or ethnic minorities are mentioned as a target group in all of the plans, except the French Reform Policy for Economic and Social Growth 2005. The other plans set targets for the increased involvement of immigrants or ethnic minorities in the labour market.
282. The policy interventions in the national reform and national action plans include different mixes of general measures (that include minorities as one of a number of disadvantaged groups) and special measures (that target immigrant/ethnic minority specific disadvantages). In the Netherlands, for example, general policies include improving the financial incentives to move from social security into work. The specialised measures include increasing language training availability and action to tackle negative perceptions among employers. Denmark and Germany tend to focus on special measures, with language learning and integration courses making up the bulk of their policies to improve economic inclusion. Sweden and the UK target ethnic minorities as one of several disadvantaged groups. However, both countries also have specialised programmes such as improving the quality of language teaching and providing specialised employment advisers.



*Policy measures connecting people to work*

283. In several countries specialist measures exist or are being developed to help immigrants and minorities find work. Introduction programmes increasingly combine language courses with work-related information and/or training to help newcomers find their way into the labour market. In Denmark, introduction programmes are the responsibility of municipalities. A combination of language courses and attachment to a workplace is intended to give immigrants an active start and get them into employment as soon as possible. The process is incentivised by payments made to municipalities for every immigrant that passes through the programme into a non-subsidised job.
284. In addition, local Job Shops in deprived areas are being set up as best practice for matching the unemployed with jobs. Deprived areas often include a high proportion of immigrants among their inhabitants. Social workers and caseworkers are being trained to offer more targeted and specific labour market advice for immigrants and refugees in an effort to specialise this service. The special '20 out of 23 families' project targets ethnic minority families with particular difficulties. By investing extra attention in these cases the project has been able to re-connect these families back to the labour market. An additional benefit of this project was that it demonstrated that labour market successes could be achieved – if the effort was made – even in situations previously written off by employment policy.
285. Initiatives connecting immigrants to work also exist in the UK. Jobcentre Plus is improving its service to ensure immigrants receive more specialised and flexible support in their job search. Ethnic Minority Outreach workers work with community organisations to provide more specialised guidance to the workplace, supporting people from ethnic minority groups in finding employment. The emphasis is on providing more specialised help to immigrant and minority groups within mainstream services that help people looking for employment.
286. In Sweden, the government has commissioned the Labour Market Board to design a workplace introduction programme for certain immigrants. In the pilot project, specially trained employment office workers assist both new immigrants and immigrants who have settled and are long-term unemployed. The project is expected to involve about 12,000 immigrants across ten counties. There have also been major changes to the structure of immigrants' initial period in Sweden. These changes are intended to facilitate early entry into the job market by providing traineeships, mentoring programmes and job introduction programmes.
287. Similarly, in Canada the Enhanced Language Training programme has shown its combination of language learning and introduction to the job market to be a powerful mechanism for helping immigrants into work. The Independent Commission on Migration and Integration in Germany also advocates that training be offered to immigrants within a framework of special employment promotion measures tailored to their specific needs.
288. Consequently, across many countries special measures are being introduced to deal better with the particular difficulties immigrants and minorities have in finding an entry point into the job market.

289. In the Netherlands, these special measures include a special focus on immigrant and minority women. The Emancipation and Integration programme aims to get an additional 20,000 women and girls to take part in language courses, meetings and labour market schemes. This programme is part of a broader initiative to improve the social participation of women from ethnic minorities. The government is also using a dual approach of combined language learning and work to further labour market participation.

*Measures to encourage positive action among employers*

290. In several countries, there are examples of measures aimed at increasing the willingness of employers to recruit ethnic minorities. Often these are based on information campaigns. At county level in Denmark, for instance, social partners have developed a 'presentation package' which aims to inspire and promote dialogue and co-operation in relation to diversity in the workplace. A 'dialogue tool' has also been developed that promotes the recruitment and retention of ethnic minorities in the municipal labour market.

291. In the Netherlands, intercultural personnel policy is encouraged. The government is working with employers, sometimes using Covenants, to introduce policies that improve the recruitment, promotion and retention of ethnic minority workers. Alongside this, another project called 'Operating a business effectively with Minorities' encourages multicultural personnel policies. Governments are generally trying to persuade employers of the 'business-case' for diversity.

292. Further efforts to open the job market for immigrants and minorities involve making agreements to open up regulated job markets. For instance, in Germany industrial agreements are seen as having the potential to increase the number of apprenticeships available to immigrants. It is also proposed that networks of co-operation be established and improved between the Länder, local authorities, chambers of commerce, trade unions and other associations and organisations to promote inclusion in the labour market. In Sweden too, government authorities have entered into agreements with parties involved in the labour market to create more traineeship programmes and other work experience opportunities. Here, the government is working with a broad range of stakeholders – unions, employees, administrative authorities and municipalities – to open up the labour market to ethnic diversity. Research is being commissioned and proposals have been requested from a number of organisations, including representatives of Swedish business, on how better to use business involvement for integrating immigrants and how to achieve better co-operation between business and government authorities on this issue.

293. Another way in which governments have tried to increase employer's intake of immigrants and minority workers, is by focusing on practices that exclude these groups. In Sweden, research on the recruitment process has shown that informal recruitment channels and subjective decision-making criteria in recruitment can work to the disadvantage of foreign candidates. There is a need to formalise recruitment procedures to try to ensure equality of opportunity. In other countries, work on implementing anti-discrimination legislation has resulted in similar findings on the recruitment process. In the UK, specialist employment advisers are working with employers on race equality issues helping them to

develop recruitment practices that will be inclusive of a diverse range of potential employees.

294. In opening labour markets to diversity, governments frequently use the public sector as a model. By requiring ethnic and immigrant diversity in public authorities, governments create a labour market open to these groups. Employing these groups in the public sector can also have demonstrative value for other sectors of the labour market. In the UK, this use of the public sector is being fostered through the implementation of the race equality duty. This places additional duties on public authorities to promote race equality under anti-discrimination laws. In addition, the Ethnic Minority Employment Task Force has agreed to use public procurement to further race equality. In this way, the state's purchasing power is being used not only to make a difference in the labour market, but also in the market for goods and services.
295. A similar principle underpins the Federal Contractors Programme in Canada, initiated in 1986. This programme applies to regulated employers with a national workforce of 100 or more who receive federal government goods or services contracts of 200,000 Canadian dollars or more. As a condition for bidding for large federal contracts, such contractors have to certify their commitment to employment equity. These commitments are enforced by periodic on-site compliance reviews and failure to comply can lead to loss of the right to bid for further government contracts.
296. In Denmark, ministries are considering making civil service recruitment subject to a commitment to promote integration. The government has set a target that 4 per cent of all state sector employees must be immigrants or descendants from a third country. In Germany, the civil service is again identified as a role model in promoting foreigner/repatriate employment. Here, policies are being suggested to increase the employment of immigrants in the civil service. In Sweden, the Administrative Development Agency was instructed to submit proposals to help the government increase ethnic diversity in central government administration. In all these cases the government is increasing demand for immigrants within public sector labour markets and providing an example to the private sector regarding diversity in the workplace.
297. Many of these initiatives are a good beginning, but to ensure that diversity really penetrates the public sector issues like ethnic minority progression within public sector employment needs to be monitored. Otherwise immigrants and minorities could end up concentrated in the lower echelons of the public sector. For instance, in the British civil service, minority ethnic groups make up 3.3 per cent of senior-level staff, compared with 9.7 per cent in administrative grades. Furthermore, prioritising recruitment into the public sector can be a double-edged sword where the public sector has significantly lower status and salary scales than the private sector.

#### *Accountability and monitoring*

298. The use of targets to monitor labour market outcomes is a way of trying to monitor the success of inclusion policies. However, ability to set targets and their precision and informativeness is determined by the types of data available in a country. Most of the countries had targets set to increase overall labour market

participation within a particular timeframe. Yet these overall targets often do not tell us what sections of the immigrant or minority population are primarily being engaged through these policies. General recruitment targets also do not provide wider information on progression within the job, pay and even which sectors of the economy migrant labour is being drawn into and the likely long-term health of those sectors. To really secure labour market inclusion and workplace diversity these factors need to be taken into account to ensure that diversity permeates the workplace and is not unduly sensitive to changes in the economy or crisis in a particular economic sector.

299. However, much current target setting does not seem to go beyond the general, although improvements in monitoring and inspection should over time lead to more calibrated targets. Examples of the targets currently set in the countries studied, include the Netherlands where a target is set for increasing ethnic minority labour market participation by 0.75 percentage points per year to 54 per cent. This is one aspect of a wider range of targets under the National Action Plan on Social Exclusion that aims to increase labour market participation of the entire workforce to 70 per cent by 2010 in order to meet the EU agreed Lisbon objectives.
300. In Sweden the government introduced an objective to gradually increase the employment rate of the foreign-born population to around 80 per cent. The government's national target is full employment for all, and as a first step to increase regular employment of the population aged 20-64 years old to 80 per cent and reduce unemployment to 4 per cent.
301. In the UK, cross-government Public Service Agreement targets have been set for 2005-2008, including a commitment to increase ethnic minority employment rates, taking account of the economic cycle.
302. Efforts appear to be underway to create better monitoring systems. For instance, in Denmark a measuring system will be set up to focus on ethnic employment initiatives. The aim of the system is to make initiatives and results more visible, ensure more targeted prioritisation and foster incentives to improve ethnic employment measures on the basis of benchmarking.
303. Sweden is also looking to design strategies and methods that can help ensure that systematic data is produced which will inform policy makers and others about the nature of ethnic discrimination, by allowing for the identification of discrimination and an evaluation of its increase or decrease. This mapping of discrimination is also considered to be a positive contribution to the development of better methods for combating racism and eliminating discriminatory obstacles to integration.

### **5.3 *Entrepreneurship among immigrants and minorities***

304. Self-employment can be another route to labour market inclusion for immigrants and ethnic minorities. OECD data shows that entrepreneurship is on the increase in many of the countries studied. Between 1998 and 2003 the proportion of foreign workers among the self-employed population increased in the Netherlands, Germany, Sweden and the UK. The largest increase was 0.6 percentage points in Sweden and Germany. However, self-employment fell in

France and no data was available for Canada and Denmark. The country with the largest proportion of foreign workers among the total self-employed population in 2003 was Germany with 8.1 per cent; the smallest was the Netherlands with 2.5 per cent. The country with the highest proportion of self-employment among its foreign workers among those studied, was the UK with 11.7 per cent of all its foreign-born workers being self-employed. The smallest proportion was in the Netherlands (7.6 per cent), with no figures available for Denmark and Canada. OECD data also shows that women are increasingly starting their own businesses.

305. It is not entirely clear whether self-employment indicates an increase in autonomy and security among immigrant workers or whether it indicates a lack of opportunities in the job market. Many countries are keen on attracting entrepreneurs into their economies, particularly where these bring investment capital and create jobs. Consequently there are often special immigration exemptions making entry easier for certain categories of entrepreneurs. For instance, Canada has an Entrepreneur Program that allows applicants with business experience and a minimum net worth of 300,000 Canadian dollars to immigrate to Canada.
306. Many of the countries studied are beginning to recognise the need to foster entrepreneurship as part of their integration strategies. Within the national plans on employment, all European countries had strategies on promoting entrepreneurship. However, in the 2005 reports only the Netherlands and the United Kingdom included references to programmes specifically promoting entrepreneurship among ethnic minorities or immigrants. Nonetheless the European Commission Agenda for Entrepreneurship does include references to ethnic minorities and immigrants as a particular target group. This was prompted by requests that the services designed under this programme be more client-oriented. Examining other integration policy documents reveals more general mentions of encouraging ethnic entrepreneurship by creating a good business climate. For instance, creating a better business environment for start-ups is mentioned in Sweden's 2003 Integration Report.
307. Promoting entrepreneurship involves programmes providing business advice and support, financial support and increasing supplier diversity. The Agenda on Entrepreneurship includes a key action point to provide tailor-made support for ethnic minority entrepreneurs. However, much of that support seems to come from NGOs and institutes. For example, in France the 'Business Creation through Immigration' projects developed by IRFED (Institut de formation pour le développement harmonisé / Institute of Formation in Harmonised Development) have provided support and advice to numerous entrepreneurs of immigrant background. This initiative focuses especially on helping ethnic minority women with little education start a business. The Swedish Association of Ethnic Entrepreneurs, also an NGO, works with ethnic minority businesses encouraging entrepreneurs and providing assistance and representation.

