

Trends in social cohesion, No. 18



Achieving social cohesion in a multicultural Europe

Concepts, situation and developments



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PREFACE

This latest publication in the “Trends in social cohesion” series consists of the stated views of experts along with opinions voiced in conversation by public figures whose position and experience give them a special angle on a question which is currently fuelling political debate in all our societies: “How can we achieve social cohesion in a multicultural Europe?”

We want to give readers a chance to find out what policy makers and academic specialists are thinking. By bringing their ideas together, we hope to shed fresh light on migration’s role in triggering that diversification of societies and identities which Europe is learning to accept today. In this context, coming to terms with diversity is a matter of grasping what it can do to stretch our horizons and give us – in the social and political spheres – the multicultural skills we need to cope successfully with globalisation.

Europe is particularly well placed to build on diversity and make it a source of innovation. It is the continent of human rights – a place where people recognise that everyone is unique. It has a long tradition of “working through” differences to compromise solutions; indeed, its ability to do this underpins the whole European process. Europe recognises many religions and cultures; in short, it recognises the value of the many different ways in which identity expresses itself. It is this background which it needs to revitalise, so that recent migrants and their children can help it to build a genuinely plural society.

The various sections of the Council of Europe’s Directorate General of Social Cohesion have worked with their counterparts in the European Commission’s Directorate General of Employment, Social Affairs and Equal Opportunities to make this publication – and the 2006 forum on the same issue – a real contribution to the policy debate in Europe. Financial support from the European Commission has also made it possible to expand the range of experts asked to consider and suggest new approaches to promoting social cohesion.

Here, I should like to pay special tribute to the work of our social cohesion services, and particularly Federico Oliveri, a young researcher from the Scuola Normale Superiore (Pisa), whose attention to detail and wide-ranging intellect have helped to shape this publication.

Alexander Vladychenko

*Director General of Social Cohesion
Council of Europe*

FOREWORD

Migration and cultural diversity: moving beyond the paradox towards renewed social cohesion

This edition of “Trends in social cohesion” looks at some of the most hotly debated topical issues of the present time: what is to be the future of social cohesion in a Europe that is becoming ever more multicultural as a result of migration? Is there a limit to the “differences” that European society can cope with? And what exactly are these “differences”? Are they differences relating to culture, lifestyles and religions or rather the differences seen in inequalities, double standards as regards rights or the political under-representation of migrants? These are not fundamentally new questions; but they are complex ones which are increasingly less straightforward and which can at times be glossed over or used for political ends. To a certain extent, what can be seen as new are the practices and rhetoric currently in vogue for highlighting the risk that an alleged “excessive level of diversity” might transform the development of social cohesion into an apparently paradoxical endeavour.

In the face of such positions, we need to think a little harder and perhaps with a little more imagination in order to identify the real paradoxes at work in current policies and to frame alternative approaches to social cohesion in conjunction with migrants themselves. The contributions in this edition take this approach following four sequential steps, attempting in turn:

- to view migration and cultural diversity as a general social cohesion problem, getting to the bottom of feelings of insecurity and giving more powerful substance to an inclusion strategy for migrants through rights and democratic participation (Part I);
- to take a critical look at certain dominant conceptual and political frameworks, explaining the management of migration within a series of global transformations and bringing to the fore the effects of exclusion brought about by the interplay of migration, social, labour and nationality policies (Part II);
- to take account in a negotiated way of cultural differences in access to social rights, based on the idea of a “plural citizenship” and the development of “intercultural competences” in services, particularly health services, and schools (Part III);

- to (re-)open and extend opportunities for negotiation to identify, through active citizenship and direct political participation, solutions to the conflicts brought about by migration and cultural differences (Part IV).

Given that the subject is an extremely vast and controversial one, which can be interpreted in many ways, this volume alternates between papers written by experts and conversations with people who have had significant but very diverse experiences: Rita Süßmuth, former Speaker of the German Parliament and former Chair of the committee drafting the new German law on immigration and integration; Thomas Hammarberg, the new Council of Europe Commissioner for Human Rights who has on several occasions raised the issue of the denied rights of migrants; Saskia Sassen, a sociologist specialising in globalisation and migration, internationally renowned for her lucid interpretations of today's world; Günter Piening and Andreas Germershausen, respectively Commissioner for Integration and Migration and Head of the Integration Department of the Berlin Senate; Emine Bozkurt, member of the European Parliament for the Dutch Social Democrats and the first woman of Turkish origin to have been elected to such an office.

Despite the vast range of viewpoints, this volume remains none the less extremely consistent. The common denominator behind them all is the recognition of the *political* challenge posed by migration, which implies the need for a fairly fundamental level of awareness: when we talk of "others", of migrants and the differences they convey, even where such differences may be perceived as threatening, we are in fact talking of ourselves, the way in which we wish to see ourselves, all of us, as citizens, today and in the future, the way in which we perceive ourselves in relation to democratic institutions, to the current development model, to our own differences and complexities. Seen in this way, and in the interests of renewing social cohesion and democracy in Europe, migrants and their descendants cannot but be acknowledged as *partners* in the policies of the future and not simply as the *targets* for measures adopted to "manage" their movements or encourage their "integration".

It is also why this edition addresses, directly and indirectly, a series of aspects which may pose problems for the development of social cohesion in general:

- the tension between "democratic ethics" and the imperative requirements of economic competition;

- the links between fragmentation of employment, the rise in poverty and the crisis in social mobility;
- the effectiveness of policies vis-à-vis the gradual “invisibility” of social exclusion;
- the concomitance of socio-economic dividing lines and “cultural marginalisation”;
- the construction of social cohesion through opposition to “others”, or indeed through fear, control and double standards in rights;
- the reduction in the number of opportunities for peaceful negotiation of conflicts and differences;
- the link between citizenship, “allegiance” and access to social rights;
- recognition of cultural diversities in implementing the concept of equality.

Paradoxes: Europe between fear of and need for migrants

Can the differences between ourselves and migrants be explained solely by cultural factors, lifestyles and religious traditions? Or are they rather the result of various types of distinctions – legal (regular/irregular; EU/non-EU citizens), geopolitical (OECD/non-OECD national; nationals of Muslim countries) or socio-economic (willingness/reluctance to accept certain types of work)?

In this modern Europe of today which has emerged from a remarkable diversity of cultures and whose population is the result of virtually constant (internal) migration flows, “fear of difference” might seem a little paradoxical. Particularly in the European Union, the concept of European identity focuses on common pathways between different identities. Differences between Europeans are seen as a source of mutual enrichment and no one questions our sharing of democratic principles. Moreover, there is strong encouragement for mutual influence in education, way of thinking and approaches to social issues. In such a context, “how come Franco-Swedish or Anglo-Dutch bilingualism is encouraged, indeed recommended by schools to Swedish and Dutch parents, whereas Danish-Kurdish or French-Malagasy bilingualism is usually considered as an obstacle to school learning and integration?” (Manço).

What “diversities” might be seen or presented as obstacles, if not threats to be brought under control, for the development of social cohesion in Europe? And why indeed this reference to fear and control?

In analysing the current concerns, Rita Süssmuth comments that the management of cultural diversities, which have never been more numerous in Europe than at present, interlinks with structural changes which increase the uncertainty over the future in several key areas of social cohesion: reform of social security, (ir)relevance of skills in the labour market, longer working hours, wage reductions. The latter are in part the result of direct competition between national workers and workers from other countries, in addition to the constant threat of company relocation. As Saskia Sassen points out, contemporary migration is not an autonomous process; on the contrary it is closely interlinked with global transformations (in the field of employment, economy, technologies, relations between the public and private sectors, links between the national, local and supranational levels) which have been under way for at least two decades. In tandem with fairly rigid regulations governing access, if not "border militarisation", do these transformations constitute a threat for social cohesion in Europe, continuing to feed the apparent paradox between a high unemployment rate among nationals associated with the increasing supply of low-paid and exhausting, undeclared jobs attracting primarily migrants? Fear of and need for migrants therefore seem to be two aspects of the same socio-political process, to such an extent that xenophobic parties are gaining a stronger foothold in areas where there is high immigration and a ready supply of a flexible, low-cost workforce.

This fear/need dichotomy is no clearer than in the case of "irregular" migrants, but it brings with it a level of suspicion and informal limitation of the social and civil rights of the "category" as a whole. The Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, in his contribution, criticises both these phenomena, in which he sees a real danger for compliance with international human rights conventions. Use of expressions such as "illegal migrants" breaks down the relationship between migrants and the system of rights, putting all migrants on the same footing as criminals. Such confusion, which might reassure local populations when irregular migrants are detained in custody, is an example of the way in which the negation of the "rights of others" can be presented as a means of preventing social cohesion in the country of destination and thereby, paradoxically, gain legitimacy.

Furthermore, the institutional security-based approach presupposes considerable surveillance investment, and Saskia Sassen highlights the limits of this, the unwanted side effects and the contradictions (arising from the lack of funds to combat the underground economy). It also gives rise to the diversion of the objectives of certain institutions, which in other ways

seek to promote solidarity, such as trade unions and the health and social services. All, in point of fact, are occasionally led to denounce irregular migrants. These examples show how confusion in the field of social cohesion comes about, encouraging local populations to build up fears and barriers. They also show the ambiguity surrounding the way migration is perceived and its actual impact in the countries of destination.

How can the countries which draw up their social and economic policies on the basis of the principle of non-discrimination at the same time comply with the imperative requirements of the global market which require a flexible, temporary and low-cost workforce? Isn't making migrants "irregular" or merely "excess to requirements" the same as making them vulnerable, especially as far as their aspirations towards autonomy and decent employment are concerned? Criminalising migrants makes it more ethically acceptable for Europeans to countenance any discrimination, for as Federico Oliveri asks in a provocative way, how can one have sympathy for someone breaking the law? In order to face these contradictions, European countries should look again at the effects of the current "development model", including the fewer opportunities for negotiation on wages and working conditions, and at the role played in this by labour flexibilisation and intensification, competitiveness at all costs, the proliferation of informal economies, etc. In this respect, even the effectiveness of corporate social accountability programmes and standards of non-discrimination on the grounds of race and ethnic origin need to be reassessed.

Despite the assertion of principles of non-discrimination, similar effects of exclusion of migrants are also seen in social welfare and the fight against poverty. Having moved away from the original universalism and the priority attached to eliminating inequalities, these measures now have a different focus: restricted as they are now to targeted assistance measures, new social policies have, in the view of Giovanna Procacci, lost their ability to integrate migrant workers. Furthermore, "more and more, attitudes towards immigrants' access to social protection are influenced by attitudes towards immigration", which in a time of prohibitionism leads to more restricted access to social welfare based on the argument that they act as a pull factor for new migrants. So the fear/need circle leads to another paradoxical outcome: safeguarding the privileges of the European population, frustrated by reforms of the social state, while at the same time reducing (immigrant) employment costs. As "competitiveness" factors cannot easily be reconciled with stated human rights principles, some countries look to national affiliation in order to reduce access by non-citizens to social welfare, with such access being granted only following a period of legal residence and provided that taxes have been paid.

Alternatives: migration and diversity as factors for renewed social cohesion strategies

Given these profound transformations which call into question, amongst other things, the Council of Europe's principle of inclusion through rights, are there any practicable alternative policies? In what other way can one take into account the differences specific to migrants, to ensure that they contribute to further develop social cohesion?

