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European Commission against Racism and Intolerance
Commission européenne contre le racisme et l'intolérance

Seminar with national specialised bodies to combat racism and racial discrimination

The relationship between integration and the fight against racism and racial discrimination

**28 – 29 February 2008
Strasbourg, G Building – Room G03**

BACKGROUND DOCUMENT

Introduction

Given the rapid pace at which the composition of Europe's population is changing and the diversity of our societies is increasing, public debate on integration is intensifying and legal and policy measures are being adopted to manage this increased diversity. Over the past years the issue of integration has moved up the policy agenda in many Council of Europe member States and a variety of measures have been put in place by different actors.

The stated underlying objective for action in this field is the promotion of social cohesion in societies, which are perceived as being increasingly fragmented. In principle, this action should lead to better relations between people of different backgrounds and a decrease in racism and racial discrimination in our societies. However, as documented in ECRI's recent country monitoring reports, this does not always seem to be the case. In particular, public debate on integration seems to have shifted from a more technical debate, in which different areas of disadvantage were examined and addressed, to a more general debate on the cultures and values of different groups and, ultimately, on the inherent worth and mutual compatibility of such cultures and values.

In some countries, the tone of public debate on integration has a negative influence on planned and existing integration policies, thereby thwarting their potential positive contribution to combating racism and racial discrimination. National specialised bodies, as the principal actors in the fight against racism and racial discrimination in Council of Europe member States, have therefore to be vigilant and carefully monitor public debate and the adoption and implementation of integration measures.

Aim of the Seminar

The aim of this seminar is to make national specialised bodies aware of the risks and opportunities of current integration policies and how they can actively influence them to ensure that non-discrimination is at the heart of these policies.

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Participants

This seminar will bring together representatives of specialised bodies to combat racism and racial discrimination, representatives of general human rights institutions (Ombudsmen, Human Rights Commissioners, etc.). In addition, a selected number of specialised NGOs and experts in the field of integration and non-discrimination have been invited to this seminar.

All attendees are invited to participate actively in discussions by commenting on presentations and providing examples of the situation in their own country.

Programme and structure of the Seminar

The seminar will take place over one and a half days. The first part of the seminar will be dedicated to the main concepts and challenges related to integration and the existing legal and political framework in this field. The second part of the seminar will concentrate on integration in specific policy areas, and how these could be promoted and/or implemented by national specialised bodies to combat racism and racial discrimination.

The seminar will be split into the following six sessions:

- Session 1: Setting the scene
- Session 2: Integration: General trends in practice in Europe
- Sessions 3 and 4: Integration and non-discrimination in specific policy areas
- Session 5: Integration and naturalisation tests and non-discrimination in access to rights
- Closing Session:

The following background notes are provided as a starting-point for constructive and stimulating discussions, without of course prejudging the outcome of the latter.

Session 1: Setting the scene

In the framework of its country monitoring work ECRI has observed that in an increasing number of Council of Europe member States existing integration policies are essentially aimed at addressing actual or perceived deficiencies among the minority population. Although many official legal and policy documents describe integration as a two-way process, involving both the members of the majority population and minority groups, this approach is not always reflected in concrete legal and policy measures adopted for this purpose. The main onus for integration is almost exclusively put on the minority population. This is largely due to the negative tone of public debate on integration in

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many countries fuelled by some politicians and the media, which often stigmatises minority groups, for example, for their perceived misuse or abuse of the social welfare system, and their perceived unwillingness or inability to integrate.

It is a fact that the minority groups concerned are over-represented among the most socially disadvantaged and discriminated against in our societies and that there is a risk that their already vulnerable position may be made even more vulnerable through the adoption of inadequate or sometimes even discriminatory integration measures. This is why ECRI advocates including a strong anti-discrimination focus in all integration strategies. In order to achieve a truly integrated society it is crucial that integration policies simultaneously address discrimination, racism and prejudice on the one hand and, on the other, any possible gaps in members of minority groups' skills (for instance relating to language, education, professional competencies or knowledge of society) which negatively affect their ability to participate fully in society. At the same time it is necessary that the focus on combating discrimination and racism be explicitly and consistently presented to the public as forming an integral part of integration policies, so as to benefit from the political priority generally given to integration issues.