#### **5.4 Conclusion: 'new minorities' in the labour market**

308. There has been a general impetus across all the countries studied to be more active in engaging immigrants and minorities in the labour market. How far do these policies engage 'new minorities'? Many of the introduction programmes that have a work element included in them are primarily aimed at new immigrants.

Sometimes, the problems of unemployment among long-term immigrants and descendants tend to be seen as more entrenched, in some instances small projects engage with this group partly to demonstrate that positive results are actually achievable (e.g. the Danish '20 out of 23' families project).

309. Measures encouraging positive action among employers will engage 'new minorities' alongside more recent immigrant groups as the emphasis is to create intercultural work environments, benefiting both groups. The success of such measures will depend on a great variety of factors, including how extensively the public sector is involved and whether issues such as progression and retention in the workplace are also promoted. Yet the extent to which 'new minorities' in particular will benefit from better access to the labour market will depend on their ability to compete with other, often newer, immigrant groups for the opportunities opening up through multicultural workplace policies and in the public sector.
310. When studying the policies on labour market inclusion, the strengths seem to lie in a combination of approaches that addresses both the demand and supply side of the problem. Such approaches recognise the need to respect diversity by ensuring equal opportunities through anti-discrimination measures. This provides immigrants and minorities with more and better employment opportunities. The need to recognise the challenges of diversity is evidenced in the measures that seek to better equip immigrants with the skills and knowledge required to enter the workforce. Countries that are uneasy about recognising that immigrants may have different skill sets and different barriers to labour market entry to the rest of the population are weaker on introducing specialised programmes that target immigrant and minority groups and address their specific needs in this area. A further challenge that the countries studied face lies in recognising that the mainstream needs to adapt to diversity and that efforts must be made to ensure equality. Here anti-discrimination protection in employment provides part of the answer. In addition positive action across the public sector, and thorough public sector procurement, is in evidence in the most proactive countries. The key is a combination of measures facilitating inclusion and measures respecting diversity (by targeting different needs with specialised programmes).



## Chapter 6 Inlusiveness – Access to Services

311. In diverse societies efforts must be made to promote social cohesion. There are many different ways to bring this about, involving many actors. This chapter looks at this from the perspective of access to public services, focusing on education, housing and health care. Providing equality of access to services that leads to a convergence of outcomes continues to be an elusive goal of integration policy. Ensuring that services reflect the needs of increasingly diverse societies is a further challenge.

### 6.1 Access to education

312. The integration of immigrants and minorities in education is extremely important given the pivotal role education plays in preparing for working life and social cohesion. Access to education is guaranteed in all seven countries studied as they make education available and affordable to immigrants and minorities. in all seven countries. However, ensuring equality of access in terms of outcomes has proven to be difficult.

313. Equal access involves catering to different needs. Outreach work to inform and consult immigrants and minorities about education systems and education needs varies. Mapping educational attainment often reveals significant disparities across immigrant and minority groups. Many immigrant and minority groups have educational attainment rates below the national average. Attaining equality in education should have the outcome of converging educational attainment across different groups but this continues to be an elusive goal.

314. Schools also have the potential to be important arenas for promoting social cohesion. They can provide forums for the transmission of norms and values and help overcome language and cultural barriers to integration. Schools also provide students from different backgrounds with the opportunity to learn from and about each other. How this integrative potential is taken up in school curricula and daily life also varies across the countries studied.

315. Another area in which the pivotal importance of education to integration is demonstrated is in relation to provision of State language training. The ability to speak the language of the country of residence is widely considered indispensable to integration, as it removes a key barrier to the equal treatment of immigrants and gives them equal access to society, politics and the economy.

316. In all seven countries policies exist to provide State language training to immigrants, for both children and adults. For children, such training is mostly provided through the school system, while adults can learn the State language through adult education schemes.

317. In the last decade, special focus has been put on language courses for immigrants through 'integration courses'. Such courses are mostly geared towards newcomers in the first instance, but in some countries they include migrants who have been settled for a longer time.



318. In all seven countries data has been collected on immigrant or minority children in schools. However, the level of detail and disaggregation varies considerably. The UK, Canada and the Netherlands record educational attainment by minority group or country of origin. Local studies often include more fine-grained data with more ethnic or immigrant groups recorded and qualitative data to provide a more comprehensive picture. For example, in Canada there are examples of reports containing immigrant and visible minorities among the groups at risk of leaving education prematurely. Some of these reports are based on interviews with children, parents/guardians and educators in an attempt to generate an analysis of the problems from a variety of perspectives.
319. In other countries, education outcomes are not disaggregated according to different groups. Statistics are kept on the number of immigrant children (France and Germany) or non-native speaker/bilingual children (Denmark and Sweden). This allows broad comparisons between native and immigrant children's educational outcomes but a more fine-tuned analysis is not possible. In addition, the focus on immigrant children means second-generation children can be excluded in countries where they automatically gain nationality (e.g. France).
320. The OECD PISA (Programme for International Student Assessment) report compares immigrant educational outcomes across several OECD member countries. This included data on all the countries in this study, except the UK. The report looks at first-generation students (defined as students born outside the country of assessment and whose parents were also born in a different country), second-generation students (defined as students who themselves were born in the country of assessment but whose parents were born in a different country, i.e. students who have followed all their schooling in the country of assessment) and native students, and compares their performance in mathematics, reading, science and problem-solving skills.
321. The report not only shows lower performance among first-generation immigrants, but also that in many countries second-generation immigrants perform less well than their native peers. This is particularly the case in Germany, where second-generation immigrants lag furthest behind their native counterparts in mathematics, reading and science, and – second only to Belgium – problem-solving skills.
322. The data in the OECD report also shows that the biggest differentials between first-generation and native students occur in Sweden, the Netherlands and France in mathematics; Sweden, Germany and France in reading; Sweden, France and Germany in science and France, Sweden and Germany in problem-solving skills. Canada had the lowest differentials across all four categories. Looking at the differentials between second-generation and native children, the countries with the largest differentials are Germany, Denmark and the Netherlands across all four categories. Canada consistently scores the smallest differentials. To give an indication of the scale of the disparities in outcomes for second-generation immigrants, the differential score for Germany is consistently 90 points or more, by comparison the greatest differential in Canada was only 10 points.
323. The lower performance outcomes for both immigrant groups are particularly distressing as the OECD has found that first-generation and second-generation students generally show higher levels of interest and motivation in

mathematics and more positive attitudes towards schooling. Furthermore, immigrant students also have very high educational expectations. First-generation students show the strongest learning aspirations which may reflect optimism associated with immigration. Second-generation students appear to have assimilated to some extent, but still often show more positive learning characteristics than their native peers.

324. Differences in education outcomes can be affected by a variety of factors. The OECD report also analysed the relationship between performance outcomes and the educational and socio-economic background of immigrant and non-immigrant students. It found that the international variations in performance differences between immigrant and non-immigrant students are related to similar variations in economic, social and cultural differences. Thus there is a link between immigrants' socio-economic profiles and their educational outcomes.

325. However, using a series of regression analyses, the OECD also found indications that the large differentials in the performance outcomes of immigrant and native students are not just due to lower socio-economic profiles among immigrants. It concluded, in fact, that in many countries the differences specifically associated with students' immigrant status, rather than with their families' educational or occupational background, are also considerable. This finding in particular indicates a need for these countries to increase their efforts specifically aimed at the integration of immigrant students.

*Outreach: mapping and informing the target population*

326. Immigrants are included in schools and education is free or affordable across all the countries in this study. However, outreach policies that work to inform and include immigrants in education vary.

327. Policies to inform parents about education differ. Some countries, such as Germany, the Netherlands and Denmark publish leaflets in other languages to inform parents about the school system. Some encourage parent-teacher dialogue to ensure good links between the school and home. This is the case in Sweden, where schools have an obligation to invite all parents and pupils for a 'personal development dialogue' twice a year and parents have the statutory right to an interpreter.

328. In the Netherlands, special programmes are aimed at establishing a link between school and home. These programmes provide parenting support, including pedagogical advice and information on the development and upbringing of children. In the UK, schools are advised to build good links with immigrant parents through parent-teacher evenings and using interpreters where needed. Germany also encourages regular meetings with parents. The principle behind these initiatives is that parental involvement increases chances of success in education.

329. In Canada and the Netherlands, policies go further by involving parents more generally in consultations on education policy. In the Netherlands, a 'temporary platform for immigrant parents' has been established to enable regular parent committees to include the parents of immigrant children.

330. In the Canadian federal system education policy is devolved to the provinces and territories. This section draws on the policies of Ontario to provide some insight into education policy in Canada; Ontario has one of the highest immigrant populations in Canada making it a good example. However, education policy varies across Canada. In Ontario, the government has set up regular stakeholder meetings 'Education Partnership Tables' to engage with key policies as part of creating a climate of 'stability and respect' in schools. The forum is designed to provide broad and diverse insights at an early stage in the policy development process. Participants include parents, students, support workers, teachers and school principals.
331. How education policy works towards securing equality of outcomes varies considerably. Different types of support are provided. In Canada, the UK and the Netherlands measures involve additional resources for language teaching as well as other types of support for students struggling to achieve better outcomes. The UK for example organises curriculum support activities, during which children are taught basic subjects such as reading, writing and mathematics. The contents and assessment methods are also adapted in order to take the special requirements of immigrant pupils into account. The other countries studied focus more exclusively on providing language teaching. This is seen as the primary way of bridging gaps in attainment levels. In Denmark and France, this is sole support on offer.
332. In Sweden, it is possible to offer bilingual tuition in which teachers use both the mother tongue of pupils and the language of instruction at school. Quite recently a few countries have started programmes to introduce very young children to the language of instruction. In Germany, these programmes are meant for children who were born in the country or who came to it at a very young age. While some municipalities in Sweden run special groups for immigrant children at pre-primary level to introduce them to the language, in order to prepare them for compulsory education.
333. Measures to provide such support to immigrant children correspond to two models. In the integrated model, immigrant children are placed in regular classes in mainstream education. Measures for support are either implemented on an individual basis during schools hours or outside schools hours, but always on the school premises. This integrated type of support exists for example in Denmark and in the UK.
334. The other model is a one in which support is given separately from the regular classes, as is the case in Germany. Support classes in this country are linked to the teaching of regular subjects and are intended to provide a bridge back into mainstream education. In the separate model support can also be provided through transitional arrangements, where immigrant children are grouped together separately from other children for a limited period so that they can receive special attention geared to their needs. Such measures exist, in combination with integrated support in the classroom, in Sweden, France and the Netherlands. In France 'classes d'initiation' (CLINs or beginners' classes) are installed in primary schools and 'classes d'accueil' (CLAs or introductory classes) in secondary education. In the Netherlands reception classes are organised in primary school, international transition classes in secondary school, and special language classes are organised during the period of transition from primary to secondary education. In these classes, highly motivated high-ability immigrant pupils who nevertheless

have problems with the Dutch language receive a full year of intensive Dutch-language training. Many subsequently move on to higher secondary education.