We must dismiss out of hand any culturalist interpretation of social inequalities, attributing exclusion to the shortcomings of the "archaic", "slow" or "violent" cultures of the people in question. The real causes of inclusion difficulties, as the analyses referred to have shown, need to be debated and incorporated into the political agenda. These causes, which must be tied in with the dynamics of advanced societies, above all require more structured economic policies, founded on an effective fight against the underground economies and the "irresponsible" behaviour of firms as regards wages and working conditions. The quality of employment, including mobility prospects and training, should become the real competitive factor in a Europe which does not wish to abandon the principles of solidarity and equal opportunities which are its watchwords. Lastly, alongside such employment policies there need to be rules governing legal immigration and naturalisation which tie in more neatly with the objective of the fair inclusion of migrants and their families. All these subjects will be looked at in greater detail in a future edition of this collection, where contributions from companies and from various stakeholders as well (such as schools, hospitals, associations, churches, political parties, etc.) to migrants' well-being will be closely analysed.

There is a convergence of views in the contributions in this edition which address the extent to which cultural differences should be actively and positively taken into account in public policies and in policies on access to social rights: in a multicultural society, for reasons of efficiency and justice, the welfare state and its main institutions will have to respond to a real "change of paradigm", influencing the behaviour of professionals and the very organisation of its services. Immigration, in this sense, will represent an advantage for the renewal of "culture" and the realisation of rights. The central strategy in this change is the development of "cultural competences", that is, the ability to discern and accept, with the persons concerned themselves, the differences (cultural, gender, religious, etc.) which they regard as forming part of their well-being, thereby making public services more relevant and society more cohesive: in this way everyone can find "their" place in the reorganisation of public policies.

Alessandra Facchi makes it very clear, “this is not a matter of *special* treatment requiring exemptions from formal equality but of *differentiated* treatment based on a pluralistic vision of society”. Approached in this way, social rights can once again serve their original purpose, which is to help ensure “that individuals can be given real means of self-determination or support in their efforts to make choices independently of the community, that the balance of power within families can be altered and that individuals can choose whether to observe traditional practices or not” (Facchi). The implications of this “plural citizenship” approach for the well-being and autonomy of women, and for other minority groups within migrant populations, are fairly self-evident. These strategies can be seen as alternatives to stereotype descriptions of men-women relations in migrant communities as non-negotiable submission, leaving women no practical means (in terms of services and support for occupational integration) of taking any steps themselves to change their situation.

In a genuine attempt at fostering social cohesion, greater effort should be placed on developing an understanding of institutional structures, since for the majority of migrants, the administrative formalities associated with access to rights continue to be complicated and difficult to navigate. As far as relations with the institutions are concerned, there is a tendency for migrants to be wary of and shy away from direct contact, preferring instead “intermediate” alternatives such as NGOs and migrants’ and religious associations, which play a central role in reinstating the balance between administrative authorities and individuals often denied a voice and legitimacy. The public authorities need to improve their user-friendliness. As Kris Clarke explains, “the premise of the notion of cultural competence, however, argues for the need to explicitly address issues of power and privilege. [...] If such an approach is not taken, the normative basis of institutions remains unchallenged.”

The contributions in Part III offer a number of arguments and practical ideas on transforming the discriminatory use of differences into a key resource for innovation. In total contrast to the security-based approach whereby population-related administrative procedures can become a means of denouncing “irregulars”, reforms of this type can give a greater insight into why, in multicultural societies such as the Europe of today, even lack of differentiation or just “tolerance” can give rise to stigma. This is also why intercultural competences are essential in order to avoid the unilateral and bureaucratic identification of “differences” and make way for a genuine “negotiation of identities” for each and everyone. Education and health care provide excellent examples and their effects are part of an approach to improve the quality and sustainability of the services offered to everyone.

If, as Altay Manço says, “children who cannot identify with their schools will be unable to construct any meaning there and can therefore learn only the dominant standards that exclude both them and their families”, a more systematically open attitude to the communication and social skills of young migrants (with the encouragement of “additive bilingualism”, developing “negotiating skills”, acknowledgment of the advantages of “multiple identities”) will make for better integration and conflict management, including between generations. Furthermore, intercultural education of this type can enrich all the players involved, bringing school back to one of its prime aims, that of serving as a bridge operator. Similarly, the use in hospital of interpreters, cultural mediators and, more generally, “bringing the point of view of different cultures into health service organisations” as a whole, including evaluation and service design, represent in the view of Tiziana Caponio a real advantage for the health care system. Even taking into account the current problems of available funding, these prospects include the best traditions of self-reform of public health care systems, that is, that they should be user-centred and constantly encourage “empowerment and partnership with concerned groups of users”.

In this regard, the recent emphasis in integration on the learning of the language and culture of the host country has shown its limitations. Learning the language is not immediately in itself a means of integration. Integration is much more complex and involves a bilateral approach, as clearly shown by the analysis of socio-economic dynamics and public service reform: rather it coincides with the point in time when one no longer feels humiliated because of one’s origins, when one no longer feels any shame in standing up, when differences become opportunities for innovation and when the “foreigner”, the “outsider”, becomes instead a “person”.

Responsibilities: who will make migration a positive factor in social cohesion?

Any social transformation requires the presence and involvement of key players interested in change, just as any negotiation requires parties on both sides who have legitimacy or who at least are prepared to recognise each other: what are the forms of solidarity and the intrinsic resources on which migrants can depend in the European political context in order to improve their well-being and influence the choices that concern them?

Since questions of political participation and allegiance are generally voiced in citizenship terms, the efforts of certain countries (such as not only Germany, a long-standing country of immigration, but also Italy, more recently affected) are focused on a clear and reasonably speedy

process towards “naturalisation”. In the campaign run by the Berlin Senate to encourage the migrant population, particularly the younger members among them, to apply for a German passport, the aim has been to make people understand that “being a citizen is more than belonging to a cultural community” (Günter Piening and Andreas Germershausen) and that it provides a political opportunity for participation enabling each and every one to fight for equal rights and equal duties within society. Similarly, a city such as Berlin, where in certain neighbourhoods the immigrant population represents up to 25% of the total population and the unemployment rate amongst migrants reaches 40%, has a duty to promote integration through citizenship alongside other approaches such as aid for economic integration and recognition of qualifications. While there is a very strong emphasis on formal access to citizenship as a real factor of integration, there is also much encouragement for modes of participation and the acceptance of direct responsibility, through active roles in associations and collaboration with the public authorities in finding solutions to the practical problems facing the city.

The conventional process of forming power, the right to elect representatives and stand for election, is a key condition for defining together the frameworks and rules of society. However, figures on elected representatives of foreign origin in Europe (where it is permissible for statistics to show ethnic origin) show a significant gap between the size of the immigrant population and the number of elected representatives of foreign origin, including in countries such as the United Kingdom and the Netherlands, where the right to vote is relatively well established for immigrants. As Muhammad Anwar points out in his contribution, in the 2005 General Election in the United Kingdom, just 15 “migrant” MPs were elected, 13 of whom were to be found in the Labour Party.

Clearly, integration through the vote requires a whole series of additional conditions: migrants’ trust in politics, their active participation in parties (and more generally in the whole of the political process), not using the “race card” to attract votes, campaigns to raise public awareness of cultural diversity in the public arena, etc. Nonetheless, the integration of migrants in these democratic processes takes a long time, and can be contradictory. As Emine Bozkurt states, our societies want migrants to vote, but they also want them to ally themselves with what are seen as European ideals. In addition, there seems to be little substance in the criticism that migrants vote along ethnic lines since the most recent local elections in the Netherlands showed that the most “ethnic” voters were the original Dutch voters: 81% of them voted for a candidate of their own origin, as opposed to 38% of Turks who voted for Turkish candidates. A central issue in political participation concerns a more general acceptance of

responsibility by migrants for their own future and the future of European society. As long as people fail to take on board the importance of voting, as long as they fail to see participation as a genuine source of personal and community change, as long as they fail to build up a genuine relationship of confidence in political parties, their manifesto and their ability to stick to that manifesto, there is a danger that any granting of formal rights will end up with abstention and a steering clear of political processes.

Of course, other paradoxes will emerge when the exercise of political rights fails to alter the perception (or indeed the reality) of hostility from the outside world. Moreover, with regard to representation and the right to represent and voice social interests, the vote is not the only means available. All forms of “participatory citizenship” – in terms of active involvement in associations, presence in NGOs, in the media and political movements, representation in trade unions and in consultative organisations, formal and informal collaboration with the public authorities, etc., – are essential for the development of social cohesion in a multicultural Europe, if only to highlight, rather than deny or manipulate conflicts (whether distributive or cultural). Ultimately, Europe today urgently needs forums for peaceful negotiation, opportunities for transcultural and transnational solidarity, deeply rooted in every key part of its society: this joint exercise of political responsibility, by deconstructing firmly anchored differences and actively taking them into account, is the only reasonable way towards a shared management of the transformations currently taking place.

This volume is therefore an invitation for calm reflection, free of the prejudices and misunderstandings that are so much part of the migration debate. We would like to express our gratitude to the authors for their contributions and all those who since late 2005 have agreed to work with the Council of Europe’s Social Cohesion Development Division in order to produce a reasoned analysis of the phenomenon, while bearing in mind that migration implies considerable upheaval in the countries of origin too and that integration is not a unilateral act.

Gilda Farrell

*Head of the Social Cohesion Development Division
Council of Europe*

Federico Oliveri

*Social Cohesion Development Division
Council of Europe*

PART I – DEVELOPING SOCIAL COHESION IN A MULTICULTURAL EUROPE

I – Connecting migration and integration policies: how can we construct concerted policies in a multicultural Europe?

Conversation with Rita Süssmuth, former Speaker of the German Parliament

1. Taking fears seriously – developing political answers to the changes

During the last years, migration management, integration of new migrants and the coexistence of diverse cultures have constantly engaged the European public debate. This debate has often revealed that European governments have not yet met the challenges of managing migration and integration. European societies are still coming to terms with the fact that they are countries of immigration. How can European policy makers and civil society properly address the fears of their citizens that often arise as a result of new migration, increased multiculturalism and the societal changes that are taking place as a result of globalisation? What are, in your opinion, the true sources of these fears?

First, we must understand that these fears are in fact real fears. Let us start with the fears that have arisen as a result of globalisation. Globalisation has accelerated in the recent past and has reached a scope and speed never seen before. Many say that globalisation began long ago and that colonialism, or even the spread of various religions, are forms of globalisation. Yet all past forms of globalisation did not increase the speed of movement and communication to the extent that has been accomplished in the last 20 years. The faster information and people travel, the faster our environment changes. The changing environment in which Europeans live has brought many innovations to our everyday life and has generally raised the standard of living for most people in Europe. However, this has also led to shifts in the labour market and consequently to the loss of jobs in the labour intensive sectors of the job market. The rapidly changing job market is only one example of a real fear created by globalisation. Many

Europeans fear that the skills they have learned – or are currently learning – will not be required in the coming decades, or that their jobs will be moved to other countries and regions of the world, to more competitive labour markets. It is not only segments of the younger generation that fear this change, but also older people. Additionally, health care and social security reforms are factors which have increased the fears of Europeans, leading them to question if their standard of living will remain at current levels.

What will be the future for the next generation? We can't say exactly how many jobs we will have several years from now or even in what sectors of the economy they will be. What we know is that we need to provide the best education we can offer to our citizens and residents. At the moment we have a proportion of dropouts that is much too high. These are the sort of fears that we must address. This is a difficult issue for politicians because they cannot create jobs, but they can create a framework and an atmosphere that encourages employment. They can also resolve structural problems in the education system to increase the number of people who successfully complete their education.

Another result of increased globalisation has been an increase in the number of migrants worldwide and the diversity migrants bring with them. Similar to globalisation, migration and integration have been taking place for centuries. However, migration to Europe today has reached a scope, speed and level of diversity unfamiliar to the current European population. European populations were unprepared for this change. Europe was a continent of emigration in the last century. Becoming a continent of immigration has forced policy makers and civil society to take a new approach. One difficult issue that has arisen, which has led to real fears among European populations, is that of parallel societies. Parallel societies are large migrant communities that are concentrated in one area, economically disadvantaged and socially isolated. There is a fear in the native population that conflicts will arise when parallel societies form. This fear can result in a feeling towards migrants that the migrant in question is one migrant too many.

