From Europe to Northern Ireland

A SHARED FUTURE OF RACE RELATIONS

Final Project Report

European Integration, Policy and Practice

Bringing Together Expertise and

Experience on European and

Local Integration Policies and Practice

Conferences held on 2nd of July 2007
and
8th and 9th of May 2008

www.racerelationsni.eu

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Introduction to the Report

This report is the culmination over a year's work on the "From Europe to Northern Ireland, A shared Future of Race relations" Project. The project ran from May 2007 until June 2008, it brought expertise and experience from across Europe with the aim of informing and shaping how Northern Ireland continues to respond to its changing demographics. A key focus of the project was the development of strategies on integration and good race relations that facilitated the promotion of equality and respect for diversity at the local level.

These strategies were developed through the project training programme, the training equipped participants with knowledge and understanding of issues and mechanisms concerning equality and diversity in Northern Ireland, the programme facilitated the establishment of networks of cooperation across all communities. The training sessions brought together representatives from both the minority ethnic and majority community groups in 6 different target areas; North Belfast, East Belfast, Lisburn, Enniskillen, Strabane and Omagh. The first phase of the training programme was held in August and October 2007 in Belfast and the second phase was held in February 2008 in Enniskillen.

Prior to the first training session a half day conference was held in July 2007 entitled "European Policy and Practice: Principles, Models and Methods", the transcripts of this event can be found in Section A of this report. In May 2008 we held the closing conference for the project, transcripts of this event can be found in Section B of the report and a summary of the accompanying workshops can be found in Section C. Both events attracted wide and varied audience consisting of representatives from Black and Minority Ethnic Communities, local majority community groups, trade unions, statutory agencies, local and regional government and many other organisations with a role in peace building. Both events were significant milestones in further advancing the debate around a shared future of race relations in Northern Ireland.

The aim of this report is to be a useful resource outlining the key issues and identifying trends of discussion that were raised at the above events, we hope that such a resource will further promote the sharing of expertise and experience both at the local level and Europe-wide. When utilising this resource it is important to note that the speeches were transcribed from oral presentations and as such were not specifically written for publication, the summaries of the workshops reflect the main points raised and do not represent an all encompassing word for word account.

Finally I would like to take this opportunity to thank all of the speakers, trainers, facilitators and participants who contributed so richly to the project throughout its duration. In particular I would like to thank Patrick Yu (Executive Director of NICEM) and Tansy Hutchinson (Formerly of NICEM) whose vision made this project possible. I also extend my warmest gratitude to the members of the project advisory group whose guidance and expertise has been invaluable in steering the project. I would also like to thank the Community Relations Council and their dedicated European Programme team who made the project possible through their implementation of the European Union's Peace II Programme funding. Lastly I would like to give a huge thanks to the project administrator, Christopher McAfee, for all for his hard work in transcribing and co-coordinating this report, I would further like to thank all the NICEM staff members whose tireless effort have gone in to making this an incredibly extensive and important piece of work.

For further information please refer to the Project Website www.racerelationsni.eu

Helena Macormac
Project Officer (from Europe to Northern Ireland)
Northern Ireland Council for Ethnic Minorities

Patrick Yu
Executive Director
Northern Ireland Council for Ethnic Minorities

Welcome and Introduction to the Project

First of all I would like to extend our warmest welcome to all of you who are attending this seminar.

Before the speakers begin I would like to give a brief introduction to this project. The project is called *From Europe to Northern Ireland: The Development of a Shared Strategy on Integration at a local level*. The project will bring European experience and expertise to inform and shape how Northern Ireland responds to changing demographics, in the context of the policies of both the *Racial Equality Strategy* and *A Shared Future*.

The existence of racism in Northern Ireland has been clearly established by research, media reports and official figures over the last few years. In the last two years alone there has been a rise of 50% in the number of racial incidents recorded by the PSNI for Northern Ireland. The rise of reported incidents shows two things; it shows the level of intolerance in Northern Ireland and it also shows that people are more confident to report these incidents to the police. As always the underreporting of incidents remains an issue in Northern Ireland.

The legacy of the conflict in Northern Ireland has evolved from the need for reconciliation between Catholics and Protestants to the need to manage the social impact of the new immigrants. Significant demographic changes offer the chance to reconsider Northern Ireland's social and economic situation and to promote a forward looking approach. In light of these demographic changes the local community, service providers, local government

and black and minority ethnic groups must be able to work together. In order to ensure positive integration we need to recognise our interdependence to prevent communal conflict that has characterised Northern Ireland in the past.

The policy paper *A Shared Future* and also the *Racial Equality Strategy*, together with Section 75 of the *Northern Ireland Act* and anti-discrimination legislation, form the basis for action on race relations in Northern Ireland. In 2005 the European Commission adopted the Communication, *A Common Agenda for Integration – Framework for the Integration of Third-Country Nationals in the European Union* as a model of best practice. This sets out the principles that apply to integration policy at both the EU and national level. The Committee of the Regions published its opinion which outlined best practice for race relations for local authorities. In Northern Ireland we need to become an outward looking region. We need to ensure that work on race relations and integration takes account of the standards and best practice from outside and, in particular, from the European Union. Our project will use the best practice developed at European level to bring together diverse groups from Northern Ireland to work together to develop a strategy for integration. The training methodology will be adapted from our SOLID project and gives an opportunity to create a holistic approach to the integration of the minority communities of the region.

Ilze Brands Kehris
European Union Agency for Fundamental Rights
Advisory Committee to the Framework Convention for the Protection of National Minorities

European Integration Policy and Practice: Concepts, Principles and Practice

I first of all want to say thank you for the opportunity to come here because I think it is extremely important to share at EU, member state and local level experience of integration. For example, in Latvia we often use Northern Ireland examples. Within the EU we need to share best practice and also need to share bad practice and hopefully use it as a chance to learn from each other.

We all think we know the basic concept of integration but actually trying to find a definition is difficult. The definition varies according to document. We maybe have a better chance of seeing what we mean by an integrated society. In my view the concept of integration has been developing over years in conjunction with the Council of Europe. Integration of minorities is often portrayed as a problem or a challenge. It is important to remember integration is a mutual consideration. I think an appealing working definition of integration by the Home Office in the United Kingdom is as a two way process of adaptation by both migrant and host society that enables the migrant to prosper and move towards attaining participation.

One of the basic questions in this issue is for whom are policies intended? Are we talking about refugees, migrant labour, asylum seekers or ethnic minorities? It is clear there are a number of different groups. One of my concerns is that we get lost in policies and

forget about dealing with the reality in our society. Really what we are talking about is integration as a strategy, hopefully leading to policies and programmes. Is there a single answer to what an integration strategy should be? Maybe we can agree on common principles that can form a frame which needs to be flexible to reflect the local level but absolutely includes anti-discrimination, this is one area where we have firmer ground to stand on. We need to stress the principle of two way process, mutual adaptation. This is where we can challenge ourselves to see can we really find policies and programmes where this mutual accommodation comes through.

Another way of looking at these principles is to ask what is the role for government in integration, EU policy and national policy. It has been suggested there are three roles for the government:

- To act as a regulator, setting the legislative framework.
- To act as a facilitator of interaction between institutions, non-governmental organisations and local level government.
- To act as a role model. Good practice examples from the public sector.

It is also important to look at the private sector role in integration, their social and corporate responsibility. It is important to remember that it is at local level that people access services and it is an important point to stress the differences between cities and rural areas. Anti-discrimination and equality are key parts of integration policy, not only adopting the legislation, but also recognising the need for political participation and effective participation. Encouraging participation is about more than removing obstacles to participation but is about having the means to

fully participate at the political level. It means representation of groups in elective bodies, executive bodies and economic integration, including labour market participation.

In different countries we have seen some common aspects in the practice of integration policies:

- Target groups may differ but usually include refugees and newcomers but should other ethnic minority and other groups be included? For example, should national minorities be included in integration policies?
- Legal framework exists at least at a minimum but other countries have additional laws.
- An institutional framework, it varies between countries with some creating institutions dealing specifically with integration.
- Some type of programmes of integration, such as language classes, civic and vocational programmes.

What are the differences across countries?

- A difference we can see across countries is in the role of citizenship. We are not talking here about an advanced concept of active citizenship but rather the basic concept level of legal status. Now, what is citizenship? Is it the end point of integration? Does it require a person to adapt to the host society? Is it a reward for integration or is it one of the means of integration, of getting people involved and able to participate?
- Whether policies are centralised or decentralised differs from country to country.
- There is also a difference in whether programmes are mandatory or not. We see a trend toward more mandatory participation in these programmes. If a person does not participate in these programmes then sanctions such as fines, non-residency or not getting social benefits

can be used. There are countries where participation in these programmes is voluntary, such as France and parts of Belgium.

- There is also a mixture between rights versus obligations. Some counties take a rights based approach whereas others stress the responsibilities approach.
- Another difference is whether the costs of these programmes met by the state or by the newcomer.

We can see a number of trends across integration policies:

- More stress on language proficiency than in the past.
- Integration declaration of all the things you will be doing for integration. This is voluntary but will a person be viewed with suspicion if they do not sign the declaration?
- Tests for citizenship to see if you are integrated, for example Germany and the United Kingdom are going in this direction.

Key questions are; for whom are policies intended and what are the aims of the policies? The aim of the integration policy is participation, membership of the community, to have a society which is not polarised. To me, it seems important that we do not compartmentalise refugees and migrant workers by the policies pursued. It is important to acknowledge the differences between these groups but also to ensure we have a conceptual cohesion.

The importance of data collection must be stressed. The UK, including Northern Ireland, is a good example of data collection where there is a lot of data collected compared to others. But we need a variety of information, such as qualitative data and not just census data, to understand the situations we are in. There is a problem with sub-categories that can cross over to different groups. Multiple discrimination on issues such as age, gender, ethnic background is very important.

Looking at public discourse it seems to me that in many of our countries we have a very different discourse on integration, particularly when we take the issue of immigration. There is a lot of discourse on immigration and this is in contrast with discussion on anti-discrimination and equality. There is something discordant in this discourse; these two discourses do not seem to come together. My answer is that we are becoming compartmentalised, we do not see the connections but also it comes back to leadership and the participation of all of us.

Luciano Scagliotti
Board Member
European Network Against Racism (ENAR)

EU Integration Policy and Practice: The Response of the EU anti-racist movement

I am more interested in practice than theory. If I can put it this way, I sometimes think there is nothing that can be called integration policy in the European Union. The idea of a mutual process is good, but the practice is contradictory; in practice it is all about third country nationals adapting, it is not about European people adapting. I do not understand how a two way process can be about integrating one group into another one. EU policy is not at all a 'two way' policy; it is just integrating third country nationals into European societies. Secondly, - even in the best case - we are talking about integration of newcomers; we are not talking about integration of minority ethnic groups.

In my opinion, it is impossible to have integrated people. What we need is an integrated society, not integrated immigrants. I do not understand what does it mean – an integrated person?

If our goal is an integrated society, as far as newcomers are concerned, it is not about integration but about social inclusion and participation. Integration should mean giving every person living in a territory a real chance to take part in social, cultural, economic, political, civic life. From this point of view it is about everyone. Each of us can be excluded and denied this chance to take part in society for one or another reason: integration is something broader than teaching language to newcomers.

The European Union integration policy is just papers. If we just want to talk about the life of immigrants, the life of immigrants is not on papers. It is somewhere else, it is happening on the street or in the workplace, it is not happening in the documents. Therefore integration is managed mostly by local authorities and national governments. And this is part of the problem, as governments are very keen to seduce voters through demagogy rather than effective and just policies.

Let us look at what is the scope of an integration policy. We have to give the chance for full participation in employment, housing, education, and access to social services; in one word, citizenship. What we normally mean by citizenship is the relation between the individual and the state, a legal concept. But the kind of real citizenship we mean in the framework of integration of immigrants is social citizenship, economic citizenship and the possibility of a decent life.

This citizenship is hard to achieve for an immigrant. If you look at European Union policy on immigration there is a lot about fighting illegal immigration, but you will find nothing about legal immigrants. The reality is that almost all European Union immigration policy is about border control.

Managing immigration is another strange concept. It does not exist, really, but rather means closing borders. As it is not fashionable to talk about closing borders so we rather talk about "managing immigration".

What has really happened is that on one hand the ways of legal migration in the last 15 years have been progressively restricted on the assumptions that either there are already too many foreigners in our countries, or they are

endangering our national identity, or undermining our cultural traditions; in some political discourse they are seen as a danger to our national security.

On the other hand we have a continuous flow of persons coming from outside the EU and entering the EU as undocumented immigrants. In a vast majority of cases undocumented migrants are working; irregularly but on a regular basis. For the last thirty years the development of the rights of individuals has been thought of as a function of the free market, such as freedom of movement. Integration as a Human Rights concept has been put in contrast to economic development concepts.

It seems, as a consequence, that rights can be negotiated over time, although we're talking about fundamental rights such as access to basic social services, health care, housing. These kinds of rights today in Europe are denied and reduced to something that can be bought and sold. What we are creating with the idea of rights as being time based on residency are different groups of people with different basic rights. In this situation there is a gain for Europe with a cheap labour source with few rights, so we can easily hire and fire people. And on top of these problems we have racism and racial discrimination.

Finally, we see a problem of definitions. Second or third generation immigrants, what does that mean? I have never understood how you can be a so-called second generation immigrant. A second generation person is not an immigrant. He/she didn't come in from outside. Thinking in terms of "immigrant background" can lead to serious misunderstandings and very bad practices: we had an example in the Paris riots. If you look at

the riots you can see there has been a failure by state on political, economic, social, city level. It was not a failure of the integration policy: the protesters were mostly French citizens, born in France to parents who are French citizens too. What we need is not an integration policy but a fight against poverty, access to good quality education and employment policies.

The society needs to be integrated, not the immigrant.

Questions and Answers

Gerry McHugh, Sinn Fein

What would you say to a new government, the Assembly following a period of direct rule from Westminster? How do we deal with issues like access to health service?

Luciano Scagliotti

Exploitation of newcomers is not an accident but is just a part of contemporary economic policy. The development of Europe has been on the basis of reducing rights in order to reduce costs and reduce access to services. For me, exploitation is structural in Europe and if we want to deal with it we should deal with the social and economic model of the European Union.

Ilze Brands Kehris

We need to pay attention to implementation of policies but also the Northern Ireland Assembly has a key role to make sure the legal framework is in place. There is a chance to set a minimum legal standard so there is a lot of work that could be done at legislative level. I believe that we must make sure we pursue cases of violation and raise awareness of rights and responsibilities.

Patrick Yu

I think another major blow to the UK citizen is in relation to the *European Charter of Human Rights* and the decision to sign the treaty with the opt out clause for the charter of fundamental rights. It means in the Northern Ireland context our Bill of Rights for Northern Ireland is much more important.

Peter Gibson, Eastern Health and Social Services Board

The record of the previous Northern Ireland Assembly was very poor in this area and there has been a lack of leadership by Northern Ireland departments. They have taken the attitude that this whole issue is a UK business and integration has nothing to do with us but we know housing, jobs and health are devolved responsibilities. What I would want to see is our Assembly taking their responsibilities around those devolved responsibilities for our new citizens. For example, our Assembly could look at Scottish Parliament and their all party committee on refugees. There should be proper scrutiny by the statutory committees especially the Committee of the Centre which would look at the Office of First Minister and Deputy First Minister and the appalling lack of leadership.

There is an opportunity for a new start with the new Assembly but there has to be an acceptance that this is our business and, although there are bits for the Home Office, on the ground this is about Northern Ireland services.

Joanne Bargewell, An Munia Tober

I would just like the echo the previous comments and extend them to include the indigenous population and the indigenous ethnic minority of Irish travellers who need recognition too.

Ray Cashell, Shac Housing Association

I think there is a need for new terminology for newcomers, looking at contrasting examples of 'Guest workers' in Germany and 'New Scots' in Scotland. I think we need to be thinking in those terms as well. In relation to what has been said earlier, there is legislation already in place to stop discrimination. The reason why it

happens is that it suits everybody to let these things happen, it suits the Government not to have to open up social housing to new arrivals, it suits the private landlords not to get involved. This is not accidental but deliberate. The Northern Ireland Assembly does have a lot of authority and it could open up social housing to all migrants, to all new arrivals, by making a change to one piece of legislation.

Patrick Yu

Because there is a lack of provision of social housing there is a tension here regarding social housing. This tension can act as a catalyst to racist attacks in our society.

Tracey Kane, STEP

There is legislation in place, the question is who is it for? Legislation needs to be more accessible in terms of language and social levels. There is a responsibility to consult with migrants themselves.

Ilze Brands Kehris

Looking at the terminology of "New Scots" and the issue of naturalisation has become more important, we have the category of groups called "New Citizens". Of course this means you now have two categories of citizens; we have the ones we trust and then we have the other citizens.

Peter Moore, Committee of the Regions

Northern Ireland as a region in Europe can look at other similar regions in Europe to see how to act. But it requires political leadership and real courage which is sometimes in short supply.

Peter Moore
European Union Committee of the Regions

Framework for the Integration of Third-Country nationals in the European Union: A View from the Regions

I will begin by briefly telling you what the Committee of Regions is about. We are local and regional politicians and our committee is the European Union institution which has the responsibility for looking after the affairs and interests of local and regional bodies. We look at policies and say what should be done in regard to the local situation. Northern Ireland is described as a region within the EU and has an important role to play. Northern Ireland can look at Scotland, Basque country and Catalonia as examples.

What economic development in Ireland means is that you are going to have to find people to fill skills gaps. This is not something that is going to happen for a short period of time. It is going to be a long term process because one of the things facing the whole of the European Union is a demographic time bomb, that is, an ageing population. Next year, 2008, is the first time since 1945 that across the 27 member states more people will die than will be born. This will continue to happen until 2050. So we are in the situation where for the next forty years there will be increasing shortages in the labour market and that means there will be an increasing need for people to come and fill these gaps.

Bearing in mind that these trends are long term, now is the time to get policies right. I always find it intriguing to talk about migration issues in a country or region which has gone from being for hundreds of years a net exporter of labour migrants to being a net importer. This

is the case for both the north and south of Ireland. In countries like this the starting point when thinking about migrants should be to ask how were the people who left our country as migrants treated? And in light of that experience, how should we treat migrants who are coming here for the same reason our people moved, for a better life? That is always what migrants are looking for, a better life for themselves and their family.

We all know that conflict can arise because of cultural or sometimes religious differences and this is not a new phenomenon. Migration of people has always occurred across the artificial borders of nation-states. It has always occurred and it will always occur. There is no point in trying to stop it because it cannot be stopped. We can try to control it or, best of all, we can try to promote to the community the benefits of inward migration. Despite the problems that arise, all the research shows that over time immigrants bring far more benefits to our society than disadvantages. One of the reasons for this is that those who migrate are more likely to be entrepreneurs as they look to better their situation. Rather than accept their fate they do something about it.

I think integration is about understanding and getting to know each other.

You can learn from each other, get out there, and form partnerships with NGOs, local authorities and a whole range of people. And this gives a chance for other people to learn from you because everyone talks a lot about Northern Ireland and the policies brought in to address sectarian issues. So you have a lot to offer them and they have a lot to offer you. My message is to get out there and see what is happening. You can do a lot at regional level and this is the real importance of the local and regional level.

I find it very difficult to come to terms with the concept of "Britishness". We may have tests where the newcomers are the only people who will be able to pass them. Why is there all the emphasis on learning the language? Learning language as compulsory or take away benefits is a dangerous route to go down. So I will just leave you with my final thoughts. I actually think diversity and multiculturalism is a wonderful thing and migrants bring many benefits to society.

Tara Bedard
Projects Manager
European Roma Rights Centre (ERRC)

European Integration Policy: the case for Roma and Gypsies

Few would argue that Roma, Sinti, Travellers, Gypsies, and others perceived to be Gypsies, constitute the most marginalised group in Europe, as a result of historic discrimination and ill-treatment. As Europe's largest minority and most marginalised group, European integration efforts of the past 6 ½ years should have impacted Romani and Gypsy groups. Yet today, real change is barely visible in the lives of most Roma and Gypsies. Positive changes have occurred in few places compared to the needs, and results have happened in very localised and isolated manners.

Indeed, despite widespread recognition of the enormity of problems facing Roma, there are worrying developments in various Member States which deepen the social exclusion of Roma and run counter to European integration efforts. For example, an escalation of forced evictions of Roma forces many Roma in many European countries into segregated and extremely substandard conditions and deprives them from access to basic social and economic rights. These developments are often instigated, condoned or authorised by local governments and national governments have not effectively challenged them. Within this climate, the impact of social inclusion policy in Europe has been, in the case of Roma, Travellers and Gypsies, extremely limited.

In March 2006, the European Council adopted a new framework for social inclusion and social protections processes and policies, streamlining policy in the area of employment and social inclusion with that of pensions and health and long-term care. This shift, however, will not counter these backwards trends, nor has it resulted in a widespread amendment of social policy in EU Member States to account adequately for the needs of Roma, Travellers and Gypsies across Europe.

Earlier this year, the ERRC published an assessment of the impact of social assistance measures for Roma and Travellers in the National Actions Plans for Social Inclusion in Czech Republic, France and Portugal. The findings of this assessment paint a quite dismal picture for European integration policy as concerns Roma and Travellers. Generally, the assessment revealed:

- Worryingly low levels of social policy awareness at the local level where social policy measures are actually implemented;
- Overwhelming lack of financial and human resources to effectively implement social inclusion measures at the local level, coupled with resistance at the local level to utilise social funds and opportunities for programming to benefit Roma and Travellers;
- Failure of the governments concerned to use the opportunity of the NAP process to amend, design and implement policies and programmes that actually address identified needs and deficiencies; and
- Lack of mainstreaming of social inclusion considerations across all law and policy making, which resulted at times in law and policy making with exclusionary effects for Roma and Travellers.

The increasing focus of the European integration framework is on active social inclusion and labour market activation. This February, the European Council adopted the Commission's 2007 *Joint Report on Social Protection and Social Inclusion*. Amongst the

key messages included in the report, the Commission highlighted that,

Active inclusion emerges as a powerful means of promoting the social and labour market integration of the most disadvantaged. Increased conditionality in accessing benefits is a major component [...].

Employment activation oriented schemes provide social assistance recipients with a minimum level of income along with access to a range of activation measures including training, education, subsidised employment, etc., in order to empower them to return to the labour market and foster their social inclusion. Whilst this shift is widely acknowledged to be positive and necessary in order to actually achieve the social inclusion of marginalised groups such as Roma and Travellers, adverse impacts can be expected for Roma and Travellers if strict attention is not paid to several points.

Indeed, concerns have already been raised about the extent to which employment activation social assistance schemes have decreased general unemployment levels and some have put forth that levels of social exclusion and poverty have increased. It is claimed that most people are "activated" to participate in activation measures and programmes without subsequently being able to secure employment. Responsibility for continued unemployment is then placed on the shoulders of the social assistance recipient who was provided with the "necessary" assistance and the cycle of prejudice and social exclusion carries forward. Considering the high levels of racism and discrimination against Roma and Travellers across Europe, these concerns can be understood to be disproportionately borne upon members of these groups.

As a primary focus of social inclusion policy, there are a number of ways in which employment activation oriented measures are failing when it comes to achieving their overall goal of labour market activation by Romani and Traveller recipients. The problems highlighted during discussions in France and Portugal with social assistance recipients, social service workers, civil society organisations and government officials can be summarised into the following categories:

1. Narrow focus of the measures implemented;
2. Inadequate quality of activation measures offered Roma and Travellers;
3. Approach of social service workers to assisting recipients; and
4. Whose model of activation/inclusion measures is promoted?

With regard to the focus of the measures implemented, assessment of social policy reveals that the measures formulated and implemented focus only on the socially disadvantaged - people receiving social assistance. Positive duties to employ members of marginalised groups such as Roma, and corresponding effective measures targeting employers and other actors are almost non-existent. In Hungary, for example, there is a positive duty on public employers above a certain size to adopt equal opportunity plans, but no office is empowered to check it this is done or assess the effectiveness of the measures adopted.

Merely offering subsidised work contracts and assisting with the job search process does not address widespread discrimination by employers against Roma and Travellers in gaining access to employment. Employment office workers stated that when considering applicants with similar qualifications, employers

almost always choose the non-Romani candidate. Legal bans on discrimination are not sufficient to eliminate widespread discrimination in society. These types of structural omissions appear to institutionally support the premise that Roma and Travellers and other marginalised groups bear the sole responsibility for their excluded status. This ignores the presence of and repudiates the impacts of discriminatory practices.

As regards the quality of the activation measures offered, it is telling that *none* of the Roma and Travellers interviewed in the course of the ERRCs 2007 assessment had ever achieved regular employment as a result of insertion measures linked to minimum income/insertion schemes. Nor had anyone been offered or entered into subsidized employment contracts, which are one of the means offered by governments to entice employers to hire social assistance recipients. Where Roma and Travellers had signed Insertion Contracts (which are required of social assistance recipients and set out their conditions for accessing benefits), most noted that social service workers had never asked or required them to undertake any of the insertion measures contained therein. In France, only 16.7% of Traveller recipients interviewed had been sent for any sort of training or education activity as a condition of their Insertion Contracts. In Portugal, many Romani RSI recipients indicated that they had not been required to undergo any form of training or seek employment through local employment offices.

As concerns the approach of social service workers to assisting recipients, social and employment service and other government actors must approach their responsibilities in a constructive manner to actually assist social assistance recipients in order for achieve labour market integration. However, empirical research indicated that, in most cases, social service workers and other government actors often approached their work in exactly the opposite manner. In Portugal, for example, social service workers spent a great deal of time focused on the need for tighter control over the allocation of the social integration income with respect to Roma and Travellers. This approach corresponds to widely held prejudices and results in discrimination at the institutional level.

Another important question surrounding European integration policy relates to the model of "social inclusion" promoted. According to ERRC research, the scope of the professional training and inclusion measures available is quite limited and there is not much room for personal choice. Most training offered, for example, is geared towards employment in an office setting, which may not be desirable for everyone. Nor do these options compliment the skill sets and other resources of many of the Romani and Travellers interviewed. In France, for example, such forms of employment would necessarily force Travellers to live in one place to "succeed" within the government's employment integration scheme and result in their inability to live their chosen lifestyle. The employment activation model must become more flexible and allow for personal choice and cultural adaptability in order to succeed for specific groups like Roma and Travellers.

Finally, the fact remains that labour market integration is fast becoming the key vehicle for social integration in Europe, whilst other important exclusionary factors affecting Roma,

Travellers and Gypsies do not receive the same level of attention. These factors include, amongst others, access to equal education, adequate housing and health care. A more holistic approach to the social integration of Roma, Travellers and Gypsies in Europe is necessary for real change to occur, coupled with adequate political will at all levels of government.