335. In several countries, schools that have higher concentrations of migrants and ethnic minorities receive additional funding. In the Netherlands, schools that are negatively evaluated and have 40 per cent or more immigrants among their populations are given a special budget and four years in which to improve the situation within guidelines set by the Ministry of Education. In Ontario, immigrants and visible minority students are recognised as an 'at-risk' group and mainstream programmes specifically address measures to improve their attainment and reduce school drop-out rates. Learning Opportunities Grants are used to help immigrants and students with additional language needs. In the UK, the Ethnic Minority Achievement Grant and the Vulnerable Children Grant provide schools with more resources to cope with the additional needs of immigrant and minority children.
336. In France the problem of differential educational outcomes is approached as an urban phenomenon rather than targeting immigrant or minority groups. 'Zones d'éducation prioritaire' have been created and these are recognised as having special educational needs. Within the zones French education policy aims to increase teacher-pupil ratios and additional resources are provided to meet operational needs. The criteria for determining the granting of additional resources includes the number of pupils where one family member is a non-European country national.
337. The overlap between deprived areas and immigrant and ethnic minority areas is also recognised in the educational policies of other countries. In many countries the quality of schools varies, with poorer schools generally located in more deprived areas. In the UK, the Excellence in Cities Programme targets schools in deprived areas, providing additional funding for learning mentors, learning support units and support for gifted and talented pupils. In practice, this Programme funds 70 per cent of ethnic minority pupils. In the Netherlands, the concentration of immigrants in certain schools is much debated and research has been commissioned by the Council for Societal Development on how to deal with ethnic concentrations in urban areas.
338. Where special programmes, funding streams and monitoring exist, policy becomes more flexible and capable of adapting to changing needs among the student population.

#### *Social cohesion in schools*

339. Schools can be instrumental to the promotion of social cohesion and intercultural awareness, both through the contact between students in integrated schools and through targeted instruction. All seven countries studied include elements of intercultural awareness in their curricula. However, the content of this varies. In some countries the approach focuses on educating children in the cultures of other countries, in others the emphasis is on an understanding of cultural pluralism within the country. Denmark and France are examples of the former approach; the Netherlands and the UK of the latter (see further the section on intercultural education).

340. Wider obligations can exist to promote intercultural understanding. For instance, in Sweden the curricula for all subjects include a preamble emphasising the development of 'understanding and compassion for others'. This includes instructing students on confronting xenophobia and intolerance and in appreciating the values of a culturally diverse society. In the UK the national curriculum includes contributing to student's sense of identity by providing an understanding of the diverse heritages of Britain's multicultural society. Schools are also under a broad legal duty to promote race equality.
341. The way in which schools adapt to the differing cultural and religious needs of their students varies widely across the seven countries. Reports produced by Eurydice (The information network on education in Europe) on integrating immigrant children into schools in Europe include a section on the adaptations made to daily school life. While the data provided is not very extensive, it is clear that the approaches used cover a wide spectrum. They range from accommodating differences by adapting to different requirements concerning dress (particularly in the UK, Sweden and the Netherlands), to encouraging similarities by consigning these differences to the private sphere and requiring school dress codes to be devoid of obvious religious and cultural signs (France). Adaptations to culinary needs and religious holidays are more widely observed. For instance, in Germany, children can request permission for absence from school during religious holidays; in France, religious holidays and culinary preferences are marked; and in Denmark, no special rules apply so schools can exercise varying degrees of discretion.

## **6.2 State language provision for adults**

342. All seven countries have courses for immigrants who wish to study the State language as a 'second language'. As stated above, in recent decades an increasing number of countries have adopted integration schemes for newcomers, in which State language tuition takes central place. In some of the countries (Germany, UK and Canada) there has been an upsurge in the funding of State language training programmes within these integration courses. Germany in particular has instituted a large national programme where there previously was none. Federal funding of 208 million euros has been made available to implement this programme and the first evaluations are to be undertaken in 2007.
343. However, such integration courses are primarily geared towards newcomers, so in principle they are not open to 'new minorities' who are more settled. Nevertheless, some countries also open these courses up to people who have been in the country for a longer period of time. The new integration system in the Netherlands that will take effect in 2007 will make it obligatory to follow an introduction course. It will also be applied to certain people who have been settled in the country for some time; even for some naturalised persons. It will be the responsibility of the municipalities to decide who will be obliged to follow such a course and sit the exam.
344. Similarly in Germany, language courses are open to people who have been in the country for some time, and apparently there is a considerable demand for such courses. The majority of participants in the language trainings in 2005 were foreigners who had been living in Germany for longer periods of time (56.3

per cent). Only 8.5 per cent of them were actually required to attend the course by the authorities, the rest had signed up of their own volition.

345. It is beyond the scope of this report to provide an evaluation or even an overview of the main characteristics of the language courses provided within the framework of these integration courses. In general, it can be said that there is a tendency to make integration courses compulsory (currently the case in Denmark, Germany and the Netherlands). Furthermore, efforts are being made to improve outreach to immigrants regarding such courses. The content of language tuition in these integration programmes seems to focus on acquiring a language proficiency that will aid labour market integration.
346. All of the countries researched undertake efforts to reach out to newcomers and encourage them to attend State language training. As part of an outreach strategy many countries have made efforts to organise courses that are as flexible as possible to maximise the ability of immigrants to attend. In Canada, courses are offered at different times of the day, evening and weekends. Some classes have childcare facilities to enable those with family responsibilities to attend. Computer-based learning is available for home study. In Sweden, it is the responsibility of the municipalities to offer Swedish for Immigrants courses. Many municipalities adopt very flexible programs, allowing for courses during the day and evening, full time and part time, etc. This is also the case in Germany and Denmark, where the courses must be planned so as to be flexible in terms of time, location and content to enhance interaction with the student's employment, activation or training.
347. Another common feature of most countries is the attention paid to gearing the language courses towards facilitating access to the labour market. This is most obviously the case in Denmark, the United Kingdom and Canada. Since research in the UK showed that English language proficiency was a key determinant of labour market success, steps are being taken to increase the provision and quality of ESOL (English for Speakers of Other Languages) teaching. In Canada, recent evaluation of the Language Instruction for Newcomers programmes and the Immigration Settlement and Adaptation programme within the context of the Contribution Accountability Framework, found that there was a perceived need for language training to higher levels of proficiency to enable immigrants to secure jobs commensurate with their skills and qualifications. The Contribution Accountability Framework aims to ensure the accountability of departmental expenditures and to guide the monitoring of service delivery and evaluation of the effectiveness of its settlement and resettlement contribution programme.
348. In countries where integration courses are only open to newcomers, persons from 'new minorities' can follow State language courses in schools for adult education. All countries researched have schemes providing adult education. In Sweden, language courses are provided by universities, by independent educational institutions and there are various free language programmes on the Internet. In the Netherlands, there are many private institutes offering courses in Dutch as a second language, and regional education centres for vocational training and adult education (ROCs) also offer language courses. Adult education has a strong tradition in Denmark, and many courses on the Danish language, culture and society are offered at all levels from introductory to advanced. In France, the GRETA network under the Ministry of Education (a group of public



local education establishments) is particularly active in organising language trainings for adults. Many towns and cities in Germany offer German language courses at 'Volkshochschulen', which are schools for adult learning. German courses are also taught at universities, at international cultural centres or by commercial language schools. Canada also has many institutes providing English as a second language (ESL).

349. There is however very little evidence found of outreach programmes to encourage immigrants to register for such training. In many countries these courses target foreigners coming to that country to study its language, or, since they are organised at universities, people with advanced educational degrees. Concrete outreach policies were only found in the UK, where ESOL teaching comes under the adult education programme 'Skills for Life' and is administered by the Department of Education and Skills. Rather than having language training as part of integration courses, as is the case in the countries described above, the UK classifies refugees, asylum seekers and ethnic minorities as groups at risk of exclusion and they are therefore specially targeted by the Skills for Life Programme. This Programme reaches out to immigrants through the voluntary and community sector in partnership with the National Institute of Adult Continuing Education (NIACE) and the National Association of Councils for Voluntary Service. Consequently, many projects work together with refugee and voluntary organisations to provide ESOL learning opportunities, particularly for refugees.

#### *Inclusion of 'new minorities'*

350. Integration policies in education face the problem of persistent outcome disparities for immigrant and ethnic minorities. In relation to 'new minorities', the differences in attainment for second-generation students are of particular relevance as they show differences persisting within a group that could be included in a 'new minorities' category. Given such persistent disparities the need for special programmes and additional funding within mainstream education seems advisable. Approaches that go beyond language difficulties and engage with wider problems of immigrant and ethnic minority groups are evidenced in only a few countries (Canada, the UK and the Netherlands). More targeted and specific attention addressing wider socio-economic and educational problems could be more widespread. Measures involving immigrant parents in developing education policy are limited to only two countries (Canada and the Netherlands). While great developments are taking place in the provision of language courses for newcomers through large-scale integration programmes, some of these programmes risk excluding 'new minorities' who may have similar language needs. More could be done to inform immigrants about the adult education infrastructure that already exists

### **6.3 Access to housing**

351. Immigrants generally occupy a disadvantaged position. In all seven countries researched there is evidence of higher levels of homelessness among immigrants, as well as poorer housing conditions and higher levels of overcrowding. Immigrants tend to live in the poorer neighbourhoods of cities, often characterised by a high ethnic concentration.



352. One aspect of the problematic housing situation of immigrants was brought to the public's attention in 2005, when in less than six months several fires in overcrowded buildings in Paris killed 48 people, all of them of African descent. Similar poor housing conditions for immigrants are reported in other countries. In the UK, for example, 24 per cent of Pakistani and Bangladeshi households live in unfit dwellings, as opposed to about 6 per cent of White people. There is evidence of inequality in access to decent housing for immigrants in all 15 old EU Member States. Further evidence suggests that racial discrimination and harassment plays an important role in contributing to the precarious housing conditions of immigrants.
353. Access to accommodation, both public and private, is systematically and persistently being denied on the ground of skin colour. In Canada, research in 2000 revealed that 21 per cent of all immigrant households suffered 'core housing needs' compared with 17 per cent of the overall population. Besides the lack of social housing and the high cost of privately owned housing, it was reported that visible minorities in particular often face discrimination from landlords. This further contributes to the problem in tight housing markets such as those in Toronto, Vancouver and Ottawa, and increasingly Montreal.
354. Since the disturbances in the French urban areas involved mainly second-generation immigrant youths, these events prompted much debate about integration. Ethnic concentration combined with high levels of unemployment, poverty and social and racial discrimination were pointed out as the main reasons for the disturbances. The fact that such problems do not only occur in France, was demonstrated by the spread of violence, be it to a lesser degree, to countries such as Belgium, Spain, Greece, Switzerland, the Netherlands, Germany and Denmark. In 2001, some northern English towns also saw violent confrontations between young Asians and the police, prompted by racist gangs attacking Asian communities. This violence signalled similar feelings of anger and despair among young second- and third-generation Pakistanis and Bangladeshis, who are often confronted with a similar lack of prospects for the future, high unemployment and racism.
355. What sort of policies can correct such housing inequalities and solve the problems linked with deprived neighbourhoods? Governments have adopted a range of policies, both on an individual level and an urban level. Policies on an individual level, such as measures to provide affordable housing and to protect consumers, aim to enhance the housing choice of individuals. Policies on an urban level aim to influence the ethnic or social mix and improve general living conditions in certain neighbourhoods. These policies can all be more or less targeted towards ethnic minorities. All countries researched have anti-discrimination measures in place that apply to both private and public housing.