What we, as European policy makers and civil society can do, rather than merely confronting the losers in the globalisation process and telling them they are unable to profit from the changes going on around them, is to improve our changing environment by bettering our education systems and vocational training programmes. This means that we create a winning situation not only for migrants, but also for native members of society

– especially those from households without a history of higher education. If we first understand the fears and take them seriously we are on the right track. We cannot deny these fears because they will persist.

Second, it is important to address these fears properly, especially through the improvement of our education systems and job training programmes. Most importantly, a mutual understanding must exist between migrants and citizens so that the migrants understand the fears in the receiving countries and the citizens of the receiving countries know more about the fears, expectations and uncertainties of the migrants.

If one accepts the fact that Europe has become a multi-cultural continent, the attitude of mutual understanding that you propose seems to be rational and farsighted. However, cultural diversity is not always viewed as such. Some measures recently taken by European states in order to test migrants' understanding of "European cultural standards" seem to view diversity as a threat: is that the best way to deal with the "pluralisation" of our societies and at the same time ensure cohesion and recognition of cultural differences?

For the first time in our history we have to live side by side in our local communities and in our cities with people from a large spectrum of different nations, cultures and religions with which we are not very familiar. Although Europe in itself is multicultural, the level of diversity has grown. When I speak of diversity, I mean that the number of languages, religions, ethnicities and cultures present in our cities and local communities has increased, becoming more complex for the average European to understand and associate with.

Many Europeans who have had little experience with this increased diversity perceive migrants of non-European heritage to be strange, different. Although we all, in fact, are different, the problem is that without integration and common basic values, these differences are not perceived as an added value, but as a threat. Turning diversity into an added value for our societies is the main challenge of the 21st century. If we are able and willing to live together with people from different cultures, religions and attitudes, we are faced with a plurality that causes one to question whether or not we have social equality and a common societal glue that hold us together. This plurality causes us to question what we have in common and to develop common values and rules, based on democracy and human rights, which can be followed by all.

However we must keep in mind that mere tolerance of migrants does not necessarily warrant respect, but is a somewhat laissez-faire and insufficient approach to integration. If one only tolerates other members of society, one does not attempt to interact with others or understand others. In this case societies do not develop the sense of unity that they need to prosper and advance as a whole. Segmentation and fragmentation are the challenges that we must all overcome. I will give you an example of such a deficit in practice. When I look at our school curriculum, very little time is devoted to global education. What I mean by global education is learning that prepares our youth for the changes in multicultural, multi-ethnic and multilingual living and work environments that they surely will be faced with. People today – and this will remain so in the future – cannot avoid interacting with people who are different (culturally, ethnically, linguistically) than themselves. Education systems must include intercultural education, providing young people with an idea of how diversely rich the world is: linguistically, culturally, ethnically, etc., and showing them how they can maintain their own identities while respecting those of others.

Testing the cultural competence of migrants has become widely practised in Europe. It has been discussed more as a hurdle for preventing immigration and naturalisation than as a means of fostering integration. It is right to help new migrants understand European cultures and it is important that immigrants value the democratic principles on which our societies have been built. However, we should not send migrants the signal that they are unwanted in Europe or build unnecessary hurdles to the integration of migrants. Instead, European governments should focus on granting migrants access to information on European cultures and values.

2. Making migration work for our “global neighbourhood”

Even though cultural diversity is a migration policy challenge that must be addressed very carefully, Europeans are most concerned about the negative effects that new migration might have on unemployment rates and on the sustainability of the welfare state. Allow me to quote the Süßmuth Report, which starts with the assertion: “Germany needs immigrants”. Could you explain in more depth the arguments that you, as a politician, use to exemplify the positive impacts of migration on our countries?

First, we have to understand that Europe is not homogeneous and that the attitudes towards young migrants are very different within Europe. Attitudes and policies towards migrants are, for example, different in Spain and Ireland to those in Germany concerning immigration from new

European Union (EU) member states and legalisation as a policy tool regarding illegal migrants. In my own country Germany, there is a debate on whether or not we need any new migrants at all in Germany. This is a very controversial issue because of high youth unemployment.

Countries with high rates of unemployment, and especially with high rates of youth unemployment, tend to have a more negative attitude towards migrants of all categories. We must inform people that although we have a high rate of unemployment, we simultaneously have a deficit of workers and employees in our European countries. In fact, figures published by the European Union demonstrate that in the next years European countries will experience a deficit of 20 million people in the workforce. As the average age in Europe increases, we will experience a shortage of workers, especially in the health care system.

Second, we forget the fact that if you recruit strong, pioneering people, not just highly skilled workers, but those for instance who wish to come as entrepreneurs, jobs will be created in our country as a result. It is important to note that we are witnessing job creation through migration.

Third, we need students from abroad; we need professors from abroad; we need managers from abroad. Why? Because it is important for our future development and ability to remain a dynamic and competitive society. When you have the goal of becoming a united European continent, you need people from outside to improve this union and you cannot keep migrants from bringing in new ideas and new approaches to solve problems.

Fourth, we have neglected the relationship between developed and developing countries. If we reject groups of migrants because we fear that our welfare state will be burdened or our job market will become too competitive for our own citizens, then we will have an even stronger upheaval of the young people in developing countries and more migration pressures at our borders. Nowadays, there is no longer a strict separation between the classification of refugees and migrants because the majority of individuals are leaving their home countries due to poverty and other forms of oppression. If there is no open channel for these migrants, there will be a lot of irregular migration. Irregular migration burdens our social state much more than regular migration, because taxes go unpaid when migrants are not registered and work in the underground economy. This is not only true for Europe, but it is also true for the Americas, especially when you look at the Latin and South American populations or consider the border between Mexico and the United States. On the other hand,

when I take the example of Canada, they have another kind of migration policy because they recognise the need for migrants from abroad to drive their economic and business success; in fact they travel around Germany looking for qualified workers and employees.

We need to create a win-win situation through our migration policies and tell our citizens what migrants can contribute not only to their own countries but to ours as well. During my work as a member of the Global Commission on International Migration (GCIM), we learned a lot about the contributions of diasporas to their countries of origin. Before this, we had always believed that development is best achieved through aid and training rather than through migration. But the new approach is bringing together migration and development. Of course this started with the issue of remittances and we now know the huge amounts of money (US\$232 billion in 2005) that are sent back to the countries of origin – sometimes as much as three times the gross national product (GNP) of the developing country. This is very important because many people have no idea what it means to combine migration and development policies, therefore we need to begin educating our societies and law makers in such a way that they can begin to understand this relationship. Hence, we must focus much more on the human potential of migrants. I consistently hear about the deficits of migration and the potential burden this might have on our social systems and job markets. However, we must focus on the human potential of migrants and find the best way to develop this potential.

This is in fact a good description of what you mean by well-managed migration. At what level could this be set up in order to have a coherent legal and political framework?

Coherent migration management should be constructed at multiple levels: national, regional and global, with each level co-ordinating with the others. Not only is there an urgent need to develop coherent migration policies nationally, regionally and internationally, the role of coherency in migration policies at the global level will be decisive for our immediate and future well-being. This well-being is not only economic; it also includes the well-being of millions of individuals and families worldwide.

If the multiple actors involved in constructing migration policies – starting from the local level and channelling out to the national, regional and global levels – are not in agreement as to the goals these coherent policies should have, we will not be able to reach these goals.

Coherence does not mean efficient restriction. Following the political debate on migration and integration in Germany and Europe, you could

easily come to the conclusion that coherent migration policies are the ones that most efficiently restrict migration to the continent. For example, you might have followed some of Europe's and Germany's most recent migration policy struggles:

- collective and co-ordinated repatriation of illegal migrants in the EU;
- joint police efforts to prevent illegal migration and terrorism;
- shared databases on terror suspects;
- refugee protection for about 1% of all those who seek a safe environment;
- exclusive approach to integration and the so-called "integration contract" debated at the meeting of interior ministers of the EU's six largest countries recently in Heiligendamm, Germany;
- costs and benefits of integration policies in the context of high unemployment.

These contradictory and conflicting debates involving migration are a symptom of a larger problem that is not unique to Europe or to Germany, but can be found to an even greater extent at the international level. The larger problem that I am referring to is our limited, yet growing understanding of what must make up a coherent migration policy. Migration policy is interdisciplinary and has to cover all relevant areas related to migration, such as trade, aid, state security, human security and human rights.

The Global Commission on International Migration, under the initiation of UN Secretary General Kofi Annan, took a bold step forward in resolving this key problem. In consultation with every region and many governments of our global community, the GCIM proposed that coherent migration policies must maximise the potential of migrants and migration. These must also reduce the negative consequences of migration for the countries of departure and destination, as well as for the individuals involved in migration. That means we have to create win-win situations for sending and receiving countries as well as to improve the impact that migrant contributions have on them.

3. Developing social policies and participation as tools for "integration"

What could be the role for social policies in this context? Can the development of solidarity overcome the differences in origins and culture? European history shows that the welfare state has the potential to build

a kind of social citizenship that is quite accessible for newcomers, but many social inequalities and cultural differences must be addressed. How can we think about social policies today in order to make them an instrument for integration and avoid further stigmatisation or segmentation of the population?

Societies without mutual solidarity, in my understanding, are inhumane societies. The notion of social policy can be misunderstood. I will start first by stating that to prohibit a legal immigrant from working is a mistake and is in opposition to the concept of social policy. Access to the labour market is a key part of participation in society and if certain groups are prohibited from accessing the labour market then they will become excluded from the population. The first task is to allow migrants to participate; this is a truly social policy. One of the problems in Germany is that some people come to Germany to benefit from the welfare state without working. There are those who have taken advantage of the system in the past and, inevitably, there are those who will continue to do so. This is, however, a political question that has caused Germany to review its policies.

A more important question central to creating social migration policies is: when legal migrants are not allowed to work, what are the consequences? The only option for an immigrant in this situation is to receive benefits from the welfare system or to work on the black market.

In the case of irregular migration, there is often an interest of the entrepreneur not to pay taxes or social security and an interest of the irregular migrant to earn a living. Therefore, I believe that regulation of such a system is necessary. Spain made a choice last year to regularise hundreds of thousands of irregular migrants who were working on the black market. This is not a solution, but it is a way of avoiding the black market. You cannot develop solidarity and mutual responsibility when a segment of the population is excluded.

Lastly, there is a necessity for social policy to treat migrants as human beings. Respecting their humanity, we do not refer to undocumented migrants as “illegal”, but rather as “irregular migrants”. To refuse a child access to education if he or she is not regularised is a form of exclusion from society. If an irregular migrant, or even a regular migrant becomes ill, several European states will only pay for health care after they have resided in the country for a couple of years. Is this our idea of social policy? You have to develop a spirit of solidarity within the social community, the school and the workplace. Social policy is part of sharing responsibility and sharing social safety; everyone needs a minimum of social security. It is not

only security in the sense of protection from terrorism, which can never be guaranteed, but personal social security. So far, social policy is not a technical issue but really a human issue.

In order to make social policies more efficient and services of higher quality, how should cultural differences be taken into account in, for example, the organisation of public services like health, schools, vocational training or in shaping labour market and self-employment policies? What could be, more generally, the role of associations, organisations, etc., in the development of social policies, so that these policies are not merely made for immigrants, but with their participation, and address their well-being not only in a material manner but also in a wider social dimension?

Promoting the participation of immigrants in everyday life is my personal commitment because it goes beyond citizenship. Integration is achieved through participation. Most policies are made *for* migrants, but what we have learned is that these policies must be conceptualised and implemented *with* migrants. This is the best approach to integration because it offers migrants a sense of belonging. You cannot have integration without acceptance and appreciation.