Session 2: Integration: General trends in practice in Europe

National practice concerning integration varies considerably among Council of Europe member States. While some countries have devised rather sophisticated integration strategies, others have not. However, successful integration can only be achieved in the framework of a consistent and comprehensive integration strategy, which is tailored to the specific needs and problems of both the majority and minority groups concerned.

ECRI is concerned that in a considerable number of Council of Europe member States such integration strategies either do not yet exist or if they exist, do not necessarily address all minority groups in need of targeted action. Depending on the country concerned, integration strategies are directed at newly arrived or arriving immigrants, long-term foreign residents and/or persons of minority background, already possessing the citizenship/nationality of the country.

The main responsibility for devising a comprehensive integration strategy lies with the governmental authorities, whose task is to put into place an effective integration infrastructure, accommodating both the needs of the majority and the minority population. This implies, among other things, setting up an overall legislative framework, which defines legal requirements (e.g. on admission conditions, residence and work permits, equal treatment and non-discrimination, access to citizenship etc), as well as mechanisms for law enforcement and policy implementation, including for monitoring and evaluation.

Depending on the selected target group, legal and policy measures will vary and not all measures dealt with at this seminar will be equally relevant for all the different target groups mentioned above, but many of them are relevant to many groups.

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As regards the general legislative framework, for all minority groups a complete and comprehensive body of equality and non-discrimination legislation is important, which ideally should be a mix of provisions to protect against discrimination and to promote equality, including positive action.

For newly arrived as well as long-term immigrants, the legislative framework concerning admission, residence rights, the granting of work permits, family reunification and access to citizenship is particularly relevant. However, in recent years access to these rights has become increasingly difficult, reinforcing feelings of insecurity and exclusion within the immigrant population, making it even more difficult for them to feel fully part of the host society. Paradoxically, this is partly due to an increasing tendency in Council of Europe member States to link immigration laws and policies with sometimes compulsory integration programmes, which is a development that, arguably, is not necessarily problematic, as long as it is not misused to deny especially vulnerable groups access to certain rights.

In fact, integration programmes enjoy increasing popularity in Europe and many countries have introduced such programmes, which despite considerable differences, share some common elements, such as language classes, civic courses familiarising migrants with the host country's norms, history, values and cultural traditions, and labour market orientation/ vocational training. Some of these programmes are obligatory in that their unsuccessful completion leads to serious sanctions, including fines, the loss of residence rights and expulsion.

In a few countries some of the measures adopted in the framework of these integration programmes have already been found directly or indirectly discriminatory by national specialised bodies. This confirms ECRI's concerns, but this also shows that national specialised bodies fulfil their role as watchdogs protecting the rights of the most discriminated against in society. In this context, special attention should also be given to the use of integration and naturalisation tests, which will be examined in more detail in session 5 of this seminar.

However, the potential contribution of national specialised bodies in this field does not stop there. They should already be closely involved in the drafting stage of integration strategies by drawing attention to discriminatory measures and injecting their experience as regards practical initiatives for combating racism and racial discrimination, which are equally relevant for building an integrated society.

Questions:

How is integration defined in your country?

What are, in your opinion, the main challenges in building an integrated society?

What are, in your opinion, the main elements of an integration strategy, which sees integration as a two-way process?

What is the tone of public debate on integration in your country and how does it influence, in your opinion, concrete legal and policy measures in this field?

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Is there a comprehensive integration strategy in your country?

If yes, does it have a sufficiently strong anti-discrimination focus?

What should be, in your opinion, the priority areas of government action in this field?

Which minority groups are covered by specific integration measures?

Who are the main actors in your country dealing with issues related to integration?

What is or could be your specific contribution to promoting an integrated society in your country?

Which integration measures are from an anti-racism standpoint the most problematic in your country?

Is there a mechanism for monitoring and evaluating integration measures in your country?