Integration policy in Europe requires revision and targeting in order to succeed for Roma and Gypsies. At minimum, integration policy must be amended to include an equal focus on the responsibilities of parties responsible for the social exclusion of Roma and Travellers and other marginalised groups, including government actors, public bodies, public and private employers, amongst others. Integration measures must target these groups and also hold them responsible for creating an open and inclusive society. They must address factors of discrimination and exclusion in society through:

- Enforcing anti-discrimination law standards;
- Designing and implementing strict standards for realising positive measures to ensure access of Roma and Travellers to employment, equal education, adequate housing and health care, amongst others;
- Reviewing all legislation and policy and undertake amendments as necessary to avoid adverse impacts on Roma and Travellers;
- Mainstreaming integration efforts;
- Gathering data disaggregated by ethnicity and gender in order to facilitate the design of effective social policy;
- Making mandatory anti-discrimination and diversity training for all public workers and employers.

The quality and scope of integrations measures must also be increased. In order to contribute effectively to their goal, integrations policies should, at minimum:

- Foster an individual and holistic approach to integration, taking into account the specific characteristics, skills and needs of the person;
- Be relevant and flexible to the individual's wishes and skills;
- Be free of institutional barriers; and

Be determined through partnership between Roma and Gypsies and government actors at every stage.

Questions and Answers

Ilze Brands Kehris

I want to thank the speakers for their very interesting speeches. A key point within what you said was the importance of the local level in integration policy. We can look at a good example of the network of the cities that started in Rotterdam and have been working on the exchange of practice. It is often at the local level where there is resistance and pressures locally. I also think maybe we need to remember the differences between cities and small towns in implementation.

Sylwia Snonka, Antrim Borough Council

In the housing estates in our council area how do we actually integrate at the local level, what do we do?

Peter Moore

The Committee of the Regions produces a whole raft of publications and what is useful is to look at best practice at local level. Often, despite finding difficulties regarding integration at a national level it is a local level where it all happens. The whole idea is that you have got be inclusive because everyone has something worth listening to, even if you do not agree with it you can have a debate about it. This is where the Northern Ireland Assembly and the councils come in and where they can engender this ability to listen to the other side.

Ilze Brands Kehris

What we do depends a lot on the environment, the local situation that we cannot abstract from. The dialogue is necessary and is necessary but sometimes it is good to have projects that bring people together to actually do something specific. Once people get together to solve a common problem this can lead to real dialogue and this is very inspiring to me. Also, another issue is what if minority rights and cultural autonomy but what if this leads to a self selected segregation? We all know we are against segregation and where do we draw the line?

Luciano Scagliotti

I have no answer to the question. Integration happens at a very local level. The legal framework, it is still impossible for non-citizens to access. I prefer to talk about participation not dialogue or consultation which is too narrow.

Peter Moore

My final word on these issues is that in my experience, bottom up measures are more likely to succeed than top down initiatives. Yes, support from the upper levels is important but if you do not get that support you can still do it from the bottom up.

Patrick Yu

I think it is very important how we identify the different groups and who accepts whom. I think in the Northern Ireland context we have a very powerful equality duty under Section 75 which requires consultation of the nine groups. I think we have a very powerful *Racial Equality Strategy* and a lot of our ideas at NICEM are within that document and the key issue is that we ensure the implementation. There are a number of key aims of this strategy:

- Non-discrimination and promoting equality which is very crucial in any process of integration.
- Equal protection, particularly in relation to racial harassment and attacks.

- Equal access to public services such as education, health, and housing.

At the community level there are three areas:

- Dialogue between the ethnic minority and ethnic majority. I think in Northern Ireland the situation is more complicated and the race issue can also become sectarian politics.
- Participation in social, political and cultural areas.
- Capacity building within ethnic minority groups. How we build up a vibrant ethnic community.

I just want to say thank you to all our speakers and to all the participants in the panel discussion for raising issues and questions. We will be organising another seminar in approximately six months time. Thank you very much for attending today.

Section B:

A Shared Future of Race Relations Final Conference:

European Integration Policy and Practice: Principles, Models and Methods

8 and 9 May 2008

Belfast

Patrick Yu
Executive Director
Northern Ireland Council for Ethnic Minorities

Welcome and Introduction to the Conference

On behalf of the Northern Ireland Council for Ethnic Minorities, I would like to extend our warmest welcome to all of you attending our two day *European Conference on Integration Policy and Practice: Principles, Models and Methods*. In particular we welcome those speakers and participants who come from outside Northern Ireland. Due to the clashes with the *Investment Conference* on the same two days, the two Junior Ministers express their sincere apologies that they cannot come to address this conference and they also send their message of the success of this conference. As well as their willingness to work with us to tackle these issues.

This Conference brings experts and officials from Europe, as well as from Northern Ireland to share their experiences, policy and practice and mistakes. It is common that we all make mistakes but how we learn not to make the same mistake from others.

This is an exciting time and unique opportunity to have a mutual learning process. The conference aims to bring expertise and experience from across Europe to inform and shape how Northern Ireland responds to its changing demographics and develops strategies on integration and good race relations that promote equality and respect diversity.

In 2005, the European Commission adopted a communication on *A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union* (COM (2005) 389 Final) as a model of best practice and setting out the principles to be applied in integration policy and practice at both the EU and national levels. These principles are:

1. *Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States;*
2. *Integration implies respect for the basic values of the European Union;*
3. *Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible;*
4. *Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration;*
5. *Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society;*
6. *Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration;*
7. *Frequent interaction between immigrants and Member State; citizens is a fundamental mechanism for integration. Shared forums, intercultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens;*
8. *The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law;*
9. *The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.*

In the next two days, we will use this framework to discuss, share and elaborate more details, what it means when we implement it at national level. In most cases policy is written in a most beautiful way but how do you implement it and how do you make sure it has impact on the ground?

The first day of the programme will focus on the European framework and we will look at some of these principles. For the first session, we will have Elena Jurado to look at one of the basic values of the European Union, namely Human Rights protection. Elena was the former Administrator of the Framework Convention for the Protection of National Minority Secretariat of the Council of Europe. She is on sabbatical to head up the Research Department of a pan-European think-tank called Policy Network, a very progressive think-tank in Europe. I am now going back to the EU value again on Human Rights. I think we do not know much about this one, I think it is very important, in particular, now we have the Lisbon treaty in which the *European Charter of Fundamental Rights* will have legal effect.

Article 6 of the *Treaty on European Union* provided that:

1. The Union is founded on the principles of liberty, democracy, respect for Human Rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.

2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.

3. The Union shall respect the national identities of its Member States.

4. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

Under the agreed Lisbon Treaty Article **2** and Article 6 will replace the above Article 6 of the TEU. Article **2** of the Lisbon Treaty provided the followings:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for Human Rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

It is a very important value and all EU policy must enshrine all these values into their policy and practice.

Article 6 of the *Lisbon Treaty* provided that:

1. The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties. The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties.

The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.

2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties.

3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.

These new changes will consolidate the importance of Human Rights values as a norm within the European Union and the Member States.

Sybille Regout who is a PhD student at the Université Libre de Bruxelles and formerly working with DG Justice, Freedom and Security will share with us another European framework on integration: The *Migrant Integration Policy Index*. Her

supervisor, Professor Dirk Jacobs, one of the architects of the framework, is unable to present his work, and Sybille will take his role to present this new development. The index will combine with a lot of issues raised by the Commission's communication and then develop a general framework.

For the second session today, we will have Adam Tyson, the head of Policy and Inter-institutional Coordination at the Directorate General for Education and Culture of the European Commission. Adam will focus on education and integration for the children of migrants across the EU. Before he moved to DG Education, Adam headed the Social Inclusion Unit of the DG Employment. He was also the key architect of the two European directives under Article 13 of the *Amsterdam Treaty*, namely the *Race Equality Directive* and the *Framework Directive on Employment*.

We also have with us Wilf Sullivan, the Race Equality Officer of the Trade Union Congress in London. He will share with us his experiences on social policy and employment. Social Policy is an important part to facilitate employment. As a trade unionist, he will give us a good perspective on the rights and protection of workers and in particular ethnic minority workers, whether they are migrants, settled ethnic minority or refugees. He was the former board member of the European Network Against Racism (ENAR), one of the key partners of NICEM in Europe. He also represents the TUC at the ETUC on the race issues.

In the afternoon, we will have three parallel workshops with speakers from Northern Ireland: the first one will focus on

how to support the new migrant community, with Fiona McClausland from the Old Warren Partnership in Lisburn and Maeve McKeag of GEMS Northern Ireland. We will focus on how the local voluntary and community sector can support migrants at local level.

The second workshop will focus on the Thematic Working Group Action Plan on Migrants from Jim Walker of the Department of Employment and Learning. The Thematic Working Group on Migrants is part of the process of the Racial Equality Forum. It is also a cross-departmental working group with representation from the voluntary and the community sector as well as the ethnic minority sector. Jim is currently the head of migrant workers branch.

The third workshop will focus on health and social services. We are pleased to have representation from two Health Care Trusts. We have Jennifer Yu from the Belfast Health Care Trust and Suzanne McCartney of the South Eastern Health and Social Care Trust. They will explain how their Trust is working with ethnic minority groups to tackle the barriers created by language, different cultures and religion.

I will now give a short introduction about the local context because the two Ministers cannot come, so I will speak about it from our own perspective.

With the Orange and Green dichotomy being addressed and particular attention paid to not re-ignite the troubles, fewer paramilitary incidents are reported in the news (with an emphasis on conciliatory actions) and the focus is put on other

current news: immigration issues become visible. With immigration and asylum seekers being portrayed in a negative way in the news, a clear lack of understanding of issues and the reality is not explained to the public. As a result, old patterns and attitudes rise again in the renewed form of a joint attack on immigrants. We must now live in a new reality as our economy relies on migrants on both low paid job such as food processing industry and other agricultural sector, as well as professional jobs in IT and health sectors, etc. If the migrants suddenly disappear as the result of their experiences of discrimination and racist attacks, it will have huge impacts on our local economy.

The legacy of the conflict in Northern Ireland has evolved from the need for reconciliation of the Catholic and Protestant communities (a process involving 2 communities based on the religious/political divide) to the newly identified need to develop reconciliatory remedies to address not only the issues between the Catholic and Protestant communities, but also to manage the perceived social and economical impact of new migration patterns on these communities. Significant demographic changes arising from immigration, and linked to the peace process, offer the chance to reconsider Northern Ireland's social and economic fabric and to promote an outward and forward looking approach in these areas by seizing all opportunities arising from peace (renewed international investments, model of conflict resolution, etc). It is essential that in responding to this process of demographic change local communities, service providers, local

government and Black and Minority Ethnic groups are enabled to work together to prevent the exploitation of the most vulnerable and to ensure that positive integration takes place, recognising our interdependence, to prevent the kind of communal divisions that have characterised Northern Ireland in the past.

For this to happen, there is a need for work that both enables existing peace-building practice to extend beyond historic political, religious, cultural; and/or ethnic barriers, and for the initiation of new work to integrate Black and minority ethnic communities into Northern Ireland society. While this is happening in certain areas (see for example the Old Warren Partnerships Local Ethnic Minorities Support Project a partnership between a local community group, UNISON and NICEM) it is not happening consistently and will benefit from the learning that European and international perspectives can bring. There is also a need to promote best practice in local and regional government, where much community relations work takes place and where the impact of demographic changes in relation to the increase in numbers of migrant workers is most clearly felt.

The Government policy documents, *A Shared Future* and the *Race Equality Strategy*, were published in 2005 and together with Section 75 and anti-discrimination legislation form the basis for action on race relations in Northern Ireland. The Government are currently considering their action plans under these key policy documents but unfortunately during the Assembly debate last year the political parties voted down the *Shared Future*

document which is a key component to reconcile both Catholic and Protestant communities as the *Race Equality Strategy* also links up with that policy. We are still waiting for the officials and politicians to redouble their efforts to bring everything together. The project will build on this by bringing international and European expertise and enabling civil society to consider how it can engage in achieving the aims of the two strategies.

If Northern Ireland is to become an outward and forward looking region, it needs to ensure that work on race relations and integration takes account of the standards and best practice from outside and from, in particular, the EU where common basic principles on integration have been developed to underpin a coherent European framework on integration. Raising awareness of local communities on these standards, and enabling those communities to link their work to the wider European agenda, will support such communities in moving forward and reduce the fear that results from feelings of isolation in dealing with change.

Elena Jurado
Head of Research
Policy Network

Integration policy: standard-setting in the Council of Europe

I would like to start by thanking Patrick Yu and NICEM for the invitation to speak at this conference on European integration policy and practice. The last time I was in Belfast was in March 2007, just over a year ago, as part of a delegation of experts from the Council of Europe who visited Belfast, London and Glasgow to collect information on the implementation in the UK of the Framework Convention for the Protection of National Minorities – I will speak more about the Framework Convention later in my presentation. I am particularly pleased to have been invited to this conference to give a paper on the contribution of the Council of Europe to debates about integration. Although I no longer work at the Council of Europe as of about eight months ago, I believe its contribution to debates on integration has been extremely important. Yet, as with many other Council of Europe activities, this contribution is not always appreciated fully by European governments and publics alike.

The aim of my paper is to provide insights into the standards developed by the Council of Europe that relate directly or indirectly to the integration policies of Member States. I stress this point because, although a number of recommendations have been adopted by Council of Europe bodies specifically with the aim of fostering a particular aspect of integration (e.g. most recently, a 2008 Committee of Ministers' recommendation on strengthening the

integration of children of immigrant background) the aim of most standards developed by the Council of Europe is not to foster integration per se, but rather to ensure the genuine enjoyments by individuals, including persons belonging to minorities, of fundamental Human Rights and respect for human dignity. In fact, it would be fair to say that for the Council of Europe, integration is a means rather than an end. In other words: integration should be fostered only insofar as it allows each individual, regardless of their culture or background, to participate fully and effectively in the cultural, economic, social and political life of a state.

The Council of Europe's approach to integration is therefore one that puts non-discrimination and Human Rights at its core. Integration is not about cultural homogeneity or compatibility. Indeed, the Council of Europe's conception of an integrated society is one where cultural pluralism is able to flourish. For it is only in a culturally diverse society that individuals belonging to minorities can participate on the basis of equality rather than on the terms set by the majority population. The European Court of Human Rights has made this clear in its judgments, where it has referred to "pluralism", including cultural pluralism, as one of the "hallmarks of democratic society" (*Sahin vs. Turkey* 2005). In one of its most recent judgments, *Baczkowski and Others vs. Poland* of 3 May 2007, the Court explained that arguing that *"the harmonious interaction of persons and groups with varied identities is essential for achieving social cohesion."*

This definition of integration, unfortunately, is quite different to that espoused by many European governments, who tend to speak of integration as an end in itself, an end characterised by a greater or lesser degree of cultural homogeneity. Indeed, in the last four or five years, public debates on integration have increasingly turned away from concern about the situation of the most vulnerable and marginalised groups, to focus more on the inherent worth and mutual compatibility of certain minority cultures and values in relation to the so-called "culture" and "values" of the majority population. In Britain, for example, where the government not that long ago used to defend a multicultural conception of integration (at least in theory), public opinion has become quite hostile to certain expressions of cultural or religious diversity, as we saw early this year in the protests that followed the Archbishop of Canterbury's comments on Sharia law.

The increasingly negative tone of public debates on integration in European states, where the onus to integrate is put almost exclusively on the minority population, contradicts the spirit of the Council of Europe's standards, which conceive of integration as a process that is both liberating and empowering for persons belonging to minorities. Before looking at these standards in some more detail, a few words are needed on terminology and about the nature of the Council of Europe as a "standard setter".

Terminology

Although the term "integration" is used in some key texts of the Council of Europe,

it is worth noting that the Council of Europe tends to use the term "integration" interchangeably with other terms, in particular: "social cohesion", "intercultural dialogue" and "pluralist democracy". Although each of these terms refers to somewhat different processes – with social cohesion referring more to economic welfare, intercultural dialogue to cultural expression, and pluralist democracy to political participation – in all cases the focus of the Council of Europe is on the way that these processes facilitate the enjoyment of Human Rights and human dignity by individuals belonging to minority or other vulnerable groups.

So what kind of standard-setter is the Council of Europe?

As you all know, the Council of Europe, like all international organisations, is a combination of (mostly) intergovernmental and (some) supranational elements. On the intergovernmental side, there is the Committee of Ministers, made up of representatives of each Member State. This Committee of Ministers, and its specialist bodies (in the field of education, justice, culture, etc.), plays a crucial role in one aspect of the Council of Europe's standard setting work, namely, the first stage, when the Conventions, Recommendations and other legal texts of the Council of Europe are drawn up. The fact that all Member States of the Council of Europe are actively involved in drafting the conventions has an invaluable benefit, namely, the universality of the process endows the resulting "standard" with important legitimacy. However, on the down side, this universality also means that the legal texts are the result of a process of negotiation and compromise between States that might have very different conceptions of the principles that are being enshrined. This often means that, on the most sensitive issues, as in the case of minority protection and integration, the resulting legal texts are worded ambiguously or conservatively.

On the other hand, when we speak about the "standard setting" work of the Council of Europe in the field of integration we mean more than simply the contents of the conventions and treaties adopted by the Member States of the Council of Europe – not least because, as mentioned earlier, very few of the Council of Europe's legal texts are about integration itself. As with all international legal texts, it is only by analysing the jurisprudence which has been built up around them that one can begin to discern their meaning. This jurisprudence is in turn built up not by the intergovernmental side of the Council of Europe – its Member States – but rather by the Council of Europe's supranational bodies, including the European Court of Human Rights, but also the monitoring organs attached to other Council of Europe conventions, including the Advisory Committee, the body in charge of monitoring compliance with the Framework Convention for the Protection of National Minorities. In the remainder of this paper, I will be focusing on the "jurisprudence" produced by the Advisory Committee. As we shall see, notwithstanding the sometimes ambiguous nature of the Framework Convention's references to integration, the Advisory Committees' opinions have consistently advanced a conception of integration based firmly on

the Human Rights approach I described at the beginning of this paper.

The "jurisprudence" of the Advisory Committee on integration

Made up of 22 independent experts and serviced by the Secretariat of the Framework Convention based in Strasbourg, the Advisory Committee is the chief interpreter of the Framework Convention and as such plays an important standard setting role. This is especially the case in relation to integration, which the text of the Framework Convention says relatively little about.

Given that the Framework Convention is devoted to the protection of national minorities, it is perhaps surprising that the terms "integration" and "social cohesion" appear only rarely in the text. When these terms do appear, moreover, their implications are ambiguous. The first time integration is mentioned is in paragraph 2 of Article 5 of the *Framework Convention*, which calls on states to protect persons belonging to minorities from assimilation "*without prejudice to measures taken in pursuance of their general integration policy".* Also ambiguous is the reference to integration in the explanatory note that accompanies Articles 14 of the *Framework Convention*. In this Article, State Parties are encouraged to provide opportunities for persons belonging to minorities to be taught their mother tongue "without prejudice to the teaching of the official language" which, we are told in the explanatory note, is a "factor of social cohesion and integration".

In Article 6, on the other hand, the terms "integration" and "social cohesion" are used in a manner more in line with the Human Rights approach described earlier. This Article calls on States to promote "*intercultural dialogue*" as a means of strengthening social cohesion. Intercultural dialogue, in turn, is described as the removal of barriers between ethnic groups "while preserving their identity".

This ambiguity must be understood, in part at least, as the result of the difficult intergovernmental negotiations that preceded the adoption of the *Framework Convention*. These negotiations included countries like France, Greece and Turkey, which had no intention of ratifying the *Framework Convention* and which opposed the very principles upon which the *Framework Convention* was to be built. Since the adoption of the *Framework Convention* required the agreement of these states, a number of qualifications were included which, in the eyes of critics, diluted the *Framework Convention* beyond repair.

In fact, an analysis of the Advisory Committee's jurisprudence indicates that the text's ambiguity in a number of places has actually been a source of strength, allowing the Advisory Committee considerable scope for interpreting the meaning of different Articles. As we shall see, these interpretations have allowed the Advisory Committee to set clear standards for the integration policies of State Parties in line with the progressive, Human Rights approach described earlier. I shall show how this is the case by looking at examples of the Advisory Committee's jurisprudence

in three policy areas that are frequently at the heart of a State's integration policy: employment, education and participation in public life.

In all three areas, the Advisory Committee's country-specific Opinions have tended to focus on three principal recommendations:

Firstly, the need to gather regular statistical data on the situation of minorities compared to the majority population. Without such data, any efforts to develop targeted and sustainable measures to tackle discrimination will be wasted. For example, in its second Opinion on Germany, published in 2007, the Advisory Committee regretted the continuing lack of data on the situation of minorities. While it was aware of the opposition in Germany to the gathering of data on ethnic background, given the abuse made of such information in the Nazi period, it pointed to the fact that in its communication with persons belonging to minorities, the latter had come out in favour of collecting such data in order to improve policies specific to them.

Secondly, the need to enact or further develop and implement a comprehensive set of anti-discrimination legislation, which should include the possibility of adopting special (or positive) measures, where appropriate, in order to address the specific needs of certain groups, such as Roma and Travellers or indigenous peoples, who are more at risk of exclusion. For example, in Slovakia, a dispute regarding the constitutionality of provisions in a 2004 law on equal treatment, which allowed special measures to be implemented to improve the situation of the Roma population, was

criticized by the Advisory Committee. (See 2nd Opinion on Slovakia published in 2006). It is promising that, last year, the Slovak Constitutional Court finally came down in favor of the Advisory Committee's position.

Finally, the need to ensure interaction or "intercultural dialogue"; that is, the removal of barriers between groups while preserving their identities. A good example of the importance the Advisory Committee gives to intercultural dialogue is in its second Opinion on Croatia, published in 2005. While praising the Croatian authorities for increasing the level of budgetary support provided to persons belonging to minorities, and including minorities more directly in the process of deciding how these funds are used, the Advisory Committee criticised the fact that not enough was being done to encourage good inter-ethnic relations especially between ethnic Croats and Serb refugees returning to Croatia.

When considering the Advisory Committee's jurisprudence on integration, it is also important to consider its response to the efforts made by State Parties to take advantage of the apparent ambiguities in the Framework Convention's approach to integration. Again I will give three examples:

In the socio-economic field, a number of countries have attempted to introduce residency, language and other requirements as a condition for participation in socio-economic life. In some Russian regions, for example, local residency requirements are a prerequisite for recruitment and receipt of basic services; even in the case of persons who were former Soviet citizens living on the territory of what is now Russia for many

years. Similarly, in Azerbaijan, language proficiency in Azerbaijani has been made a condition for certain public sector jobs, even though Russian continues to be widely spoken in the country. In these and other cases, the Advisory Committee has consistently called on State Parties to remove undue restrictions of this kind arguing in particular that access to basic social benefits and certain public services should not be hampered by undue language or residency requirements.

In the field of education, the Advisory Committee has likewise been critical of State Parties that use the pretext of "integration" to reduce the amount of teaching they provide in minority languages. In its 1st Opinion on the Russian Federation, the Advisory Committee criticized Russia's draft *Russian Language Programme* which aimed to "reinforce the role of the Russian language in education", recalling that this objective must be pursued in a manner that does not hinder the volume and quantity of teaching in minority languages.

Finally, as regards participation in public life, the Advisory Committee has had to confront a number of States that have cited 'integration requirements' as a pretext to exclude persons belonging to certain minorities from participating in decision-making. This is especially the case with non-citizens (see especially the 1st Opinion of Advisory Committee on Estonia). When examining these cases, the Advisory Committee has emphasised that, while it is legitimate to impose certain restrictions on non-citizens concerning their right to vote and be elected in parliamentary elections,

State Parties should provide non-citizens with a possibility to vote and stand as candidates in local elections; to join trade unions; and participate in the governing boards of cultural autonomies.

Conclusion

In conclusion, I would like to return to the question of whether the Council of Europe is a strong or weak "standard setter" in the field of integration. Those who would criticise the Council of Europe's standards as weak normally focus their attention on some of the key texts on minority protection – including the *Framework Convention for the Protection of National Minorities* – which, as we have seen, contain some ambiguous references to integration. I have argued, however, that this insight underestimates the important standard-setting work of the monitoring organs attached to the Council of Europe's conventions, especially the Advisory Committee, which in the ten years of its existence has made an important contribution to debates about integration by insisting that Human Rights and non-discrimination should remain at its heart.

A second issue that is often highlighted by the Council of Europe's critics is the fact that, with the exception of the European Court of Human Rights, the monitoring organs of the Council of Europe's other conventions have no enforcement capacity. Although the Committee of Ministers follow up on the Advisory Committee's opinions with a binding resolution, the latter often contain general principled recommendations which the States in question can, and often do, ignore. Indeed, the Advisory Committee relies on NGOs and

other civil society actors to hold governments accountable to the obligations they enter into under the Framework Convention. To this criticism I would respond that, while it is true, that some of the Advisory Committee's findings do not find their way into domestic legislation, the Council of Europe's lack of enforcement power can also be seen as a source of strength as it allows the Advisory Committee to be much more aggressive in its criticism of government policies that it would otherwise be.

Patrick Yu

Thank you, Elena. I think she gave us a really good framework about the Human Rights protection on one side and the equality and non-discrimination on the other based on the Council of Europe, the *Framework Convention*, the *European Convention on Human Rights and Fundamental Freedoms* as well as other European instruments within the Council of Europe. In the context of Northern Ireland and the Bill of Rights for Northern Ireland, this is the big project we have been working on for nearly eight years now and we have just finished the work under the Bill of Rights Forum in which we put a recommendation to the Human Rights Commission. The whole issue on minority protection we have the conflict on both sides of the community; they use the same instrument to distort the minority protection. That is why we are very pleased to hear from Elena and from the Council of Europe perspective on what is meant by the minority protection. We are talking about the equality principle and the three strands of the integration framework.

Sybille Regout
PhD Student
Université Libre de Bruxelles

Design, Results and Use of MIPEX

Good morning, my name is Sybille Regout, I am a PhD student at the Université Libre de Bruxelles and I will talk on the behalf of Dirk Jacobs on the design, results and use of MIPEX.

I'll first explain who is behind the MIPEX, what the MIPEX is, how it worked, what was done with its results, and then I'll quickly sketch overall patterns from the MIPEX results.

1.   Who is MIPEX ?

MIPEX is the abbreviation for Migrant Integration Policy Index. It is produced by a consortium of universities, research institutes, think tanks, foundations, NGOs and equality bodies.

It is led by the Migration Policy Group (MPG) and by the British Council.