Therefore, when we solve problems together, we develop a feeling of unity. It is most important to develop this idea of belonging through participation. The development of mutual learning can stem from broad fields. For instance, the Turkish community's approach in Germany to address problems concerning young people seems to be more effective because the Turkish community has a better understanding of ethnic Turkish youth's feelings and motivations for behaving in a certain way. Europeans can learn from integration models conceptualised by their ethnic communities. This kind of mutual learning is not only a gateway for participation, but a gateway for worldwide behaviour which enables us to learn from one another. Policies can only truly be social when they are made in conjunction with the groups of people they are meant to address. This is a bottom-up approach that policy makers often neglect. This is my final point and I think it is the most significant. Perhaps humankind has learned a great deal about subordination and power, but have we learned enough about co-operation, partnership, joint efforts in problem solving and building bridges rather than creating divisions?

II – Why should the rights of migrants matter for Europe?

Conversation with Thomas Hammarberg, Commissioner for Human Rights, Council of Europe

1. Implementing the laws – Recognising the rights of migrants

Which legal rights do migrants enjoy under the existing international conventions and to what extent do they have real access to them? In your opinion, why is the recognition of migrants' entitlement to human rights so problematic in Europe today?

There is a gross misunderstanding in several European countries that migrants should not be present in their territories – and therefore have no human rights. Of course, migrants *do* have human rights and such rights are articulated clearly in all human rights standards from the Universal Declaration of Human Rights of 1948 onwards, including the Council of Europe's standards set up in the European Convention on Human Rights (ECHR).

There are only two aspects which pose limitations to the rights of migrants: one relates to political participation and the other exception is the freedom of movement. Until you have attained citizenship, there are restrictions on the right to vote and stand for election; thereby you would not have the right to full political participation. However, some countries have started to give exceptions on that point in relation to local elections and, as a result, migrants with lawful resident status are able to vote in local elections quite quickly after arrival in the country.

There is also the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families which is now enforced. This United Nations convention is mainly a summary of human rights already established in other regional, international and human rights treaties such as the two ILO conventions concerning migrant workers. Unfortunately, so far only two member states of the Council of Europe have ratified the convention, which is unfortunate because it gives the impression that European countries are not interested in granting human rights to migrants. However, if you look at the substance of that convention, the points have already been agreed upon by these countries when they ratified other human rights conventions. Because of this, I find the position of these countries inconsistent and harmful because it sends a message that could easily be misunderstood.

In sum, the situation is absolutely clear that when it comes to international human rights: such rights apply to migrants with only the exceptions of political participation and freedom of movement. Even those who are in the country in an irregular fashion – in hiding or not recognised as having the right to be in the country – still have certain human rights. For instance, such individuals have the right to health care, especially in cases of emergency, and the children have the right to education and to be treated humanely in line with international standards. In my opinion, there is a need to inform people, especially certain politicians, about the true situation when it comes to legal protection of migrants' human rights.

Why do we now have a situation where these legal and ethical standards are neither understood nor appreciated? It seems that we live in a period of change and some people feel threatened because of globalisation and the fact that we have a high rate of unemployment in spite of fairly positive overall economic development. Also, the technical development is somewhat difficult, for the elderly in particular, to comprehend. A feeling of insecurity has spread. Another factor is the widening gap between ordinary people and politicians. This creates an uncertainty as to whether those in power really protect the interests of those living in the country. Such uncertainty tends to result in a negative attitude towards those who are perceived as "different" and in particular towards those who come from "outside" and symbolise the new age which is perceived as a threat. This makes it easier for certain politicians and others to appeal to xenophobic feelings in order to get political support. It is most irresponsible of politicians to exploit such sentiments: it is destructive for our society that needs everyone as well as the possibility to move between countries.

What is your view on the perception of so-called irregular migrants as "criminals" that results from some restrictive migration policies? How does this correlate with certain practices such as arbitrary detention and limited possibilities to complain about abuse or expulsions and other measures from a human rights perspective?

I think it is necessary to discuss this with some focus. First of all, the expression "illegal migrants", which is still used in some countries, is very unfortunate because it gives the impression that these people are criminals. Though irregular migrants may be in contradiction with certain immigration rules, this does not make them criminals. The majority of such migrants are very honest people trying to cater for their own and their families' needs. We should be careful of labels so as not to provoke misunderstandings. Secondly, migrants not only have social rights but also

procedural rights, which means that they should not be put in prison if they have not committed any crime. Today's tendency to detain irregular migrants is something I oppose because I do not think it is justified or in line with human rights standards. Migrants have the right to due process and to be treated in a humane manner. Furthermore, they definitely have the right to a fair hearing on their reasons for being in the country. They have the right to apply for a permit to stay. I think that some of the most frequent violations of human rights in Europe today relate to the denial of due process in this regard.

You may be aware that there is a trend to encourage the North African states to "manage" the migration flows in their own territory and in this way prevent the arrival of new migrants on the coasts of Europe. Are bilateral agreements of this kind in line with states' responsibility under international human rights law?

When it comes to refugees, or would-be refugees, a very important principle is that everyone has the right to ask for asylum and to be given an honest chance to do so. If you prevent people who wish to make this request from reaching the authorities, you are violating their human right to fair process. The other human rights issue which comes up in this context is the condition of the detainment camps and the way in which detainees are treated. We have reports of unacceptably bad conditions that should not be tolerated.

2. Humanising the migration policies

You brought up the point that some migrants are restricted in their right to seek asylum. There is also a notion that people who are migrating for the purpose of family reunification are not always met with the same respect as those who are coming to work. How can we challenge the situation of migrants being seen as economic commodities rather than an integral part of our society?

One dimension of the immigration policy in most European countries is that recipient countries select the migrants based on what they consider they need. If we need more doctors or engineers, those migrants are welcome, but the rest are not. It is obvious that this practice is not in line with fair distribution in the world and with basic solidarity. In fact, in north-eastern Africa, many investments are made in education and universities, but a large part of the students are then recruited to Europe to work. This has to change. The other dimension is that those who migrate

to Europe are important to their original home countries because of their remittances. The total amount of remittances nowadays is higher than the total development assistance to the countries of origin. I am not against people migrating to Europe because I think that they can help us as well as their home countries.

It is true that there is a tendency to see migration only in the economic dimension rather than the human one. There seems to be an attitude, expressed through the strict migration rules, that the migrants that have been in Europe for a long period of time are no longer welcome. How does this affect these migrants' ability to access their rights and live in security?

Sadly, I have the strong impression that there is an undercurrent of racism in these European policies, stemming from prejudices among the population, an activity sometimes encouraged by some politicians.

Many of the countries to which migrants are now travelling were once countries from which many people emigrated. My home country, Sweden, is such an example. If emigrants from Sweden moved to the United States and were treated in the same way that current migrants in Europe are being treated, we would see that as intolerable. Migrants are risking a great deal to come to our countries, they are bringing with them new ideas and often return to their home countries with further developed ideas and money, which ultimately helps to equilibrate the imbalances of this world. Why is this seen as such a threat?

This undercurrent of racism is also seen through the absence of distinction between the first, second and third generations of migrants. Many of those who are born in European countries speak the local language fluently and attend schools, and yet they are not accepted because of their ethnic backgrounds. This is not right.

What kind of reforms do the current migration policies need to undergo so that they may correspond with the state's commitments to human rights?

Generally speaking, there is a need for us to recognise migration and realise that it will continue and increase in the future. This should be welcomed so that we can one day have a world in which there is freedom of movement. In truth, Europe needs migrants in the future for economic reasons and other reasons as well. Of course, there will be heavy pressure on smaller countries that may have difficulty coping with a large influx of newcomers, but the response to this should be the sharing of responsibility

of migration throughout the European Union. At the moment, such a principle is not applied in practice. There is a need for more solidarity-based migration policies in Europe.

Secondly, one must raise the question of why these migrants are leaving their countries in the first place. There are basically two reasons: the first is that they flee from oppression, totalitarian rule and human rights violations, and the second is that they cannot find a future in their country without means of attaining wealth. The fact that there is such a large amount of migration is a call for a more equal distribution of wealth and income in the world. In the long run, the tremendous gap between the rich and poor parts of the world is unsustainable. The rich countries must wake up not only when it comes to development aid (which is still too low), but when it comes to our agricultural and trade policies as well. The world is not fairly organised today and those responsible for this are primarily the rich countries.

3. Raising new collective awareness of migrants' rights

Effective access to rights depends upon many factors including the degree of self-awareness, access to information, means of accessing courts, etc. What method would you recommend to increase information for migrants and awareness of their own rights so that they may act as protectors of their own basic human rights? What role do NGOs play in this context?

I believe that it is important that every group of people claiming their rights must be aware of their rights in order to have the ability to ask for them. Rights can never be handed out, they must be demanded. The difficulty of migrants is that they are often handicapped by a lack of language and knowledge of the established institutions. For this reason, they are often met with hostility from the local population. This tends to lead to isolation and social exclusion. It is easy to say that you should claim your rights and attain more information. The minimum, of course, is that the authorities should provide information in the language of the migrant as early as possible. This opens the door to the possibility of two-way communication.

Secondly, I believe that schooling is crucial. The school is the starting point for the next generation. It is important that values of respect and tolerance of others as well as openness to other cultures is integrated into education. Also, the school is a social environment where the teachers and

other staff must take an active part in making sure that no discrimination is taking place. Schools can also be a good place for contacts between parents and teachers so that migrant parents may come into contact with a new community.

Also, I think sports have an enormously great potential for bridging cultures. NGOs also have a role to play in the integration of migrants and their access to rights and, for this reason, such organisations need to be recognised and supported. Ombudsmen of various kinds can be useful as well, as they provide a means of protection of all human rights. I think one of the major factors in the success of such organisations is the behaviour of politicians. These officials must welcome more people from diverse backgrounds into their political circles.

What role could the right of self-organisation play in order to make migrants' rights a legitimised field of negotiation? Since European policy-making is becoming a key for migration and "integration" issues, what role might be played by a platform of migrant associations that would be able to act and be recognised at the European level?

The experience at the national level is that the organisations representing immigrants are very important – as an advocacy voice and also as a support to individual members. It would be important to have more European-wide organisations of this kind as well.

What are the principal tools that the Council of Europe can use to enhance the respect of migrants' human rights? How do you see your role as the Commissioner for Human Rights?

The European Court of Human Rights is important in this field, as it is the most authoritative interpreter of the ECHR. The European Social Charter is also very important, notably in its revised version, as it allows collective complaints and recognises the role of NGOs in supporting peoples' claims. Then, there are two other organisms at the Council of Europe whose achievements are significant for the Commissioner: the European Commission against Racism and Intolerance (ECRI) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

The Commissioner should use Court judgments and recommendations from the other mechanisms in his dialogue with governments and encourage them to adopt the necessary reforms. The Commissioner is a frontline representative in the countries of the Council of Europe. He travels from one country to another throughout the 46 states in order to raise key questions on human rights.

Finally, what would be your best argument to make people more aware that "others" have rights too and to foster the idea that we all should share the same rights?

If there is a choice between being met with respect and on an equal basis or being set aside and humiliated in a foreign place – what would you choose yourself? Much of the problem is fear of change. It is a matter of turning this around and realising that we will *gain* from migration in the long run. The sharing of ideas is what drives economic progress. The possibility of learning from each other tends to disappear when our societies are paralysed with fear, but, in truth, it is fascinating to learn from one another.

PART II – MIGRATION AND DIVERSITIES: EXPLORING THE COHERENCE OF CONCEPTUAL AND POLITICAL FRAMEWORKS

I – Situating migration in the context of global transformations: what kind of European governance do we need?