#### *Affordable housing*

356. Providing affordable housing to persons on low incomes is one of the instruments available to governments to tackle housing inequalities. Immigrants are especially affected by these measures since a larger share of their income tends to go on housing and they are often in weak labour market positions. There is also evidence of minorities having to pay a so-called 'ethnic penalty', regardless

of their socio-economic standing. There are several options open to States to increase the amount of affordable housing.

357. New social housing can be constructed by granting new subsidies for public or not-for-profit bodies or, for example, by earmarking land or imposing obligations on local authorities. Another way to increase the social housing stock is to combat dilapidation and squalor, which, for example in the UK, affects a large part of the housing stock for persons on low incomes.
358. Governments can also resort to indirect measures and provide aid for private investment, or aid to cover rental risks incurred by private owners who rent accommodation to persons on low incomes for limited duration and at capped rents. Housing allowances or tax incentives can be provided to persons on modest incomes or to certain target groups. Other measures to assist lower income groups in gaining access to quality housing include stimulating owner occupation through cheap credit and tax reduction schemes, regulating private landlords, and supporting civil society organisations such as housing co-operatives.
359. The United Kingdom and the Netherlands are examples of countries with a large stock of social housing. The EUMC (European Monitoring Centre on Racism and Xenophobia) housing report for the Netherlands notes that immigrant households there comprise a large share of tenants in the subsidised sector. In the UK, certain ethnic minority groups depend upon social renting more than others. To increase the supply of housing directly targeted at ethnic minorities, governments can encourage the development of specific agencies and housing providers to address their needs. This occurs in the UK with the creation of BME housing associations, or in France with Social Rental Agencies.
360. Many European countries, however, shift away from the provision of social housing to increased privatisation and deregulation of the housing market. This seems to be different in Canada. Under the Canada-Ontario Affordable Housing Program Agreement for example, 15,000 new units of affordable housing are funded and 80 million Canadian dollars is directed to the creation of 5,000 housing allowances leading to a total affordable housing commitment of 20,000 units. The target group for this housing policy is 'low-income households'.
361. One of the ways in which a government can improve housing outcomes is by promoting home-ownership. The UK has extensive information on home-ownership of ethnic minorities. A 2003 Literature Review for the Office of the Deputy Prime Minister reveals that ethnic minority groups are less likely to be owner-occupiers than white groups. Asian households have the highest proportion of home-ownership of all ethnic minority groups. Indian households are more likely to be owner-occupiers than any other Asian or white group, and Pakistani households are as likely to own their own homes as white groups. Bangladeshi households were less likely to be owner-occupiers and, together with Black Caribbean households, were more likely to be social tenants. The German country report on Housing published by the EUMC in 2003 also notes that in Germany immigrants are less likely to be homeowners.
362. Little evidence has been found on policies to address the needs of ethnic minorities in this regard in the countries researched. It should be noted that home-ownership is not necessarily an indicator of 'successful integration'. Home

ownership can reflect the economic success of immigrants, but it can also be a strategy of low-income groups to avoid rent rises or to find an alternative to public housing. In such cases, the homes may be of low quality and households may be unable to pay the maintenance costs, leading again to poor housing conditions.

### *Consumer protection*

363. France in particular has taken some measures to increase the protection of tenants and to ensure a fair balance between the rights and responsibilities of tenants and landlords. This includes support for tenants who are evicted from their homes (a form of protection which is also provided in Germany) and a statutory obligation to attempt to reach amicable settlements in disputes related to rent adjustments, demands for eviction and recovery of unpaid rent. More legal protection has been given to disadvantaged persons against slum landlords, and accommodation advice and information services were developed, especially for immigrants. To ensure equal access to housing adequate knowledge is needed of available housing opportunities, of housing costs and of individual rights. Specific information is also necessary for negotiating a contract and understanding its terms and conditions. The UK has also developed policies in this regard. Housing legislation requires local authorities to develop housing information and to advise on strategies and housing management practice guidelines require public landlords to provide information to tenants in translation. The provision of housing information and advice is necessary but generally underdeveloped.

### *Urban Policies*

364. Policies to tackle problems related to disadvantaged neighbourhoods are high on the agenda in all European countries researched. Such disadvantaged areas are frequently also areas with high ethnic minority concentrations. Although there is an acknowledged overlap between deprivation and a concentration of ethnic minorities, caution is needed when addressing this phenomenon. First of all the measurement of ethnic segregation is disputed and remains the subject of much academic debate with studies offering different results. The second question is whether spatial segregation alone is inherently problematic. People can choose to live close to their compatriots or to people from the same ethnic community for many reasons, without this being necessarily problematic for the broader societal integration. Often ethnic concentrations in a particular area arise due to a wish to live near a specific place of worship, or to have easy access to certain foods and other products, or to live close to a network of social contacts. As long as this clustering does not become entrenched through poverty and a lack of opportunities that results in inhabitants becoming stuck in a cycle of deprivation, or in a situation of social and cultural isolation, ethnic concentrations can function to provide communities with a convenient base from which to engage with society more broadly. Many of the most spatially segregated communities are often not perceived as ones that require support in integrating. For example, the most segregated religious communities in Britain are people of the Jewish and Sikh faiths, not Muslims as is often supposed. Similarly spatial concentrations of national minorities such as the Finns in Sweden are seldom viewed as problematic in terms of their integration.
365. In many countries there are policies in place that address the problems that arise in ethnically concentrated neighbourhoods that are marked by economic

deprivation. Measures taken in this field focus either on neighbourhood renewal, on improving the quality of living in the area, or on improving the 'social mix'. In most countries a combination of these policies is applied.

366. Renewal or regeneration projects are found in many countries. They aim to improve the quality of housing standards in a given area, and they may have the improvement of housing conditions with immigrants as a special target. France for example, has renewal policies for its HLM neighbourhoods (Habitations a Loyer Modere: social housing), which are largely populated by immigrants. Often such renewal policies aim to fight ethnic segregation and to strive for a more diverse social mix.
367. In Denmark, the latest policy document on integration is called 'A New Chance for Everyone' (2005). It states that an essential element of the action against ghettoisation is to make neighbourhoods up-to-date and attractive – both in order to retain resourceful residents and to attract a wider group of new residents. The Big Cities Policy in the Netherlands also has a component of urban renewal: building more expensive homes in urban renewal areas will attract wealthier families in order to upgrade the area.
368. Several countries have policies in place that go beyond the renewal of housing and facilities and provide other support measures to improve the quality of living in deprived areas: the Swedish Metropolitan Policy adopted in 1998 being one example. Besides focusing on renewing certain areas it also included several measures to work towards attaining equal living conditions for their inhabitants through projects on employment and vocational training. In Germany, the Social City Programme focuses on participation of residents, the local economy and establishing a social, educational and leisure infrastructure, together with improving the standard of living by redevelopment and modernisation.
369. The same applies to the Netherlands and its Big Cities Policy, which is one of the leading countries in the European URBAN Programme. This programme aims to promote the role of big cities in enhancing social cohesion in Europe. One of the focal points of the programme is to improve the situation in deprived neighbourhoods. Similarly, the neighbourhood renewal policy in the UK focuses on tackling poor job prospects, high crime levels, educational under-achievement and poor health, alongside problems with housing
370. In Western Canada, Urban Development Agreements are currently being implemented in Vancouver, Saskatoon, Regina and Winnipeg. They focus on broad issues such as inner-city revitalisation, strengthened innovation, or sustainable economic development. Measures include improved access to affordable housing, renewal of housing stock, improvement of general public health, better access to education and employment and special attention for aboriginals and immigrants among other things.
109. The ability of area-based regeneration policies to tackle the material deprivation of segregated neighbourhoods on their own is contested. Although Sweden has spent more than 330 million euros on projects aimed at counteracting ethnic segregation in its city regions over the past 5-10 years, and several deprived residential areas have been continuously been the arena for both state and city funded integration projects, segregation may well be deepening. The

Swedish Integration Board's final report evaluating the Metropolitan Policy comes to the conclusion that the problem is that initiatives against segregation are put in place only in immigrant-dense neighbourhoods. Therefore these projects cannot influence institutions and structures outside the targeted residential area or address the wider problems of labour market operations and economic inequality. This means that the power of such projects to counteract segregation is limited. While area based policies can help focus attention on specific neighbourhoods, they need to be supplemented with broader policies that tackle the causes of deprivation and disadvantage which often lie outside a particular area.

371. One difficulty is that physical reconstruction does not necessarily mean that specific housing needs of those with low incomes and immigrants are taken into account. An area focus raises the assumption that this is where the key problems lie, the answers to the problems lie however in changing the behaviour or lifestyles of poor people or in dispersing minorities, rather than in fighting discrimination and improving institutional performance.
372. Mixing policies directly seek to influence the ethnic composition of people living in a specific housing complex or neighbourhood. These policies aim to achieve an 'appropriate' level of social/ethnic mixing. The EUMC housing report states that almost all the European countries researched have used social housing intervention to achieve greater social mixing, be this official or unofficial. Examples of mixing policies are the POPS (Occupation Protocol for Public Housing) in France which aim to include more of the most disadvantaged people in public housing, but at the same time to control the sociological balance.
373. Recent legislation also aims to integrate migrant workers into social housing, rather than accommodating them separately as was the case in the past, and there are policies encouraging more prosperous families to move to 'at-risk urban zones'. The German Federal Building Code requires land-use plans to address 'the population's housing needs and prevent population imbalances' (Article 1 (5)). Similarly Article 6 of the Housing Support Law's states the obligation to 'create and maintain socially stable inhabitant structures' in defining housing support.

#### *Tackling discrimination*

374. Many of the policies described above will not be effective if more general anti-discrimination measures are not put in place and enforced, especially if no targeted measures are implemented. Equally, discrimination in the private market and in the public housing sector needs to be addressed.
375. In most countries studied, anti-discrimination legislation provides for action to be taken against landlords and their agents and often provides for assistance to individuals and tenants for that purpose. However, evidence indicates that very few cases are brought against discrimination by landlords and that very few victims obtain compensation. One of the reasons is that it is often difficult to prove discrimination in the housing field. If a person is refused the tenancy of a property, it will be difficult to provide hard evidence which goes beyond a presumption of discrimination.

376. In order to respond to such difficulties in identifying and combating discrimination, some States have set up agencies to undertake investigations and report on inequalities and discrimination, such as in France, the UK and Sweden. Research on housing discrimination has revealed that such agencies are most effective if reporting takes place on a regular basis, as for example in France. The Haut Comité pour le Logement des Populations Défavorisées (Senior Committee for Housing for Disadvantaged People) reports annually to the president on issues of poor housing, including discrimination. In Sweden there is an Ombudsman, and in the UK the Commission for Racial Equality both of which can take up complaints about discrimination. However, these two bodies seem to be less effective as they depend on individuals being aware of and exercising their right to appeal rather than on a regular reporting mechanism.
377. Effective monitoring systems are more evident within the social housing sector due to statutory obligations in relation to anti-discrimination legislation and requirements for accountability. An example of a pro-active policy to tackle discrimination is the duty of local authorities in the UK to design local housing strategies. The overall aim of such housing strategies is to ensure that clear directives and targets are set for social landlords and other housing providers to ensure that discrimination and disadvantage are eliminated.
378. Social mixing policies in social housing need to be careful to avoid discrimination. For instance, the goal of avoiding concentrations of immigrants can lead housing associations to use the origin of candidates as one of their selection criteria. In Denmark and the Netherlands, the use of ethnic quotas in social housing is prohibited.