On the academic side, its main research partners are the University of Sheffield and the Université Libre de Bruxelles.

MIPEX worked with at least two national experts per country for its data collection, with a total of 90 experts involved in 28 countries. It also has 21 national partners in 19 countries responsible for its dissemination.

MIPEX is co-financed by the European Community under the INTI Programme – Preparatory Actions for the Integration of Third-Country Nationals.

2. What is MIPEX?

MIPEX studies the opportunities for the integration of migrants in our societies. 'Migrants' were defined here as "legally-resident third country nationals".

MIPEX tried to determine whether integration policies were favourable or unfavourable to the integration of migrants.

We looked at these policies in six main areas:

- Labour market access
- Family reunification
- Long term residence
- Political participation
- Nationality acquisition
- Anti-discrimination policy

We have to insist that MIPEX did measure the integration policies themselves and not the outcomes of these policies. So MIPEX did not investigate whether migrants perform better in one country or in another, but rather if a state gave them enough opportunities to integrate. A well-integrated migrant population does not especially mean better integration policies, so we have to insist that the MIPEX only looked at the policies and not at their outcomes.

The study covered 28 countries; 25 EU countries (Romania and Bulgaria were not part of the EU at the time), and 3 countries of comparison: Canada, Norway and Switzerland.

3. How did MIPEX work?

The British Council, Migration Policy Group and the academic partners developed 140 indicators for the six strands.

These indicators were submitted to the national experts who ranked their respective countries. Then the result was submitted to a second independent expert in order to have a systematic second opinion.

For example, under the Family Reunification strand, one indicator was the conditions were to get your spouse or partner over. Countries' policies were ranked from 1 to 3, from the best to the least favourable condition.

1. is the most open policy. A migrant can bring with him the person with whom he or she has a proven long-standing relationship. So family reunification could apply to homosexual migrants for example.
2. is a middle situation. A migrant could only bring over the person with whom he or she is married.
3. Age limits or other conditions apply. For example, in the Netherlands, the spouse or partner has to be 25. In Belgium, he or she has to earn two times the minimum wage.

4. What is done with the MIPEX results?

Or, how did we organise the data once we collected it?

For each strand policy, indicators were grouped into four dimensions concerning the same aspect of a policy to give a dimension score. When these dimension scores were added up, they gave an overall score for the strand they concerned. When the strand scores were added up, they gave an overall score for the country they concerned. From there, it was possible to compare the overall scores of different countries and to make a ranking.

I also have to insist that ranking in itself was not the main goal of MIPEX, but we knew that it would be what the media would pick up first. There is a problem with this sort of ranking; it is that the results for each strand were just added up, so that each strand was given equal importance. For example, family reunification policies were given the same weight as policies for political participation, while in the reality they apply to different realities and one strand might be more important than another one to favour integration, depending on the context in which they apply.

The real use of MIPEX should be seen as the formation of a database with 140 standardised indicators. MIPEX aims to provide information across countries to help countries to get an overview and to learn from each other. Not all EU countries are convinced that MIPEX is a legitimate way to go. MIPEX should be seen as a first step, as an exercise.

In the book and on the website MIPEX organised its results country by country. It elaborated 28 country profiles, providing the main results for the six strands. The country profiles also provided some background information on the immigrant population of the country and on the public opinion.

The entire database is publicly available on the MIPEX website: www.integrationindex.eu

You have an interactive map on which you can access each of the country profiles and also download reports.

4. <u>What are the MIPEX results?</u>

I am now going to quickly give you details on some the MIPEX results.

<u>Political Participation Strand:</u>

This is the average score for all the indicators for all the countries. The Nordic countries achieved best practice, followed by France, the UK and other countries of the Western Mediterranean. High scores were achieved in Western Europe, especially in the Scandinavian countries.

For the political participation strand, the first indicator was voting rights. So: in brown are the countries who do not grant voting rights to third country nationals, beige is a mixed category (for example voting rights could be granted on a reciprocal basis: if a country's citizen can vote in another country, then nationals from that other country can vote in the first country). In orange are the countries that do grant voting rights to third country nationals and are closest to best practice.

Another indicator was the political liberties: can non-Europeans join European parties if they want to? In this there is no middle situation. In brown, it is forbidden, which is strange because it is in clear breach with the European agreements that those countries have signed but apparently do not apply.

Another indicator was the consultation on a national level, whether third country nationals are consulted at the national level for policies that concern them. Orange is best practice, beige is halfway to best practice and brown is unfavourable. It is a

mixed story; there is no clear north-south or east-west divide.

Here, one can see that there is a link between policies on political liberties and on national consultation. Countries that score low on political liberties score low on national consultation as well and vice versa.

Access to Nationality Strand

Here we can also see a mixed pattern; there is no clear north/south or east/west divide.

One indicator is the years of residence needed for the immigrants of the first generation. The best practice for the moment is 3 years in Belgium, followed by north-western Europe and Sweden which require 3-5 years. The rest of the countries require more than 5 years.

For the second generation, the indicator saw whether nationality was automatically granted at birth (which isn't the case in any European country) which would be best practice and we can see that none of the European countries do that. You have countries that grant nationality on application or by declaration after birth with no additional requirements (in beige) or with additional requirements, such as citizenship tests, high fees etc (in brown).

The same was applied for the third generation. We can see that some countries grant nationality automatically at birth (in orange), but that for the countries in brown, the third generation is still treated in the same way as someone who just arrived, even though they and they parents and perhaps their grandparents have lived on the territory all their lives.

Another indicator was the possibility to be granted the double nationality.

The average for integration conditions such as citizenship tests, fees, etc was another indicator.

This map is for 2006. We can see for example that the Netherlands is in brown, while it was orange in 2003 – so MIPEX allows an overview of changes overtime.

We can also see that there is no clear pattern between the scores for nationality acquisition and electoral rights. So MIPEX highlighted that there is no trade-off between the two, countries do not chose to give the nationality in order to deny voting rights or the contrary. Actually this figure shows that some countries chose to combine both.

Labour market strand

All of this data is available on the website and it did not take into account the mobility from the new EU Member States because it only talks about third country nationals.

Family reunion strand

After the European Directive on Family Reunification was passed, countries have been pushed gradually towards the yellow.

Long term residence strand

For how easy it is to get a residence permit and which rights are attached to it

Anti-discrimination strand

Whether there exists specific legislation to fight against discrimination. One general

comment is that the European countries tended to have better scores for anti-discrimination legislation on race and ethnicity but still need to have some improvements for religion and nationality.

Estonia and Latvia are in a particular situation because of the Russophone minority. Russophones were full citizens until 1991, until the Baltic States wanted to reaffirm their national identity putting the focus on language knowledge. Suddenly the Russophones became stateless.

A general comment on the ranking

When a country has good scores in one strand, it tends to have good scores in the other, etc.

Overall and on each strand, the EU countries on integration score only halfway to best practice. Only Sweden's policies scored high enough to be considered as 'favourable' for promoting integration. Nine countries have policies that can be considered partially favourable. They were located in the Nordic countries, the Western Mediterranean, the BENELUX countries, Canada and the UK. The countries with the ten lowest scores are the Baltic States, the countries of the Eastern Mediterranean and Central Europe, and Denmark.

The EU countries scored best on long-term residence policies, and in Western Europe, anti-discrimination laws were the greatest area of strength for promoting integration.

Many countries were shocked by the results of MIPEX. The Danish government, for example, officially reacted against the MIPEX results, saying that it was incoherent and full of mistakes, but they could not tell us what the mistakes were. The Baltic States were quite shocked by the results as well, they didn't realise that their difference with other EU states was so big.

MIPEX should be seen as a first step and although ranking is usually what the media remember the most but again, this is not the main aim of MIPEX.

Questions and Answers

Ahmed Ebrahim, Unite

I would like to know whether the EU really respect Migrant Integration Policy Index? Whether it is adhered to? Is it actually working in the EU?

Sybille Regout

It is funded by the European Commission but is managed by a migration policy group which is a research institution and by the British Council. It also has research partners so it is academic and the EU is not involved in it but it does receive core financing from the EU Commission.

Ahmed Ebrahim, Unite

What effect does it have? What outcome do you expect to have?

Sybille Regout

We are expecting to give the countries an overall view of the situation, where they are in comparison to other European countries. So the countries that, for example, did not have very high scores could work on the policies to improve on integration. What the media picked up is the ranking and comparing countries but that is not the main aim, the main aim is to give information on the countries to see what their policies are and to see how they can improve it.

Stephen Asibey, Unison

My question is for Elena and is related to Member States and integration policy. Do you have any mechanism for checking or monitoring the integration policy if any Member State adheres to the policy, if so when?

Elena Jurado

The Council of Europe has a number of mechanisms to monitor the integration policies of Member States. In my presentation I focused on one, the mechanism associated with the *Framework Convention for the Protection of National Minorities*. This is a European treaty or convention which includes certain principles about how states must act and the Advisory Committee that I mentioned of independent experts has a mandate to visit each country every four years and meet with government representatives and minority representatives, Human Rights NGOs etc and find out what is happening on the integration front, as well as in other areas that affect persons belonging to minorities. They produce a report every four years and this report is debated by all the Member States. The only mechanism there is to try to criticise and change policies is peer pressure within the Council of Europe.

There are other bodies within the Council of Europe that do similar monitoring, like the European Commission Against Racism and Intolerance, they have a similar monitoring mechanism. What is weak about it is that if you read these reports, I quoted from some of them, there is quite a lot of criticism there. I do not think you will find any country that is free from criticism, as Sybille has noted there are some that have better records than others, but there are always areas of weakness. The Council of Europe's weakness in a sense is that it cannot actually force states or

governments to change unless there is a political will inside the country. That is why organisations like NICEM and other NGOs domestically are so important because they can, together with the Council of Europe, act as partners and try to take the government to account. But on their own, organisations like the Council of Europe cannot do that much. There is a representative from the Commission speaking later today and I think they have more enforcement powers than the Council of Europe so that could be a question for later.

Jim Glackin, Equality Commission

The Migration Integration Policy Index ignores devolution in the UK and if we look at a lot of UK reports, Northern Ireland is an add-on. It would be useful if the index actually looked at the jurisdictions within the UK so that we could map since devolution and the increased decision making in each of the devolved countries of the UK. Has there been any development on that or a recommendation to take back?

Patrick Yu

Can I suggest the that Equality Commission can fund part of the research on Northern Ireland because it is important, if we do not have the resources we cannot have our own individual part of the report.

Larry Olomoofe, European Roma Rights Centre

I have a comment to make about the mechanisms of the Council of Europe and your last statement, which kind of inferred or stated that you actually have limited capabilities within the Council of Europe to enforce or to ensure adoption of migration policies. Perhaps shifting the burden of responsibility to NGOs at a domestic level is a useful strategy but perhaps it is one that the Council of Europe should look at how the Advisory Council could actually use rulings from the European Court of Human Rights for instance and push that as an agenda topic to enforce governments to enforce rulings which are based or outcomes of the Council of Europe or European Court of Human Rights. As you were talking about jurisprudence earlier in your presentation, the issue for us at my organisation, the European Roma Rights Centre, has been the collection of data along the segregated lines and that can become part of the policy of the Advisory Council to get governments to give a commitment towards collating, at least in the central and eastern Europe, data along those lines. How can you actually address issues affecting ethnic minority groups, whether they are migrants or local, indigenous minorities, without actually having the specific data that quantifies the nature and the true nature or effect of their situation?

My point is to stress that there is a capacity or scope within the mechanisms within the Council of Europe but perhaps it has to be closely aligned to the enforcement of rulings coming out of the Council of Europe, such as the Ostrava ruling that our organisation took last year addressing segregated education in the Czech Republic and the measures within those rulings that can be applied universally as a political topic as well as a legal one.

Elena Jurado

I think your example of segregated education is one that is also very critical in a number of other Member States of the Council of Europe. The jurisprudence of the European Court of Human Rights is referred to quite extensively where it applies within the opinions of the Advisory Committee. There is not always a lot of case law of the Court and in fact there is a dialogue between the Advisory Committee on the Framework Convention and members of the court to try to encourage more jurisprudence in this area because it is actually the court mechanisms is one enforcement mechanism so that would be a way to get some of the Advisory Committee's views implemented directly.

On the issue of data collection in Northern Ireland, one thing I did not mention and I would be happy to take other questions on this, the Advisory Committee adopts country specific opinions and I hope that everyone at this conference is aware of the opinion that was adopted last year in June 2007 by the Advisory Committee on the UK which includes a number of specific comments and recommendations for the Northern Ireland authorities. One of them is this issue of data collection and especially in a country like the UK, including the Northern Ireland territory where considerable data is collected regarding the situation of some groups, the different religious communities and there was a call for trying to extend this kind of data collection also to persons belonging to minorities which I understand the Equality Commission has made a recommendation about as well but is not enforceable in law

as it is regarding the two main communities. I think you are right these mechanisms have to work together and I think there is still work to be done between the Court and the Advisory Committee in terms of maximising its impact.

Alf Armstrong, North Eastern Education Library Board

I have a question for Sybille; if the index is to operate as a benchmarking mechanism for countries successfully it must mean that there is a buy in from those countries to the definition of good practice. Is there a general buy in across those countries on the definitions of what is best practice or is there a variation?

Sybille Regout

For most of the indicators we try to define what would be the best practice at the European level so what would be on European legislation. We did not try to define best practice by looking at international standards; we tried to adapt it to the European situation. It is true that none of the countries really apart from Sweden which is very close to it really reach best practice in all of the strands. It is not because we set the standards too high it is because we define what would be best practice for European countries based on European legislation and standards.

Kasia Garbal, Irish Congress of Trade Unions

Elena mentioned that integration should not be seen as a one-way process or an end in itself, that it is a process rather than a one-way street. She also mentioned such terms as intercultural dialogue and pluralist

democracy in relation to integration meaning that it should not be seen as third country nationals should not be required to integrate to the host culture but should also be given freedom to practice their own cultural ways. Are there any plans of extending the number of indicators in the MIPEX to include such thing as provision of education in the mother tongue of migrants or support for cultural practices whether such things could be also measured in the MIPEX index in the future?

Sybille Regout

Well that could be, but for the moment we try to set more indicators for the next version of MIPEX. The first MIPEX study was in 2003 and had 68 indicators and 15 countries, and then one in 2006 had 114 indicators and 28 countries, so we are looking at extending them. I do not know whether my supervisor is planning to include indicators on education or mother language but I think it could be something that is seen in the future but for the moment we are only in the early stages of trying to define what would be the next version of MIPEX.

Ade Alao, Unison

I think the first step is how MIPEX picks up on policy across all the nation states in Europe but the real issue is when it can measure the outcomes for those particularly affected by the policies and I noticed you said it only looks at the polices and not the outcomes. How does it reflect the way the issue is pursued, how does it reflect experiences of migrants, how does it reflect some of the things Elena mentioned in terms of recommendations from the

Framework Convention by the Advisory Committee, how do you promote dialogue between people from different ethnic backgrounds and different religions and until MIPEX is able to develop to that point, that is probably where it has more of a bite.

At the moment the only tool you have is actually naming and shaming in a sense because through the Framework Convention it is always going to be the lowest common denominator because you have to get consensus on this document from all countries. If one country says we do not want this caveat applied then you are all going to go for the lowest point in that definition, how do you move this forward? Yes, you can get the local NGOs to do a lot of work on the ground and putting out reports but how do we creatively move this process forward to start measuring the impacts and the outcomes on people affected by this?

Sybille Regout

First of all, MIPEX actually showed that the countries do not always choose to follow the lowest denominator, for example for family reunification we can see an evolution. They all moved towards best practice because of the European Directive on family reunification. That was an example that they did not try to reach the lowest standards but actually to go for the best practice and as far as I know MIPEX is not going to try to measure the outcomes of the policies because it involves a lot of subjectivity and MIPEX tries to be as objective as possible. Just to look at the policies and to see whether the states give enough opportunities for the migrants to integrate. But measuring the outcomes of

those policies would ask for entire different methods and processes and much more work and it should be a different study because we would not be talking about the same thing. Looking at the policies is one thing but looking at the outcomes of the policies is a completely different study.

Stephen Asibey, Unison

The terminologies of migrant grouping, ethnic grouping, migrant workers have been used, are they just one entity because I often wonder if a group of Irish people move to say France or Belgium, would they be considered an ethnic grouping or migrant workers or minority grouping?

Elena Jurado

That is a good question. The advisory committee on the framework convention always uses the same terminology. It tries to avoid that problem by referring to all persons belonging to national minorities. It uses the phrase national minority because that was the term decided by the Member States when they drafted this convention, the framework convention for the protection of national minorities. That term is very controversial, what is a national minority? What is an ethnic minority? So if you look at the opinions, in most cases there is an acceptance within the state in question to use the term national minority. For example in the UK that term is not used for anyone, I believe. Not even used for the Welsh. The advisory committee would just say persons belonging to minorities, whatever type of minority. Perhaps the bigger question is rather than the terms used whether certain types of groups have more rights than others under international

law. Unfortunately that is the case, that happens not because of anything objective about those groups but because the governments when they sign up to conventions like the framework convention have the right to establish which groups they consider to be in this case national minorities and so have the status to be protected by the advisory committee or by the opinions. So that creates inequality between groups and the advisory committee has tried to overcome this problem in two ways; firstly, by encouraging in its opinions governments to always be more inclusive. So again they cannot force governments to do otherwise but they do try to encourage them to do so. The UK, including Northern Ireland, has one of the most inclusive understandings of which groups can be protected under this framework protection. It might be interesting for you to know that in most Member States of the Council of Europe migrant groups are not officially protected by the governments, they do not see them to have these rights which raises a whole set of questions. But in the UK all groups that have the status of racial group under UK legislation are protected by the framework convention so this is a really quite expansive understanding.

Ahmed Ebrahim, Unite

The trade union movement have had a lot of problems defining ethnic minorities and as a result they call it 'black members and ethnic minorities'. That is how it is in trade union movement; they call it black and ethnic minority. My union finds it extremely difficult to register the number of black and ethnic minorities because

members do not come forward to register, the membership for black and ethnic minority is very small.

Patrick Yu

I think this is all about the whole terminology within the UK black movement or otherwise. I do not think we need to spend time to discuss the issue because it all means the same, any people they could become the minority.

Just to round up, Elena mentioned the three recommendations from the advisory committee are very important.

The first one is data collection. I think we discussed this earlier on when I tried to put it into the local context. If you remember during the debate in the Assembly on the *Race Equality Strategy*, the Deputy First Minister in his final conclusion make five action points. The first action point is about the ethnic monitoring data. So we are still waiting a further year and still have not done much. I think it is very important and vital that the officials know that we need to collect more data not only on the race one but across all Section 75 groups. So we have the Section 75 since implementation in 2000 but still do not carry that data collection, in particular in the area of goods and facilities provided by the local authorities. There has been very good work in the health sector in Great Britain so we look to see if we could have some joined work with the Belfast Healthcare Trust, the largest employer in Europe. If they can do this one it can apply to anywhere, it can have a very significant implication not only in Northern Ireland but also in Europe as well.

The second one is in relation to a more comprehensive, a more protective anti-discrimination legislation, not only on non-discrimination but also on positive equality; special measures to look into the specific needs and disadvantaged position of certain vulnerable groups. I think it is also very important that also because of the political stalemate at the moment, the single Bill has been stuck over the last couple of years so I still hope the two Ministers and the two main parties, now that they are in government will agree between themselves and move the process forward. I think the white paper already sets out a very progressive recommendation for the future but wait until the final draft and is put out for consultation.

The last point in relation to the intercultural dialogue, in order to get self or cultural identity, I do not think we do much in Northern Ireland. In most cases, whether from the ethnic minority sector or local community groups, we always look into very soft cultural events but I always ask the fundamental question, how can these cultural events translate into policy and practice? How can we make sure everyone understands what is meant? I think in particular the cultural dialogue is important in relation to the minority religion; we are talking about the Jewish community, the Muslim community or the Sikh or Hindu communities. It is very important to have this kind of cultural dialogue, a religious dialogue in order to tackle those misunderstandings and also the mystification of certain facts.

Adam Tyson
DG Education and Culture
European Commission

Education and Integration

Thank you very much indeed. I am very pleased to be here today. I am going to talk about children of migrants and education. But I want to talk about children in general really, because we need to recognise that migrant children are children first and migrants second. When it comes to education, that is extremely important.

First, an apology: I'm going to present you with some statistical data, which is never the easiest thing to listen to in a speech. But as a statistician once said, "without data you are just another bloke with an opinion". So the data is important to underpin the messages I want to give to you today.

The demand for skills for young people coming out of school has changed dramatically over about the last forty years. This first chart is based on US data, but the situation is pretty similar in the European Union. The trends are important here. You can see that for manual tasks, and even for what they call "routine cognitive tasks", (where you use your brain rather than your hands, but where it is a routine job in general), demand is falling. The demand for analytical and interactive skills, including people skills – is going up pretty sharply. And since 2002, which is the latest data we have here, that rate has probably increased rather than decreased. So we are seeing a polarisation in the jobs market. We are not getting rid of the need for manual skills altogether, but there is change in the way

the spread of skills is needed. What employers increasingly need, and therefore what education systems need to provide, is precisely those analytical and interactive skills focusing on problem solving, on how to <u>use</u> information rather than just collecting knowledge. Education systems have of course traditionally focused on the acquisition of knowledge rather than skills, though this is already starting to change in some countries.

Migrant Children in Education

So what does that mean for migrant children? It goes without saying that the successful integration of (migrant) children is an economic necessity and a condition for democratic stability and social cohesion. We can see what happens when we do not meet that objective: the riots in the suburbs of Paris and other big cities in France a couple of years ago are a very clear manifestation of that and we have seen similar challenges in some of the bigger cities in Britain over the past five or six years. So, it is very clear that we need to get all children successfully integrated in society. Education plays a very important part in that process. And yet migrant children very often fail to achieve their potential in school.

It is not true of all of them though, because we see in some countries – as is the case in the United Kingdom and perhaps especially in Northern Ireland – that some ethnic groups tend to out-perform the native population – Indians and Chinese in the UK for example. So it is not simply migrant status that makes a difference of educational outcome – it is not just because a child is a migrant or has a migrant origin.

Instead, many different factors play a role, such as the socio-economic background of the child him or herself, or of the parents, and the reason they migrated to the country, for example whether it was for asylum or economic reasons, where they came from in the world, what the parents' level of education is. All of these things have an impact on the performance of children in schools.

I am going to look now at data from PISA. Some of you will have come across this I expect. PISA is a survey which is carried out by the OECD and it has been running now for about seven or eight years. It has looked at two yearly intervals at different aspects of the performance of 15 year olds in schools. It has looked at literacy, at maths scores and most recently, in 2006, it looked at science. These are standardised assessment tests, which try to take account of the pedagogical and cultural differences between the education systems in the different Member States to produce data that is more or less comparable among the different countries. The survey looks not only at OECD countries but also countries outside the OECD, with the result that they are starting to develop a truly global index of the performance of education systems.

The data on this slide looks at the performances of first and second generation migrant children. It shows that in general (something that we all know in this room), migrant children tend to under-perform and not reach their potential. But it also shows that the gap in performance between native and migrant children varies greatly between countries. The gap is relatively low –at 15% – in Sweden, but much higher – 44% – in Germany. Both are rich countries, both have sizeable migrant populations, but they have very different outcomes in what they are able to teach their children. The data also shows that migrant pupils are overrepresented among early school leavers, that is young people who drop out of school before they have any qualifications.

Migrants and Science Performance

This slide shows how different education systems manage to promote the potential of migrant students in comparison to native students. Native students are represented by the white bar, first generation migrants are the red diamonds, second generation the green triangle. The important point is the gap between the top of the white bar and either the green triangle or red diamond. That is the difference between the native population and the migrant population and then also the difference between the two groups, the first and second generation students. That reveals whether or not the education system is helping to overcome, between the generations, the disadvantage that migrant children face. In some countries the gap is quite big: in Sweden, for example, there is a big gap between the performance of first generation and second generation children, because Sweden is improving the performance of migrant children between the generations. The UK does better overall, perhaps, in that the gap between the native population and migrant children is smaller. But there is much less of a difference between first and second generation. That means that the UK education system is not

helping to improve performance over time as much as the Swedes or some other countries.

There are some funny things going on here as well: look, for example, at Australia, where there is almost no gap between the native and the migrant population and also no gap between the first and second generations. On the face of it, that looks like an excellent performance. But it is, in fact, the result of their immigration policy, only allowing in the most highly qualified migrants and so of course they and their children score extremely well. If you look at the very right hand side of the table and look at some of the Arab states you have a similar phenomenon, but even more extreme. In Qatar, migrants do much better than the native population. Migrants coming in tend to be rich engineers and business people, and their children are educated in systems paid for by private companies. The native population does not get the same investment.

Socio-economic background

So setting the impact of immigration policy aside, why is it that some systems seem to do better than others in terms of helping migrant students? There seems to be a clear link between how education systems deal with migrants in particular and how they deal with socio-economic disadvantage in general. Some countries seem able to minimise the impact of socio-economic disadvantage in terms of performance at age 18. This slide shows the impact of socio-economic background on a student's performance: the higher the yellow bar, the bigger the impact on your school outcome. If you come from a poor

socio-economic background, in a country with a high bar, you will do proportionally worse in school. The UK has a pretty high bar compared to some other countries. The red bars show the impact of the socio-economic status of the school, independently from the background of the individual child. For some countries, such as Japan, the individual impact can be very low, whereas the impact of the school is very high. In Britain, the child's socio-economic background and the background of the majority of the other children in the school reinforce each other to affect educational performance. As we all know, coming from a rich family in the UK is likely to lead to proportionately better school results, in part because of the option for well off parents to send their children to well-funded private schools.

One further point of interest on this slide: Iceland is the only country in any of these surveys where going to a school with a concentration of poor children will actually be better for you than a more mixed school. The Icelandic education system invests so heavily in those schools in order to overcome the disadvantage that all the children do better, irrespective of their socio-economic status.

This next slide divides countries into four different blocs: countries which allow, on the left hand side, a strong influence of the child's socio-economic background on educational outcome and the ones on the right that produces a more equitable outcome from education. And those that have higher or lower performances in terms of quality of outcome.

Finland is right at the top of this scale with very equitable outcomes and very high quality. People argue over why this should be: certainly the homogeneity of the society may have played a role in the past, but that is perhaps less true today, as there have been a lot more migrants coming into Finland over the last ten years or so. But it is clear that they have very active policies in general – both in social fields and in education – with high levels of investment. So the level of spending, as well as its efficiency, does make a difference in terms of your overall performance. The UK does generally well in terms of quality – it provides young people with the skills they need for the modern labour market – but it is inequitable, with big disparities in outcomes between the winners and losers from the system.