Conversation with Saskia Sassen, University of Chicago (USA) and London School of Economics (United Kingdom)

1. New policy frameworks – but for what reason?

During the last two decades most of the European states have been setting up new policies both for “managing” migration and for “integrating” migrants. On its side, the European Union strongly contributed to a common migration policy with the Schengen Convention and is still developing its competences on integration policies. Are these changes homogeneous in their assumptions and orientations? Do they correspond to the new economic cycle, to a change in migration patterns, or are there also other transformations that could justify this “normative hyperactivity”?

No, the changes you mentioned are not homogeneous in their assumptions and in their aims, nor do they all produce synergies – there are various clashes and incompatibilities. While they do not quite constitute a new and coherent paradigm, there is more movement towards a novel approach than the statements and speeches of national politicians would make you think. While the state continues to play the most important role in immigration policy-making and implementation, the state itself has been transformed by the growth of a global economic system and other transnational processes, such as the institutional elaboration of the human rights regime, and European Union (EU) institutions in our case.

Three particular aspects of this development matter for the role of the state in immigration policy-making and implementation. One is the relocation of various components of state authority to supranational organisations such as the institutions of the European Union, the newly formed World

Trade Organization (WTO), or the newly instituted International Criminal Court with its potentially universal jurisdictions. In the specific case of migration, besides the ongoing shifts of competences from national states to the EU level, there is the growing role of the International Organization for Migration (IOM) in managing migration and refuge flows, and to some extent the Organisation for Economic Co-operation and Development (OECD). Strictly speaking a whole series of other actors should be included as well, including the financial and banking sectors that handle immigrant remittances. This sector is not an insignificant actor if we consider that worldwide immigrant remittances reached US\$230 billion in 2005 (World Bank, 2006). For instance, to mention something typically overlooked, immigration country firms also profit. The Inter-American Development Bank (IADB) estimates that in 2003, immigrant remittances generated US\$2 billion in handling fees for the financial and banking sector on the US\$35 billion sent back home by Hispanics in the US. The bank also found that for Latin America and the Caribbean as a whole, in 2003 these remittance flows exceeded the combined flows of all foreign direct investment and net official development assistance.

A second aspect is that the privatisation and deregulation of public sector activities has brought with it a type of de facto (rather than formally explicated) privatisation of various governance functions that were once in the public bureaucracy.¹ This privatisation of governance is particularly evident in the internationalisation of trade and investment. Corporations, markets, and free trade agreements are now in fact “governing” an increasing share of cross-border flows. Included, but rarely noted even by immigration experts, is the cross-border flow of specialised professional workers as part of trading and investment regimes, most notably in the WTO and regional agreements such as the North American Free Trade Agreement (NAFTA).²

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1. In her book *The Global City: New York, London, Tokyo*, Sassen offers an exact definition of “deregulation”. Sassen argues that when public sector firms get privatised, and, more generally, when economies are deregulated, regulations do not disappear. Rather, they get transformed into private corporate specialised services (accounting, legal, etc.), and get oriented towards the private interests of the firms and markets at issue. For further details, see Sassen (2001).
 2. In her new book, *Territory, Authority, Rights. From Medieval to Global Assemblages*, Sassen discusses specific aspects of these professional migration “policies” embedded in free trade agreements and camouflaged as the internationalisation of trade and investment in services. See specifically Sassen (2006), Chapters 5, 6 and 8.

Finally, the numbers and kinds of political actors involved in immigration policy debates and policy-making in western Europe, North America, and Japan are far greater than they were two decades ago: the European Union; anti-immigrant parties; vast networks of organisations in both Europe and North America that often represent immigrants, or claim to do so, and fight for immigrant rights; immigrant associations and immigrant politicians, mostly in the second generation; and, especially in the US, so-called ethnic lobbies. The policy process for immigration is no longer confined to a narrow governmental arena of ministerial and administrative interaction. Public opinion and public political debate have become part of the space wherein immigration policy is shaped. Whole parties position themselves politically in terms of their stand on immigration, especially in some of the European countries.

These developments are particularly evident in the case of the European Union. Europe's single market has raised the prominence of various issues associated with free circulation of people as one inevitable element of that market. It is worth noting here that earlier European Community (EC) institutions lacked the legal competence to deal with cross-border circulation of people within the EC but had to begin to address this, and did. Gradually EU institutions wound up more deeply involved with visa policy, family reunification, migration and even integration policy – all formerly exclusively in the domain of the individual national states.

Whether at the EU level, seen through the relationship between the Commission and the Parliament, or at the national state level, policies can move in divergent directions. This tension among levels of governance, institutions and juridical regimes with different visions of migration is not necessarily negative: it opens the space for policies that respect human rights rather than being only market-driven.

The kind of “post-national constellation” that you have just sketched out seems more realistic than other apologetic or apocalyptic scenarios of globalisation as a complete unified world. It also makes it possible to understand that borders today do not just disappear or stop mattering: they are reaffirming their power. So, what role (economic, political, cultural) do borders play in our “globalised” society? How do they “mark” migrants, affecting their capacity to become successfully “integrated”, as is expected?

I would not quite say post-national, partly because that term has acquired specific meanings which are not the ones I am after, and partly because I see something else happening. I would rather say that a growing number

of policies and competences that used to be national are becoming denationalised – they may still function within national states, and in that sense are not post-national, but they are not what has historically been constructed as national. This is an important distinction, and one that is more useful at this point than “post-national”. The fact that national systems are critical for the expansion of rights is not necessarily incompatible with the growing weight of international norms in national courts and in national law. One of the novel processes is the filtering of non-national norms into national law. For example, to mention just one of the more recalcitrant EU members, in 2000 Britain incorporated the bulk of the European Convention on Human Rights (ECHR) into domestic law, after adopting the Human Rights Act of 1998 in November 1998.

We need to examine the tension between the de-nationalising of economic space and the re-nationalising of political discourse in most of the member countries when it comes to immigration. We cannot assume that the renationalising of politics indicates that not much has changed in the position of the state. Immigration provides a crucial nexus in this dynamic in that it often becomes the main and easiest target for this re-nationalising of politics.

As for borders, they are institutions, and as institutions they are undergoing change and stress. This is clear with the tension between building an EU level economic space for capital, goods, and information flows, and the ongoing effort to control specific population flows. Furthermore, the borders inside the EU are very different types of institution than the borders at the perimeter. Finally, in my research I have tried to track the formation of a whole range of novel types of bordering capabilities – types of controls that are not embedded in the notion of borders that is part of the historic process of nation state formation. These are highly technical capacities which have multiple institutional locations beyond the “border” per se. For instance, in global finance, there are multiple such bordering capacities (many inside financial institutions rather than in government offices) that have replaced the older traditional national borders. Free trade agreements certainly open up countries, but multiply processes of certification at point of production, again not the typical border. When “borders” are looked at through these lenses one can see a wide range of possibilities. The sharpest and most developed case at this point, when it comes to these new bordering capabilities and people flows are the portable rights of the new transnational professional class through free-trade agreements and through the International Monetary Fund (IMF) and other such supranational institutions deeply engaged in global processes. There

is no similar regime for working-class migrations. But I see that as one possible regime in the future, perhaps as part of a “flexibilising” of migration flows (which would enable return and circular migrations).

After the Second World War, when the north-western part of Europe became a space of immigration, integration of migrants typically succeeded through employment, welfare and education, but remained quite absent from the public debate. Today it has a different emphasis, and integration focuses more than in the past on “cultural diversity” and “identity” issues: language courses will be offered to new arrivals and cultural tests may be set for those who apply for citizenship. How do you explain this change? Is the emphasis actually put on cultural and religious conflicts, hiding, to a certain extent, other kinds of diversities such as economic imbalances and lack of social recognition?

I agree with what you say both about the shift and about the possibility that the emphasis on identity might be obscuring other issues. I do think it is important to note that emphasising cultural diversity does not necessarily have to feed all the negative tendencies we see today. There seems to be quite a bit of evidence suggesting cultural diversity has become a negative due to conditions that are not cultural. Most dramatically, culture becomes activated negatively when the US Government declares a “global war on terror”, fills Guantánamo with Muslims from diverse countries, and after four years still does not have any evidence showing guilt. The Dutch Muslim who murdered Theo Van Gogh, the filmmaker, had been living in the Netherlands for twenty years without any record of extreme conduct. It was only in the last few years that he had become a “fanatic”. It might also be worth remembering that the “cartoons” controversy actually arose six months after the original cartoons were published in a Danish newspaper, suggesting the resident Muslim population in Denmark let it pass without too much ado. It was only when it entered the English-speaking global circuits, via the BBC, that it became a political issue.

Let me use history to help us understand the rationale of these changes. The history of immigration has been, in many ways, represented through two histories: one a labour history and the other a history of the transformation of foreign workers into ethnic communities. These histories often happen simultaneously in a city, region or nation, involving people of the same or different nationality.

Today, immigration has exploded the confines of these two histories. In so doing it is easily experienced by many in the receiving countries as transgression. Some of the instances that feed this sense of transgression

are the explicit allegiance to Islam among young Algerians in France; the emergence of immigrant associations as political actors connecting across Europe; the embedding of certain immigration issues in the broader multicultural debate; the new politics of culture with the associated notion of the formation of transnational identities; the deconstruction of the notion of national community and the ascendance of transnational (informal) notions of citizenship and community of membership. These are dynamics that involve a variety of groups, from long-term authorised immigrants to newly arrived asylum seekers and citizens. All of these tendencies, efforts, activities, and images have contributed to a new “history” through which immigration is experienced.

It is important to be aware that the extent to which immigration is experienced as transgression is in fact the outcome of two conflicting conditions: a. the globalisation of economic life, culture, and increasingly politics, and b. the political confinement of the immigration question to a national, domestic arena. What happens to our thinking about immigration, including its “good” or “bad” effects on the receiving country, when we begin to see current patterns of immigration as being part of the broader process of globalisation? And what happens to our conception of regulating immigration when we accept that it needs to be handled within the confines of a system based on a strengthening of civil rights and of civil society? What happens to our thinking about immigrants if we argued, for instance, that many of the conditions in global cities such as London, Paris, Amsterdam, are akin to a new frontier zone, and that the immigrants working and struggling in them are akin to the settlers of earlier centuries – settlers being subjects we have imbued with a positive value?

How could European societies refresh their concepts on migrants' integration, avoiding paternalism, pressure for assimilation or de facto "inferiorisation", and letting people experience their constitutional principles, such as human rights, rule of law and participative democracy, in everyday life?

Government efforts and policies for integrating immigrants are a complicated matter because a. each country has its own way of doing it, and b. it typically involves policies from various institutional domains – welfare, education, labour market regulations, and so on – as you have already pointed out.

I would like to emphasise a slightly different issue here, because it cuts across all this variability and might open a quite different perspective on integration. It is the “incorporation” of immigrants into various national and EU-level systems of rights. The question of integration shifts away

from an emphasis on the “foreignness” of immigrants and what to do about it, and towards the efforts that mix the conventions on human rights (such as the ECHR and the European Social Charter of the Council of Europe) with the work of national judiciaries. One possible outcome is that integration (including the necessity to learn the language of the country of residence) is a different matter for a rights-bearing immigrant than making “cultural integration” the condition for acquiring rights. As the EU evolves, we can see a growing formal commitment to human rights and to the development of mechanisms to enforce those rights within the member states. Thus the Treaty of Amsterdam called for enforcement of non-discrimination principles within member states, with enforcement through the European Court of Justice (ECJ).