### *Monitoring*

379. The success of the policies and measures described above requires monitoring of the housing outcomes of immigrants. This needs to happen in order to enforce accountability in this area. With some exceptions, there is a lack of systematic and reliable data collection which would enable the monitoring of the housing situation of immigrants and 'new minorities'.
380. In the UK, local authorities have the statutory obligation to develop 'local housing strategies'. Integral to the development of such strategies is the systematic collection of accurate statistics on ethnic minority housing needs, opportunities, outcomes, satisfaction and potential discrimination. The key priorities for good practice in the collection and use of data include: ethnic monitoring of outcomes across all areas of service delivery by social landlords; assessment of minority ethnic housing needs (on a local/regional/national scale); involving or consulting with ethnic minority communities and individuals in development, monitoring and evaluation of housing strategies for minorities; and formulating 'race equality' plans (setting out priorities, targets, systems for monitoring, etc.).
381. In France, local authorities are also obliged by law to collect data on housing inequalities. The DIV (Délégation Interministérielle à la Ville) helps them in this task, in particular by supporting the establishment and operation of local observatories in problematic urban areas (Zones Urbaines Sensibles or ZUS). The observatories are encouraged to establish partnerships with data providers such



as health insurance or family allowance funds and the National ZUS Observatory compiles a report each year.

382. The general lack of data means that there is a lack of evidence as a basis for policy-making, which in turn means that clear targets are almost absent. The 2003 Joint Inclusion Report of the European Commission, written on the basis of countries' National Action Plans on Social Inclusion 2003-2005, states that in the absence of common and national indicators on access to housing, the National Action Plans are little more than reports emphasising certain elements of policies introduced at national and regional level. Where countries as Denmark and France emphasise the acuteness of unmet housing needs, they fail to set objectives for eradicating housing problems. An exception is the UK, which has stated that by 2010 it will guarantee that all social housing will be of a decent standard.

#### **6.4 Access to health services**

383. Most of the countries researched are ranked among the top nations in the world in terms of standards of health. However, this high standard is not shared equally by all sectors of their societies. There is a strong link between low socio-economic standards and poor health. This is observed in all the countries researched in this report. This is due to differentials in access to health care provision and behavioural and environmental factors because socio-economically disadvantaged people engage in more health-damaging behaviour and are more exposed to environmental hazards such as industrial toxins, air pollution and low quality housing.

384. Many immigrants belong to these low-income groups and suffer additional disadvantages because of being immigrants. Although there are large differences between countries in the way they disaggregate statistical information on the health of the immigrant population, there is evidence of diverging health outcomes between immigrants and non-immigrants in almost all countries. People with immigrant backgrounds often have different health beliefs and traditions to the host society. Language, religion, customs and rituals can influence whether or not immigrants make use of available health services and whether they comply with preventative health recommendations of host societies. Different food patterns and different perceptions of physical exercise can result in differing health outcomes. Feelings of isolation and discrimination may contribute to problems with mental health. The challenge for policy makers and service providers is to plan and provide effective and accessible health services for communities with diverse linguistic and cultural backgrounds, migration circumstances and socioeconomic status.

385. In order to tackle health inequalities, policies are being developed to improve health promotion, improve access to health care services (such as reducing costs of health care) and outreach to certain target groups, and more effort is being made to monitor health inequalities. While several of such policies are being developed at central level, policies regarding outreach are being strongly decentralised.

#### *General policies on access*



386. In the past decade, health promotion became a key issue in public health policies in most Western countries. A range of measures has been introduced to improve the health of the population by addressing unhealthy lifestyles. These measures include education and mass media communication (i.e. health education strategies) and structural changes such as legislation, organisational change and community development. Although it is a key principle of health promotion to address and involve the population as a whole rather than aiming at people at risk for specific diseases, it also focuses explicitly on inequalities in health. This is due to the observed disparity between health outcomes of the socio-economically deprived and the more advantaged groups.
387. An example of a government initiative to promote healthy lifestyles is the information provided by Health Canada in 'Canada's Guide to Healthy Eating and Physical Activity'. Several countries have undertaken efforts to encourage the population to do more sport. Sweden for example ran a project from 2001-2003 to study and disseminate information about how public resources for sport benefit people with various ethnic backgrounds, how disabled persons can use the resources and how resources are distributed among women and men. Its Handshake project which runs from 2003-2006 aims to make sports activities more accessible. In the Netherlands the Ministry of Health currently has a special budget to increase the participation of ethnic minorities in sports.
388. However, experience shows that prevention offers and health promotion are less frequently taken up by socially disadvantaged people. Because of this a more effective strategy is needed to bring about structural or organisational change and create a physical, economic and social environment that facilitates health for all groups.
389. Therefore, the general public health targets of several countries are complemented by a focus on target groups. In Denmark, the health strategy that was adopted in 1999 and updated in 2002 (Healthy Throughout Life 2002-2010) has a strong focus on target groups: mainly pregnant women, children and youngsters, vulnerable and distressed adults (including people from ethnic communities), elderly people and chronically ill people. The National Action Plan on Social Inclusion 2003-2005 developed in the Netherlands displays a special focus on mental health care, care for the disabled and particular concern for improving and monitoring health outcomes of low-income groups. Sweden's National Action Plan on Social Inclusion for the same period targets children (with allergies, with mental health problems, of immigrant parents, etc.), disabled people and elderly people as particularly disadvantaged groups deserving extra attention. In Canada, women, children under six and their families, people with disabilities and Aboriginals are considered as vulnerable target groups.
390. Most of the policies installed at central level to improve access to health care relate to four dimensions of access: distance, delay, waiting time and costs.
391. Regarding distance, Sweden and Canada have policies aimed at providing health care to people living in remote areas. The UK Social Exclusion Unit's 'Making the Connections: Final Report on Transport and Social Exclusion Summary' published, in 2003, shows that hospital facilities in the UK have tended, over recent years, to be moved out of town centre locations to out of town areas, which are more cost effective and offer greater scope for expansion. However, this

trend has made it harder for people, especially those reliant on public transport, to access these services. During the course of a year 1.4 million people miss, turn down or do not even seek hospital appointments because of problems with transport, which shows the importance of adopting policies related to the physical accessibility of services. Mobile PASS offices were set up to meet the needs of very marginalised societies and to reach people living in areas isolated geographically or through poor transport links.

392. Regarding waiting times, Sweden introduced a policy to provide health care on a '0-7-90' basis: the waiting time for contact with the community health sector is 0 days, patients will see their doctor within 7 days and be offered treatment within 90 days. Other countries apart from Sweden, like Canada and the Netherlands, have made the reduction of waiting times in health-care services a policy target.
393. Crucial to safeguarding access to health care for all is the affordability of health services. All countries researched have health-care systems that strive for equity in not placing a disproportionate burden on low-income persons and families. There are different ways in which the health system is funded in the countries concerned. These are complex and it would be beyond the scope of this report to go into detail about the provisions installed to relieve the cost-burden.
394. However, policies in this field are high on the agenda, especially as several countries have been going through (or are currently going through) reforms of the health-care system inspired by the need to reduce spending in this field. Countries such as Germany and the Netherlands are reforming their health-care systems with implications for the costs of health care for individuals; but measures have been put in place to ensure that people below certain incomes still have access. The new Health and Social Care Insurance Act in the Netherlands obliges every citizen to contract a health insurer of his/her choice. Income solidarity has been given shape by introducing an income-related insurance contribution. Citizens below a certain income will receive an income-dependent allowance for the cost of the standardised nominal premium. The German health-care modernisation act entered into force in 2004. In spite of considerable cost pressure in the health system, the new act does ensure that necessary medical care remains accessible for all insured persons irrespective of income: no one should pay more than 2 per cent of his/ her income for health insurance.

#### *Outreach policies*

395. In order to improve access to health care, especially for certain disadvantaged groups, it is necessary to have specific outreach strategies. Such strategies aim, on the one hand, to inform people about the health-care services, about healthy lifestyles, their rights to health care and so on and, on the other hand, to involve users (and potential users), through outreach health-care services, in the design and planning of services in order to better adapt them to their needs. The latter approach where the involvement of patients is high on the agenda is a general tendency observable in most countries studied.
396. Strategies can be found that are geared towards informing patients with low-incomes (including immigrants). An important aspect of providing information

about health care to immigrants is language. While it is mostly up to the service providers themselves to arrange translation, there are budgets made available nationally for installing translation and interpretation services at hospitals. In the Netherlands for example, an annual budget of 8.5 million euros is available from the Ministry of Health. In Germany, the government has translated information on the health-care reform into Turkish for the two million Turkish people living in Germany. In France, reference can be found in many instances to the importance of translation of health-care information, but no data was found on national budgets being allocated to this end. In Canada, to date 'access' has been defined most often as the absence of explicit financial barriers to care. With the exception of interpretation services for deaf patients, there are no specific central requirements that professional interpreters be used. In practice, the Community Health Centres delivering health care at local level and the Local Health Integration Networks in Ontario seem to have a strong sense of the need of special target groups and have adapted their services accordingly.

397. Beyond mere translation and interpretation, in most countries there is evidence of hospitals and other health-care services being adapted to respond to the needs of a culturally diverse clientele. In Germany for example, in January 2004 the new Act on the Professions in the field of Nursing came into force, and teaching of intercultural skills was included as a component of training. In Bremen, the first residential complex in the country for Turkish senior citizens with nursing staff and a comprehensive service package was established. In the Netherlands, several projects are promoting increased interculturalisation of health-care services. Some of them receive government funding but in general the Dutch Ministry of Health considers such adaptation of the health-care service a responsibility of the services and the citizens themselves.
398. An example of how central government facilitates improved access to health care and strong outreach strategies at local level are the Health Action Zones (HAZs) launched in the UK in 1997. Twenty-six HAZs were set up in the form of seven-year pilot projects 'to explore mechanisms for breaking through current organisational boundaries to tackle inequalities and deliver better services'. HAZs were meant not only to improve health outcomes and reduce health inequalities, but also to experiment with new ways of working with local communities. Within the HAZ framework, boroughs in East London have developed training schemes, increased levels of community involvement in the planning of services, installed telephone interpreting services and adopted an access charter. This charter is grounded in principles of equal opportunities and has been adopted by all relevant organisations.
399. An effective outreach approach does not limit itself to only providing information, but also involves patients in the formulation of public health-care policy, decisions on the general working of health care and societal institutions, and the details of service provision.
400. Patient's involvement is often regulated through frameworks at central level and implemented through various bodies at local level. For some years now in the UK, involving and empowering patients in the field of health care has been seen as being at the heart of everything the NHS (National Health Service) does.

401. One example are the PPI Forums (Patient and Public Involvement Forums) that work in every NHS trust and PCT (Primary Care Trust) area to gather the views of local people about local health services and pass these on to the trusts. The Forums are concerned with the following questions: What are the experiences and needs of people living across the whole of the forum area? Are there differences between the health needs of one part of the area and the others? Do people in the area have particular difficulties or needs (such as transport or poor housing) that affect their health? Are there some groups whose health needs could be better served, such as ethnic minorities? The Forums are being especially encouraged to reach out to people who are unlikely to normally have their views heard.
402. In the Netherlands, a law on participation of clients in care services was adopted in 1996 (Wet Medezeggenschap Cliënten Zorginstellingen). It states that health care providers such as hospitals are obliged to establish a council of clients and involve them in strategic decisions.
403. Within the framework of the Open Method of Co-ordination on Social Inclusion that is built on the development of National Action Plans by all Member States of the EU, many countries have established consultative structures to involve services users – often from disadvantaged groups – in policy-making. Such participation and self-expression of people suffering exclusion is promoted particularly in regard to their situation and the policies and measures affecting them. In Denmark, the council for socially disadvantaged people was set up in 2002 and in Sweden, in 2003, the users' committee was set up under the auspices of the Minister for Public Health and Social Services in the Ministry of Health and Social Affairs to strengthen users' influence in connection with the implementation of the national action plan. It states that policies should focus on treatment by society and the user perspective. Users must be treated with dignity by authorities and voluntary organisations. Consultations and cooperation between the public bodies and voluntary organisations are essential, and the initiatives taken by several voluntary organisations in this respect should be put in practice. In the UK something similar the Participation Working Group was set up to advise on future engagement with people experiencing poverty in developing social inclusion strategies.