So a first conclusion is that the degree to which migrant students are disadvantaged by their origins depends on the education system. The impact of your background is highest in Germany, the UK and the USA and lowest in the Nordic countries, especially in Finland, and in Canada. In Germany, for example, Italian children, who are probably the oldest migrant group in Germany, are still the ones who are overrepresented in school dropout, who tend to go into vocational rather than academic schools: this tends to lead to the conclusion that there is some structural problem here which the German education system has not been able to overcome.

The second conclusion is that achievement levels are higher in countries with lower economic inequality in general. If you ask any teacher, they will tell you that schools are not the answer to everything.

Teachers and schools cannot overcome all of the disadvantages that are faced by certain groups in society, whether they are migrants or people living in poverty, whatever it might be. Schools are part of the answer, but to be really effective, they need to work in a context that promotes equity overall.

Let me tell you something about what the data does not say. It does not confirm the widely believed myths that high performing countries do well because they have homogeneous societies without the social challenges that immigration brings, or just because they are small countries. The data shows there is no relationship between the size of the country and performance, nor with the size of the minority population.

Possible causes of disparity

How can we explain some of the differences in performance in different countries? First, migrant children are very frequently less likely to be enrolled in pre-school education in some countries. Pre-school is very important in terms of the impact it has on the whole educational career: there appears to be a direct link between participation in pre-school education and the prevention of early school leaving at 15 or 16.

Second, migrant children are often enrolled in secondary schools that are less demanding, which have a shorter duration, and which often give no access to higher education – particularly true in some continental countries.

Migrant children are often placed in classes which are below their own age group, especially in systems where there are no facilities for integrating newcomers to the country. Where there are no extra language facilities, for example, new arrivals are often put in a class which is a year or two below their physical age because teachers say they are never going to be able to keep up with the material they are dealing with at their age appropriate class.

In many countries, migrant children are put into schools for children with special needs. We are not really sure why this is, why the assessment should push them in this way but one possible conclusion that we are drawing is that because there is a general move away from using schools for children with special needs and integrating children as far as possible into mainstream schools, special schools suddenly find they do not have the pupils to keep them going: so they are looking for new children they can take in. One group they have seemed to have latched onto is migrant children, identifying them as having the special needs that require extra support.

Concentration of minorities

Of course you cannot talk about migrant children in education without talking about the concentration of migrants in certain schools. This is particularly true on the UK mainland and also in many continental countries with historically higher levels of migration. PISA shows that concentrating migrant children in a particular school *does* hinder their performance. We see everywhere the phenomenon of 'white flight', where middle class parents take their children out of particular schools, even

moving house to get into the catchment area of a school that they would like their children to go to. A quarter of students in Germany are in schools where more than half the children are migrants, even though migrants in Germany are only 10% of the population.

Yet all the evidence shows that the presence of migrant children in a school does nothing to negatively affect the performance of the white middle class children that the parents are so worried about. It is the migrant children themselves, who seem to suffer from the phenomenon of white flight, as the expectations of high achievement are reduced.

The response to this can be based on pre-school and family support. Programmes in the USA, in particular in Texas and California, over the last thirty years or so, have sought to overcome the disadvantage faced by newly arrived migrant children. By working with the family, by supporting the family to learn the local language, by helping them to support the children in homework and other activities, the programme have been very successful; but also quite expensive.

One key factor, that we see in continental countries, but also in some parts of the UK, is the impact of "early tracking", deciding on an educational path early in a child's school career. You see this especially in Germany, where at the age of 12 or 13 children are sent in either a vocational direction or an academic direction which makes a big difference in terms of their later outcomes and the choices that are available to them when they leave school. A similar phenomenon exists in the areas of the UK

where the 11+ still exists, with a segregation of children into grammar schools and comprehensive schools. This is a system supported by some parents but less by others and which at a very early age can have a strong impact on a child's likely performance. All the evidence shows that migrant children are more likely to be tracked into the vocational or less prestigious streams, especially if decisions are taken too early. So if early tracking exists in a school system, then it is extremely important to make sure that there are bridges between pathways later to correct mistakes which might have been made.

Desegregation

The desegregation of schools is extremely important, but it is very difficult to do. Initiatives in the USA, especially back in the 1960s, such as the bussing programme, were terribly controversial, though they have also been tried in Sweden and Denmark with some success. But they require very specific conditions to be in place to work. Other approaches include creating magnet schools. This could be a school in a disadvantaged area, specialised in one particular skill or subject area in order to attract people from wealthier areas to get a better mix of children. But there has also been some criticism of this in the USA, where the local children have nevertheless been pushed out by more affluent children from outside, ending up with the same segregation effect.

Individual schools

Obvious perhaps, but individual schools do matter. The quality of a school has a strong impact on the performance of the children in it. Within that context, the quality of the teacher is the key factor in terms of the overall outcome. What we see especially is that the expectations that an individual teacher has of the performance of a child will make an enormous difference to that child's performance. But what we see is that if you ask teachers about what they think the performances of their 15-year old pupils will be when they are 18, they are really not very good at predicting the real outcome. The PISA tests have in fact been better predictors of children's performance than teachers themselves. The best teachers will always spot the quiet child at the back of the class who is not participating, and will make sure that if it is a question of language competence, which it often can be with migrant children, that the problem is identified and overcome. But teachers will also tell you that it is all too easy to misdiagnose a language problem as a general competence problem and so the child gets forgotten in the rush of the everyday teaching experience of the class.

Discrimination

I have not talked much about discrimination in this context but it is clear that discrimination does play a role, largely in this area of "denied support". Migrant children are frequently not given the support they need in the education system to overcome the disadvantages that they face when they arrive. Misallocating them to classes, misallocating them to schools, missing the signs of support they need in the class all fall into this category. One way of overcoming this is through more targeted teacher training, which so far has not really

followed the reality of migration in many European countries, helping teachers to cope with more varied classes. Teachers of a migrant background can have a big impact in terms of the performance of migrant children and of the involvement of parents, as their own experiences often make them more alive to the challenges and they are able to act to challenge pre-conceived ideas within the school. The mentoring of migrant children by older pupils has also been tried very successfully in Denmark to overcome its generally weaker performance with migrant children.

EU action

So what can the European Union do? I have spent this time talking to you about education, when in fact the European Union has very little responsibility for education policy at all. If you look at the European treaty you will see there is an article, which says that member states are entirely responsible for the organisation of their education system and for the design and delivery of their curriculum. Having said that, as Patrick said earlier, there is a European directive on race equality, which prohibits discrimination in the education field and a lot of other areas. Our role at EU level is to support the Member States in the modernisation of their school systems, to provide a framework in which they can talk to each other and exchange good practices, in which they can learn from each other and in which they can identify the common mistakes they are making. Some of those mistakes have been the things I have been talking about today.

The challenge is to deliver on all of this. And that is not really a European Union

responsibility. It is a responsibility for the policymakers, the local authorities and all the different stakeholders in each of the member states. We are there to support that process by pointing to difference and similarities in the way different countries tackle the problems and so to increase the ambition of all countries. I hope that I have been able to least make a start on that this morning.

Patrick Yu

Thank you, Adam. I think he has given us a very good analysis of the educational inequality within the migrant children. Integration is an important process especially how to enable the second generation to get rid of all those problems. If you cannot get a good education what is your future? And in this society we also face a lot of discrimination and disadvantage that is why it is a very important process to look into the disadvantage in terms of education.

The next speaker we will have is Wilf Sullivan who is working in the TUC. I think in particular his knowledge and experience to deal with the ethnic minority issue in relation to the social policy side will be very important and useful.

Wilf Sullivan
Trade Union Congress

EU Social Policy on Migration

I would like to thank Patrick for inviting me. When I was asked to talk about social policy or social policy in terms of the EU and migration, I thought well that is a bit of a challenge. From my perspective in some ways there is none. There is a mass of contradictions around the labour market. But then thinking about it more I thought what this is partly a reflection of is the direction of Europe and the contradictions of the direction of Europe. Are we in a social Europe or are we in a market led Europe? In some ways the debate around integration and what happens in the labour market are a reflection of those contradictions. There is indeed a question about whether there is such a thing as a European labour market which is why it is difficult to look to find common policy experiences across the EU.

So what I thought I would do is talk a bit about those political contradictions and also talk a little bit about how those contradictions play out in the UK because I think that has some implications for what is going on in terms of the rest of Europe.

It is important to say that in terms of integration that the Common Basic Principles were the first basic statement which brought the idea of integration, especially in relation to the labour market, to the table in any way shape or form. But it was noticeable even with the Common Basic Principles the responsibility for integration was left with Member States and so although there is a debate about having an integrated policy, what happened

to that policy was very much down to Member States. From my point of view at the time we were still heading into the direction of a social Europe and that was the statement of first principles that integration was in fact a two way process. It was not a process about a majority population and those others that we have to deal with. In some ways the Lisbon agenda also reflected that, although I think that the statement around the Lisbon agenda which talked about integration being something that was needed for stimulating growth and promoting sustainability obviously reflected that market aspect of Europe which has been very important in terms of the development of the European economic policy and has been a feature of labour market deregulation, which is something in my view that has dominated migration and integration policy.

Of course we cannot forget about the security agenda either because this is something which also provides a backdrop to all of this. One of the problems that arises because of that security agenda is the conflation of issues around migration on the one hand and immigration on the other hand, which is not talked about in relation to integration. Clearly if barriers are going up to people even being able to access territory that will have an affect on integration policy within that country, then what you get is a very confused and conflicting picture, that is what I would argue we have in the UK. In the UK, as well as much of the rest of Europe, we have this idea of managed migration. My view is that managing the migration for economic benefit narrowly defines what migration is

all about. That creates a massive contradiction when talking about social policy because although there is an acceptance that there is a problem about employment and skills shortages, there is a problem about an aging population and there is a need for migration, just seeing it in terms of employment raises some political contradictions about how you deal with people's views in terms of discrimination. The way that certainly the UK and a lot of European countries have responded to this has been to see migration, certainly in labour market terms, as almost like a tap that you can turn on, deal with the labour market problems in particular areas, and turn it off when you do not want anymore migrants. This also led to something else which is about a concept that is what we need to do is have integration for highly skilled, highly desirable migrants that we want. At the other end of the labour market, those people that we regard as low skilled, that actually OK we might have to accept that those people need to be there but we only want them there on a temporary basis. That has led to, I think, a real contradiction in terms of what happens in integration measures because for one group of people you have policies around integration and trying to integrate those people into society, on the other end you have enforcement measures against people, it is about if they are undocumented, how do you get rid of them? A real challenge I think for any kind if integrated policy and a challenge that I do not think can be met, a contradiction that is one step too far.

In practical terms what that has meant in the UK has been seen very recently in Government consultation that is called *Pathways to Citizenship*. This is not, in some ways, anything new it is just an attempt to codify a lot of the practice that is already there in regulation. Part of that process is about saying if we are going to have managed migration then what we are going to have is a points-based system to decide who can come into the country and who cannot. So there is level one and two for highly skilled workers, level three for low skilled workers, level four for visitors and level five for students. Quite interestingly the Government has decided that they cannot implement level three which is causing consternation among employers I must say. The basis for all of this in terms of how it is all presented is that it is presented in some ways as an integration measure using the language of equality of rights and responsibilities to frame it in, the backdrop is there is a need in terms of migrants to integrate, then there is an English language requirement obviously and language is one of those requirements that you see across Europe. There are concepts of paying tax and being self-sufficient which is often about denying people rights to have access to social security and other benefit systems while they are going through this process. Obeying the law and joining in with the British way of life, and it does say that in the document and I found that amusing in many ways, whether that would involved getting pissed on a Saturday night or whether that meant something else? The reality was that when you looked at the document it meant community service and the Government has got this thing about people volunteering, which I think is a good thing but when you put it in this context is this not like forced labour? Forced

volunteering? It is an indicator of how really these ideas of rights and responsibilities are woven into the fabric of integration policy in a sort of economic way.

So you have got that kind of background and then *A Pathway to Citizenship* which talks about having temporary residence and probationary citizenship, so we end up with a new class of citizen; a probationer. Then if you finally get your British citizenship or become a permanent resident, although of course if you do not want to be a British citizen, you do have to pay the penalty by being a probationary citizen for longer than if you want to become a British citizen. Within the context of that what you can see is that this idea of integration being a two way process has just completely gone out the window. Reading between the lines what is clear is that the Government want everyone that has permanent residence to become a British citizen, that this is a process for leading people down that road whether they like it or not really. Something that I must admit when I first read the document got me hot under the collar and I did say to a Minister if a country across the other side of the world insisted that all British citizens gave up their citizenship what would you be saying? You would be outraged and demanding that they changed that policy immediately.

Nevertheless, this is the kind of route that they are going down and the consequences of that, as with a lot of policies they really do not think things through practically, is that it has caused massive problems in the labour market. First of all, defining what is skilled and what is not skilled is a real problem because the

definition of skilled is within the context of what they call a residential labour market test, whether those people that they see in the labour market can do those jobs or not. Suddenly doctors are not skilled anymore because as far as they are concerned there are enough doctors being trained in the UK from the majority population that can fill up the job vacancies for doctors in the health service. Of course what they do not take account of is the discriminatory way the health service in the UK has always been based. It is not a question of whether or not enough people are being trained but what kinds jobs they want to go into and where people end up. Migrant doctors tend to end up in the general practitioner service as opposed to those from the majority that go into medicine and want to be consultants. The fact that you have certain numbers being trained does not mean you are not going to have vacancies. There are problems around social care with senior carers suddenly finding that actually they were not entitled to be in the UK any longer after their current work permit run out. There is consternation in the restaurant trade because a Chinese chef is a job that cannot be done by someone from Eastern Europe with a little bit of training.

These are examples of how things have not been thought through because, coming back to the approach which is one of managed migration for economic reasons, the UK Government has decided their labour needs can be met by the European Union. In the face of what evidence I really do not know, it is quite interesting there was a report the other week that said maybe all these migrants from Poland will not be staying here forever and we might

have a problem if they decide they do not want to be in the UK anymore. That is the underlying stated policy position, of course in terms of race and ethnicity there is an underlying institutional discrimination that no-one wants to recognise because basically anyone from outside Europe cannot come in. In any discussions about what is happening about the implementation of the new points based system somebody from the Chinese community said to me the other day, well racism is the elephant in the room that no-one ever wants to talk about. What is happening is that loads of people whose point of origin is outside of Europe are suddenly being moved into an undocumented category if they choose to stay in the UK. Of course the UK economy could not function, as I imagine many European economies, without those undocumented persons doing those jobs. Who would be doing the low skilled jobs in the economy on the pay that is on offer? As the Institute of Personnel Directors said the problem with the Government's approach is that if it really does take hold that has implications for labour costs. I have not got a problem if wages rise but employers clearly have.

These are some of the contradictions that this kind of policy approach, on the one hand economics being the overriding factor and on the other hand trying to suggest that in some ways that underneath that you can take account of integration when there is a very narrow focus about what migration is about, that is where it leads you. From the trade union perspective there have been a couple of priorities that we have tried to develop and work on, which may seem

narrow but which are a basis on which to build. Firstly, it is about looking at the idea of the fact that what you need to do is establish a base of rights for everybody. There are huge problems and increasing problems with the grading of rights for different people. Not least that it becomes a very complex system that no one ends up understanding and that you can end up, especially if you are not an EU citizen, being legal one day and illegal the next. Having a graded system of rights for people has implications for how the hell you are going to have any kind of integrated and cohesive society. That seems to me to be a real contradiction in terms. Codifying in terms of citizenship in the UK, someone as a probationary citizen, what the hell is that?! In reality that is someone who has less rights but the same responsibilities as every other person in the UK. From my point of view, from a trade unionist point of view, that is just not fair. Those are the two things that we are concentrating on and the other thing that we are trying to concentrate on in the UK context is the idea that governments can actually have policy which is about impoverishing people they do not want there. So we have situations with failed asylum seekers and undocumented workers who have got no access to any kind of benefits, housing support or health support. This undermines any kind of basis of talking about integration of having any kind of cohesive society.

I think that in terms of this debate we have a real challenge on our hands because while we have at EU level and in Human Rights laws, codes and policies which seem to indicate that we are trying to work towards integrated societies in Europe, on a

practical level the reality is we are going in the opposite direction. The practical results of some of those policies are institutionally disadvantaging people and we are getting to a stage where those people that we do not want we are denying them access to rights and services in a way that is going to cause us many problems in the future.

Questions and Answers

Rob Berkeley, Runnymede Trust

Just to say thank you to Adam and Wilf for adding a bit of complexity to some of the issues and the policy tensions that operate. I have got a thought and a question for Adam. My thought is based on a kind of personal experience of becoming a great uncle quite recently and I was just wondering if my great nephew is a fourth generation migrant? I kind of wonder about that language and the use of me as a second generation migrant and does that mean we concentrate all the time on that migration experience and not on institutional racism, on discrimination and on the fact that our society is changing and integration has to be a two way process. If we are to keep going talking about people as migrants forever and ever, are we ever going to reach the point where we can talk about intercultural dialogue? Adam you said that the PISA study found that where migrant children were concentrated in schools, there was a poor outcome. I wonder whether that is about correlation or causation, whether we are talking about people in inner city areas living among people in poverty and the stickiness in the labour markets which keep poor people together rather than something inherently to do with migration.

Secondly, you said that teachers of a migrant background had a positive impact on the attainment of children of migrant backgrounds, I wondered whether there was really any evidence about that impact and what that might mean not only in terms of employment practice but to contain the suggestion that black kids can only learn

from black teachers and Muslim kids can only learn from Muslim teachers etc., which would be a very counter integration move.

Adam Tyson

To come to your fist remark, I agree that certainly in the UK context it is quite difficult to talk about migrants and people of migrant origin and in particular when we are talking about, like you said, fourth generation children. The data that is collected by the OECD tries to be comparable across all the different countries and in most of those countries it is difficult to talk about minorities or ethnic minorities so that is why the migrant language is used but it is not very appropriate for a UK context in general. Eventually we do have to try to move beyond this notion of migration and being the root cause or the point we are trying to tackle but we are not there yet in most of the countries the OECD is dealing with at the moment.

On your point about the concentration of migrant children in particular schools, it is true if you talk to any French policymaker they will say to you that the underperformance of Moroccan children has nothing to do with the fact they have a Moroccan origin, it is all to do with socio-economic disadvantage, living in the suburbs of Paris and Marseilles. But there is clearly also a discriminatory effect involved because you tend also to find that the best teachers do not go to schools that in the Netherlands are called 'black schools' for example. So you do have this double discrimination in fact, they are impacted by their socio-economic disadvantage but also by an ethnic discrimination disadvantage. I

think that is worth looking at and getting the mix in the school helps to overcome that to some extent.

Teachers of migrant origins, do they really have an impact on kids' performance? I do not think it is a question. I mean there are studies about this, particularly from the US and Canada, and it shows there is an impact but I do not think it is a question of black kids wanting to work more for a black teacher, it is about the black teacher challenging the received ideas in the school about the expected performance of black kids. It is about the impact that black teachers have on other teachers in the school in terms of their encouragement and their teaching quality. It is about the whole culture of the school in fact and that is what is good. If clearly you have a black or ethnic minority teacher in a school that can also act as a role model for kids and that can also help to challenge their own preconceived ideas about what I, as a child of ethnic minority origin, am likely to achieve at school. There is some evidence but it is not just about the relationship between the teacher and the particular child that has the impact.

Pamela Dooley, Unison

My question is to Wilf. Five years ago in Northern Ireland, we brought in a large number of migrant workers to work in both the health service and the private nursing homes. We are now in a position with the points system and all of the other systems that is changing nearly on a weekly and monthly basis, meaning that a number of those people are left without work permits. They are left in a position where their employer on a Monday is saying, 'Here is an

air fare, go home'. These people five years ago all of us said absolutely terrific, good workers, we need them to help us run our health service, they are welcome in our nursing homes, they are really good nurses, they are really good carers. It would appear now that we are able to bring in workers from Europe who can do these jobs, in the meantime there are a great number of people who are left that they are not here the five years and cannot apply for their visa, they may be here four years, they are falling in between. What is the TUC doing to address the needs of those people?

Wilf Sullivan

That is a difficult question. What we are trying to do is have discussions with the Government about what exactly the transitional arrangements are and get the Government to accept there should be a route for permanent residence to those people who have been here for five years. Part of the reason for my remarks earlier was about just outlining some of the politics of this situation because the politics of the situation are what drives it. So the fact that those people are here, have been needed and have worked and there have been no problems, is irrelevant because when it comes to that concept of labour being like a tap that you can turn on and turn off. In this case, the tap is being turned off and nobody is taking account of the fact that they are human beings with needs, desires and aspirations like everybody else. I mean obviously it is a very difficult situation and I get trade unions phoning me up about workers from different parts of the economy everyday saying, 'What the hell should we do?' There is no easy answer

except to say we will carrying on making representations to the Government about trying to being more flexible in the way that they introduce they system and to take account of the fact that the people are already here, have come on perfectly legitimate work permits. Otherwise they run the risk of a whole load of people not going home, just being here and working as undocumented workers.

Eileen Chan, Chinese Welfare Association

Thanks to both speakers, both very useful for ourselves at the Chinese Welfare Association. First question to Adam in relation to linguistic diversity and it was not on the integration policy index but given that bilingualism, and research shows that those who have bilingual skills do attain very well, I was just interested to know in has this been part of the things that has influenced policy and will make changes in the future? For example I know that French and Spanish are being brought onto the curriculum from September, they are already brought into pre-schools, my child is learning French at three years old at nursery and in my late thirties I am starting to use French I have never used before. It shows the need for language and I am sure if I had been taught at three years old I am sure I would be using it much better than now, that is just an example of it. Given the global market and the competitiveness in trade and industry surely then there is a need for languages to be put on it, especially what we call mother tongue languages or community languages that can make a difference to the lives of the children growing up in different countries.

Another comment to Wilf: the Chinese community here in Northern Ireland has experienced those things you have talked about and we did get the response from the Home Office saying employ Polish people in your kitchens and your floor staff. I spoke to the Polish community who think it is absolutely absurd. The problem has been on the enforcement and the pressure has been put onto employers now to make a change. The £10,000 fine is incredible and I hope the trade unions can help with that.

Adam Tyson

There is already a commitment from Prime Ministers and Presidents of all of the EU Member States to promote the learning of three languages; mother tongue plus two other languages in the education system of all the countries. The UK started doing that, certainly England and Wales seven or eight years ago, then it dropped it, reduced it down to one foreign language and now they have brought it back to two again. So there is this commitment there with all Member States in theory should be emphasising the learning of the mother tongue of the country in question is usually what it means, plus two foreign languages. The general assumption has been for most of the European countries, that one of those foreign languages will be English, as a sort of international vehicular language, and that the second language is a free choice.

More recently we have put in place a high level group to look at language teaching and language learning in the EU in general. It has been chaired by Amin Maalouf, a French-Lebanese writer and he has recently come up with the idea that we should encourage everybody to learn one language which is going to be useful for them in terms of business and their labour market skills but also a second language which they are calling their personal adoptive language, which is almost like a second mother tongue. A language that you learn because you love it, to try and create this love of languages and create this desire for more bilingualism or even multilingualism in the EU. As I said in my presentation, the EU has no responsibility for the delivery of education in the Member States so all that we can do is recommend this to the different countries. We will produce a policy document later on in this year, in September, which will be about a strategy for multilingualism for the EU as a whole and I am pretty sure that this idea of trying to encourage the learning of this second foreign language will be part of that process. It is very clear as you said that being bi-lingual or multi-lingual can bring you great advantages in terms of career opportunities later on in life and that in particular not enough is being done to value the migrant languages which exist in all EU Member States in terms of making sure that we take advantage of them both in schools and in the labour market situation later on. The UK is very strong on this in general; it is very strong in trying to value these languages, at least in terms of the rhetoric that we hear from Ministers when they come to Brussels. It is very, very controversial I must say in some other countries. Only yesterday I was in Brussels in a meeting of ambassadors where we were talking about migrant languages, the UK was wanting to have a particular reference to migrant languages in a document that is going to be agreed by Ministers in a month time. Denmark, the

Netherlands and Czech Republic all voted against it and blocked it because they want to concentrate exclusively on the learning of the national language by migrants and they do not want to give any signal at all that migrants should maintain their own mother tongues. So it is a very politically sensitive issue at European level.

Wilf Sullivan

I did not talk about the enforcement but you have alluded to this, I also know, and this what I mean by things not having been thought through, that part of the problem about the enforcement process is that they have picked on the easiest targets which have been Chinese, Pakistani, Bangladeshi restaurants amongst others because they know there will be a high level of people from outside the EU. It is easy to show the public that we are really enforcing these rules and there are loads of employers being caught employing illegal workers. From our point of view it is racialised and the other thing is not explaining the reality of those situations to the public more generally. So in the case of Chinese workers, when they find workers from China, what we have found in Chinatown is that now because China demands evidence that those people are actually Chinese and what they are doing is they are phoning the employer, finding out that they cannot really deport the worker, sending them back to the employer saying well you have to look after them but remember they cannot work. That is the kind of absurdity that we have got to. Whether at the end of the day there will actually be some movement, and I think eventually there will be some movement around some of this stuff, as the pressure builds up from both employers and workers to say this is crazy. I think there will be some kind of changes in how the system works, the problem will be is that I think that a lot of people are likely to suffer in the meantime.

Patrick Yu
Executive Director
Northern Ireland Council for Ethnic
Minorities

Introduction to Day 2 of the Conference

Today we start the second day of the conference and as I outlined yesterday, the EU Framework for Integration has nine principles. We will use these nine principles as a framework for discussion today. Four countries will share with us their experience starting with Rob from the Runnymede Trust who will tell us about how he sees the integration and cohesion in UK. Then Tiina will talk about the Finnish situation and Luciano who will speak about the Italian situation, in particular with the new government. Sebastian will share with us one of his cases in Germany, a very interesting case he has dealt with as a lawyer. In the afternoon, we will focus on a specific vulnerable group and we are very grateful to have Larry from the European Roma Rights Centre to share with us his expertise about the integration of Roma, Gypsies and Travellers. So these are some of the issues we are looking into and we will see how much better can be done in social cohesion and integration.

In the last part of the day, we will have two parallel workshops. The first workshop will look into the good practice in Northern Ireland, in particular from the NGO sector. We also link up with the Department of Agriculture and Rural Development in this workshop. The second workshop will be focused on local government, with representatives from the local government and Derek Hanway from An Munia Tober who will introduce us to the Travellers issue within the local government context.