The Treaty of Amsterdam formally allows a shift of immigration policy and its co-ordination out of the third pillar, where it gets handled as part of justice and home affairs, to the first pillar whose legal provisions become part of European Community law and are binding on each member state. Furthermore, it is possible to argue that since individuals will have the legal capacity to invoke first pillar laws and bring them to bear against member states, the changes of the Treaty of Amsterdam may give the judiciary, here the European Court of Justice, more control over immigration too (Jacobsen and Ruffer, 2006: 25-44). Similarly, the treaty’s formal commitment to human rights could strengthen the ECJ’s authority over member states and contribute to the “humanisation” of their migration and integration policy.

2. Migration as the problem – but from which perspective?

The understanding of migration phenomena seems to be a precondition to addressing them with sound policies. Nevertheless, as Abdelmalek Sayad frequently pointed out in his work, receiving societies usually separated immigration (something that they are concerned about), from emigration (something that does not concern them). Do mainstream notions such as the “welfare magnet”, the “push/pull” factors in the labour market or the “incomes gap” really help in explaining the actual patterns of migration and in shaping a sound migration governance? Which explanation of migration could be more realistic and politically long-sighted?

Immigration policy in all developed countries has two features which distort the migration reality and hence have our governments forever struggling to control it and inevitably failing to do so. The first one is the notion that immigration is autonomous from all the other activities which

receiving countries engage in. It is not autonomous. The second one, not unconnected, is the notion that it is immigrants themselves, in their aggregate, who produce the outcome we call migration and that hence they alone are responsible for immigration. But they aren't the only actors in the international migration story.

First, let us look at poverty and unemployment as *causing* emigration. When policy makers and the general public misunderstand migration as caused simply by the poverty in sending countries, they are left with very few policy options. The seemingly logical response to a mass invasion would be to close all the borders. Xenophobia and racism are but the most extreme expression of this option in a country's political culture; milder versions of "closing the gates" to immigrants and refugees are appearing in all highly developed countries.

The actual reality is much more complex. Individuals may experience their migration as the outcome of their personal decisions, but the option to migrate is itself socially produced. This fact is easily lost in much immigration analysis because immigration flows tend to share many characteristics: immigrants are mostly, though not exclusively, poor people from less developed countries, with low or medium levels of education, and willing to take undesirable jobs. This has led to the notion that it is poverty and unemployment generally which push migrants to migrate.³ Yet many countries with great poverty and high unemployment lack any significant emigration history, and in others emigration is a recent event no matter how long-standing the poverty. It takes a number of other conditions to activate poverty into a push factor, and even then, it is likely to be only a small minority of poor and middle class people who will actually try to emigrate. Emigration is not an undifferentiated escape from poverty and unemployment to prosperity. Nor is it an undifferentiated flow in terms of the destination of migrations. For instance, to mention the most familiar factor, we now understand how significant the fact of former colonial bonds is. I will say that the formation of global trafficking networks can disrupt these patterns. It can create whole new ways of linking emigration and immigration countries, beyond old colonial or new global economic linkages.

3. The latest estimate is of a worldwide immigrant resident population of between 185 to 192 million in 2005. This is under 3% of global population, but up from the 2.1% of world population in 1975, and up from the 175 million or 2.9% of world population estimated for 2000. About 30 countries account for over 75% of all immigration; eleven of these are developed countries, with over 40% of all immigrants. For details, see IOM (2006).

Furthermore, it is becoming increasingly important to factor in that some of the actors in the international migration story are not usually recognised as such. Among these actors are, for instance, i. multinational corporations through their role in internationalising production, with the associated displacement effects of local small-scale producers and firms, and the establishment of linkages between the capital-receiving and capital-sending countries involved; ii. governments through their military operations, with the associated displacements of people and ensuing flows of refugees and migrants; iii. IMF and World Bank austerity measures and structural adjustment programmes through their role in opening up poor countries to foreign firms which tend to devastate traditional, often labour-intensive, economic sectors, and through their role in forcing indebted governments to allocate enormous shares of revenue to paying debt service rather than to health, education and other components of development; iv. the EU and the US through their excessive agricultural protection programmes; and, v. most recently, the role of free-trade agreements through their strengthening of cross-border flows of capital, services and information. All of these have in one way or another mobilised the poor and not so poor into a desperate search for survival strategies, including domestic or international migration as one option.

Not recognising these interdependencies between major economic/military projects and migration leads to a serious misunderstanding of how migrations come about, and hence to faulty policies. Recognition that immigration may often be one of the trade-offs in these non-migration processes is critical. There are a whole range of trade-offs, positive and negative, in direct foreign investment, in offshore manufacturing, in IMF austerity measures, in free-trade agreements. Frequently these trade-offs are recognised and formalised into the policy framework. Yet immigration is never seen as one of the trade-offs – it simply is not part of the map. Immigration policy continues to be characterised by its formal isolation from other major policy arenas, as if it were possible to handle immigration as an autonomous event, one made exclusively by the immigrants themselves.

Representing migrants as the “new barbarians” also contributes to legitimate the fight against irregular migration. What are the real results of this fight and what lessons can be learned from the experience of such prohibitionist migration laws and their enforcement?

To explain this key point, I would like to use the case of the US and its obsession with controlling the US-Mexico border. It is a sort of natural

experiment that shows us what works and what does not, and why. There are some parallels with the efforts to institute far stronger controls at the perimeter. Though the EU remains far more concerned with the rights of immigrants and the unacceptability of people dying attempting to come in than the US, the move is towards thinking in terms of *controlling* rather than *governing* immigration. In contrast, the EU has been admirable in its serious and decades-long work on governing migration inside the EU, often against member states insistence on unilateral control.

If we look at the US as a case, it shows us how 15 years of immigration control through militarising the border has only produced a growth in the unauthorised immigrant population, a sharp increase in the cost of each arrest, and fewer arrests. In the early 1990s the US Government began to escalate its effort to control the Mexico-US border. This escalation has continued since then. Much attention has gone to the astounding array of control technologies and the vast military material deployed on that border. A first critical component in the escalation of border control has been the increase in the annual budget of the Immigration and Nationality Service (INS) which rose from US\$200 million in 1996 to US\$1.6 billion in 2005. The number of border patrol officers increased from around 2 500 in the early 1980s to around 12000 today, making it the largest arms-bearing branch of the US Government except for the military itself. The outcome has been to make the US-Mexico border the most militarised border in the world between two countries that are not at war.

Backfire at the Border. Why Enforcement without Legalization Cannot Stop Illegal Immigration, at this point the most comprehensive study on the matter, reports the following simple facts (Massey, 2005).⁴ First, there was a sharp increase in the costs per arrest and a sharp decline in the rate of apprehensions. Before 1992, the cost of making one arrest along the US-Mexico border stood at US\$300; by 2002, that cost had grown by 467% to US\$1700 and the probability of apprehension had fallen to a forty year low. Whereas in the 1980s, the probability that an undocumented migrant would be apprehended while crossing stood at around 33%; by 2000 it was at 10%, despite massive increases in spending on border enforcement.

Second, the escalation of border control has raised the risks and costs of illegal crossing, which in turn has changed a seasonal circulatory migration – with workers leaving their families behind – into a family migration

4. On the question of control as a political choice, see also Andreas (1998-9).

and long-term stays. Murray's border study established that, in the early 1980s, about half of all undocumented Mexicans returned home within 12 months of entry. By 2000 the rate of return migration stood at just 25%. Thus, the results were the opposite of what the government aimed at: border militarisation did not reduce the probability of illegal crossings on the US-Mexico border, and it raised the likelihood of a longer-term stay with families.

Billions of citizens' taxes spent on militarising the border have put apprehensions at an all-time low and forced unauthorised immigrants to stay longer than they want and to bring their families even when they would rather not. These facts are overlooked by much of the media, by politicians, by "experts" and even by well-intentioned public intellectuals who want to help immigrants.

There are three peculiar absences in the enforcement effort in the US, regarding the visa application process, the workplace inspections, and the control of visa over-stayers. These are less relevant to the EU effort to control entries at the perimeter of the EU. But they show clearly how misguided an immigration policy can be, and, perhaps more importantly, how the built-in interests of very particular powerful actors can prevail.

First, we now know that a good part of the undocumented are actually also lawful applicants who have crossed the border illegally because (often for family reasons) they cannot wait the 10 years it can take the INS to process applications. Thus speeding up INS processing would be a critical place for the larger enforcement effort.

Second, while one administration after another over the last 15 years has been seemingly happy to triple the budget for buying military equipment to secure the US-Mexico border, such largesse has not been bestowed on workplace inspections. Only about 2% of the INS budget is for employers' sanctions enforcement. And almost no sanctions have been imposed since the passing of this legislation as part of the 1984 Immigration Reform and Control Act (IRCA). Workplace inspections would be particularly feasible and effective with large corporate workplaces – agribusiness, meat-packing houses, poultry farms, and the Wal-Marts of this world. We know that these types of firm employ undocumented workers, and they have enough staff to check on workers' documents. These are ready-made cases for employers' sanctions. As has been remarked many times, all the deployment at the border stops at a certain geographic distance – the large farms close to the border employing all these workers are not inspected.

Finally, little, if anything, has been done about visa over-stayers. It is well known that an estimated 150 000 of the annual growth in the undocumented population over the last decade are people that enter with proper papers (student visas, tourist visas) and then simply stay on. Thus, while we militarise the border to the great delight of armaments makers who had no war to count on in the 1990s, only one fifth of the work of INS inspectors is focused on visa over-stayers.

Why are these blanks in enforcement allowed, and in such extreme form, considering all the strong words about controlling unauthorised immigration and given the enormous amounts spent on controlling borders? Is there finally a gap between governments' declared intentions and the economic/political benefits coming from "irregulars"?

Let me start by emphasising that all of these flaws go beyond party politics. This simply is the history of the last 20 years.

At least part of the answer is rather straightforward. There are three critical differences between the investment in border control since the early 1990s and the other three options discussed above. They concern jobs, buying material, lobbies and propaganda. While this cannot be the full explanation, it is the case that regardless of political party, our government has shown time and time again a strong reluctance to create jobs for inspecting workplaces generally – no matter how many fatal workplace accidents, and no matter how much higher the US rate is compared to all other highly developed countries. Over the last 20 years especially, few, if any, funds have been allocated for workplace inspections. A second difference is having or not having lobbies to make one's case in Congress. Armament makers and large corporate employers in agribusiness, meat-packing, and other sectors known to employ significant numbers of undocumented workers, have powerful lobbies. The inspectors and green card processors employed by the INS, and large sectors of the US workforce, do not have lobbies. Finally, there is the electoral and public opinion machinery. Setting up weapons on a border just makes for better footage than more INS inspectors and green card processors.

Your analysis of the fight against "irregulars" as a quite paradoxical policy could be an example of what some French scholars once called the fonction miroir (mirror function) of migration: the problems that migrants are supposed to cause in receiving societies are, in fact, problems of the receiving societies themselves. So, what are these major changes to the European social system which tend to come into focus when migration's causes and effects are addressed?

All our western European societies have experienced growing earnings inequality since the 1980s. Earnings inequality as such is nothing new. So the question is why does it seem to be different today and create the labour supply issues that lead to a need for immigrants. One of the major causes for much immigration from poorer countries is the vast and growing supply of low-wage dead-end jobs in our advanced economies that natives, socialised into better expectations, are unwilling to take even when there is high unemployment. Any of our economies illustrates this well today, and the US is exhibit number one.

There are in fact two major differences that have emerged since the 1980s, and distinguish the current period from the post-Second World War decades. First, a growing share of low-wage jobs today is not a first step in a ladder with advancement opportunities. They are a dead end. In the post-war period there were bridges from one level to the next. Today those bridges are largely gone. Secondly, in contrast to high-level jobs, most of these low-wage jobs give no recognition (salary, promotion) for advanced education and work experience, no matter how hard a worker tries or how much additional education they have undertaken. The evidence points to higher growth rates at the top of the system (high-level professionals and executives) and at the bottom of the system (cleaners, security guards, retail sales jobs, attendants of all kinds) rather than the middle sectors (specialised manufacturing, mid-level supervisors, public sector mid-range employees) whose often standardised jobs have increasingly been automated or outsourced to low-wage countries.