Sessions 3 and 4: Integration and non-discrimination in specific policy areas

For the purpose of this seminar, three specific policy areas have been selected for a deeper analysis of the situation and the presentation of concrete examples of integration measures. Integration measures in the fields of education, employment and participation in public life are certainly among the most important and most widespread in Council of Europe member States, as a thorough analysis of ECRI's country monitoring reports also shows.

For each policy area an analysis of the situation will be given, following which selected examples of good practice to be implemented by national specialised bodies or other competent organisations or authorities will be provided.

Employment

Integration into the labour market is essential to achieving the integration of minorities, as it provides economic independence, security, status and opportunities for interaction with members of the majority population. However, it is a well-known fact that minority groups tend to experience high levels of unemployment or find themselves trapped in the low-pay sector.

A particularly vulnerable group in this respect are immigrants, who regularly experience great problems in accessing the labour market, such as racial discrimination, difficulties in obtaining a work permit or getting their previous professional qualifications adequately recognised. They sometimes also have no access to general labour market integration measures. This is, however, slowly changing and immigrants and other minority groups are becoming the target of special (positive) measures, addressing their specific disadvantages in the labour market.

Labour market integration of minorities can only be successful if there is a clear, consistent and long-term policy for integrating minority groups into the labour market, which is supported by all relevant actors, including minorities, the

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business and NGO sectors, national and local authorities as well as employment agencies. Once again, a strong anti-racism focus is fundamental. Therefore, initiatives such as, for example, the “anti-racist workplace week” in Ireland, bringing together both the business and the anti-racism community, should be given full attention.

Questions:

Is there a specific labour market integration strategy targeted at minority groups in your country?

If yes, does it have a strong anti-discrimination focus?

Which minority groups are covered by this strategy?

What are the main obstacles to the labour market integration of minorities in your country?

Which measures would be the most effective for promoting the labour market integration of minorities?

Are there any special (positive) measures for integrating minority groups into the labour market?

What are the experiences of your institution/organisation of working with the business sector?

Have you received any complaints concerning discriminatory labour market integration measures?

Education

Education plays a central role in preparing both members of the majority and minority population for working life and in achieving social cohesion. Therefore, it is very important to ensure that all members of society enjoy equal opportunities in education both in terms of access as well as outcome.

However, there is still a long way to go. For example, Roma children experience great difficulties in getting equal access to school education and good teaching. They run a high risk of being sent to “special” schools or being placed in separate classes in mainstream schools. Other disadvantaged groups in the field of education include many ethnic and cultural minorities, among which children of immigrant background are in a particularly difficult position. Here again, segregation and very poor educational attainment rates pose a serious problem.

Most Council of Europe member States have acknowledged this problem and adopted special (positive) measures for these vulnerable groups, including language courses, the use of school mediators, as well as measures to improve communication between parents and the school authorities.

De facto segregation at school of children of immigrants and children of ethnic minority background poses a particularly difficult challenge in many Council of Europe member States and certain measures taken in a number of countries in this field have proved to

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be problematic from a non-discrimination perspective, as will be explained by representatives of national specialised bodies present at the seminar.

Finally, once the possible discriminatory aspects are examined, it must not be forgotten that schools are places to foster intercultural awareness and understanding, which should also be reflected in the school curriculum. To achieve this, teachers should be provided with training on teaching in a multicultural environment and efforts should be made to recruit minority teachers.

Questions:

Are there equal opportunities in education in terms of access as well as outcome in your country?

What kind of measures have been taken in your country to promote the integration of children from minority backgrounds in and through education?

Are there any special (positive) measures for children of minority background?

Is segregation at school a problem in your country?

If yes, how is it tackled by your governmental authorities?

Have you received any complaints concerning discriminatory integration measures in the education sector?

Are you involved in any initiatives for promoting intercultural understanding and awareness through education?

Participation in public life

The participation of minorities in public life is a powerful tool for achieving equal opportunities and building a cohesive society. However, in most Council of Europe member States these groups are far from fully taking part in the social life of the community in which they are living and are often not involved in political decision-making processes that directly concern them. This is the case even when they can take part in local or national elections, which in some countries is not possible for immigrants and certain other types of non-citizens.