I now pass over to Rob Berkeley from the Runnymede Trust, who has been working with us, particularly on a project called Working Together to Tackle Racial Equality Strategy and Action Plans. The Working Together project aims to bring in all the departments, agencies and also ethnic minority groups to work together and try to develop an action plan to implement the race strategy.

Rob Berkeley
Runnymede Trust

Integration and the UK

Many thanks to Patrick and his colleagues at NICEM for inviting me. I'd like to take this opportunity to express my admiration for the work of NICEM and their tenacity in keeping their focus on race equality – even when others have tried to brush it aside, claiming "more pressing issues". I am pleased to be back in Belfast. I was just thinking back to my first visit here about ten years ago. The city is noticeably different in terms of visible minorities – I remember back then being stared at and people feeling the need to extend their hands in welcome to me. Migration to Northern Ireland and greater ethnic diversity has been an important part of the peace dividend. The First Minister and Deputy First Ministers sent apologies for not being able to join us as they are attending another conference about investment. Many people that we are talking about here today have also made an investment of their labour in Northern Ireland – it seems a shame that they all have not been welcomed in the lavish way that capital and big business is.

I've been given a difficult task this morning. Firstly because you will all have been engaged in debates about cohesion and integration whether you have wanted to or not – they seem to be difficult to avoid, so I'm in danger of boring you! Secondly, because as an area of policy, it moves and shifts and resists being codified – responsibility for the practice that follows from it is distributed across all public services, the media, voluntary and community sector and ultimately individual citizens and residents.

So instead of attempting to be completely comprehensive in covering all recent policy moves, I want to focus on one part of the UK, namely England, and what "cohesion" means in that context. I also want to offer a critical note to the agenda by pointing out why integration cannot by itself meet our need for fair and just societies.

Initially, it would be useful to sketch out some of the areas of concern to which policies on cohesion and integration are meant to respond.

a. Security; 9/11, July 7th 2005, homegrown terrorism, trans-national loyalties
b. Immigration: changing patterns, changing speed of change, opportunities for trans-national links, diversity among migrants, globalisation of economies and cultures (with glocalisation of responses – devolution, local democracy)
c. International policy convergence: MIPEX, PISA, OECD, World Bank, IMF, EU etc., supranational organisations and international think-tankery in an era of "what works" become more likely to lead to policy convergence. For example, 'integration' was a word barely used in UK policy discourses given the fear that it was too close to assimilation but is now writ large in UK policy, in part as a result of EU influence.
d. Fear of social disintegration: fear of crime (regardless of reality of crime), moral panics – hoodies, gangs etc, and neighbourliness and anti-social behaviour

e. Post-colonial melancholia (viz Paul Gilroy): an obsession with national identity, and challenges to multiculturalism from both left and right.

Policy to deal with this broad range of issues is necessarily complex and diffuse. It is often barely policy, but mood music in the editorial columns and speeches from Trevor Phillips, Tony Blair, Gordon Brown and Rowan Williams among others – even Morrissey has found a means of intervening!

I want to return to a point in history – where there was a policy turn; the autumn of 2001 – we had had riots earlier that year in Burnley, Oldham and Bradford (BOB in policy parlance) and smaller disturbances elsewhere. The horrific attacks on the twin towers then changed foreign policy and domestic understandings of our place in the world. We had the publication of what has become known as *The Cantle Report* which identified the source of the disturbances as 'parallel lives'. If this is the problem, then surely integration is the answer.

I wanted to approach the question from a rather different angle. It is a useful thought exercise to see whether the messages on parallel lives are transferable to other communities; in order to check their validity and highlight some of the other factors lurking in this debate that we do not talk about often enough – namely those of racism and power.

You'll see from reading the biographies that I am a gay man and chair of a gay organisation. I like visiting Brighton because there are lots of gay people there; one in

five men, according to the local health authority. I like socialising with other gay people because sometimes it's a chore to have to explain certain cultural practices. I like visiting Brighton because I know that I can walk down the street hand-in-hand with my partner and no one bats an eyelid, there is safety in numbers. I like visiting Brighton because there are institutions here to cater for my needs – OK, so the clubs close later in London, but they are fun there too. I like visiting Brighton because my sexuality stops being the thing that marks me out; I can be Rob, rather than gay Rob.

None of this means that I do not like straight people – some of my best friends are straight! None of this means that I am a poorer citizen of Britain. None of this means that I do not understand the wider society or that I do not engage with it. None of this stops me making a significant contribution to the life of my local or national community. I am not engaging in segregation (sleepwalking or wide awake), I am merely making reasonable choices about the company I keep and the spaces that I choose to frequent.

Now in all I have just said, exchange gay for Muslim and Brighton for Bethnal Green. Isn't it striking that some parallel lives seem to be okay and others the subject of opprobrium. Muslims choosing to live in the same areas as other Muslims, frequenting institutions developed for and by Muslims, even dressing 'like Muslims' – is a subject for comment and disapproval from the wider society. I'd suggest that the parallel nature of our lives is more widespread than we choose to recognise – it is simply that some divisions cause us more concern than

others. A report released last year by the Joseph Rowntree Foundation points to evidence that children as young as 8 can identify children from other classes and the barriers between them – 'posh kids' and "chavs".

In 2001, we were right to be concerned. Politics had failed and people took their frustration out to the streets. Engagement in some northern mill towns came to mean a static vision of cultures and ethnic groups that operated in parallel spaces rather than together and opportunities to communicate across ethnicised boundaries were few. In part this was a function of political expediency in static political spaces, but also a power play from those who wanted to police their communities, essentialise them and keep them 'pure'. Identity politics was being used, not as a means of freeing the potential of all and promoting equality, but to put up barriers, carve up resources and resist change. This was hardly the multicultural dream!

Yet, in our concern about Muslim exceptionalism, and disorder in the streets, I wonder whether we compounded hasty conclusions about the problem and then subsequently the solutions. In the wake of the terrorist atrocities of September 11 2001, famously, a lot of bad policy has been adopted (remember Iraq) – could an over emphasis on Muslim communities and 'cohesion' be a mistake? In other terms, if social segregation is the problem – to what extent is cohesion the answer?

Balance

I ask the question, not to downplay the importance of cohesion in modern societies. In the debate that we had entered in 2000 in the Commission on the Future of Multi Ethnic Britain, we highlighted the importance of cohesion as a key route to a successful multi-ethnic society. The discussion about the content of Britishness, collided with public debate after 11 September 2001 about a "clash of civilisations", the limits of multiculturalism, and the development of shared values, and lead to the development of a "community cohesion agenda". While we had been arguing that multiculturalism was about establishing a balance between cohesion, equality and diversity – a cohesion agenda was hurriedly developed which attempted to focus on only the cohesion part of the model. The danger has always been with this agenda that the equality and diversity parts of the model are ignored. Yet if we lose a focus on equality, the disenfranchisement, the social exclusion and marginalisation of communities and groups remains unchecked. If we lose the diversity part of the equation then we return to a model of assimilationism and reject the benefits of challenge, new ways of thinking, and hybridity that diversity can deliver. Establishing the balance is the key and it is likely that we will always need to have debate about which levers to pull when in order to maintain an even keel.

The cohesion obsession

Citizens in modern Britain are increasingly described as disconnected from one another and from their leaders. Low voter turnout, lack of respect, mutual fear and disinterest, anti-social behaviour and similar terms and sentiments are part of the common discourse of the British media, but

also among many ordinary citizens. For some observers, this breakdown in Britain began with widespread immigration and has a reached a peak as numbers have increased. However, these sorts of problems exist independently of immigration and diversity, with the first social theorists – Durkheim and Weber – noting the splintering effects of modernity in comparison to the deeper connections provided by traditional societies. Both theorists, however, recognised that the ties that connected people in more traditional societies couldn't be replicated because opportunities in modern societies provide greater regional mobility, but also much-increased class mobility.

These observations explain why it is important to be clear about whatever problems are perceived to arise from diversity in Britain. Commentators who fret about the self-segregating tendencies among Black and Minority Ethnic (BME) populations are also more likely to connect woes arising from immigration, race relations, crime, education and young people in a grand motif of widespread social breakdown. As every A-level sociology student knows – correlation does not mean causation.

Without denying the real social problems in Britain today, we need a less alarmist but also more refined analysis to offer practical solutions. Consider the question of opportunities in today's Britain, or indeed in any modern economy: economic, environmental and other reasons distribute employment opportunities very unevenly. This is not simply a question of more service jobs in comparison to

manufacturing, but an issue of *where* jobs are situated. Those who ignore the real economic reasons why migrants – both internal and international – come to particular areas of Britain will be at a loss to understand why some areas contain greater numbers of certain types of workers than other areas. They compound such ignorance when they ignore how democratic fairness and economic efficiency demand expanded opportunities, but that this will not necessarily lead to increased social mobility.

Equality an alternative analysis

An alternative analysis to emphasising cohesion, shared values, Britishness etc. might have been to pull harder on the "equality lever". Instead of blaming some communities – typically Muslim and white working class for their failure to integrate, it might have been more fruitful to push harder for equality of participation, and equality of opportunity.

Engagement around cohesion alone is difficult and it is understandable why. The benefits for any group of there being cohesion without equality and diversity are pretty thin. It is being asked to "integrate" without a clear picture of what it is that you are being asked to integrate into. It is being asked to integrate on the basis that you leave behind what you already have. It is being asked to integrate without any acknowledgement that you will be able to influence the shape of the whole. It is being asked to integrate into power structures that may leave you in a disadvantaged position.

If particular communities are to be seen and portrayed as a threat to the state, then it is unsurprising that they might well feel under siege. Reasonable reactions to being under siege will include a more defensive approach, resistance to criticism from outside and within that community, an attempt to build an exclusive identity, fear of outsiders, and considerable mistrust. How then can public services and the state engage in a fruitful way in such a situation? I have admiration for the response of many in Muslim communities in England who are battling to resist a retreat to essentialism and who are leading attempts to encourage constructive engagement and build relationships across, within and between communities. I also understand some of the pressures that they are under and how this pressure is especially strong on young people who are attempting to form their identities and come to political consciousness in such a way that expresses their solidarity with a marginalized community but avoid getting swept up in the rhetoric of those who would lead them along a path of destruction, alienation and disaster.

Recognising that the rigorous pursuit of equality is in itself disruptive to social norms might have offered a means to engage citizens in a progressive agenda focused on social justice rather than reifying conflict and communities along ethnicised boundaries.

Cohesion and a progressive agenda

Cohesion and integration are not the *only* values for a good society. In particular, fairness, rights and social justice are valuable for their own sake and should not be defended only because they realise a more cohesive and integrated society. Cohesive societies are not in themselves good unless the grounds for that cohesion are morally acceptable.

Hence an understandable reluctance from many quarters to engage with a seemingly endless debate on Britishness which reinforces structures that have never delivered for marginalised communities, but kept them in thrall to a racist discourse which denies their humanity and agency.

Principles of social justice are valuable above and beyond their contribution to cohesion and integration. Cohesive societies may only be *desirable* if they include such principles, but that doesn't mean social justice or rights are valuable only because they contribute to cohesion. When members of disadvantaged groups benefit from social justice policies, some members of advantaged groups may feel their society is now "less cohesive". Endorsing the equal rights of women will make sexists everywhere feel as if their society is disintegrating. Many see gay liberation as evidence of social disintegration. We shouldn't stop trying to achieve social justice for black and minority ethnic people because we are scared it will disrupt the happy stability of our society. Diversity is no barrier to cohesion as long as principles such as rights, justice and respect guide the actions of social institutions and the interactions of citizens.

Conclusion

Equality is not enough. Diversity is effectively meaningless unless there is a shared space in which it operates. Similarly,

cohesion without social justice is undesirable. Our identities, fluid and dynamic as they are, can find expression through community without this leading necessarily to social segregation. We live parallel lives. This is less a function of ethnic and religious diversity than structural patterns of lives in neo-liberal economies. The challenge is to create a politics that makes sense of these patterns, enables identities to be affirming rather than constraining, and focuses our efforts on justice and equality rather than division, racisms and homogeneity.

Tiina Järvinen
Ministry of the Interior, Finland

Integration of migrants: experiences of Finland

I would first like to thank NICEM for inviting me to participate in the conference and share some information about the system in Finland. First, I will give some basic figures and information about Finland and immigration: Finland has been traditionally a country of emigration and only since the beginning of the 1990s has this changed, when asylum seekers started arriving on a large scale. In addition, the collapse of the Soviet Union has affected remarkably the migration situation as well. At the end of 2007, there were around 133,000 migrants, or foreign citizens, living permanently in Finland, approximately 2.5% of the total population. Compared to the so-called "old" EU countries, this is the lowest number of immigrants in one country in the EU. Although labour migration has become a more common reason to migrate to Finland during the past years, family ties are still the most prevailing reasons to come to Finland. The biggest nationality groups are Russian, Estonian, Swedish and Chinese.

The legal status of an immigrant is comparable of that of Finnish citizens, meaning that immigrants, with a continuous or permanent resident permit, have the same rights and responsibilities as Finnish citizens. For example, after staying two years in Finland a migrant has the right to vote in local elections.

To give a picture of how the administration of integration works in

Finland, we can say that Finland follows the Scandinavian tradition of a strong welfare system that is operated both in central, regional and local levels.

At the central level, as Patrick has said, the co-ordination was removed from the Ministry of Labour to the Ministry of the Interior at the beginning of this year. The Ministry of the Interior is in charge of integration issues concerning Refugees and Asylum Seekers, diversity and equality issues and most of the issues concerning immigrants and integration.

At the regional level, we have 15 Economic Development Centres that plan the follow up to integration in these areas.

At the local level, responsibility is shared between employment offices and municipalities. The employment offices have the main responsibility for immigrants who are unemployed and register themselves as jobseekers in the employment offices. They also organise different kinds of training for unemployed immigrants. Municipalities have the general responsibility for the reception and integration of immigrants. This is due to the fact municipalities provide people in need of financial help with basic services and income support. Municipalities in Finland are really independent from the central administration and therefore they can decide what kind of services they provide, if they accept refugees and so forth.

The integration services in Finland, another specific factor, are usually provided by specialised authorities or service providers and the role of civil society is quite small compared to the UK for example.

The concept of immigrant integration in Finland became established when the *Integration Act* came into force in 1999. The Act aims at enabling immigrants to participate in the functioning of Finnish society. The key actors in integration are municipalities, employment offices and NGOs. The *Integration Act* specifies the responsibilities of various parties in integration work. It emphasises the immigrant's own responsibility to participate actively in the integration process and provides the authorities with tools for supporting integration. One of these tools is the Integration Plan, an agreement that details measures of support of integration for the immigrant and his or her family. On the other hand, the Act requires local authorities to draw up an integration programme to offer measures that promote integration.

The right to integrate through an Integration Plan lasts for three years after an immigrant has been entered into the Immigrant Information System Office of his first municipality. This means that, if during these first three years the immigrant decides to change the municipality; it can be more difficult for him to get certain services. It is possible to lengthen the plan for two years at the most; the extension can be provided for acquiring literacy or the syllabus of basic education. In addition, factors such as immigrant's age, disability, illness, child protection measures, maternity or paternity leave can justify an extension. During these two years, when taking part in the integration measures, the

immigrant can get special support called Integration Allowance.

The plan includes an agreement on the measures taken to help the immigrant integrate into Finnish society and working life. The plan should be a concrete specification of what an immigrant will do next and which measures can be organised by the authorities. All of the parties make a commitment to the issue agreed on the plan by signing it. The integration plan usually involves, according to the needs of the immigrant, the introduction to society and its functions, language education and different measures related to the labour market. It can also involve assessment on how qualifications and degrees taken outside Finland can be made to meet the requirements set by Finnish working life and what kind of supplementary training might be needed. The integration plan can also be reviewed when necessary.

When asked what problems were met in the integration process, the migrants themselves identified the following problematic areas:

• Shortage of diversified integration services
• Lack of advisory services
• Problems related to Individual Integration Plan
• Insufficient skills in inter-cultural communication among authorities and service providers
• Need for awareness-raising and opinion-building among authorities and service providers
• Vulnerable position of housewives, female spouses and young people

Many of these problems are often linked with each other; for example, problems related to integration planning are often due to the shortages of integration services available in the municipality where the immigrant is living. Therefore, for example, an illiterate person can be placed on the same language courses as a person with a university degree. In general, the challenges to be met in integration are related to further developing of intercultural dialogue, promotion of integration as a two-way, dynamic process, breaking stereotypes and building capacity for self-organisation of the new immigrant communities.

As I was asked to present some good practices from Finland, I will speak about the work done for diversity and equality. Anti-discrimination work has been carried out in Finland for decades but only from the beginning of 2000 has it been systematic and based on long-term planning. Since 2000, the co-operation between authorities and NGOs has been strengthened, as well as co-operation between organisations representing different kinds of discrimination. By now, there are operational networks for cross sector and horizontal approach for combating discrimination. The discrimination is prohibited and equality is guaranteed by the constitution of Finland and several others Acts. The legislation for discrimination is quite scattered and there are small pieces in different laws and therefore the Ministry of Justice is at the moment co-ordinating a process which aims at holistic renovation of gender equality and anti-discrimination legislation and related structures.

The legislation gives a base for the work that has been done for promoting anti-discrimination and this work has been based on three main strategies. With the horizontal approach we mean that instead of looking at each of the discrimination criteria separately, we take them together and we work together with each of these groups. One reason for this is that the feeling of discrimination and results of discrimination are often the same, so it is useful to get the groups together and think about how we could tackle the problems. Another reason is the small amount of immigrants in Finland, only 2.5% of the total population as I have said. Many municipalities in Finland can say they only have two immigrants living in this municipality so there is no reason to do anything but when you take the other grounds of discrimination, you already get a bigger group and when you are working together, it is much more efficient. With the horizontal approach you can also tackle multiple discrimination practices that often come with gender and age. Another important factor is that this work should be done as a joint effort of authorities, social partners and NGOs.

The work done in Finland is a combination of long-term and short-term activities. Short-term, visible activities and events keep the issue raised so that the bigger population remembers these issues and takes account of the issues concerning discrimination. We also need long-term structural anti-discrimination work so that we can tackle the structures where the discrimination lies and where it evolves.

Finally, the full participation of those exposed to discrimination is extremely important. I think in all the work that is done for discrimination, integration or related actions, the groups that are exposed to discrimination should be involved in the planning, implementation, monitoring and evaluation of these actions.

So, what has been done in Finland in the discrimination work? Finland has participated in the implementation of the Community Action Programme to combat discrimination as well to work with national awareness raising campaigns. Several projects have been established and have been carried out, together with the Commission, to promote data collection and measuring of discrimination. In this context, Finland prepared a national plan for the monitoring of discrimination, which is under construction and will be fully operational by the end of 2009. Regarding the Finnish Defence Forces; it has been reviewed in Finland that young men are the most important target group for awareness raising and opinion building. As military service is compulsory in Finland, by targeting the different forces we can reach up to 90% of this target group. The national awareness raising campaigns have achieved valuable results and sustainable results creating permanent horizontal networks and forums. There have been structural changes, for example, by education of teachers, the police, the permanent staff of the Finnish Defence Forces and creating a database and materials for experts on anti-discrimination issues, as well as a national portal at http://www.equality.fi

Patrick Yu

I think the Finnish approach is very comprehensive, when I was in Finland I was struck by how the Finnish government pushes on the equality agenda. I can imagine at the moment they might be the only EU Member State pushing the equality monitoring data. None of the other Member States, including the UK, have this compulsory monitoring system. I think in the EU sense monitoring data is a very politically sensitive issue. In certain countries such as France and Germany under the constitution they ban private data coming out so there are a lot of different arguments. Everyone knows that without equality monitoring data we cannot tackle the structural inequality, we cannot tackle the kind of special needs or barriers faced by these vulnerable groups.

Questions and Answers

Coming from a total background in industry and something which strikes me as a bit peculiar is that we are running too fast. We have got Rob's point, cohesion and integration has to be built in my opinion on strong foundations. Integration is very important but we in Northern Ireland have people coming from all over the world, more particularly recently from Eastern Europe, and we do not have proper classes in education and language for those people. I feel that we cannot be cohesive and cannot integrate unless we get the foundation right and I feel that we should be pushing for more basic things, such as the language difficulties and so on. I know that the Chinese community have been here for much longer but I am looking at particular at those coming from Eastern Europe. My point is: can we have cohesion and integration if we do not have a good foundation?

Rob Berkeley

I completely agree with your point about language. I think it is massively important that for a successful democratic state the people in that state be able to engage in that debate. I would advocate a common language for people or at least a way that people can find a space in which they can communicate. That does not mean on the other hand that there is not a value in community languages and having the ability for a community to pass on languages to the next generation as well. I do not think that people speaking their own language at home is a space that government needs to intervene in but it would be a really powerful way of extending rights to people

to enable them to engage in the debates. We have got a real struggle in England where the Government on the one hand understands that concept but on the other hand is reducing the amount of money that is spent on English as a second language for people.

Patrick Yu

I think you are quite right, we all need to speak English in what we call the host country as an immigrant but I think you also need to look into the provider like the educational system. Now currently the Department of Education must provide English as an additional language but there is a big blunder over the last three years, they changed the system under the core funding formula. In relation to the adults, I think you focus on that one especially when migrants come over they cannot speak any English because for the younger generation if they are going through the education system they can more easily grasp the language compared to the adults. Now in the past all the language classes run by the colleges now cost £384, who can afford to pay for it? These people are keen to study it. Now we have what you call the immigration rule, if you are non-British, non-Irish, non-EU citizen you need to pay for that course, for me it is discriminatory. I would like the business and industrial sector to kick our Government to provide this free for all, this is the basic entry level for integration. When we are talking about language, it is a two way process. We all speak English and we all carry our own accents; that is what I call language diversity. We all need to double our efforts to use our own position to influence the Government to do the right thing. Can I also ask Tiina what is the system in Finland?

Tiina Järvinen

I do not know if you all are aware that in Finland there are two official languages, Finnish and Swedish. Depending on which municipality an immigrant arrives to, he either learns Swedish or Finnish language as his first language. The language lessons, if they are through the Employment Office they are free but often if you are coming to work to Finland you do not get those courses and then you are out of the services and you have to find your own way to learn the language.

Anna Lo, Alliance Party

Rob, you recall coming over a couple of years ago to build capacity in the Ethnic Minority sector following the publication of the *Racial Equality Strategy* in Northern Ireland. I do not know whether you are aware that strategy has been scrapped to be replaced by a new strategy called *Cohesion, Sharing and Integration* (CSI). Now as you know, the *Racial Equality Strategy* has a very strong focus on racial equality in addressing discrimination and racism. We do not know what the new CSI strategy is going to be but do you anticipate it moving away from equality into what you have just been highlighting about downplaying it, not including social justice and discrimination?

Rob Berkeley

I suspect that it is a way of sugaring the pill slightly to call it CSI; I think that is a kind of nice touch. But I suppose there just needs to be much more vigilance about how we ensure that equality issues remain at the forefront because they will be in

there, it would be odd if the document comes out and does not have references to some of the things that are in the *Race Equality Strategy*. But unless, through your good office and others here today, the NGO sector are vigilant and say where have the equality issues gone, there is a danger that instead of rocking the boat we will go for this notion of integration as motherhood and apple pie, let's not challenge the status quo because that might create less cohesion. But cohesion isn't the only end as I was trying to explain; it is only part of the balance with equality and diversity. My disappointment after the work that we did on the *Race Equality Strategy* has been that working with the officials for that length of time and with the NGO sector it was clear that there was still a long way to go in even understanding race equality. Given this new notion of cohesion that is really poorly defined, I think there are too many places to hide and pretend that you are doing cohesion work because it is very difficult to measure and the indicators often miss the point. They often go around the topic rather than get to the real nub of the issues about people's ability to operate in society.

Pamela Dooley, Unison

My question is to Rob and it is about the use of language. The use of language can move the agenda one way or another. In Northern Ireland for a long time we used the word equality, we still do but a year or two ago they started changing the word equality to equity, which means something completely and utterly different. We welcomed our migrant workers into Northern Ireland, we welcome diversity; diversity now seems to be changing into the word integration. What are we going to lose if we only look at integration and we don't look at diversity? The citizens in Northern Ireland are going to lose a huge amount because this has really been the first opportunity our little part of the country has to welcome diversity.

Rob Berkeley

I couldn't agree more. In terms of shifts in language, I worry a little bit about integration being used. There is a phrase that is in the *Common Principles*; "integration is a two way street" and it is just a really glib little phrase. It does not really cover what an agenda around diversity might deliver. Listening to what Tiina was saying, when she talked about seeing integration as a two-way and having integration plans, I wondered what was two-way about having an integration plan like that where people learnt the language etc? But what do you think are the benefits of having a Somali community in Finland for the first time have been and how has that changed in terms of how society operates?

Tiina Järvinen

I think the problem in Finland is that the immigrant communities are still quite small but in areas where there is more immigrant communities, for example Somali communities, the communities have been able to work with the local authorities in providing services and helping them to cope with the newcomers and keeping them inside of how to give language training or how to provide post-arrival orientation to the newcomers.

Ahmed Ebrahim, Unite

You are talking about people coming here and going for education, they cannot afford it, they have to pay around £300 for their education. What does the equality office do in Northern Ireland? Can they not look into this problem? The other thing is you made a suggestion of business people and so on, the other thing about diversity, cohesion and integration is that there are various views being expressed, I would like Rob to give me his views on Trevor Phillips' expanded theories on those two.

Patrick Yu

Can I just answer your question about the fee, they are very clever they use immigration rules to distinguish between British, Irish and EU citizens and what they call third country nationals. It is falling into the whole concept of you cannot use the public fund to fund these migrants or third country nationals.

Rob Berkeley

I have got to be very careful because Trevor is a former Chair of my organisation and quite a good friend! Nonetheless, just two or three things that I think Trevor said that have skewed our debate around these issues in England in particular but also across the UK. Firstly, on his notion that we are sleepwalking into segregation, the statistics do not justify that statement. We have been round and round the houses with him and others to think about what exactly that might mean. People live in communities often out of convenience, often to go to visit local shops, to have access to a Mosque or to a church. That is not a problem as far as I can see, it becomes a problem when it constrains people's lives and that should be the issue that Trevor focused on rather than residential patterns, which are actually moving along normal patterns of people moving into an area, often the first generation will move to an area and as they become more affluent they will move further away from that area.