#### *Accountability*

404. Several States collect data on the health situation and the utilisation of health services by the immigrant population. Others such as France are in general reluctant to break statistics down by ethnicity. The High Committee on Public Health in France is critical of this lack of data on immigrants in the health care system and states that such research needs to be encouraged since it is important for reasons of public health, but it is also important to separate the facts from the myths, especially in view of the heated debate on immigration and integration.
405. In Denmark, monitoring of the health situation of immigrants is still in a very early phase. In the indicator programme developed in connection with the Danish public health strategy 'Healthy throughout Life', people of non-Danish origin are included as a target group under the sub-heading 'vulnerable and distressed adults' (together with drug addicts, alcohol addicts and people with mental disorders). The indicator still needs to be developed.

406. In Germany, the recommendation entitled 'Migration and Health Provision' by the working group 'Poverty and Health' set up by the federal government, analyses the health situation of immigrants and notes that neither regularly collected data nor the studies available so far, record or investigate the problem with the required subtlety. To improve data collection, the national health survey for children and young people, commissioned by the federal government, contains a module that will record children and youngsters with immigrant background in detail. The first figures will be available in 2006.
407. In other countries such as the UK, the Netherlands and Sweden, health-care data is available on the immigrant population, mostly framing in general health monitoring systems of the Public Health Department.
408. The Dutch RIVM (National Institute for Public Health and Environment) for example, provides an overview of health inequalities data in the 'Public Health Status and Forecasts' publication every four years. It sets out the health situation of ethnic minorities in great detail. Similar national reports are published in the UK, where the Department of Health recognises the importance of ethnic monitoring in the provision of health services. Likewise in Sweden, a 'National Public Health Report' is published every four years to monitor developments in health, including inequalities. In addition to the analysis of differences by socio-economic group, sex and geographical location, the Swedish report also focuses on vulnerable groups, such as immigrants, single parents and their children.
409. A great deal of data collection activity goes on across Canada, but according to the Canadian Health Council the necessary baseline data is missing to understand how changes in the delivery of health care actually improve (or harm) individuals' health, and whether the system is delivering the best possible quality of care. The primary health-care indicator project led by the CIHI (Canadian Institute for Health Information) will provide a framework for data collection on primary health-care reform in the future, and the Health Council recommends that a data collection strategy be put in place and adequately funded to ensure that the indicators currently under development can be used to evaluate the impact of primary health-care reform.
410. It should be noted that what is being monitored, are mainly health outcomes such as how many cases there are of tuberculosis, alcohol use, use of medicines, visits to dentists and visits to practitioners. It is recommended by the Commission on Racial Equality in the UK that data is collected first on access: who is receiving which services and by what process? (This includes how the public is informed about services.); second on adequacy: are the services provided adequate to the needs of those using them?; and last on quality: what types of services are being provided, and do they meet the needs of those using them?
411. Closely linked to the collection of data is the question of evaluating policies against clear targets. Very few countries in the EU have quantitative targets for their policies on health inequalities. The Dutch RIVM is currently developing a 'Monitor on Health Inequalities' to be published every three years and is meant to contribute to the evaluation of policies aimed at reducing these inequalities. The current target of the policy on socio-economic health inequalities is to increase the

life expectancy of lower socio-economic groups in 2020 by at least 25 per cent of the current differential: namely 3 years.

## 6.5 Conclusion: access to services

412. This chapter described how access to education, health care and housing is organised in diverse societies. Against the backdrop of immigrants' problematic outcomes with regard to education, health and housing, how policies attempt to counter these inequities was examined. It was also discussed whether these policies take the diversity of service users into account: are the needs of immigrants addressed as part of an integrated approach to addressing the needs of all service users?
413. In education, housing and health care, policies are in place facilitating access for all. Such policies aim, for example, to reduce the cost of services for people of low-income groups, to reduce waiting times, to protect consumers' rights and so on. These policies apply to immigrants as well as to service users in general. In the field of health care and education, these general policies are often complemented by policies aimed at vulnerable target groups, of which immigrants are often a part. Developing an approach that focuses on 'at risk groups' is one way in which policies recognise diversity by offering services that reflect the existence of new and different needs. The extent to which countries effectively accommodate such 'vulnerable groups' by designing targeted measures or services, varies widely.
414. Education is the field in which approaches seem to differ most strongly. Given the persistent disparities regarding immigrants and ethnic minorities, the need for special programmes and additional funding within mainstream education seems advisable. In all countries, except in France, explicit reference is made to immigrant pupils as an 'at risk' group. France approaches the problem of diverging educational outcomes as an urban phenomenon, while the Netherlands leans towards the belief that it is mainly related to socio-economic background. Immigrant children make up a large part of pupils in urban ghettos or with a low socio-economic background, so targeting does in fact take place in these countries, albeit indirectly.
415. If targeted policies are in place, they mostly concern the adaptation of service with regard to language. Even though it can be argued that immigrants have specific health needs related to immigration history and culture, special measures for immigrants on a central level are rarely found in the countries researched. The main focus, except in Canada, seems to be on providing translation and interpretation. Although many hospitals and health services have also installed some intercultural mediation or other adaptations, but these initiatives do not emanate from central guidelines and budgets.
416. In education too, learning the State language is considered most important. Support measures in schools vary, but approaches that go beyond language difficulties and engage with the wider problems of immigrant and ethnic minority groups are only evidenced in a few countries (Canada, the UK and the Netherlands). Broader support might include assistance in other areas of the curriculum: teaching of the mother tongue and education on diversity and adaptation of daily school life to the needs of immigrant pupils, for example.



417. The newly emerging needs in diverse societies are not only of a cultural or linguistic nature: the increasing diversity of the population often goes hand in hand with the emergence of densely populated urban areas whose socio-economic make-up places special demands on public service provision. Needs for education or health services will be different in a diverse and densely populated area than in a diverse but less populated area. Such adaptations to services are mostly developed and implemented at the level of the institutions of service delivery, and are as such not reflected in national policies.
418. The development of intercultural competence is a requirement of learning organisations and increasingly it is becoming a quality management criterion. Another useful instrument is a personnel policy that recruits competent staff from among immigrants and minorities: this implies an equal opportunities' strategy as well as the removal of unnecessary red tape.
419. Besides adaptations to services as such, outreach strategies can be developed or adapted to better meet the needs of a diverse public. Outreach strategies aim to inform users and potential users of the services available, and might also aim to involve service users in the design of the services.
420. This chapter focused mainly on policies developed at central level. However, it is at institution and individual level that inclusiveness needs to be demonstrated. Institutions that are open to participation and feedback will be more capable of identifying areas where equal access is not being achieved. While service providers striving to give personalised and responsive services will find it easier to accomplish the required transformation of attitudes that goes with successful mainstreaming.
421. Feedback from service users is a good way of learning about existing barriers to services. As a basic minimum, complaints and grievances related to service delivery should be tracked and appropriately addressed, but immigrant and refugee users can also be involved through participation in surveys or research projects, bearing in mind that it will be difficult to reach some users without intermediaries.
422. Working with migrant associations, engaging community leaders or training certain members of the community in identifying needs can be helpful in this respect. At the same time, providers should be aware that all members of an ethnic or cultural group do not necessarily have the same experience of services. Socio-economic background, class, language ability, legal status and other factors can also play a role to a lesser or greater degree.
423. The adaptation of outreach strategies to people with a different language and cultural background is most evident in the field of education. Approaches adopted by different countries and schools vary from providing leaflets in the main immigrant languages to involving parents in school activities and in educational policy. Measures involving immigrant parents in developing education policy are limited to two countries (Canada and the Netherlands). In adult education such outreach strategies are found to a much smaller extent. In the case of language courses, however, efforts are being made in all countries to adopt more flexible schedules, so as to enable as many people as possible to attend.



424. In health care, involvement of patients has been receiving increasing attention in recent years. There is a tendency in all countries studied towards involving patients more through patients' boards and forums, and in many countries health-care policies are also being increasingly decentralised. These developments might be beneficial for the involvement of immigrants in the design and delivery of services, which seems to be illustrated by the practice in the UK for example.
425. A complementary approach to accessibility is to address availability. This concerns the presence of services in a certain region or city with high concentrations of immigrants and minorities. Is the provision of public services in such environments sufficient in terms of quantity and quality, and is it proportionate to the overall population?
426. The importance of monitoring inequalities in the field of housing, health care and education is broadly recognised as a basis for designing appropriate policies and for measuring the effects of policies. Monitoring data on ethnic minorities is seen as problematic in some countries. The collection of data on inequalities of immigrants appears to be the least developed in the housing sector. The opposite is the case in health care and education., Where special monitoring exists, policy becomes accountable and more capable of adapting to the changing needs of the population.
427. However, in cases where monitoring and data collection does takes place, this is often limited to outcomes. Monitoring of take-up rates and the adequacy and quality of services is rare. Closely linked to the issue of monitoring is the question of setting quantified targets, which currently is not done in a comprehensive way, especially in health care and housing.
428. In all countries researched, special attention is paid to the issue of ethnic concentration. When combined with economic deprivation or social and cultural isolation, spatial concentration of ethnic minorities is generally perceived as a potential source of conflict. Policies tackling the negative consequences of ethnic segregation are mainly found in the area of urban planning, focusing on neighbourhood renewal which includes improving the quality of living, or striving to achieve a better population 'mix'. Policies address ethnic segregation in other fields too, such as education, and try to reduce the negative effects of school segregation along ethnic lines by providing additional funding and support for pupils in disadvantaged and ethnically concentrated neighbourhoods. However, a variety of approaches is evident in this regard as well, as policies differ in the extent to which they focus on people's 'ethnic background' or on their socio-economic status. These differences can probably be explained by divergent opinions on the problematic character of ethnic segregation.

## Chapter 7      **Respect for Diversity**

429.            This chapter outlines certain aspects of policies dealing with cultural, linguistic or religious diversity. These include policies to help maintain diversity and that raise awareness of diversity and cultural pluralism, thereby improving intercultural competence. There are tensions and intense debates about this aspect of integration policy, especially on striking the right balance between respect for immigrant and minority cultures and requiring immigrants and minorities to adopt mainstream values and practices. Concerns about fragmenting societies and that multicultural policies may further embed inequalities have led to integration policies moving generally towards a greater emphasis on cohesion and shared values, especially in Europe. This trend provides an interesting counterpoint to the approach to groups recognized as national minorities with its focus on finding the right balance between integration and respect for diversity.

### **7.1      *Support of maintenance of language, culture and religion***

430.            Within the United Nations and more specifically in Europe a set of international standards exists for the protection of national minorities. The Council of Europe's Framework Convention for the Protection of National Minorities has been ratified by all the European countries in this study, apart from France. While the Netherlands is still to submit its first country report under the Framework Convention, it is clear that the parties to the Framework Convention have adopted a variety of approaches to the definition of minorities. Many of the State Parties to the FCNM have sought to exclude "new minorities" from the scope of its applications.