Promoting minorities' sense of belonging to the society in which they are living is the ultimate goal of governmental action in this field. Experience has shown that action at the local level is the most effective in this respect. Local integration strategies building on the support and the input of the whole community can have an immediate positive effect on the lives of minorities, as local authorities are major service providers in important areas, such as social services, health care, child care, schools, care for the elderly, policing and housing. Local authorities are often also large employers.

In fact, an increasing number of local authorities take their responsibility for building an integrated society very seriously, consulting with concerned minority groups about measures to improve integration, such as the mainstreaming of integration and non-discrimination into all public services, initiating and promoting special programmes in the employment and the education sector and providing funding for associative work.

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Questions:

Are there any measures for improving the participation of minorities in your country? If yes, what sort of measures?

Among these measures, which do you consider to be especially effective?

What kind of role does your institution play in this field?

In your opinion, how can the involvement of minority groups in political decision-making processes be improved?

Do you have any contacts with local authorities and/or local consultative bodies for minorities?

Session 5: Integration tests and non-discrimination in access to rights

In the framework of its country monitoring work, ECRI has observed that an increasing number of Council of Europe member States are introducing language and integration tests not only for newcomers, but also sometimes for persons who have resided in a country for a long time. These tests are a precondition for accessing or maintaining certain rights, such as residence rights, social benefits or the granting of citizenship.

In this context, concerns have been voiced that these tests could be used to exclude and discriminate against certain parts of the population. These concerns have been raised both in countries with well-established national minorities, which for historical reasons have not automatically obtained citizenship, as well as in countries with a more recent history of immigration.

Language skills play a pivotal role in the integration of minorities and it is therefore important to ensure that the offered language courses are inexpensive and also that the fees for taking the exam do not pose an insurmountable problem for them. As regards well-established national minorities more specifically, the requested level of proficiency must be reasonable and not be used as a pretext to deny them, for example, access to certain jobs or becoming elected political representatives.

Newly-arrived and immigrants and long-term foreign residents are in addition often requested to pass tests on the history, culture and civic and social aspects of the host society. Some of these tests also try to determine migrants' attitude to so-called "Western" values. In this context, concerns have been raised concerning the potential discriminatory nature of certain questions, which can be stigmatising for certain minority groups. In practice, integration exams can also result in exclusion and discrimination, for instance by employers and service providers, who may feel authorised to require proof of having passed an integration exam from persons seeking employment or services.

Finally, it should also be mentioned that there are certain groups that are exempted from integration programmes and exams. The exempted groups usually include EU and EEA citizens, immigrants in possession of a short-term work permit, highly skilled workers, scientists and professors, students, researchers and asylum seekers. In fact, it seems that mainly poor immigrants without financial resources and in search of economic improvement are targeted by the rigid obligation to integrate. It remains to be seen

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whether such distinctions are compatible with the principle of non-discrimination as set out in Protocol No. 12 to the European Convention on Human Rights.

Questions:

Do certain minority groups have to take language or integration exams in your country? If yes, what kind of exams?

Which groups are exempted from taking these exams?

Are these exams, in your opinion, a potential source of discrimination in your country? If yes, why?

Have you received any complaints concerning the discriminatory nature of integration tests?

Documentation

[Framework of integration policies, Council of Europe Publishing, 2000.](#)

[Handbook on Integration for policy-makers and practitioners, Migration Policy Group \(MPG\) on behalf of the European Commission, May 2007.](#)

[From principles to practice: The Common Basic Principles on integration and the Handbook \(on Integration for policy-makers and practitioners\) - Conclusions, Migration Policy Group \(MPG\), June 2007.](#)

[ECRI General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education](#)

[ECRI General Policy Recommendation No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level](#)

[ECRI General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination](#)

[ECRI's Examples of good practices on specialised bodies to combat racism, xenophobia, antisemitism and intolerance](#)