Secondly, on his comments about multiculturalism being over, I am not going to get into a semantic debate about whether we should call it multiculturalism or modern multiculturalism or integration with diversity or any of these formulations which Trevor has come up with instead. I understand that people are generally comfortable with, and polls show people are comfortable with the notion that we live in a society where people of a range of different backgrounds and different cultures are operating together. What Trevor, I think, was trying to question was some of the rather clumsy attempts of policymakers to separate communities and say *"well, if you are Muslim you must behave in this way or if you are African-Caribbean you must think this kind of thing surely"*. We would all be against this, whether you are a multiculturalist or not. On the other side of the coin, the new Equality and Human Rights Commission which operates for Great Britain is already doing some interesting work and have found some interesting ways of talking about Human Rights and relating that to equality. It has been very vocal and critical of government already so it is not all bad, I just think he sometimes goes for the headline rather than the truth.

Phoebe Wong, World Wide Women @ North Down:

There seems to be a lot of debate about Sharia Law in England and I was just wondering what your views are on the Government and some of the comments being made in the media? Do you reckon that the media have a vital role to play, do they participate in giving negative views about ethnic minorities? Are they contributing to social breakdown and segregation?

Rob Berkeley

It is really easy to blame the media for all sorts of things, they tend to respond to their readers and when it doesn't sell them papers they move, that is my last conciliatory point about the media. What was interesting about the Sharia Law discussion that Rowan Williams got engaged in was Rowan Williams' surprise at the response of the media. He gave a very academic speech whether Sharia Courts would be possible in the UK and it was based on, what people who are more expert than I tell me, a misunderstanding of Sharia Law. The response from the media was massive calls for his resignation and a real kind of visceral attack on the Archbishop of Canterbury. What this is about is constraining debate around equality issues, constraining debate around multiculturalism which the media is very good at doing, scaring people into not engaging with these issues and making them too sensitive. Rowan Williams should have known better really than to feed the media a story like that.

We have just done some work looking at the way in which our newspapers report on crime. You will know that in London at the moment there is a real problem with teenage youth murder and we found that where the murder was of a white young person the coverage was up to 300 or 400% more in terms of words than if it was of a black person. There is a notion that runs through the press about what is newsworthy and for some reason the lives of minority ethnic people are less newsworthy than those of white people. That for me is another major concern about the media.

Luciano Scagliotti
European Network Against Racism (ENAR)

Integration of migrants: experiences of Italy

Good morning and thank you Patrick. This is not the first time I have come to Northern Ireland and I am afraid I am not going to give you better news than last time. Actually, I was talking with Sebastian just a few minutes ago and I was telling him I could cut it very short, asking you to think about the presentation Tiina made this morning about Finland, and if you just think the contrary, you have Italy!

Let me start with a remark: today is Europe Day, as you all probably know, and we celebrate the Schuman Declaration that originated the process that led from the Community on Coal and Steel to what we know as the European Union. As you all know, the vision of Schuman and others was that Europe needed to find a way to put an end to the long history of European wars. From this point of view, we can say that this goal has been achieved in the past 60 years, but there is another war Europe is through within and outside its borders, this is the war against immigrants. I mean, it is not a metaphorical war. In the past three or four years there have been some 5,000 deaths in the seas around Europe. All I want to say is that, integration should not be blinkered from talking about admission policies. In a way, we can have the best possible integration policies but if we do not allow people to enter into the territory or the European Union whom are we going to integrate?

Having said that, I come to my presentation about Italy, I make some references to things that have been said yesterday and this morning, namely the European Framework on Integration, the common basic principles that Patrick read in his opening speech, MIPEX that Sybille presented yesterday and I will try to explain why MIPEX has some limits in trying to explain what integration is. The main reference to, in talking about Italian politics is the history of rock and roll and you will understand why.

First, very shortly I will give some data about immigration in Italy. Our first problem is that we do not really know how many immigrants are there in Italy. Let us say the estimations go from 2.9 million, around 5% of the total Italian population, to 3.7 million, around 6.5%. The difference comes from different methodology but mostly because sometimes undocumented migrants are considered and sometimes not. Even in these cases estimating the undocumented immigrants is difficult. Let us say we are around 6.5% of the overall population with some concentrations in cities like Milan, Turin, Rome, Naples or particular economic districts for textile, leather and so on. The most represented nationalities are Romanians. Of course please do not forget that Romania is a Member State so there are differences in the treatment. Actually there is not a big difference in the treatment of European and non-European citizens at the moment but nevertheless there should be. Then come Moroccans, Albanians, Filipino immigrants, then Latin American countries and then sub-Saharan African countries.

What is the real situation? If you look at the overall ranking of MIPEX you will see that Italy is in seventh place, immediately after Finland and Canada. I think it is all too clear that this cannot be true. ENAR is a signatory to MIPEX and we support it and believe it is useful. I personally participated in the discussion maybe seven years ago when MIPEX was being created, so do not take it the wrong way. I am just saying MIPEX gives us a photograph of the surface but in the depths of the real daily life of people, things are different.

Let us have a look at some of the basic principles. Employment, I think, is the third basic principle. Immigrants in Italy have a high rate of employment and a low rate of unemployment: perfect, a great situation. The problem comes from what kind of employment they have. What you see in MIPEX is regardless of their qualifications: 70% of immigrant workers in Italy occupy non-qualified jobs. I will just give you one more data, the employment rate is decreasing as qualifications increase, particularly for women. We have a situation in which the overall rate of non-qualified men is 8% more than the Italian men's employment rate; but for women immigrants with a university degree the employment rate is 11 points below the Italian average. So you can see employment of immigrants is at the lower level with lower wages. The probability of getting non-qualified jobs for the whole immigrant population is twice the probability of the Italian population. For immigrant women, it is eight times the average of the Italian population. I do not need to comment about what this means about employment as a key to integration. There is integration

at the lowest possible level and I am not going to talk about negative integration. In a large part of the south of Italy, integration means integration in the criminal sector, that is, as you know, an important sector of the Italian economy.

Integration is a two-way process and I think we all agree on that. The problem is that there has been a survey and research asking immigrants about their opinions regarding their life in Italy. 30% of the respondents said the biggest problem was the impossibility of maintaining their culture. 28% said that one of the major problems was that they could not find food that respects their culture or religion. Almost 20% said the problem was they could not educate their children in their culture and religion. So, is this a two-way process? I have some doubts about it mostly because on the other side, the Italians, in the same survey and with more or less the same questions, said that what they want from immigrants or from integration policies was first: that Italy stops giving priority to immigrants. The view that immigrants are privileged is the view of 70% of Italians. Their second expectation was that there should be less migrant children in schools because this lowers the level of education for the Italians. If you remember what Adam Tyson said yesterday, you will know this view is entirely false but it is the opinion of the majority of respondents. A large majority, over 50%, thinks that worship places should be taken under surveillance because they are a threat to Italy. This is my first reference to rock and roll, precisely to Nickelback, *Leader of Man*: the Italian politics has a rule: *"not to be a leader but to be a follower"*. These opinions

are at the root and the policies reflect this kind of opinions. Consider these opinions, the 70%, come from people who have no idea how many immigrants are in Italy. Almost half of respondents think that undocumented or illegal immigrants make up for over 50% of immigrants and 16% think they are over 70% of the immigrants. This is the basis of the Italian policies so what I am going to say is not going to surprise anybody. What I am going to say is about participation, Italy has a high score in the MIPEX and it is true, the rules are there but for example, Italy has a national consultative body that should represent immigrant communities and give advice and opinions to the government. The problem is that first, the members of this body are appointed by the government and I am not going to explain what kind of problem this is but furthermore, since 2001 the Government has not appointed anybody. So the consultative body exists on paper but it has not practically existed for the past seven years and there has not been any consultation for seven years at the national level. The situation is a bit better at local level but I am not going into details on that.

You know that there is no right to vote, you probably know there is free access to any kind of political parties, associations, NGOs and so on but again if you look at the political parties you can hardly find a member of an ethnic minority or a person with an immigration background. The national equality body is an important institution and the law provides for a lot of remedies but then again if you look at the staff of the equality body you will not find anybody coming from an ethnic minority and in the past four years, since it exists,

there have been maybe five cases brought before a court. So, the rules are there, but again the political principle comes from Nirvana, a song called *Plateau*. There is an interesting verse that says *"Who needs actions when you have got words?"* and this is what we are doing in Italy.

Of course some things happen, not everything is so bad and what happens does so at the local level. The government system in Italy provides for a limited competence on integration at central level, which has competence over admission control etc., and non-exclusive but large competence of regions and municipalities for integration. What the government does is provide funding, resource allocation and so on. It helps to say that at the local level a lot of good things are going on. For example, one of the problems of integration is that, yes, you have free access to the labour market but your free access to the labour market is linked to the possession of a residence permit and the residence permit is given for one year and must be renovated every year and for a maximum of two times, so for a maximum of two years. Nevertheless, the problem is that the renovation should be done in a maximum of 60 days but the average for the renovation of the residence permit is 11 months. This means that as soon as you get a residence permit you have to apply for the new one immediately. How can you integrate in a society where you have no idea if you are going to be allowed to remain? And you cannot have a job if you do not have a residence permit, so what happens is that the municipalities find a number of solutions I cannot describe, we are famous for our creativities and an enormous range

of solutions that go around or beyond the law but not against it. This again is a very Italian way of respecting the law. You respect it but nevertheless you do something different than what is written and of course this allows a number of immigrants to have a better life and a bit more of safety about their residency.

The problem is that it is the state that allocates resources and Italy is not different from the European Union. If you look at the Italian budget 10% of the resources allocated to immigration policies are dedicated to integration while 90% are dedicated to control, repression, admission and so on. If you look at the budget for Justice, Freedom and Security in the European Union budget you will see that the funds of programmes related to immigration, the integration fund accounts for less than 25% and all the rest is dedicated to border controls and so on.

All that we say about integration is unfortunately related to legal immigrants. Those few things that are done at the local level in Italy for the integration of immigrants does not affect undocumented immigrants regardless whether they entered illegally into the territory or they become undocumented (in 80% of cases not by their fault but because of bureaucracy and institutional discrimination). The final point is just a personal opinion about the Italian policy and the new government. The new government, as you know, is a centre-right coalition government, the same that was governing Italy two years ago. There are two considerations: first, the Minister of Home Affairs and the Minister of Equal Opportunities. For the Home affairs has been appointed a member of the Northern League, the most xenophobic party in the Italian parliament. For the Equal Opportunities, a member of Berlusconi's party; I would not be sexist, but her job until she has been elected to parliament one and a half years ago was being a performer in Berlusconi's television channels. I am afraid she is not very competent in Equal Opportunities.

Is the situation going to change very much? I do not think so, the description I gave you today is more or less the same since 1998. We have passed through different governments, different ministers but the main orientation has not changed. This main orientation is based on two vicious circles: the first one is that immigration is a problem of security and security is a problem of immigration, so what you have to do is control it. The second vicious circle is that some immigrants, actually the majority of them, are a threat to security, identity and so on because they are not integrated and they cannot be integrated because they are a threat. This is true and has been true with centre-left and centre-right governments.

My last musical reference may be *Sympathy for the Devil* by the Rolling Stones: *"what is puzzling me is the nature of their game"*. Thank you.

Sebastian Busch

Discrimination Based on Religion by Religious Employers in Germany

Firstly, I would like to thank Patrick and NICEM for inviting me. In preparing I had a look at the Lonely Planet online guide for Northern Ireland telling Belfast is an extremely safe city now, as long as you do not speak about religion. You can see what my topic is! Whatever happens, remember I am a guest!

Before I start with the presentation of my case I would like to say two things about the general situation in Germany that I cannot cover here. Imagine basically the Italian situation Luciano explained, added by various terrorist activities against immigrants. So we have, especially in the formerly East German states, massive violence leading to more than 100 deaths in the last twenty years and areas where non-white people cannot move freely without being attacked. That is not considered a massive problem or a terrorist threat by German society however. As I told you, more than 100 people died, I think Islamist terror has killed no-one in Germany so far and that is considered a threat. So that is a basic understanding of the society. Secondly, after all this talk about integration I would like to add one short personal view on it. I think the main problem with integration in Europe is discrimination and exclusion by the host societies and I think the only thing you can require from an immigrant is what you can require from everyone else who is the country, who is keeping within the laws of the country. Everything else in my view is personal

freedom and no-one has a right to infringe with it at all.

I will concentrate here on one case, it has been presented to the labour court in Hamburg and now in front of Labour appeal court in Hamburg if its opponents dare to appeal. I am a lawyer presenting a case, I do not think there are a lot of lawyers in the audience today so if it gets too boring, or too legal (I cannot avoid it being legal) but if it goes too far please ask.

The situation we face in Germany until now is:

- Church organisations had the right to require the membership in the church as a job requirement.
- This was applicable to ALL organisations within and linked to the church, regardless of the religious functions: Also nurses, doctors or teachers needed to be Christians to get the job.
- Church charity organisations are the main employer in the social field.

So there is basically a situation where if you want to become a nurse or doctor you face a quasi-monopoly where they set the rules that you need to be a church member. You can imagine as the second biggest employer in Germany this has a huge impact on society.

This legal situation in Germany that is covered until now by the Constitutional Court as legal is now facing the directive 2000/78/EC, also known as the *Framework Compliance Directive* which states in Article 4:

a difference of treatment based on a person's religion or belief shall not constitute discrimination where, by reason

of the nature of these activities or of the context in which they are carried out, a person's religion or belief constitute a genuine, legitimate and justified occupational requirement, having regard to the organisation's ethos.

Article 4 is basically the outcome of a long discussion and lobbying process in Brussels, so it is a political compromise and legal norm.

What this Article means is that the Church is not free to decide what they do; there are legal criteria even if it might be a little problematic. So what the European law says here is that the religion of a person can be an occupational requirement that is accepted as justified if by the nature or the context of the job it is justified. Additionally, it is said that the ethos of the organisation should be taken into regard when taking that decision. The Directive does not tell you how you take the ethos into regard. It also does not tell you to what extent you do it. That is a political compromise keeping everything open. Let me go back to that part of the framing of the Directive there was lots of lobbying from the German Church and the German conservative party because the German churches have a stronger standing and a stronger legal standing than in most European countries. One part of this is that, until the last decades, they have been absolutely free to decide when they apply religious criteria to recruitment and they desperately want to keep that. The Directives were transformed in 2006, three years too late but in the end they did it. They transformed this European exception into Section 9 of the *General Equal Treatment Act*:

Difference of treatment based on a person's religion shall not constitute discrimination where the religion is a occupational requirement based on the ethos of the organisation or the nature of these activities.

This reads differently because here in the German act they say basically the ethos of the organisation alone. If it is a religious organisation, they are able to justify different treatment in recruitment. Remember the European Union say the ethos is to be taken into "regard" but we look at the nature of the activity and the context it is carried out in. Here the German lawmakers say the ethos of the organisation alone can decide. The understanding of the churches is in their understanding: everyone who is working for us is doing a religious task because all our charity work is basically spreading the word of love and so on. They say you cannot differentiate: whoever works for us is doing a religious task. In a letter sent to Germany in January 2008, the European Commission at the start of the infringement procedure (which will probably end at the European Court of Justice) expressed their opinions that this German exception is too broad and is not in accordance with European law.

Some background to the case I got in Hamburg where a Christian charity organisation was seeking an employee for the project called Integration Pilot Hamburg. In the job announcement it clearly stated that being a church-member was a requirement. The tasks of the job are quite interesting: compilation of information material, preparation of programmes, working in the structures of

the migration network. This job is not a church job in the closest sense; the whole thing was part of the so-called "Northern German Network on Immigration and Migrants" and that network got funding from the European Union, especially from the Equal-Project of the European Union aiming at the integration of migrants. The church themselves put themselves into the European context when it took money from the European Union, that might get important later.

So my client applied for this job and was rejected, I say of course rejected because she was not a Christian. The court found it interesting that before this, she got a call and was asked if she would consider joining the church as her application was seen as being very interesting. Her answer was basically,

I would because I have to care for two children but is it really in your interests that that is my reason for joining the church or don't you think some beliefs should be part of it?

So the conversation was more or less over there and she got her letter that she was rejected. My client is of Turkish origin with a German passport and formally Muslim. In Turkey if you are born there, in your papers you are Muslim. Everyone who is born there, as long as they are not deciding something else, is Muslim by birth leading to the fact that whatever the practice is, less than 1% of the Turkish population is a member of a Christian church. While around 70% of the German population are members of a Christian church, there again you have a big dividing line with in the former East Germany being

a church member was not that culturally normal. I think in eastern Germany you only have around 25% being a church member while in the former west it is a little higher percentage. So I say formally Muslim although even mentioning the word Muslim made it in the German press like Muslims trying to get into the churches, without any regard as to if she is practicing or believing or whatever.

After some letters we went to court and claimed the compensation in the amount of 3 gross salaries; around €4000. That is of course not a lot if you look at the organisation you are fighting and their financial possibilities however it is the highest amount you can claim under German law. In December we got a judgement where the Labour Court found the claim was justified and granted 3 gross salaries compensation. We thought we might have a strategic case that we could take to European Court of Justice which hopefully we might win. What happened is that we won at the first instance at Labour Court, Hamburg. The court found direct discrimination against the claimant on the ground of religion. The court rejected the argument that there was indirect ethnic discrimination as well – despite the fact that less than 1% of people with Turkish origin are members of a Christian church. That for me is the most interesting point and where this case is linked to migration policy because as I told you around 30% of German natives or German born population would be rejected as well if you apply this criterion of being a member of a Christian church, when 99% of the Turkish population would be rejected by it. It means if you write *"Christians only"* it is basically the

same as writing *"no Turkish, please"* and is discriminatory against the biggest migrant population in Germany. However, we did not convince the court of this. The effect of the judgement was to say this practice of the church is not legal because they can no longer be excluded by the argument they are not members of the Christian church.

The Labour Court said the *General Equal Treatment Act*, even if it says the ethos of the organisation alone for the requirements, is to be read in accordance with the Directive. The court said the Directive must lead to a change in the view so far declared by the German constitutional court. They said the ethos of a church alone cannot be an absolute criterion for the evaluation of the justification of different treatment. Basically what they established, which is new for Germany, is the kind of proportionality argument even for religious employers. They said following our case there must be a specific justification for different treatment based on the task of the job. If you take the ethos of the organisation into regard you must link it to the concrete activity in the job and not like a general ethos explaining everything. For the position in question the affiliation to a Christian church is not a justified genuine job requirement, the position is not regarded as "near announcement range". They said the defendant failed to present facts to prove the position is closely related to religious declaration. No facts were presented showing any religious tasks as being part of the job. We said that if you want to integrate migrants who are not Christian you cannot come with your

religious understanding that will only make a barrier for them to work with you.

The court also found that taking the EU funds by the church was a strong argument against them. The court basically said that, as a religious organisation, if you take money where the funder clearly says it is for integration and non-discrimination, you cannot then come with your position where you discriminate without any reasons. The court found clearly that does not really fit and does not match. The court said the three gross salaries was appropriate here because they found it quite ridiculous to ask the client if she wants to join the church just to get the job. Secondly, they said they took European money but showed no interest in European law, so basically they need to be punished.

Maybe at this point I should mention that whatever happens here applies to all religious communities because the framing of the European law and also the national law is speaking not about churches but about religious communities. So whatever the outcome of this case was it would apply to all religious communities. That is why, even if we had tried to, we did not get any support from the Muslim organisations because they are also afraid the court would narrow down their rights.

Now, why do I present this case here? In Germany it made quite a lot of press attendance even after the first instance because we had a kind of strategic case to change more than this one legal problem we are dealing with. We had the perfect opponent; we were dealing with the biggest church charity organisation who claims they have high moral values, that is why they are

going into the integration structures. For them of course it is a problem if a court says you are discriminating and have to pay a fine for that. Secondly, whatever the church does is of public interest, especially when it is sentenced to pay compensation.

Another interesting discussion that was raised by this case was more inside the anti-discrimination structures in Germany because here we have an organisation that is working within the anti-discrimination and integration structures, so part of their work is very good and progressive but it is still part of the organisation. So in this case we have the organisation's legal department decided what had to be in the job announcement and how to deal with the claim we made while other people in the organisation would have liked to have dealt with it differently and with discussions. Now in Hamburg the situation is that lots of people I know think we are absolutely right while at the same time being close together with this organisation. Of course this charity organisation is one of the organisations that has lots of money in this field, so you can see within the community working on integration and non-discrimination some people start to shut up a little bit, not to speak too much about it, not to speak about it publicly because no-one really wants to get into trouble with them because they get their job and their money from them. It also questions the fact of how you recruit in anti-discrimination law and integration policies. What you see here in the audience it is quite mixed in terms of skin tones and whatever, you would not have in Germany. In Germany you would have normally professionals working in the field being native born, white person while even Turkish persons are not normally included in it. So the point of me and my client is that you need to recruit also in these programmes target people from the migrant community to get an idea of what you are talking about. This makes membership of a Christian church criterion absolutely counter-productive.

Now as I told you the case is in appeal, I just received last week 70 pages of reasons of appeal, so the other side takes it quite seriously. It is likely the whole thing will be decided at the European Court of Justice. One point for this assumption is that the church says Article 4 of the *Framework Directive* itself is against European primary law basically the church says this Directive is illegal because the European Union has no competence to interfere with the Church. Of course that is a question only the European Court of Justice can decide. Also, it is as far as we know the first case where Article 4, the religion exception of the Directive, is questioned in Europe. So it is basically the first option for the European Court of Justice to clarify what is meant and how the exception is to be understood. Another interesting question for the European Court of Justice is what the opponents say that the Lisbon Treaty, and even an amendment to the *Amsterdam Treaty*, are stating the EU are not interfering with the status of national churches. So they say not interfering with our status at all means you are not allowed to interfere with our recruitment practice. I think the understanding of status must be a little narrower. Another question is that in Germany it is looked at like you have rights for the church and the same rights apply to all organisations operating for the church.

So even if you have a charity organisation that has nothing to do with the church services the same rules apply for them. Is that the same meaning on the European level? I would not be so sure, I would also be interested in how the result was in Northern Ireland and the UK to see how other jurisdictions deal with it.

Questions and Answers

Mark Donahue, An Munia Tober

A question for Luciano: what is happening with the Roma issue in Italy, especially with the expulsions from Italy for citizens from another European country, Romania? How can you have integration of Roma gypsies when you do not have the basics in terms of employment, accommodation or even the right to stay in the country?

Luciano Scagliotti

I didn't mention Roma in my presentation for one reason, because Roma in Italy are largely not immigrants. As you know probably know about 60% of Roma in Italy are citizens and established in Italy since the 15th century so it is a matter of discrimination rather than immigration. You probably know that in Italy, as in a large part of Europe, the general public opinion is totally negative. I could speak for a couple of hours about the situation but specifically the situation is that Roma in my city are not able to get basic rights like housing, access to education or health service and so on, mostly because of the politics of so called nomad camps. The ERRC made a report about Italy a few years ago called *The Country of Camps.*

So what is going to happen? Two different things, one is about Romanian much more than Roma. The point is that there has been a political and media campaign against the people coming from Romania trying to deny their rights as European citizens, including the rights of freedom of movement. Are they going to be

deported? In practice I do not think so because it could be illegal under the European law and because as a matter of fact after the past campaigns by the Prodi government, the numbers are very low. The people who have been really deported to Romania are probably around 100 persons and there were good reasons for that, they were guilty for some crimes and so on but the extensive expulsions of Romanians has not taken place.

What about Roma? This is totally different. Roma, who are not citizens of the European Union, are probably going to be, if not deported, in any case somehow expelled. We have not only a new Government of centre-right we also have a former fascist as mayor of Rome where you have the biggest concentration of Roma. The camps are going to be dismantled. This would be a good idea if the consequence would be giving them housing but they are not going to do that. They are simply going to send them away from Rome and any other town is going to do the same and that does not matter what political orientation. So what is probably going to happen is a limited expulsion of people from Romania and a large deportation of Roma.

Kasia Garbal, Irish Congress of Trade Unions

I have got a couple of comments to make to the speakers. First, I think both presentations were very honest about the reality of the situation in Italy and Germany. Yesterday we had the presentations about the MIPEX and how different countries performed on the index and Luciano you said that what actually happens in Italy does not fit on the index at all and I think the same applies to many countries. What was the point of having the index; we examine policies in theory but do not look into practice? Luciano you mentioned that one of the indicators of the MIPEX index is access to employment, and I was glad you were honest about it, it is very well to say that migrants have equal access to employment but what kind of employment is it? If we look into the case of Northern Ireland it is exactly the same. Most of the migrants, and most of them are coming from the EU Member States, 60% work for the minimum wage and four out of five of them work for less than £6 an hour. That is the situation in Northern Ireland regarding migrants and I think not enough is being said about that. Even if they have very good qualifications they take the lowest paid positions that no-one else wants.

Also, Sebastian raised a very good point that could be applied to Northern Ireland that even in organisations that work in integration in Northern Ireland they do employ migrants but most of the time just basic clerical positions or where their interpreting skills are required. Hardly ever will you see a migrant working in a kind of managerial position even within organisations who have integration of ethnic minorities as their priority.

I didn't get a chance to ask a question in the previous section about integration in Northern Ireland and I think not enough is being said about that. Rob if could maybe say something about that? You said that in Britain the general public put some kind of requirement on migrants to integrate and then you ask the question what are we to integrate into? I am going to refer this to

Northern Ireland because here we have two major communities and if in Britain there is no consensus on what Britishness is, it is more problematic here. Where do migrants come in and if immigrants are to integrate into one of the major traditions, say the Catholic tradition, are they going to face opposition from the Protestant tradition? How are we going to deal with that? I think another thing is that the two major traditions are living parallel lives at the moment so this is where I think we should start with integrating the two major traditions and then see how we can accommodate the migrant communities. Rob, have you any ideas for Northern Ireland?

Patrick Yu

Can I answer the first part about the MIPEX index? I think you need be careful about the index because we are trying to get comparable data in 28 countries and it is not an easy job. The data as well is not to reflect the situation in each country; it is only a relative comparison between countries in certain areas. You can't get such fine tuned data that compares access to the employment market whether it is low paid jobs, professional jobs or the middle-ranking. Sybille yesterday mentioned one important point; it is about the comparison between different countries, what level they are now in. It is on that purpose they do not compare very detailed policy by policy; precisely you need more detailed information. You need to do more fine tuning, like the regional one or the local one. The Index itself is only a framework because one of the purposes of this conference is to try and introduce different

framework that we can use at the local or national level.

Rob Berkeley

It is a really tough question. I suppose you can't do one thing and stop doing other things, it is a not a steady state experiment we are running. If you are suggesting that we should sort out the parallel lives that Catholics and Protestants live before we do anything else, I don't think that is going to work or is at all practical. The question about what we integrate into I suppose is dependent on, again some people would like to believe there is a settled view on what it means to be British, but that illusion of a shared imagination of what it is to be British has been a contested issue, at least for the last 800 years and I suspect will be in the future. I think we have to get used to the idea that our imagined communities, which are nation-states, are those things that are constantly fluid and dynamic and will always be a moving target. Given that is the case, what people should be asked to integrate into are a set of procedural practices and values. So writing a Bill of Rights is a good step, having a constitution would also be good step and then people would be able to engage in the discussion about what it is we are together. That is what they can integrate into and we can have political debate and discussion from a diverse range of positions, rather than suggesting there is this thing that is Britishness.