A third major difference with the post-Second World War period is the rapid growth of several labour-intensive service industries with a high incidence of low-wage, often arduous jobs that are going to be difficult to automate or to ship to foreign countries: cleaning, child and elderly care, nursing, retail sales, restaurants, catering, waiters, taxi drivers. Our societies need workers for these jobs *in situ*.

The evidence suggests that the increase in these types of low-wage job is in good part a result of new labour market policies, notably deregulation of the labour market, and the creation of new types of job. All these economies have begun to deinstitutionalise the employment relation, which allows the market more leeway to shape earnings distribution, and they have all seen significant changes in the structure and technological features of their economies. The fact that a low-wage job is also a dead-end job means that many natives do not want those jobs. A big issue is whether we will be able to upgrade those low-wage and dead-end jobs

so that they become more attractive: that will address at the same time the unemployment of young people and the “brain waste” of immigrants, captured by low-wage jobs even when educated. It is not to the advantage of the larger society to have a disadvantaged workforce with no hope of exiting that dead-end world.

How will it be possible to “pass through the mirror”, that is, to let the public debate go back from migration as a “threat to our welfare” to the critical evolution of the European social model as a whole?

First, we should force the European political agenda to address again as a priority the growing inequalities and the transformations in the labour market that I have just described. No country in the EU even remotely approximates the degree of inequality in the US, and each of the EU countries in its own way has resisted labour market deregulation of the sort we see in the US. I doubt that any of the EU countries will go as far as the US has gone – and I hope they do not – but they need to address the fact that they are moving in that direction. We can learn something from the UK, which has followed most closely in the path of the US when it comes to deregulating the labour market: it has wound up with the sharpest earnings inequality of all the EU countries. Like the US it has a vast supply of low-wage jobs, including a significant informal economy. An important difference with the US is that it still has a social wage, especially in the form of well-functioning public health systems.

Following the US model of sharp inequality would be the biggest cause in the EU for further immigration from low-wage countries. It would also allow for a greater absorption of workers willing to take up low-wage dead-end jobs, thereby reproducing these types of job, and contributing to forms of poverty that in the context of a still strong social Europe would mean public sector help. History suggests that as countries become more developed and their natives more educated and socialised into expecting upward mobility, or at least good jobs, it is foreign workers who tend to fill low-wage jobs. Not even “minoritised” citizens or second-generation immigrants are very likely to take these jobs, even though more likely than the average native. Thus high unemployment among natives can coexist with a growing demand for low-wage workers. This is a wide-open door for the kind of immigration that contributes to poverty because whoever holds those jobs, whether immigrants or citizens, they are not given a running chance.

The combination of these trends and the built-in creation of low-wage, dead-end jobs in our economies is troublesome. This should be the focus

of our regulatory efforts as it would be quite effective in regulating certain components of immigration and at the same time allowing immigrants to get a running start rather than contributing to poverty. Upgrading the dead-end jobs our society needs is one formula to make them more attractive also to native workers and address some of their unemployment.

But there is a second challenge that needs to be factored into the European agenda: there will be 80 million fewer people in the EU by the century's end (IIASA, 2001). Fertility rates in several countries are now or will soon be below reproduction levels. Steep decline could set in within a few decades. Current fertility rates are already determining the future decline of certain population groups in Europe. Yet the longer-term fall in the EU's population can be stopped or reduced by raising future fertility rates, lowering mortality rates, or raising immigration.

While for many (let's say some of my family in the Netherlands) a loss of population might not be so bad for overcrowded Europe, such a loss would generate new problems. The best known of these is insufficient working Europeans to support the pension funds of what is already today a majority oldish population. There are, again, options to address some of these problems. Thus, we could export (temporarily) those groups that are the most demanding of care: our children and our elderly. The Japanese technocratic machinery, the source of many an admirable intervention, at one point tried to create what they called "platinum colonies" overseas to export the elderly – less admirable. It did not work. It is doubtful that outsourcing our children and elderly is a viable option in the EU. We could shrink our whole socio-economic apparatus: lower pensions, fewer and lower quality (that is, cheaper) public collective consumption systems (trains, hospitals, schools, parks, airports, universities), and so on. It would come with a price for just about everyone, even the very rich who might be able to buy some of this in the private market but would still have to endure an overall decline in quality of life and public infrastructure. Technology could raise productivity and hence incomes making up for the fewer numbers supporting our vast numbers of retirees. But it is no easy matter and would require enormous co-ordination between the public sector and the private sector and a considerable reinventing of educational systems.

In brief, I have little doubt that immigration will be part of the solution. So I would think that finding workable ways of governing rather than merely controlling immigration and ensuring that immigrants get a running chance in the economy and become rights-bearing subjects would seem to be to everyone's advantage.

3. Political arguments for change – but who will take the responsibility?

Your analysis suggests the need for an important change of perspective in current migration policies, and socio-economic policies as well. At the same time, the diffusion of anti-immigration sentiment will not help but will hinder the change: how should we deal with it, in order to develop consensus on the idea of a multicultural Europe trying to ensure the well-being of all its residents?

Struggles for giving immigrants a fairer option for social and political membership are actually foundational to our societies in that they expand the administrative and legal institutions for civic membership for all. Incorporating the outsider has historically been a challenge in Europe, a challenge partly met through the work of developing expanded notions of citizenship for all, natives and foreigners. The worst for us, the citizens of the EU, is to allow the formation of a caste of second class citizens.

Today we deal with different religions and cultures, and we think that is the reason for the difficulty of incorporation. But our very European history suggests we felt similarly intense antagonisms vis-à-vis those who from today's perspective look like they are one of us: two examples from the 1800s are the German and Belgian migrants working in Haussman's rebuilding of Paris, and the French migrants working in Spain's vineyards. Part of the difficulty for "old Europe" is, ironically, the lack of a historical perspective on its past migrations. Europe has a barely recognised history of several centuries of internal labour migrations. This is a history that hovers in the penumbra of official European history, one dominated by the image of Europe as a continent of emigration, never of immigration. In the 1700s, when Amsterdam built its polders and cleared its bogs, it brought in northern German workers; when the French built up their vineyards they brought in Spaniards; when Milan and Turin developed they brought in workers from the Alps; when London built its infrastructure for water and sewage, it brought in Irish; when Sweden decided to become a monarchy and needed some good-looking palaces, they brought in Italian stoneworkers; when Switzerland built the Gotthard Tunnel, it brought in Italians; and when Germany built its railroads and steel mills it brought in Italians and Poles.

There is also strong evidence of a cyclical character to anti-immigration politics and the clouding of the issues that comes with it. For centuries Europe's major economies have gone through rapid cycles of great demand and then mass expulsions, only to fall back into high demand

a few decades later. If we consider the growing demand for low-wage workers and the sharp population decline in today's EU, it is easy to see that we might actually switch to a phase of sharp demand for more immigration in a decade if not sooner. France illustrates these sharp cycles of need and expulsion. Just taking its recent past, it had a desperate need for immigrants in the First World War (using Algerian immigrants in its armies) and in the post-war reconstruction, only to move into aggressive anti-immigrant politics in the 1930s, and then to wind up with acute need for foreign workers in the late 1940s, and so on.

Anti-immigrant sentiment and attacks happened in each of the major immigration phases in all these countries. Nevertheless, over the generations of each immigration cycle we have incorporated vast numbers of immigrants, so that today we are actually rather mixed. Today, 40% of Vienna's Viennese actually have a foreign parent, and one third of France's people have a foreign-born parent or grandparent. The "they" have become the "us" over our five centuries of intra-European migrations. These older immigrant groups, dating three or four generations back or centuries back, have given us many of today's citizens. They are not the issue in today's debates. But they were the issue in the past, at their time. However it took more than two generations, and, typically, it seems, it took three for them to cease to be "the problem". History suggests that those, often few, fighting for incorporating immigrants in the long run won, no matter how partial their victory.⁵

Can we also learn something from this history in order to develop tools for negotiating conflict solutions and to solve the "us" and "them" mentality, our new common problem?

What seems to me very crucial about the historical process I have just sketched out is that out of the "struggles for incorporation" came some of the civic and legal institutions we most admire in our western political tradition and are today foundational to citizenship in Europe. These are democratic institutions that have enabled the members of our communities, no matter how poor or ill-educated, to have access to full civil and social rights, if not political rights. It was not easy, and at the time, when one reads the record, they seemed insoluble problems and challenges. It was not a perfect resolution, nor was it perfectly executed. But it did leave

5. All the issues touched on in this answer represent complex and rich histories that were developed in Sassen's book on European immigrations over the last two centuries (Sassen, 2000).

us with strong institutions that can function as tools to ensure reasonable outcomes when it comes to the politics of membership. We cannot forget that we have these institutions today because so many native-born citizens in the past were excluded from real citizenship. The fact of immigration and its exclusions was one component that fed some of these “struggles for incorporation” and made them “struggles for recognition” as well.

For the same reason, I think the critical challenge is not to control immigration, but to develop the administrative and legal instruments that allow us to expand the meaning of political membership, as we have done in the past. Today we tend to function as consumer citizens: if there is no ready-made solution lying on a shelf, we think there is no solution. In fact, we have to invent the instruments. We will have to sooner or later, for economic, demographic and political reasons. If the past is any clue, this process of inventing will strengthen political citizenship, and not only protect immigrants.⁶

Finally, one last question remains unanswered: who will be able to construct a politically viable alternative approach to migration and migrants in today's Europe? Will political parties or trade unions also seriously consider the demands of migrants or should migrants themselves stand up for their rights through individual action, through NGOs, by belonging to political parties and through the right to vote and to stand for election?

The critical point is that the EU is a process in the making, and it has been so for over half a century. Against all odds, it has grown and consolidated its institutional base. At every turn, many said it could not be done, with the implementation of the euro only one of the most recent and best known cases, and I would emphasise the achievements, the institutional innovations, the practical experience, the range of debate. Given the strong roots of nation states for hundred of years in Europe, the fact that Europeanisation has been possible is the remarkable thing, despite the ongoing influence of nation states.

Many of the changes that have contributed to the development of Europeanisation are partial, highly specialised or specific, not all-encompassing. The state is too important an administrative body to have given up all its powers. But that does not mean that the state does not change, including the possibility of basic changes in its structures, such as the partial

6. For further examination of how citizens have lost rights with some of today's privatisation and deregulation policies, see Sassen (2006), Chapter 6.

denationalisation of national state functions. From my perspective one of the most important transformations is the extent to which a good part of the Europeanisation project is absorbed and integrated into the complex institutional apparatus of the state. It is so often dressed in the language of the nation. And I think that this is also one of the key factors for immigration policy.

The second critical set of actors are both sub- and supranational within the EU, both formal and informal (for example associations of citizens and immigrants). Specifying the channels through which these non-state-centred actors can write history is far too broad a subject to address here, and it depends on individual situations. At this point all I can do (this has been a very long conversation) is refer the interested reader to Chapters 6, 7 and 8 of my new book!