431.            In Denmark, Sweden and Germany, recognition as a 'national minority' requires long, historical ties with the territory. The UK has a much wider approach, defining minorities simply as 'ethnic minorities' using the definition taken from its race relations legislation. This therefore includes ethnic minorities (visible minorities), traditional minorities (the Scots, Irish and Welsh), as well as Roma and Traveller groups.

432.            The OSCE High Commissioner on National Minorities (OSCE-HCNM) has developed a series of thematic recommendations including: The Hague Recommendations regarding Education Rights of National Minorities (1996); the Oslo Recommendations regarding the Linguistic Rights of National Minorities (1998); the Lund Recommendations on the Participation of Persons belonging to National Minorities in Public Life (1999); the Media Guidelines on the use of Minority Languages in the Broadcast Media (2003); and the Recommendations on Policing in Multi-Ethnic Societies (2006).

433.            These provisions and recommendations for national minorities will be used as a point of reference when discussing integration policy measures on diversity. The following section will discuss the measures implemented with the intention of helping to foster and preserve the language, culture and religion of immigrant and ethnic minority groups, focusing particularly on education and broadcasting.

*Education in own language, culture and religion*

434. The Hague Recommendations note that: ‘The right of persons belonging to national minorities to maintain their identity can only be fully realised if they acquire a proper knowledge of their mother tongue during the educational process. At the same time, persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language’.
435. The recommendations go on to stipulate that States should approach education rights in a proactive manner with special measures to actively implement education in minority languages. Particularly in the early years of education, teaching in a child’s mother tongue is regarded as beneficial to development. Therefore the recommendations encourage States to create conditions enabling mother-tongue education whenever possible.
436. Turning to integration policies directed at immigrants and ethnic minorities, most of the European countries do not support minority-language teaching through public funding. Despite the wider definition of national minorities in the UK, even here, state measures to preserve minority languages provide specialised support mainly to the traditional minority languages.
437. The exception is Sweden, where students are legally entitled to mother-tongue tuition. Students with a mother tongue other than Swedish are entitled to instruction in their own language and culture in what is termed ‘mother tongue studies’. These courses are available in over 60 languages and have their own syllabus and grades which count towards students’ overall education. Just over half the students entitled to do so take up mother-tongue studies.
438. Outside the framework of national minority standards, most of the other countries make education available in the mother tongue in various ways. Some countries have concluded bilateral agreements on the basis of which language teaching is provided and funded. This makes the coverage of language teaching patchy, depending on whether agreements are in place or not.
439. In France, classes in foreign languages and cultures not on the French modern-language curriculum are organised by primary schools and colleges through bilateral agreements with countries of origin. Such bilateral agreements have been reached with Algeria, Spain, Italy, Morocco, Portugal, Tunisia, Turkey and Serbia-Montenegro. Teachers are remunerated by the country of origin.
440. Similarly, in Germany, mother-tongue language and cultural instruction is available for children from some of the main immigration countries: Greece, Italy, Croatia, Morocco, Portugal, Spain and Turkey. In some Länder, this instruction is organised and funded by the Ministries of Education, in others, it is treated as a matter for the embassies and consulates of the countries of origin. These agreements have their history in the migration of so-called ‘guest workers’ to Germany – part of the thinking behind these programmes is that mother tongue and cultural instruction is important to help children reintegrate into their country of origin when they repatriate.
441. In the UK and Denmark, there are no such bilateral agreements, but immigrant children do have the opportunity to study their mother tongue. Provision may be linked to practical considerations such as the presence in school of a

minimum number of pupils set to benefit or the availability of teachers. This is the case in Denmark, where teaching in the language of the country of origin is provided in schools for students from EU/EEA countries (European Union/European Economic Area) and from Greenland and the Faroe Islands. Municipalities can at their discretion offer mother-tongue classes to students from countries further afield and are obliged to provide mother-tongue tuition if 12 pupils are interested and a teacher can be found.

442. In the UK, the national curriculum allows for pupils to study their own language as a modern foreign language where the schools offer instruction in that language. Schools can also arrange for students to take accredited exams in their own language, having studied privately or in community-run supplementary classes. In France, a mother-tongue course can be available under the national curriculum and is studied in schools where teaching is available.
443. In the Netherlands, it has been decided to abolish education in immigrants own language on the basis that the acquisition of Dutch should be given priority.
444. The weakness of minority-language education is that in most of the countries studied it falls outside state provision. Consequently, provision is frequently uneven. There are genuine resource difficulties in supplying minority-language education and States have to make choices in funding priorities. However, despite recommendations that minority-language tuition is beneficial, when it comes to mother-tongue teaching for immigrant minorities some countries see minority-language teaching as an obstacle to integration and to State language learning rather than recognising the minority-language proficiency of immigrants as a valuable resource.
445. Apart from language instruction, classes can also focus on foreign culture and history. For example, in Germany, the Länder of Bayern, Neidersachsen and Nordrhein-Westfalen offer up to 2 hours of Islamic instruction a week for children of Turkish or Arab origin. Additional training materials for these sort of classes are provided by the Ministries of Education and course material is subject to inspection. Although France maintains a secular approach in education, the literature and history curricula do introduce aspects of various religions.
446. There are also varying degrees of opportunity to establish independent schools along either ethnic or religious lines. These schools are able to provide a greater degree of own language, cultural and religious instruction for students from particular backgrounds. Under Swedish education regulations, there are opportunities to establish independent schools (funded by the Ministry of Education). This can lead to schools being established with a particular ethnic or religious profile, particularly in cities, where it is possible to offer students lessons in their mother-tongue.
447. Some schools in the UK have a religious character and government is looking to diversify the range of faith schools available where there is desire for such a school and that school can offer appropriate education and community cohesion. In the Netherlands, it is possible to establish private schools based on religious or ideological beliefs: Catholic, Protestant, Jewish, Muslim, Hindustani and anthroposophist schools for example. Various categories of private schools exist in Denmark, such as academically oriented lower secondary schools,

religious or congregational schools, progressive free schools and immigrant schools such as Muslim schools.

#### *Own language broadcasting*

448. Broadcasting in minority languages and specialised minority programming provides another way of supporting the maintenance of minority groups' culture, language and religion. The Oslo Recommendations advise that: 'Persons belonging to national minorities should have access to broadcast time in their own language on publicly funded media. At national, regional and local levels the amount and quality of time allocated to broadcasting in the language of a given minority should be commensurate with the numerical size and concentration of the national minority and appropriate to its situation and needs.'
449. The OSCE-HCNM Guidelines on the use of Minority Languages in the Broadcast Media (2003) set out principles regarding minority language broadcasting. These include the following: 'All persons, including persons belonging to national minorities, have the right to enjoy the freedom of expression and to maintain and develop their identity in and through the broadcast media in conditions of equality and without discrimination. States should take special and concrete measures, where necessary, to ensure that persons belonging to national minorities enjoy effective equality with regard to the use of their language in the broadcast media.'
450. However, it appears from the country reports submitted by many States under the Council of Europe Framework Convention that the provision of public broadcasting aimed at minorities is restricted to national minorities defined as traditional minorities with long-term ties with the territory. The UK is the only country that adopts a wider definition of national minorities that includes ethnic minority and immigrant groups. However, while the importance of broadcasting is recognised in the UK country report, special arrangements for broadcasting to preserve languages are only noted in relation to Gaelic, Irish and Welsh.
451. While the obligations that the States concerned have accepted under minority rights frameworks may be limited, this does not mean that practice in these countries excludes own language broadcasting for immigrants and 'new minorities'. This may well be provided through private sector broadcasting and can be part of the range of services offered by public service broadcasters.
452. The regulation on broadcasting within the countries studied is achieved through differing legislative frameworks within which the provision of a diversity of language broadcasting is often a peripheral issue. It is beyond the scope of this report to comment extensively on these different and complex mechanisms. However, we will provide some examples that lend insight to the different ways in which own language broadcasting is framed.
453. For instance, although there is no quota regulation for specific types of programming in Germany, German public service broadcasting has a tradition of serving the needs of foreign citizens living in Germany. This tradition started in the 1960s, when large numbers of people, mainly from Southern European countries, came to Germany as foreign workers. Most of the programmes targeting foreigners in Germany are broadcast on public service radio, and some of them

are broadcast in the foreigners' native languages. On television, these services have been gradually reduced in recent years, partly because foreigners nowadays tend to use satellite television to access channels broadcasting from their countries of origin.

454. Broadcasting legislation in the UK provides for an expansion in the range and diversity of services. The UK country report under the Framework Convention notes that the 1996 Broadcasting Act has made provision for broadcasting licences to be issued to provide television services for particular locations in the UK. While there are only special arrangements for own language services for traditional national minorities, the report also notes a planned expansion of services – the likely launch of an Indian-language service is referred to. This appears to recognise a need to expand own language broadcasting to a wider range of minority groups.
455. Canada provides an interesting case study. The 1991 Broadcasting Act emphasises that the industry should reflect the diversity of Canada's population. The CRTC (Canadian Radio-Television and Telecommunications Commission) is responsible for administering the Act and sets guidelines for broadcasters on the portrayal of diversity. Within this remit there is an Ethnic Broadcasting Policy which refers to broadcasting in a third language other than English, French or Aboriginal languages.
456. Part of the policy's objectives is 'to develop broadcasting services that reflect Canada's cultural and linguistic plurality, which is essential to the Canadian social structure'. Within this structure the definition of 'ethnic programming' was revised to make it relevant for the new groups that have come to Canada under more recent immigration. Under the new definition: 'an ethnic program is one that is specifically directed to a culturally or racially distinct group, other than a group that is Aboriginal Canadian, or from France or the British Isles, whether or not it is in a language other than French, English or an Aboriginal language.'
457. This change draws together minority language programming and speciality programming that caters specifically to minority groups. In 2004, the Cultural Diversity Task Force set up by the CRTC reported on ethnic programming services. The report concluded that Canadians across the country have access to a variety of ethnic services in both digital and analogue form. The ten largest ethnic groups in major markets were able to access programming directed at them. Groups not being served in those markets represented two per cent or less of the total population. At the time that the survey was conducted, some distributors had made 11 new 'Category 2' ethnic services available to 21 of the markets they serve. These services included television programming directed at the Portuguese, Korean, Tamil, Punjabi and Hindi communities.
458. While not providing comprehensive guidance to the different broadcasting output and regulatory frameworks these case studies do reveal a spectrum of approaches. At one end, we have an example of a relatively ad hoc approach in Germany and, at the other end, we see a more proactive approach being adopted in Canada. The strength of a more proactive approach is that a structure exists that aims to ensure that diversity is reflected in broadcasting whereas ad hoc systems are in danger of allowing diversity to be sidelined.