Luciano Scagliotti

I am always very glad to be congratulated but would like not to be misunderstood about MIPEX. MIPEX has no

ambition to reflect the daily life; this is not its ambition. Of course legislation is not supposed to be the photography of daily life but we need to know what kind of legislation is in place and from this point of view because MIPEX is fundamental. It is fundamental from another point of view it provides a way not only to compare one country to another country but a country along a timeline. We need to know if Ireland or the UK or Italy has improved or worsened its legislative or policy framework in the past five years and what is going to happen in the next five years. Having said that, my problem is how it is used. I wanted to clarify this; Sybille knows that my Government as soon as MIPEX was published had on the home page of the Ministry of Interior website, *"according to MIPEX Italy is seventh for integration"*. So this is my fear, it is not a problem of MIPEX it is a problem of my Home Affairs minister.

Patrick Yu

Just to go back to the section on parallel lives, I think one observation I can see if you look into those so-called parallel lives living in the same region or local area, we are talking about disadvantaged areas. In the UK we do not discuss certain controversial terminology like class. Precisely it is a class issue so when we look into Northern Ireland it is the same thing. If you check here going up the Malone Road you feel this is a mixed area, why is it a mixed area? Because it is a class issue and if you look into where racist attacks are happening it is in those deprived areas, the same situation in the UK. That is why we need to put all this into the context. Integration is not just about ethnic minority; it is the nation as a whole. In order to tackle

integration or this social deprivation you need to have those values like social justice, equality and rights. This is the whole purpose of this conference and one of the issues this project will like to tackle is how we tackle the so-called community relations, good race relations. One area we do not want to touch is about power relations, we are talking about these good relations but we do not talk about power relationships, community politics. I think that is why we urge ethnic minority groups and local groups to work together because you are in the same bottom of the bigger picture. We need to work together to fight, under Human Rights protection and equality, for all that will be our shared future of race relations.

Larry Olomoofe
European Roma Rights Centre (ERRC)

Integrating nomadism: experiences of Europe

Can I please say my thanks to Patrick and to NICEM for inviting me here today to talk about a rather stimulating topic. It is interesting Patrick says that nomadism is a way of life practiced by some groups of people in Ireland. I have a particular position on this, which is this definition that it is actually too limited. I would like us to expand the definition of nomadism to include everybody in Europe because the whole basis of the European Union is about the freedom of movement and moving to other places and finding a better way of life and better conditions which are underpinned by a number of Directives that are emanating from the political structures of the European Union as well as local legislation.

So by way of starting, I would like to provide a couple of definitions of nomadism as a category for us to think about and then posit a number of questions I would like you to think about. I am not going to answer these questions but I am going to focus on a number of questions that I think pertain particularly to Roma as a group. There was a question in the previous session about Roma in Italy and I think that is a fundamental question per se and Luciano your response was quite correct in the sense that Roma Sinti in Italy tend to be citizens and therefore have rights as citizens in the nation. Migration per se pertains to those countries outside the EU, I guess from Ukraine onwards, to the right of Europe those countries in south-eastern Europe,

basically the former Soviet states. This is where you might find the connection between migration per se and issues of discrimination and how these groups are affected or treated in a particular place. Regarding the case of Romania in recent incidents, we as an organisation have not had any clear indicators as to whether people who had been deported were Roma or simply Romanian. They are European citizens and so they have the rights as European citizens to reside in a particular place unless they create an emergency issue such as being a threat to state security and local conditions. The legal argumentation in that particular instance would be to establish whether these people were an apparent threat and therefore all the rights that flow from EU membership were suspended to these people and therefore deportation was the only way to address that.

So here we go with the first definition of nomadism. I took this from the Encyclopaedia Britannica online so as not to get too bogged down in anthropological or sociological definitions of the phrase and get a common sense understanding. The first definition says nomadism is:

a way of life of peoples who do not live continually in the same place but more cyclically or periodically. It is distinguished from migration which is non-cyclic and involves a total change in habitat. Nomadism does not imply unrestricted and undirected wandering, rather it is best on temporary centres whose stability depends on the availability of the food supply and natural resources.

I think that, having worked with refugees, people who apply for asylum and refugee status in many countries are rather disingenuously referred to as economic migrants by many states. Would this extension or application of this definition of nomadism be considered for this particular group? When it comes to the Roma my particular experience has been, at least in some countries, they are not nomadic, they are settled. Unless you go to places like Ireland, I do not know too much about Northern Ireland but at least in the Republic, in Britain and in France, and to some extent in Portugal and in Spain, nomadism as it is understood here doesn't necessarily apply to the Roma generally. This is the popular misunderstanding about Roma that they are nomads and in fact from my experience many of them are not, they just want and fight for rights at home.

The second definition is pretty much the same as the first and it was taken from the New Dictionary of Cultural Literacy. It defines nomadism as:

a way of life in which a community has no permanent settlement but moves from place to place, usually seasonally and within a territory. For hunting and gathering societies, nomadism does not imply aimless wandering but suggests an organised rotation of settlements to ensure maximum use of available natural resources.

Again, this would apply to a whole range of people. I am a second generation immigrant to Britain, my parents came from Nigeria, my father went on a scholarship and my mother followed and this would apply to those people from the former colonies, the new Commonwealth as they

are deviously referred to. For me, the juxtaposition here is just false in the sense that a particular group identified by a pattern that applies to us all, so I would like to demystify that process by posing a number of questions.

The title of *Integrating Nomadism* implies some kind of disjuncture or paradox or contradiction at least within the EU context and for me that is a non sequitur, it is a false premise. Having listened to a number of presentations prior to this, and especially to Rob's earlier today, just think of language; if we were to say "assimilating nomadism" would we consider that a more plausible way of addressing the issue? That is the first question I would like you to consider. It is not a pontifcation of any sort but these kind of questions inform policy because nomadism is being projected and presented as a cultural pattern that delineates or distinguishes a particular group called the Roma and I just think it is a misrepresentation of reality and we need to address that.

Even if we accept it as a cultural pattern particular to a group, the construction of a premise of the title kind of alludes to a sense of anachronism that is nomadism out of step with modernity. Is nomadism necessarily a distinction from contemporary patterns of migration and therefore outside of those processes or is that actually a misrepresentation of the reality? My belief is that it is a misrepresentation simply because of discrimination and that is the big phrase that we tend not to address or focus upon in settings such as this. It was interesting in one of the presentations yesterday about education about the

apparent lack of acquisition of particular skills through education in Britain. The language was about the migrant's parents having low educational value and didn't necessarily address the discrimination that these kids face in school. Discrimination does not necessarily have to be a virulent form of rejection. It is just a subtle process of limitation suggesting that particular standards or ambitions that kids from migrant backgrounds have are not necessarily within their scope of reality and so they shouldn't actually try and push for these levels of excellence.

If we look at nomadism from a cultural perspective it begs another question because if you look at the patterns of discrimination that Roma face, I just see a transposition of a readymade racist discourse being applied to another group. We can call it ethno-centrism however it is discrimination in its practice and so do we look at things from a cultural perspective or from a racial perspective? Now this provides another challenge for us legally because one of the questions I got asked in Dublin last year by the Irish Travellers Movement was whether the provisions in European and domestic law covered them as a ethnic group. The argumentation was because they are not stated as racial or ethnic minority they therefore fell outside of the scope of the law and I beg to differ on that in terms of the scope of the law and its jurisprudence. So that is another question to pose for us as a group.

I would say the way my organisation addresses these issues to is to look at things from a perspective of fundamental rights. The fundamental rights people have as

citizens, EU members and with the expansion of the EU into former Soviet states, the rights apply to these people too. Even though Roma suffer many forms of discrimination in their countries at home, I think Luciano's point about Romania per se is quite salient simply because the discrimination that forces people from Romania to go to Italy and live in those terrible conditions is really something that needs to be addressed locally and needs to be put on those nations that have a poor record vis-à-vis Roma. The rights of an individual which some of us take for granted, I don't but generally most people do, do they naturally apply to this group simply because we consider them to be nomads?

More specifically as a way of analogy I will give you an insight I picked up in France a couple of years ago. In France we were conducting research on access to social services for the "gens du voyage" and Traveller community and we found there are a number of bureaucratic stipulations that they had to meet. One of the bureaucratic processes was they needed to have a fixed permanent address in order to get their social benefit. The main benefit that they were eligible for was called the "Revenue Minimum d'Insertion" (RMI), basically employment benefit with a condition that they are going to be looking actively for work. The pre-requisite of having a fixed address was prominent there and we met many people who didn't fall into these categories because they didn't travel around and they had what they called a carte de circulation, a circulation card that allowed them to travel from place to place and they had to register. However, they

didn't have halting sites where they could park their caravans and eventually they would fall foul of the law and the Gendarmes would necessarily move in and confiscate their possessions and kick them off. The state reaction to this was that they had to change because society has moved on and their practice of being seasonal workers, using their hands effectively was anachronistic and this is why I asked a question about anachronism earlier. Anachronistic to contemporary France, because they didn't need these particular skills. It begged the question of why do they construct a model of social interaction in contemporary France that is so limiting in terms of access to employment which is again one of the fundamental issues that Roma face across Europe and education which I will get to at some point.

Again in France at the same time, and this is something I think is a warning for most of us from Western Europe, I met a man called Petrus, who is from Romania who lived under a bridge in the suburbs of Paris. After interviewing him for an hour we were saying our goodbyes in a very formal way and he just said to us, *"Roma in central-eastern Europe are in a better position than in Roma in western Europe"*. I asked why because I thought it was such a perverse statement to make and he said because they have organisations like you working for them, in France we have no-one. That is a point that to some extent, within this mythology of social interaction and integration and participation there are a number of people who do not fall into that group. If you look at the campaigns conducted in the media in the UK, in London and the suburbs, where there is this

mass hysteria about the sudden influx of criminality from Eastern Europe which is based upon begging, where people are begging and sending the money back to Romania. In one Daily Mail headline we laughed at the suggestion they were begging and sending back a billion pounds to Romania, I was thinking to which coffers is that going to? It bore no truth whatsoever or semblance to reality whatsoever but this is the kind of rhetoric that is being espoused by media, politicians as a way of redressing the problem that Roma present to contemporary forms of multiculturalism.

So anecdotally, where do I begin with Roma? There are four fundamental problems that Roma face across Europe:

- Access to education
- Access to housing
- Access to healthcare
- Access to employment

We have added on as part of our modus operandi a fifth category which is access to social services, like the case in France where there are a number of barriers or guidelines they have to meet before they can get access to this benefit that everyone takes for granted. In most countries there are programmes aimed at addressing the most egregious forms of discrimination Roma face. However in countries that fall outside the EU, and this perhaps where attention should focus more, Roma suffer forms of poverty, marginalisation and exclusion that are unprecedented at least in my lifetime. Bearing in mind that we have the sharp distinction between a burgeoning Europe, strong Euro, a relatively stable European economy which is generating work for

people and benefits as well and on the outside of that you have people being trafficked and their organs being sold because they are so desperate. This is a sharp distinction that I would like us to have a focus on when we think about the situation regarding the Roma.

There are a number of initiatives like the Decade of Inclusion that is an intergovernmental initiative that started two years ago amongst eight countries in Europe who are trying to focus attention and funds and resources to address the problem that Roma face in their local countries. I am not going to list them now but there is a website called the Decade of Inclusion. The problem that Roma face as a people, and there are an estimated 15 million across Europe, is that because they are citizens of particular nation-states the onus or responsibility lies on states to address these fundamental problems. So while we get donations from charities, from the Open Society Institute and from the European Commission itself in project work, the onus primarily lies with governments to address these issues. There is a sense of appreciation that there is an urgency needed to address this, there is no real action on the ground outside of NGOs like ourselves and others.

Just as a way of providing an insight into the problems that we face, I have never seen bad legislation across Europe. I have been in different countries and seen different legislation, and we were talking about creating the institutional frameworks through which people can get access to rights. I was in Kosovo last week and they had the best anti-discrimination legislation in Europe, bearing in mind the problems they had, and it is based on the EC Directive on race and employment, where the thing that Sebastian was talking about earlier was prohibited and there is access immediately at the first instance right through the legal procedures in Kosovo to address that. Whilst we as an organisation at the ERRC acknowledge the state responsibility as well as the state's desire to create access to this wonderful legislation, there is a disconnect between what is on paper and what happens in reality. Yesterday Elena was talking about the Council of Europe and about the Advisory Committee and the role of NGOs in trying to enforce law and I think that is precisely what needs to happen; compelling states to implement their policies and their laws in a much more equitable fashion. What tends to happen with EU policies to date is that a number of countries that have sizable Roma communities take the structural funds that are available and use them for other purposes while pretending or alluding to integrate or devoting time towards integration. What you have as a consequence of this process is a further entrenchment of marginalisation because many groups who aware there are funds available within the EU to integrate Roma at a local level see that this is not taking place and say we are going to leave. As soon as countries in 2005, the first ten and then last year with Romania and Bulgaria, become members of the EU there is this promise or threat of Romany communities moving from their countries to other EU states in search of a better life.

Any activities or collective effort from what may emanate from these sessions

here and other places need to focus on the activities of the state in terms of not fulfilling or implementing in a proactive fashion their commitments under regional, international and national law. It was interesting to listen to the presentation from Finland because I was in Sweden recently and the ombudsman office there are employing us to try and enforce the race equality directive by taking cases and establishing case law and precedence in Sweden. While strategic litigation is a wonderful instrument that I would advocate on forever, Sebastian and I talk about this with great passion and joy, there are other means of advocacy and initiatives that need to be taken into account as well within the local community. If we are going to construct groups as outsiders by practices such as nomadism we need to try to understand to what extent nomadism is a fundamental feature of their lives, if at all. Talking to a number of gypsy Travellers from Britain, Ireland and France, they retain the caravan because of its connection to nomadism but generally they stay in the one place. Policymakers who say that the problems Roma face in Britain in education are because they keep moving around is just politics, it is just misrepresentation of reality.

I hope to have stimulated a number of thoughts around this notion of nomadism that will really put it in the proper context. Thank you.

Question and Answers

Aidan McGarry, University of Ulster

Thank you very much for your talk, Larry. I have two questions; the first is do you think the situation of Romany in central-eastern Europe has improved since EU accession in 2004 and 2007? The reason I ask is that EU accession had the Copenhagen criteria that stipulates respect for, and protection of, minorities and it is seems that somehow this led to a lot of decent anti-discrimination legislation across central-eastern Europe. Do you think the book is now closed as the European Union is concerned? My second question is related to that, do you think the Roma require a European charter on Romany rights because I know the European Union Commission is going to be making a big announcement in I think in June but whether this is a policy, a strategy or funding or it could be a charter of fundamental rights for Romany communities and if so; do you think that would be worthwhile and a valuable resource?

Larry Olomoofe

I'll take the second one first; you are right, there are rumblings taking place right now in Brussels about the development of an initiative. For the past ten years, prior to accession, part of that advocacy drive of NGOs working on Roma rights at the time was to establish a Roma directive similar to the *Race Equality Directive*. There has been political discussion back and forth and horse-trading as to whether it is going to be a policy directive of some sort or not and about the validity of such a development politically in Europe because if you start

developing rights particular to a group then everybody should have access to this. I guess the politicians in Brussels are reluctant to establish this precedent, however, advocacy initiatives have been ongoing and the ERRC is part of a coalition pushing for Roma specific policy. It could be a charter; it depends on whether it is allowed under the machinations of the structures of the EU. We certainly wouldn't want it to get bogged into a discussion such as the constitution in terms of states having to accede to it or acquiesce to it. There is this initiative which we are hoping is going to be the focal point for a number of states to galvanise action on Roma.

However, that kind of leads us to your first question. Since accession I don't think it has improved. Qualitatively you can't really tell the difference between now and four years ago for a Romany person. Outside of the legal structures in terms of addressing these fundamental issues that Roma face, the fact that there is a Decade of Inclusion, which is an alternative political process to identify and to collect resources on Roma issues as a way of proactively engaging states inside and outside the EU to address this issues is indicative I feel.

Some countries have made progress. In Hungary where we are based, and I think that is a consequence of the fact that we are based in Budapest and so we can take action locally as opposed to having to fly to every European country when things happen, there is much more of a dynamic process involved in terms of litigation and pushing for rights for education for Romany children. Hungary was identified in one of our surveys as one of the most segregated education systems in Europe pre-accession. Prior to accession, because of the push for accession to join Europe they started reforming policy to encourage or to engage local education authorities to desegregate, they even put together a fund and created a department that was solely based on desegregating. Because they didn't like the language of desegregation they called it the integration unit that basically was a task force that went into the hinterlands of Hungary and checked if schools were segregated and provided professional assistance and funds for desegregation or integration. However, there was a structural kink or problematic that couldn't be addressed that was they could only go on the invitation of the school. So you could carry out a number of independent surveys to show these kids are going to segregated schools and yet the school would deny it was segregated because it wouldn't ask for this grant. However, we took class actions against on behalf of parents of these schools and eventually got access to these schools and forced them to apply for these funds and now we can see some kind of momentum developing around that.

Bulgaria is making small steps or in-roads but generally if you were to go to Slovakia, for instance, and ask a Romany person who was in Slovakia pre-accession whether there was any difference, you hear "no". The only difference is they could actually go into other parts of Europe, like in Italy, or Britain, or here in Ireland, and still be treated the same way they would have been treated back in their home countries. So, I like the language Rob used earlier, the shifting nature of states, you know, things are always fluid. And if Roma are being

denied rights, fundamental rights, at home that process of denial continues when they go to another place because they're considered as outsiders, kind of clamouring or scrounging around, or scrimping around for limited resources in the host country.

So I guess the only way to test your question is to look at how Roma feel prior to joining the EU and now, the post-factum. My experience is that nothing's really changed in a qualitative way and that's a sad, sad, sad thing and I think the politics of accession in terms of advocacy initiatives is that pre-accession, everybody's ready to accommodate, *"we're ready to do this"*, and governments were very open to a number of suggestions and initiatives that people like our organisation and others were putting forward. Once they've acquired membership, they kind of slip into this torpor where they just become rather forgetful about their commitments and they say, it's the same for the UN process too, having signed and ratified a number of these wonderful conventions, they say *"we've got five years to report so we're not going to do anything for the next four"*. It's the same for accession because there's no real monitoring, no implementation mechanism involved in accession, apart from commitment to addressing these problems, there's no real way to measure it.

Patrick Yu

Just to follow that question, will the case in the Council of Europe last year be helpful or not? I forgot to mention the EERC won a very fundamental case last year in the European Court of Human Rights in relation to the segregation of schools in Hungary.

Larry Olomoofe

Yes, actually, without wanting to correct Patrick, it was in the Czech Republic and Slovakia. I feel it's a slightly different issue, in terms of the EU because this was about different blocks internationally, political blocks. The Council of Europe Court of Human Rights found in our favour, thankfully, that the Czech Republic were implementing a policy of indirect discrimination in the way that Romany children were being split into segregated education, 'special schools' they called them, and they were special schools because they had apparently special needs, special educational needs. However, the basis upon which this judgment was made, in terms of whether to put these kids into these schools or not was a test, a universal test, these children had to take. We suggested that the test itself wasn't culturally sensitive and also the tests were indirect discrimination because as a consequence of this test the ratio of 8:1, I think it was, or 7:1, Romany children ended up in these schools and we showed legally, as well as sociologically and factually, that this was a form of discrimination. It has great impact, in a legal sense, for other people who may take cases similar to this, with the same profile as Ostrava, and when I talked earlier, I kind of alluded to the benefits of strategic litigation and that's one of them, it's that it's one way of short-circuiting the political process and forcing the political elite and leadership to make changes through the legal process but it takes so long and that took eight years. We started in 1999 and only got the ruling after appeal, because we lost the first account, the first ruling, two years ago, so it took

eight years and these kids are no longer kids anymore so they got €4,000 but they still didn't get their education. So when I come to settings such as this, I always try and provide a broad prospective on how we do our work simply because litigation may be one solution to the problem but you need, Sebastian and I were talking about this, you need to be ready to endure the long days of oppression and marginalisation. Sometimes from their own communities, because the states don't stand still when we take them to court, they also try to collectively punish the community by enforcing rather Draconian measures of policing and monitoring of their communities. So whilst Ostrava is a wonderful success and I think we should build up on this, you know, it's just one strand of, I think, a multifaceted approach that we should be employing.

Fergal O'Brien, Southern Health and Social Care Trust

I'd be interested just to hear a bit more, you mentioned the Decade of Inclusion, an initiative of eight countries, I'd like to know in terms of outcomes of that particular work, do you get tangible results from that initiative in terms of those key areas you talked about earlier on, in terms of education, accommodation, employment, and I would add into that political representation within organisations and participation?

Larry Olomoofe

I wouldn't include political participation because any analysis of the contemporary Romany rights movement shows that Roma are represented politically in such a way it is unprecedented. On a recent trip to Macedonia, I was told by a local Romany representative they had 500 NGOs in Macedonia which is this small, and he said we don't have 500 problems in the Roma community and everyone is a representative in the Roma community, and I hate the phrase 'representative'. I had this discussion last week with people in Kosovo about leadership, or being representative of the community, and I never promote myself as a representative of Roma simply because 1) I'm not but 2) you know, there's no organic process that elevates somebody from within the community to say that legitimately they're representatives. Much of Roma rights are characterised today by people being nominated by funding organisations because they spoke their language, whether it's a language of ritualised form for the administrative process or English and they had basic skills that they could use and that the true leaders of the community tend to do the work in the community and we don't have access to.

In terms of the first point and the overall point of your question, the decade of inclusion is an initiative that was initiated by the Open Society Institute from New York through George Soros, and it was a way, I think, of applying a UN style approach to addressing the social phenomenon such as the modernisation of Roma and it was originally supposed to be implemented in ten countries but two dropped out and so there are now eight countries only. Their main areas of interest, the targets (improvement) are, in access to education with a qualitative outcome. Whether you are going to see kids going to school or not, I think that it is a tangible way of assessing

the success of the programme. Employment, housing and healthcare are a tangible way too, because Roma suffer egregious forms of discrimination in these main public areas.

Social welfare wasn't one of the programmes or initiatives that were part of the package, however what we are seeing is an expansion beyond those eight countries who are part of the Decade to include countries such as Moldova. Moldova is officially the poorest country in Europe where Roma are being trafficked into the sex trade or into the illegal organ transplant process and the forms of exclusion from public life there are far greater that they are anywhere else in Europe that I have seen. I guess in ten years' time or in eight years' time we can tell. I am a sceptic really when it comes to political initiatives because of the horse-trading and the discussion that Elena presented from the Council of Europe is indicative of that, where you have language that is wonderful in political or rhetorical terms but there is no real meat or substance to it. When you try to implement it you find these barriers and you really need to be belligerent in order to turn it into something tangible and I don't really feel that the governments have a proper commitment because of the limited resources to it. There is also this thing called the Roma Education Fund which is again a commitment by governments to donate funds aimed at addressing education issues across Europe. They had their launch in Paris almost around the same time as the launch of the Decade of Inclusion. Slovenia as a nation contributed $20,000 which for me is scandalous. $20,000 wouldn't get you a first year degree in America let alone for a

structural contribution towards education of people who they should be committed towards educating and providing access to education. So again, the truth can only be told in a few years' time but because of it there is a focus of attention as an advocacy instrument to compel those states to do something because they made commitments under these agreements.

Section C:

Workshops

8 and 9 May 2008

Belfast

WORKSHOP I

SUPPORT TO NEW MIGRANT COMMUNITY

Maeve McKeag
Project Co-ordinator Minority Ethnic
Employability Support Project (MEESP)
GEMS NI

GEMS NI was established in 2002, and is represented today by Maeve McKeag. The organisation deals with the long-term unemployed. Local people hadn't the skills to take up employment opportunities. GEMS responded to this need by working with the employer and the unemployed, developing detailed, tailored action plans for individuals. The service is proactive with the community, reaching people in a safe environment.

Current work in the Minority Ethnic Employability Support Project: European workers in South and East Belfast supported to gain employment

- Limited English is often a barrier, textbook English does not account for slang, jargon, terminology e.g. DOB or local variations.
- Problems such as developing CVs, completing application forms and interview skills.
- Exploitative employers and resulting issues are often left unaddressed as it is the individual's responsibility to report but often they do not as they fear the situation will be made worse for themselves or colleagues.
- The homelessness cycle is another problem.
- GEMS provides sign-posting to rights and understanding of the system.
- A client focused service.
- The developed Language for Work programme deals with basics e.g.

timesheets and payslips, the course is accredited and aids integration into the community.

- Learning language for Work is a life-long programme, sharing learning with Romania, Germany, Hungary and Ireland. Recognising the Europe-wide problems faced.

Due to dependency on funding, GEMS have developed a social enterprise to generate finance for projects.

Minority Ethnics in Northern Ireland (MENI) helps people with employment, self-employment, skills development, further education and volunteering; a holistic approach to developing the potential of minority ethnic individuals. The project is in early stages.

Fiona McClausland
The Old Warren Partnership

Paul Majszyk (support worker) spoke of how all migrants face the same problems. The Old Warren Partnership helps with these, such as registering a car etc.

Fiona lives in the Old Warren estate, a TSN (targeting social need) area. There is much stigma and discrimination against the area and a strategy was developed to improve this. The organisation faced issues of migration. Migrant workers employed by local factories led to a hostile response from locals who feared migrants were taking jobs. Staff received training and realised many issues existed such as leaflets not being in migrant languages etc. At the time Belfast was labelled the racist capital of Europe and loyalist areas were publicised as the main perpetrators.

The organisation understood the need for strong community cohesion to prevent problems spiralling out of control and stood for anti-racism and welcomed all people. Attacks had increased and the starting point in mending the problem was vigils held in areas where attacks had occurred. The Welcome House employed bi-lingual workers to help people feel secure and were also helped greatly by volunteers.

Attacks reduced, especially from children. They focused on cohesion, Polish footballers in the local team blessing themselves after scoring was well accepted in the community, it broke down barriers.

Despite the successes, problems still exist:

- An example is a nine year old girl who was refused dental care because she was Polish. The Health Services are failing to recognise many needs, citing limited resources as the reason.
- Many people are seen as illegal when they shouldn't be as their employers fail to register them with the Home Office. This policy is seen as institutionalised racism, a denial of basic rights.
- Special education needs problems e.g. a girl had an educational psychologist in Poland and was denied the right to education because the school was afraid of the implications of interpreting wrongly.
- The organisation now has a bi-lingual youth worker.
- Met with much resistance from statutory providers in the beginning of the project, however enjoying cooperation now.