## **7.2 Measures promoting intercultural awareness**

459. In this section we look at the measures implemented that aim to increase intercultural awareness. We focus mainly on education, commenting also on public information campaigns, and broadcasting where we raise some questions regarding the scope for programming to raise awareness of intercultural issues.
460. The Hague Recommendations state that ‘in view of the importance and value that international instruments attach to intercultural education and the highlighting of minority histories, cultures and traditions, State educational authorities should ensure that the general compulsory curriculum includes the teaching of the histories, cultures and traditions of their respective national minorities.’
461. In all of the countries studied, efforts are made to include some degree of multicultural, pluralist or international perspective into their national curriculum. Yet these approaches vary widely between the countries that consider intercultural education the study of other countries’ cultures, and the countries that engage with diversity within the country itself.
462. In Denmark and France, for example, intercultural education involves educating children in the cultures of other countries. Across the curriculum in these countries the international aspect of subjects is being strengthened to give students more insight into other cultures. Foreign-language tuition is treated as one aspect of intercultural education and is intended to give students insight into the culture of the countries where that language is spoken. In Denmark, international exchange programmes are also intended to give students a better grasp of other countries and cultures by promoting contact between students internationally.
463. In the other countries studied, intercultural education has a more direct engagement with cultural pluralism within the country of residence. This can involve a variety of topics, including studying multicultural societies, developing understanding of migration flows, instilling respect for other cultures, promoting non-discrimination and tolerance and involvement in community projects.
464. For example, in the UK the national curriculum includes statements of values schools should promote including contributing to students’ sense of identity by providing knowledge and understanding of the spiritual, moral, social and cultural heritages of Britain’s diverse society, developing understanding and appreciation of different beliefs and cultures, promoting equal opportunities and enabling pupils to challenge discrimination and stereotyping.
465. There is a similar approach in Sweden, where curricula on all subjects include the aim to emphasise ‘understanding and compassion for others’. This includes confronting intolerance and xenophobia and appreciating the values of a culturally diverse society. In this way, schools are expected to promote these fundamental values in all their activities. To foster this, national education agencies draw up courses and materials with an effort to illustrate different aspects of these fundamental values.



466. In the Netherlands, intercultural education in secondary schools includes, among other issues, awareness of linguistic and cultural change, explanation of the multicultural character of Dutch society, relationships between the social and spatial segregation and integration of minority groups and social-spatial inequality, development of multicultural societies across Western Europe and decolonisation. It is up to schools to integrate these issues into the curricula. However, evaluation of the intercultural approach shows that intercultural learning is not widespread as it is teacher intensive and requires an active commitment from schools.
467. In Germany, intercultural competence is fostered to ensure that children learn about their own and other cultures to develop an understanding of cultural plurality. They are taught about other cultures and religions, prejudice, human rights and their universal validity, present and past migrations and multicultural societies generally.
468. Across all these approaches the extent to which teachers are trained to include intercultural perspectives in their classes also varies. For instance, in Sweden intercultural teacher training differs between institutions as there are no national guidelines. The Stockholm Institute of Education has trained one in every six teachers across Sweden. Here intercultural education is a core subject in the basic training but the term is used in its generic sense, referring to gender, sexual orientation and social class dimensions as well as ethnicity. Teachers are taught to deal with diversity by talking about religious holidays and food and so on. Educational strategies to tackle inequalities – other than the ‘intercultural’ topics being addressed during the courses – do not seem to be part of the teachers’ curriculum.
469. In the Netherlands, the competency standards at primary-teacher training colleges include intercultural education but otherwise intercultural education is usually taught as a separate course. In-service training courses on intercultural education, often related to language teaching, are offered by teacher-training institutes and educational advisory centres. In Denmark, intercultural approaches are offered in teacher-training programmes and in-service training programmes. Teachers are however not obliged to follow these guidelines. Teacher training in France, includes a few hours tuition on the main immigrant countries of origin for those teachers who will be teaching the children of newcomers or travellers.
470. Outside the education system there are several measures intended to educate society as a whole and raise intercultural awareness. Official documents in some countries include statements to the effect that cultural diversity is an enriching asset. Many countries have events celebrating minority cultures or marking the religious days of other faiths such as Black History Month in both Canada and the UK. Support for cultural activities is often subject to local and municipal discretion, for example in Denmark and Germany. In Germany, according to the distribution of responsibilities within the German federal system, cultural affairs and the education system are, in principle, subject to the Länder's autonomy in cultural and educational matters.
471. Larger projects to raise awareness of cultural diversity and its benefits and history are currently underway in the Netherlands and France. France has committed to making visible the strength of the diverse identities and histories that go to make up its population and announced in 2004 the creation of the ‘Cité

Nationale de l'Histoire de l'immigration' (National Centre for Immigration History), due to open to the public in 2007. The aim is to promote the recognition of the contribution of immigration history to the construction of the French nation.

472. In the Netherlands, the establishment of 'Het Huis voor het Culturele Dialoog' (the house for cultural dialogue) is under debate. The need for such an institute is based on the observation that there is a need for more knowledge about and contact between the cultures of the different groups in the Netherlands. The 'House' is intended to bring together people with diverse backgrounds in artistic encounters, debates and dialogue. The emphasis is on the enrichment of Dutch society by migration, made visible by qualitative expressions of art and culture in various disciplines from migrant countries.
473. Broadcasting can also be employed to inform the public of intercultural and minority issues. This raises issues around how minorities are portrayed in the media and the extent to which broadcasting can help inform and influence attitudes to minorities and diversity. Questions regarding the use of mainstream broadcasting to foster intercultural awareness need to take into account the changing broadcasting environment. Changing viewing habits and service provision mean that the use of mainstream channels to inform and educate the wider public is not straightforward. As in the previous section on minority language broadcasting, a comprehensive review of broadcasting output and regulation is beyond the scope of this project. The evidence we produce here is intended to be only illustrative of the different approaches adopted.
474. The regulation of broadcasters exists in all of the countries studied but varies in terms of its scope and enforceability. In France, for instance, the government designs broadcasting policy, drafts broadcasting laws and issues decrees to implement these laws. The CSA (High Council for Broadcasting) grants licenses to private broadcasters, appoints the heads of public broadcasters, and oversees the programming activities of all broadcasters. In a report in 2005 the HCI (the High Council for Integration / Haut conseil à l'intégration), an ad hoc commission set up by public authorities to monitor integration issues and suggest policy changes, recommended that broadcasters: (i) give a 'more realistic and balanced picture of French society's diversity and plurality'; (ii) not mention the origins of individuals in news whenever this is not pertinent; and (iii) ensure that the different components of French society are represented in their staff. The HCI suggested that these principles be included in the broadcasters' licensing contracts with the CSA and recommended that the CSA monitor how broadcasters respected these principles.
475. The Canadian Radio-Television and Telecommunications Commission (CRTC) also sets guidelines for broadcasters on the portrayal of diversity. This includes fostering 'opportunities for greater understanding among people with different cultural backgrounds' which forms part of its Ethnic Broadcasting Policy.
476. A further issue is whether intercultural education through broadcasting is best achieved by increasing 'multicultural' programming or increasing the inclusion and portrayal of minorities in mainstream programming. In the UK, Ofcom is the independent regulator for broadcasting and other communications. A diversity consultation undertaken by Ofcom found that there had been an increase in the level of representation of minorities in mainstream programming, it also found that

broadcasting output of 'multicultural' programming had declined. Taking just mainstream BBC channels this decline was substantial with a drop of 42 per cent between 1998 and 2004: with the inclusion of BBC digital programming the decline was 28 per cent over the same period. The study found significant resistance to the fragmentation and compartmentalisation of minority issues into specialised channels.

### **7.3 Conclusion: diversity policies and 'new minorities'**

477. A number of States have sought to exclude the 'new minority' population from the more concrete provisions for the maintenance of culture, language and religion that are provided by minority rights standards. While in effect they do offer opportunities for own language learning and own language broadcasting this generally occurs outside public funding and outside a minority rights framework. The difference to the approach to national minorities is striking. In part this difference can be explained by the expense of funding measures to maintain 'new minority' language culture and religion to the same extent as traditional national minorities.
478. In some countries, intercultural education is linked to foreign countries and cultures, while in others intercultural awareness also includes exploration of emerging diversity at home. In broadcasting difficult questions arise on how to adequately reflect and cater to increasingly diverse populations. Integration policies continually struggle to find a balance between promoting diversity and fostering shared identities and values. This is reflected in the wide range of policies adopted in this sphere.
479. However, the difference in approach to traditional national minorities indicates that funding which sustains diversity and maintains cultural differences can play an important and positive role in fostering integration and preventing conflict by establishing and demonstrating respect for different cultures and equal treatment. However, there is concern in many countries that funding for multicultural policies serves to entrench differences and thereby entrenches existing inequalities. A further fear that is often raised is that multicultural policies generate divisive forms of identity politics. Consequently, integration policies and funding programmes have generally moved towards approaches favouring cohesion and fostering shared values. However, we should distinguish between recognising differences and entrenching those differences as something insurmountable. Recognising differences is necessary for governments to develop specialised approaches aimed at helping people to accommodate and negotiate their differences in ways that allow for genuine equality. With increasingly diverse societies, it becomes increasingly important that different groups are equipped to interact productively and without conflict. This is a complex and delicate process which requires both respect for differences and a drive for equality.



## SOURCES:

EUMAP (2005), *Monitoring Television Across Europe*, available at:

[http://www.eumap.org/topics/media/television\\_europe/national/uk/media\\_uk.pdf](http://www.eumap.org/topics/media/television_europe/national/uk/media_uk.pdf)

European Commission (2004), *Agenda: the European Agenda for Entrepreneurship*, available at: [http://ec.europa.eu/enterprise/entrepreneurship/action\\_plan.htm](http://ec.europa.eu/enterprise/entrepreneurship/action_plan.htm)

European Commission, Employment and Social Affairs, country reports submitted under the National Reform Programme 2005 and National Action Plans, available at: [http://ec.europa.eu/employment\\_social/employment\\_strategy/national\\_en.htm](http://ec.europa.eu/employment_social/employment_strategy/national_en.htm)

Eurydice Reports (2004) *Integrating Immigrant Children into Schools in Europe*, available at: [http://www.eurydice.org/Doc\\_intermediaires/analysis/en/frameset\\_analysis.html](http://www.eurydice.org/Doc_intermediaires/analysis/en/frameset_analysis.html)

OECD (2006), *Where immigrant students succeed - A comparative review of performance and engagement in PISA 2003*, available at: <http://www.pisa.oecd.org/dataoecd/2/38/36664934.pdf>

OECD Sopemi (2004) *Trends in International Migration*, 2004 Edition (forthcoming)

Council of Europe, Framework Convention country reports, available at [http://www.coe.int/T/E/human\\_rights/Minorities/2\\_FRAMEWORK\\_CONVENTION\\_%28MONITORING%29/2\\_Monitoring\\_mechanism/3\\_State\\_Reports\\_and\\_UNMIK\\_Kosovo\\_Report/index.asp#TopOfPage](http://www.coe.int/T/E/human_rights/Minorities/2_FRAMEWORK_CONVENTION_%28MONITORING%29/2_Monitoring_mechanism/3_State_Reports_and_UNMIK_Kosovo_Report/index.asp#TopOfPage)

Flemish Institute for Health Promotion and European Network of Health Promoting Agencies, *Tackling Social Inequalities in Health, the Role of Health Promotion*, September 2001

European Health Management Association, *The Role of the Health Care Sector in Tackling Poverty and Social Exclusion in Europe*, December 2004.

Council of Europe, *Local consultative bodies for foreign residents – a handbook*, written by Sonia Gsir and Marco Martiniello, Council of Europe July 2004.

European Commission, Employment and Social Affairs, *National Action Plans on Social Inclusion*, 2003-2005: Denmark, Germany, Sweden, Netherlands, France and the United Kingdom

European Commission, *Joint Inclusion Report*, 2004

European Union Monitoring Centre on Racism and Xenophobia, *Migrants, Minorities and Housing: Exclusion, discrimination and anti-discrimination in 15 Member States of the European Union*, December 2005

Joint Centre for Scottish Housing Research, *Policy measures to ensure access to decent housing for migrants and ethnic minorities*, written by Bill Edgar, December 2004

Waldrauch, H., Electoral rights for foreign nationals: a comparative overview of regulations in 36 countries. Paper presented to conference entitled *The Challenges of Immigration and*



*Integration in the European Union and Australia, 18-20 February 2003, University of Sydney*