Where there is the most inequality there will be racism, it is a socio-economic problem. Approach is to take the lessons

from local political divisions and apply them to new challenges.

Group Discussion:

Ayfer Mills, a Connect-NICEM interpreter, pointed out that by educating teachers on racism, good education will follow for students. Believes not enough is being done and the situation is dangerous, people are becoming mentally ill from fear. She gave examples of personal experiences involving intimidation and threats that were racially motivated. She believes that adult education is vital.

Fiona raised concern over the anti-Muslim agenda in the media filtering down to schools.

Jim Glackin, from the Equality Commission, was interested in proactive approaches. He mentioned a future project in East Belfast, the project is not defined as yet. Jim stated that the Equality Commission has a statutory duty regarding the dentist example, he emphasised on the importance of engaging with the Commission over such issues.

The issue of adequately tackling social problems amidst a backdrop of negative publicity and prejudicial general societal attitudes towards migrant workers was also raised.

WORKSHOP II

THEMATIC WORKING GROUP ACTION PLAN ON MIGRANTS

Jim Walker
Head of the Migrant Thematic sub-group
Department of Employment and Learning

Jim Walker from the Department of Employment and Learning was joined by Dave Rogers to speak about issues affecting migrant workers and the work that is done to resolve them in Northern Ireland.

Jim is the head of the Migrant Workers Thematic sub-group, established in June 2006. In the 1990's approximately 20,000 people entered NI and the same number left. This century has seen a huge increase in net migration, due mainly to the new access countries. Prior to 2006 there was a general consensus that migrant workers had a positive contribution but elements of racial discrimination had appeared. A racial equality forum was set up in the form of the sub-group, with 50 members, representing all NI government departments and a substantial NGO sector involvement.

- The group produced a draft strategy and action plan, strictly in context of UK immigration and migration policy.
- The non-state sectors key role was recognised in taking forward the strategy.
- The group tries to identify needs and gaps.
- Its working definition of a migrant worker is someone from outside the UK who is here to seek or take up work.
- The strategy and action plan are flexible and reviewed annually.

Four key areas where action needs to be taken (and where complementary working groups have been set up) are:

1. Employment inspection and enforcement:
- Providing guidance via seminars to raise awareness.
- More effective working relationships have been formed; all enforcement

bodies have been brought together, a huge step forward. Within the constraints of legislation they share information.
- Provides a platform for sharing.
- There is a willingness within all agencies to stamp out problems.

2. Information:
- Wide variety of welcome packs, guides and leaflets in various languages.
- Project plan to create a welcome pack template.
- Plan for awareness training to set standards for interpreting and translation.
- A comprehensive 'Your rights in NI' booklet is available.
- 6 monthly updates are provided.

3. Developing best practice:
- 13 key principles.
- Central is the need for involvement from migrant workers.

4. Research and data gathering:
- Problems with finding definitive numerical data.
- The group has commissioned various research projects including a recent survey exploring experiences of migrant workers, skills level, education, reasons, previous employment experience and intentions.

The following are used in gathering numbers of migrant workers:
- Labour Market Committee
- Workers registration scheme
- National Insurance Numbers
- Health cards
- Births

A report with information on sources, the draft Action Plan, updated information regarding numbers.

Group Discussion

Is there a timescale for research?

- The Institute for Conflict Research is to undertake the study on migrant experiences. A questionnaire will be distributed to 500 migrants and an in-depth analysis provided of 100 people. Timescale is not definite, however they are hoping for indicative results this year and to publish in early 2009. Many factors may hold plans up.
- Other research included a survey on perceptions taken last year by Queens University and the University of Ulster which will be repeated in May 2008.
- Planning to research economic impact and putting the contract out to tender.
- Indicative evidence suggests migrant skills profile is higher than the indigenous population, people generally aren't working at their level. There is uncertainty in this research but they hope to gain some idea of trends.
- Regarding data, there is no single source of information. The lead is taken by NISRA.
- A problem is that the UK government is keen for information on a national scale but some mechanisms they adapt may not work on NI level. An example is the port survey, people can drive over the border in Ireland and this confuses statistics on UK and Republic of Ireland level. Working closely with ROI to get a better grasp of actual numbers.

Will the Economic Impact Research quantify the contribution of migrant workers to the economy?

- The national models of the economy are sometimes not robust at NI level.
- The labour force survey is subject to problems when broken down as the sample size isn't big enough.
- Earnings don't identify migrant workers.

- Often face disagreements from sectors and have to pick through it.
- Might be able to get indicative analysis. Driving down wage rates, is there actual evidence? Is this positive or negative? Competition is seen as beneficial.

Regarding the new UK point system, how can NI contribute to the UK–wide system of deciding the profile of a desirable migrant worker?

- Through the Migration Advisory Committee which advises of skills and needs.
- All vacancies should be filled by workers from the EU and then, by third country nationals. Skills needs in UK and NI included.
- It is a matter for the Home Office.

Does the group consider the dependents and family or purely the worker?

Employment needs are the sole remit but other departments cover other issues.

How is awareness created? Where is information distributed?

Difficulty in getting the right information to the right people. For example, the organisation STEP forwarded leaflets made by the Gangmasters Licensing Authority.

Patrick: they play a crucial role as some organisations use only their own information which is often not comprehensive.

Jim Glackin (Equality Commission representative) gave the example of a pregnant worker in Newry put on heavy manual duties and who had to leave her job. Other workers mentioned feel they cannot complain as they will struggle to find new employment. This is seen as a rural problem. He questioned the amount of assistance given to people in difficult situations, suggested extra help, information and support.

- Through Employment rights structure and tribunals, it is for the individual to take case forward.
- A lot of migrant workers are employed through agencies and have known abuses. The Employment Rights and Tribunals can help people in such cases.
- Some cases fall into the remit of the Department of Employment and Learning, who can do routine inspections of employment agencies. Nobody has been identified however, getting information is difficult.
- How many workers? Hard to quantify. Difficult to get information on abuse.
- It is taking time to build better practices.
- Not all involved is devolved but aware of problems and trying to resolve.
- Research has been commissioned to study the reporting of perceived exploitation. It is effectively anonymous but caution must be exercised as information can be spoiled by anonymity. Results won't be perfect but they will give an idea. Suggestion that dialogue sessions might be beneficial while awaiting data.
- Patrick: there should be better collaboration. Questioned why the Equality Commission have never enforced their power to formally investigate employment agencies. Representative from the Equality Commission replied that there are cases currently under investigation.

What is involved in routine investigations?

- Checking for health and safety and working time regulations being

breached. Said other colleagues might be more helpful with this question.

WORKSHOP III

WORKING WITH MINORITY ETHNIC GROUPS

Jennifer Yu
Ethnic Minorities Development Officer
Belfast Health and Social Care Trust

The Belfast Health and Social Care Trust is the larger health care provider in the United Kingdom, and in Europe, with an annual budget of one billion pounds per year.

They have a staff of 22,000, serving more than 340,000 people in the Belfast area, according to the last national census of 2001 (the number is probably much higher now).

The aims of the Trust are to address people's health and social care needs, to support them, to deliver health and social care in good standard, to improve health and well-being and to reduce health inequalities.

Jennifer's main responsibility, as an Ethnic Minority Development Officer, is to support people to address the health and social care needs of minority ethnic community and to ensure equality for minority ethnic people in accessing and benefiting from all Trust services.

The challenge today is to adapt to the changing nature of society and to be able to answer to the new needs of ethnic minority communities, following Equality and Human Rights Legislation and Statutory obligations.

The ethnic minorities in Northern Ireland can be divided in two main categories:

- The settled groups: Chinese, Indian and Irish Travellers, who represented one percent of the overall population in the 2001 Census.
- The Transient groups: Asylum Seekers, migrant workers and international students. There are approximately 100 Asylum Seekers in emergency accommodations at the moment in Northern Ireland.

The main health and social care issues regarding ethnic minority groups are:

- The language barrier
- A lack of information
- They are unfamiliar with the health care system, unaware of how it works here
- Isolation (with a lot of issues related such as stress, drinking and mental health problems)
- Work & lifestyle
- Cultural difference/needs (limited choice of food at the hospital for example, unsuited to their cultural or religious practice)
- Racial prejudice/harassment
- Employment (low paid or lower skilled jobs)
- Housing (abusively expensive rents, overcrowded places…)

To reduce these inequalities, the Belfast Health and Social care Trust created special units:

Mainstream:

- Health Inequality Unit
- Community Development Unit

Specific Services:

They organised specific services for disadvantage groups, for example the Irish

Travellers, Chinese older people and Asylum Seekers.

The Belfast Health and Social care Trust policies and procedures are:

- Equality Scheme & Human Rights
- Equality: is not just treating people the same, but making sure that no-one suffers or is disadvantaged when it comes to getting what they need.
- Equal Opportunities Policy
- Harmonious Working Environment

They have a Special Provision:

- Dedicated health visitors to work with ethnic minorities and travellers.
- Provide health screening clinic for new migrants and asylum seekers.
- Support Chinese older people project
- Promotion of employability and job opportunities.
- Managing Regional Interpreting Services
- Develop multi-lingual information
- Research

The Belfast Health and Social Care Trust is part of the Belfast Minority Ethnic Forum, created in 2006. The purposes of the Forum are to share information on shared policies, to be consulted on Trust's policies and services and to develop and support new initiates.

The representatives in the Forum are the NI Council for Ethnic Minorities, the Multi-Cultural Resource Centre, the Indian Community Centre, the Chinese Welfare Association, the Polish Association, the Belfast Islamic Centre, the NI Muslim Family Association, the NI Filipino Community, An Munia Tober and the relevant Trust staff.

The Belfast Health and Social Care Trust also organise Cultural Diversity/Anti-racism Trainings. Their aim is to develop and increase knowledge and understanding of ethnic minority groups in NI and to promote anti-discriminatory practice and cultural competency in service delivery.

The first target of the Trust Staff is the frontline workers, for example the receptionists, the senior managers, social workers and others. There have been many complaints regarding the behaviour of the receptionists. The aim is to increase cultural sensitivity/awareness, to make sure that the health workers have the skills to work with ethnic minority groups.

Regarding consultation and involvement, the BHSCT continues to consult with community groups on Trust policies and service delivery. They organise public workshops, seminars and meetings, promote the Advisory Panel and organised the Involving You consultation Framework.

Group Discussion:

The discussion that followed the presentation raised a few recommendations:

- Need to know the current statistics of migration for the public sector to be able to implement changes. Without those statistics, the public sector cannot apply for the funding to implement those changes. As a consequence, the public services are often accused by the voluntary sector to know the issues but to do nothing to change the situation.
- Need for detailed statistics for the various geographic areas in Northern Ireland to be able to provide the

services suitable for the different communities present in the area.

The issue of the limited resources on language learning for the staff was raised. The Belfast Health and Social Care Trust is currently working with GEMS to have training on language skills for the staff.

GOOD PRACTICE: MIGRANT & ETHNIC MINORITY COMMUNITIES

Suzanne McCartney
Equality Manager
South Eastern Health and Social Care Trust

With over 10,000 staff, the South Eastern Health and Social Care Trust are promoting good practice but it is difficult to check that each staff member is actually respecting it. Implementing and generalising good practice is the biggest challenge in the Trust.

The SEHSCT deals with complaints and litigations. They, for example, make sure that foreign nurses sign contracts that are made on equal terms and conditions as the local nurses. Around 2000, there has been an important shortage of nurses in the UK. Over 50 of nurses came from India and the Philippines to work in the SEHSCT. When they arrived, the SEHSCT made a staff induction and insured that the families got accommodation, that the children were sent to school etc.

The International Recruitment Project is a key project for the agency. It has raised issues regarding racism, sectarianism and hate crimes (need for clarification of the legal definitions of those three terms in the NI context). Trainings have been organised to underline the rights and responsibilities

of the staff in the respect of cultural diversity.

After the Belfast Agreement was adopted in 1998, the SEHSCT created a Racial Equality Steering Group, in respect of Section 75. The groups involved are NICEM, the Chinese Welfare Association, the Multi-Cultural Resource Centre, the Committee on Racial Equality NI and some members of the staff.

They created a Corporate Social Responsibility Group, and the Diversity in Action Forum, set up internally in the Trust.

The SEHSCT organises many welcome and Good Relations Events to break isolation, they provide translated information, do some media work, help with future recruitment and organises some mapping exercises in the areas of Lisburn & Down.

Mapping Exercise 2007

- Biggest challenge – language
- Discrimination
  - Down   3.6%
  - Lisburn   22%
- Do you feel safe where you are living?
  - Down   Yes 92%
  - Lisburn   Yes 75%

Issue of under-reporting (many people hesitate before reporting racist crimes to the police). There is a lot to do to encourage people to report crimes.

Suzanne raised the problem of some migrant workers requiring a work permit. It has appeared that if they became the victims of racist attacks or harassment and need to change accommodation, no provision fund was available to help them.

There are great disparities between the various groups of migrants and what are made available to them.

The SEHSCT has formulated some steps to take regarding the language barrier issue:

- Joint Working – Trusts, Boards, Agencies and DHSSPS – Benefits
- Regional Interpreting Service – 68,000 – 4 years
- Translation of documents
- Interpreting Audit – Mystery Shopper - 2007
- Good Practice – challenge attitudes – consent
- Training Sessions

Suzanne underlined the great disparities that exist in the use of interpreters. While some areas are familiar with the practice, others have never used an interpreter for their patients. There is a major issue here regarding the legality of obtaining the consent of a patient who do not speak English and without the assistance of an interpreter. This happens very often, it underlines the necessity of having staff training on the issues of equality and Human Rights and discrimination to guarantee equal access to services, respect and dignity.

Group Discussion:

Some recommendations were made as a result of the presentation:

- Need for more public consultation
- Need to have a more individual/personal approach, as small things can make a big difference (Chinese elderly)
- Need for more mapping exercises, to adapt the services to the communities

who live in the area, especially concerning mental health issues.
- Need for cross-learning and greater partnership between the agencies, especially regarding education and health. This partnership is essential, especially for rural areas where the services are difficult to access.

One of the attendees working for the Education and Library Board shared his experience of employing bilingual staff. This facilitated the exchanges and was a real improvement, not only in terms of language but in terms of interculturality too.

- Need for a strong commitment from the government
- Need to have migrant representatives to help targeting
- Need to make information travel from the society up to the government
- Need for a monitoring system to monitor racist behaviour
- Need to support the child victims of racist harassment
- Need to develop a strategy, to work together.

WORKSHOP IV

SUPPORT TO NEW MIGRANT COMMUNITIES

Anne Dorbie and Paul Donnelly
Rural Development Division
Department of Agriculture and Rural Development

Over the last 15 years, the Department of Agriculture and Rural Development gained some expertise on the topic of equality. They have developed four main axis:

- The Programme for Government
- The Rural Development Programme

- The Equality Impact Assessment
- The Rural Anti-Poverty and Social exclusion

The Programme for Government has for primary objective to improve the rural infrastructures and to encourage the free movement of people, goods and services.

The Rural Development Programme is aimed at improving the competitiveness of the agricultural and forestry sectors, improving the environment and countryside and improving the quality of life and rural economy.

To meet the strategy commitments regarding Anti-Poverty and Social Exclusion, DARD has a budget of £10m over three years and has identified three priorities: access poverty, financial poverty and social exclusion.

Regarding ethnic minority groups, the Department of Agriculture and Rural Development has raised the issue of the limited data or baseline available. Without these data, it is very difficult to take forward measures and to obtain the basic funding necessary to improve the condition of life in rural areas.

The ethnic minority groups in rural areas are even more vulnerable to sectarianism and racism. If no funding is provided and nothing is done to improve the conditions of life in rural areas, it can jeopardize the economic development on a greater scale. DARD is conscious of the change in profile of rural areas and organises some projects to bring support to the migrant workers and their families.

Michelle Lyons

Development Worker
NICEM Floating Support Team

The aim of the project is to promote independent living and ensure that individuals from ethnic minority backgrounds are not neglected, that they can voice their needs. The Floating Support work in all the sectors: health, housing, benefits, social welfare, etc.

They mostly cover rural areas where the access to services is very limited. They work in partnership with various organisations such as the Law Centre, the Housing Rights Executive etc. The project is very popular with 61 new clients in the month of April. Most of these clients are from Poland, Slovakia and Lithuania.

The Floating Support published research, a pilot project consisting of a mapping exercise of the North-East region of Northern Ireland.

The main problem that rose from the research is the language barrier in dealing with everyday situations. In response to that, the Floating Project ran English classes in various cities. The learning objective was less based on grammar than on "situations". The vocabulary and the structures learnt were focused on special themes and situations: health, employment, road safety etc.

The course lasted for 6 weeks, in the evenings, after work hours. The Floating Support invited community guests such as the PSNI, the Irish Congress of Trade Unions and other representatives of the public sector to give some presentation of their work. The Floating Support tried to

encourage networking for the migrants to play a more active role in the community.

The Floating Support's main role is to give a voice to migrants, to offer them support and help towards a more independent living. They have had a lot of problems regarding employment laws and employers. Many recruitment agencies were abusing migrant workers, making it impossible for them to open bank accounts and having to go through them to obtain cash (the agencies were taking fees to change the cheques to cash), problem with overcrowded or unfit accommodation, deduction of taxes that were made by the agencies and did not appear through the tax office etc.

Michelle underlined that with the rapid changes of the law it was very difficult to keep up. It is a roller-coaster.

Bobby Rao
Executive Director
Strabane Ethnic Community Association

Bobby is a migrant himself; he experienced some of the issues related to migration. He first came to Northern Ireland as a professional cricketer and has been living here since 1989. Bobby found a job in the cricket club, and after a couple of years, he was eventually running it. He never really experienced racism before but once he became the head of the club, the attitudes changed. People were wondering why a black person should have such a position. He became victim of racial harassment and was finally fired from the club. Bobby did not know who to ask for help, Strabane is a very rural area and nothing was organised to help people with

such problems. He contacted NICEM, in Belfast, and organised some meetings with other migrants. At the beginning it was very difficult, no one turned up but they kept on. In 2004, they created the Strabane Ethnic Community Association to respond to the needs of minority ethnic communities in the Strabane area.

SECA has now more than 160 members from 70 different nationalities and running over 40 projects on health, education etc. SECA help to raise awareness by going to school, teaching diversity through sports like cricket or basketball. It has to be pointed out that the Strabane area has a high level of unemployment with over 70% of unemployed people.

Bobby was telling the case of two Slovak nationals who came to the area. Neither of them spoke English. Bobby tried to help them settle down and spoke to the local agencies. It appeared that the agencies did not know what to do, they did not know the extent of their jobs because they were not used to deal with people from minority ethnic backgrounds. They did not know how to answer their needs or if they had the provisions to do so. Finally, they managed to find a house and jobs for them.

Bobby underlined that the major work done by SECA concerns education and health.

The Lithuanian Consul was amongst the participants of the workshop and shared the Lithuanian experience regarding education. There is a school in Armagh that registered more than 65 Lithuanian pupils this year. The Consul explained that there is a great respect of learning within the

Lithuanian community as the school was made compulsory only in 1974. He underlined as well that migrant workers are often made responsible for many things that are not under their control.

The Consul told about the problem encountered by the Lithuanian's community to open bank accounts. It often happens that the worker who was able to open a bank account has to cash the cheques of all the workers to give them cash in exchange. This way of things has caused this worker to lose his housing benefit because he couldn't declare where all this money came from.

The Consul underlined the importance of language classes and the precious help of having the consul of foreign countries coming in Northern Ireland every month.

WORKSHOP V

LOCAL GOVERNMENT

Aisling Rennick
Newry & Mourne Council

- Area suffered during the Troubles, high unemployment and a small migrant worker population.
- Since peace and EU expansion has been an increase in numbers
- Approximately 5000 – 6000 migrant worker population out of total population of 93,000. Approximately 5% of total population.
- Different from previous migrants from former colonies – less English skills.

Newry and Mourne Ethnic Minority Population

- Polish
- Lithuanian
- Latvian

- Russian
- Portuguese/Brazilian
- Irish Traveller

Challenge of Change Project

- Cross Border Partnership with Louth County Council

Reason for this is geographical and also Louth County Council has greater experience with migration issues.

- Peace 2 Measure 5.2

Initially look at welfare and support issues - council as a service provider and civic leader. Need to put own house in order.

READI Project

Mainstreaming equality issues for Council. Applied for Peace II funding but was turned down twice because primary beneficiaries were BME not addressing sectarianism.

BUT argument was with the easing of sectarian tensions meant increasing racial tensions. Won the appeal and gained funding.

Project Objectives

- Create a cross-border approach to address barriers to provide services to BME residents.
- Build relationships between the staff of the Councils through a shared approach to learning about ethnic diversity and how to provide improved levels of service to new residents.
- Create a cross-border approach to addressing barriers to providing services to BME residents.

Project Activities

- Staff attitudes survey
- Anti-racism training for staff in both councils
- Translation and interpreting support for staff
- Production of a cross-border joint Racial Equality Strategy and adoption of the strategy by the councils
- Research into the ethnic minority populations in the two areas leading to the creation of needs assessment and development plan
- Cross-border/cross-community training programmes for local communities
- Support for individuals and groups within minority ethnic populations

Newry and Mourne Ethnic Minority Support Centre

Did not forget about welfare issues

- Employ a dedicated Ethnic Minority Support Worker
- Funding from PSNI Policing in the Community Fund and Lord Ballyedmond

Support Centre Services

- Information on issues such as rights, benefits, education, housing, vehicles, etc.
- Signposting to relevant agencies
- Advice clinics
- Information meetings
- Opportunities to network
- Outreach service to local areas
- Form filling

Issues

- Benefits
- Employment Rights
- Tax credits
- Homelessness
- Pregnancy related issues
- Local Services including health, education etc.

Wish to pull in other departments of the council. Not just an issue for one section but for all departments. Wish to have broad ownership.

Derek Hanway
An Munia Tober

The issue of integration has been a consistent theme in the work of Travellers. Integration/segregation is a very topical debating point in An Munia Tober and for the ethnic minority sector as a whole.

Northern Ireland Housing Executive research found approximately 500 Traveller families/2300 people in Northern Ireland.

All Ireland Travellers mapping health study, which An Munia Tober is working with, estimates 600 Traveller families in Northern Ireland and approximately 3000 people. This mapping exercise has estimated a Traveller population of approximately 40,000 people in the South.

In total, there are 43,000 Travellers in Ireland. This is very different to the figure of 17,000 in the 2001 census. History of nomadism as a way of life not a choice. Situation now is that families are maintaining family structure even if less nomadism and more settled.

Nomadism and travelling can still occur, maybe settled for most of the year and travel for three or four months. For the Northern Ireland Housing Executive research 80% of those interviewed had been in their current place for more than one year.

Economic reasons for travelling have gone away. Nomadism is now less for economic reasons.

Integration

Traveller rights and welfare have been done in a Traveller specific way.

Up to the 1970s or so, it was very much on the welfare model and in Ireland a lot of this was church based. From around 1980s social policy/academics begin to focus more on identity. Travellers are recognised as a distinct group in law, 1997 Race Relations Order.

Very much based on politics of recognition/politics of difference as the basis of equality. Inclusion of Travellers in a multiculturalist view. Traveller support group focus on using law to prevent discrimination. Strategic litigation is a very important means to do this.

What has actually happened?

Service delivery and policy has been Traveller specific. This means barriers for integration. Separate services; not what we want.

1. Housing

For example, in 1997 Lord Dubbs announced 4 group housing projects. Approximately 30-40 homes in Belfast for Travellers. Creating Traveller only estates. This decision with no discussion with Community Relations Council, Equality Commission etc.

Housing is a big issue – Travellers do need a distinct form of housing and should have equal right to this.

If Travellers choose to live in standard housing then they should be housed within overall system, not separate housing estates.

New thinking, progressive movements in South Dublin. Travellers and non-Travellers living side by side. You might as well tackle it now as opposed to just waiting to tackle it later.

About 60% of Travellers in settled accommodation, pretty well integrated. But the difficulties come when you try to access a service, this is when discrimination occurs.

2. Education

Traveller only education/schools.

Used by Department of Education to be able to say they are not contravening Race Relations Order. No discussion about how this separates Travellers, no talk about social cohesion.

Traveller education is a key vehicle to Traveller acceptance in society and an ending of Traveller separation. Stop funding Traveller only education provision? Questions what Traveller only groups are providing.

3. Health

Traveller only social workers, psychiatric nurses etc.

Where Travellers have difficulty in accessing a service then have Traveller only service rather than look at difficulties of entire service. Emphasis on our work should be based on litigation.

Traveller groups could be assisting Traveller separation by accepting payment for providing Traveller-only services.

Key Discusssion Points:

- There are still people who do travel, nomadism is not dying out
- Key issue is mainstreaming. Public authorities in Northern Ireland often have special needs programme but no mainstreaming.   When and where should we have mainstreaming and when and where should we have special programmes?
- Often working in Traveller only service is only employment option for Travellers.
- Alternative education project is a safe place for Travellers.
- Often for statutory services it is cheaper to provide separate services and it costs more for mainstreaming in the statutory sector.
- Similar to Roma experiences in Europe. Lack of political leadership. Without making it a part of a political approach to integration it is not going to happen.
- Consolidate differences without bringing them closer together.
- Funding - easier to get payment for providing Traveller only services than to pursue policy of litigation.
- Strategic litigation - need local knowledge on issue, lawyers as a link for grassroots groups.
- The Newry and Mourne Council measures are very staff orientated, have the elected representatives, the councilors also been involved/trained?
- Yes, have a tradition of elected members being involved in this process.

- Have the measures been effective? What has been the outcome?
- Public statements are a tiny amount of their work. Some councilors do have issues but a lot are involved in process.
- Research on elected politicians and commitment to BME issues. Yes, some are pro-active and committed. Some are not and will not be until this issue begins to gain votes.
- Look at the fact there has not been much political representation at the conference. A long way to go and still there is a two communities focus.
- Need to recognize there is a hierarchy of racism and Travellers at the very bottom. Need to get Travellers out to meet people and to tell the truth, training as a way to do this.
- Councils etc. can have a silo mentality but it should be everybody's job.
- Lack of vision/political will to create a vision on integration. In Britain focus is on Islam issues and in Northern Ireland focus on Orange and Green, nothing about Travellers.
- At European level/policy level, how has that been addressed?
- Northern Ireland not unique in that sense. Lack of political commitment and actually a rebirth of hate speech. At European level you have the myth of integration while at local political level you have racism.