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II – What makes migrant workers “different”? A study of the mismatch between rules and realities in the fight against discrimination

*Federico Oliveri, Social Cohesion Development Division, Council of Europe
and postgraduate student at the Scuola Normale Superiore, Pisa (Italy)*

1. How real is “integration”? What is “diversity”?

For a long time, migrants were simply “workers” to their host societies, and any other facets of their existence were of secondary or non-essential interest (Sayad, 2006: 50). The first international agreements on migrants’ rights likewise concerned themselves with issues of employment and the status of workers.¹ So it is all the more surprising to see a number of recent proposals on reception of new migrants asserting that the difficulties of “integration” and the risk of “parallel societies” stem primarily from cultural differences.² Born of quite a widespread culturalist discourse, this policy approach may well underestimate the degree to which access to employment, working conditions and social mobility are factors in the inclusion or exclusion of migrants, and indeed of anyone. A measure of security of personal circumstances, together with recognition by the rest of society and a feeling of being in a position to improve one’s lot, are generally the effects of successful socio-economic integration. And yet the structure of labour markets, the organisation of work and the patterns of consumption in advanced societies *penalise* migrants and, with differences from country to country and sector to sector, people of foreign origin generally, so that the very idea of integration may be illusory or even laughable.

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1. The International Labour Office (ILO) is required by the preamble to its constitution (1919) to protect “the interests of workers when employed in countries other than their own”. ILO Recommendation No. 2 (1919) deals with “reciprocity of treatment of foreign workers”. Conventions Nos. 97 (1949) and 143 (1965) provide safeguards for migrant workers, as do Articles 18 and 19 of the Council of Europe’s European Social Charter (1961) and European Convention on the Legal Status of Migrant Workers (1977).
 2. This is the case with the “language and culture” tests proposed by the Dutch Government and rejected by Parliament in June 2006, and the democratic “conscience tests” which nationals of Muslim countries who apply for German citizenship have been required to undergo in Baden-Württemberg since January 2006. And whilst the language courses for which the new German immigration act provides are useful in helping first-generation migrants to integrate, they have also been criticised for being compulsory and for the penalties incurred if migrants fail to take them.

That is not to say that we should underestimate the cultural dimension of migration and consider only the socio-economic dimension, because the mutual adjustments and hybridisation of populations, the “identity variations” (Oriol, 1985) or the “generational dissonances” (Zhou, 1997: 995) which the families of migrants experience are an essential part of the processes of integration.³ We need rather to put these aspects into perspective, focusing instead on the fact that inequalities and imbalances of power are reproduced in the host countries, and looking at the position which “immigrants” (and the cultures they bring with them) generally occupy there.⁴ So the fundamental question to be answered is this: what is it that makes “migrant workers” different?

This question prompts others too: what impact, for example, is the concept of non-discrimination in employment on grounds of race or ethnic origin – an increasing concern of legislators and the general public – having in the current political and economic climate? Is this concept capable, and if so to what extent, of reflecting the changes currently taking place and producing a system within which inequalities and the conflicts they create can be managed by negotiation?

This report seeks to contribute to the debate by examining a phenomenon which cuts across all the issues raised and which highlights the ambivalences inherent in them: the persistence of a mismatch between rules and realities in the fight against discrimination against migrant workers.

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3. The classic indicators of socio-economic disadvantage (level and length of unemployment, level of earnings, length of the working day, number of “poor” households, level of welfare payments, access to services) show fairly clearly that the position of migrants in all the advanced countries is systematically worse than that of indigenous citizens (cf. ILO, 2004 and EUMC, 2005). The situation is less clear with second-generation migrants, who, according to country, can exhibit a surprising degree of social mobility (Ambrosini, 2004: 25-32).
 4. This kind of multicultural approach to questions of the (social, political and cultural) inclusion of migrants and persons of foreign origin appears to be the contemporary and politically correct version of “official thinking” which Sayad (2006) criticises as being one-sided. The original version of this thinking took no account at all of where “immigrants” came from, or indeed of the fact that they were also and above all “emigrants”; nowadays it only takes account of “ethnic origin”. Kymlicka, one of the leading writers in the debate on true multiculturalism, comments that wherever and whenever immigrants have been accepted as potential future citizens, cultural differences have never been an obstacle to their integration. Whether immigrants are integrated or excluded depends, he says, not so much on cultural differences or educational levels as on government policies on social and employment incentives and citizenship (Kymlicka, 1996: 204-205).

In Section 2 we consider some hypotheses which enable us to define, measure and analyse this mismatch. The report then looks at the various degrees of legal safeguard afforded by anti-discrimination legislation (Section 3) and the limitations of such safeguards in the face of other policies (on migration and employment in particular) which are relevant to migrant workers (Section 4). Migrants and those of foreign origin are no longer the only ones affected by “structural discrimination” of this kind; host societies too need to think about the conflicting trends within them and how to move forward coherently in the best interests of everyone living in Europe.

2. Non-discrimination: defining, measuring and analysing the mismatch between rules and realities

The disadvantages which migrants suffer compared with indigenous citizens cannot be accounted for solely by “differences in human or cultural capital”: they qualify as discrimination (EUMC, 2005: 11). This would be less *worrying*, politically, were it not for the fact that at the same time official pronouncements exhort us to combat discrimination and prioritise equality of opportunities, there is a wealth of anti-discrimination laws in Europe and, lastly, the advanced societies generally perceive all forms of discrimination as wrong (Eurobarometer, 2003). We need to consider how it is that these three things – the de facto situation of those concerned, political will, and public opinion – can coexist: can it be that the idea of “non-discrimination” is less clear-cut than we think?

a. Legal principle and personal perception

In modern-day societies the law has “primacy” over other forms of organised power (such as authority or compulsion) and solidarity (such as the family or membership of a group), a primacy which would be unjustifiable if the legal system did not recognise non-discrimination as a basic principle of law, together with equality of all before the law. That is also why, in law-based societies, it is illegal for anyone – public or private entity, group or individual – to practise discrimination. At the same time this prohibition creates a right to protection from discrimination – a right of the individual not to be treated differently, when circumstances are the same, if there is no good, objective and reasonable reason for the difference in treatment or if the stated objectives of the differential are wholly disproportionate to the means used (Lochak, 1987). In any area of life which is (or may be) regulated by the law and in which it is possible to have rights,

discrimination can arise, requiring regulatory, remedial or preventive action on the part of the public authorities. This principle is enshrined in national constitutions and a number of international human rights conventions, it is central to the European Judicial Area, and it is most emphatically stated in Article 14 of the European Convention on Human Rights (ECHR) and Article 13 of the Treaty of Amsterdam.

Moving from “books to action” (Pound, 1993), the right to non-discrimination takes on further dimensions: it is accompanied by a *perception* of being discriminated against that arises from a mismatch between availability of assets and the right to possible future possession of them (Dahrendorf, 1988), a mismatch which is seen as technically surmountable and politically indefensible.⁵ Whilst from the point of view of the legal system non-discrimination simply represents compliance with the rule of law, from the point of view of those immediately concerned its real importance is as a force for democratisation of institutions and social relationships. It tackles the (democratically indefensible) gap between being the *beneficiary* of a law or *recipient* of a legal obligation and being able to regard oneself also as its *instigator*, or co-instigator along with the other members of the community (Habermas, 1992: 491-492). Seen in these terms the concept of non-discrimination goes further than that of equity (“equal treatment for things that are the same, different treatment for things that are different”): it includes three other dimensions too, namely autonomy, recognition and participation.⁶ This also makes for a better understanding of the fact that, with discrimination, “the problem is less knowing whether or not there is a difference”, or even “whether one has the right to take account of it” (Lochak, 1987: 779), than knowing who has the right or the power to produce this difference, and to benefit from it.

5. This helps us to understand the revolt of France’s working class youth and the role which “culture” plays in it. It is not cultural diversity which fuels their protests but the issue of integration into the values of the Republic, from which they feel themselves to be *de facto* excluded. This “paradox of integration” can prompt second-generation migrants to refuse certain types of jobs and reject their parents’ acceptance of subordinate social status (Ambrosini, 2004: 20-21). The effects of this paradox form an explosive mix when exposed to political pronouncements on insecurity and socio-economic conditions in working class neighbourhoods (Bonelli, 2005).

6. On the identification and application of these dimensions as elements which make for cohesion in our modern-day society, see Council of Europe (2005). If one accepts this view, the fight against discrimination is a part of the struggle for true universal well-being and against the obstacles which prevent people from playing their full part in society.

b. Equality of migrant workers or non-discrimination on grounds of “race” and “ethnic origin”?

Whilst we need the views of those concerned if we are to shift from a legalistic approach to a non-discrimination one grounded in democratic acceptance, we need to look more closely at *who* “migrant workers” are and what their specific demands are. Do the words “migrant worker” really reflect the complexity of these people’s experience? Can we be sure of interpreting their views correctly if we view discrimination in terms of “race” or “ethnic origin”?

The category of “migrant workers” per se has significance primarily in law: it describes persons on whom the main international treaties confer rights. Thus, the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which came into force on 1 July 2003, confers rights on any “person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”. Given that persons of foreign origin, even when they are naturalised or qualify for citizenship by birth, are often equally disadvantaged compared with citizens with an “indigenous bloodline”, we need to devise terminology which takes account of second- and third-generation migrants. “Persons with a personal or family background of migration” might perhaps fit the bill here. In any event, the limitations of our language mirror the shortage of public opportunities open to those concerned for establishing their identities and identifying their differences.⁷

To what extent “race” and “ethnic origin” are the real grounds for discrimination is also under debate.⁸ Take the findings of certain feminist research

7. Other significant differences forming an area of “multiple discrimination” and real “civic stratification” (Morris, 2002), concern gender, age, sexual orientation and disability, but also the different categories of permits issued, reasons for travel, legal status (legal/illegal), nationality. Thus “nationality hierarchies” are applied, either by legal distinctions (between EU nationals and “third country” nationals) or more informally (between citizens of an OECD country and those of a non-OECD country, or between nationals of Muslim countries and other countries).

8. The controversial nature of these terms in law is apparent from, *inter alia*, Directive 2000/43/EC: the European legislator deemed it necessary to stipulate that “the European Union rejects theories which attempt to determine the existence of separate human races” and that “the use of the term ‘racial origin’ in this Directive does not imply an acceptance of such theories”. For the legal and political debate in the US see Kendall et al. (1995) on “critical race theory”.

writings on discrimination: these claim that “all too often, modern equal-protection law has treated as inherent and essential differences that are cultural and contingent” and, as a result, “sex-related characteristics have been both over- and under-valued”. Hence the exhortation that “we must insist not just on *equal treatment* [for women] but on woman’s treatment as *an equal*” (Rhode, 1989: 81). By the same token we should resist the temptation to reduce migrants’ “culture” to a supposed “ethnic origin” or their original nationality: migrants are not official representatives of their reference cultures, just as no European can be taken as legitimately representing Europe or even his own country. Reinforcing this kind of “group stereotype” (Ambrosini, 2004: 19) would be a de facto denial of the principles on which anti-discrimination legislation is based.

c. Areas and indicators of discrimination in employment

In strictly legal terms, there is discrimination against migrant workers if, *all things being equal in terms of educational and skills levels*, persons with a personal or familial background of migration are not treated on the same footing as are citizens. Nevertheless, if we try to apply a concept of non-discrimination which combines strict equality of treatment with other aspects relating to the recognition, autonomy and participation of individuals, the analysis broadens in scope and other discriminatory phenomena come into play. We then find situations of historical or structural disadvantage which mean that some groups “do not have a share in social well-being that is proportionate to their numerical strength” (Barbera, 1991: 244). Such considerations impel us to work out indicators of discrimination against migrant workers in the three areas generally acknowledged as relevant: access to employment, working conditions, and social mobility (see Table 1, p.66).

Problems of access are not limited to barriers (even legal barriers, where certain occupations are “reserved” for a country’s nationals) or to obstacles to recruitment (selection criteria, de facto recruitment conditions, etc.). One also has to consider the almost mandatory channelling of migrants into certain market sectors, access to job placement services, opportunities for *voluntary* initiative in the form of business start-ups (depending on the type of business, its size and prospects for growth, and availability of credit and consultancy services). Poor working conditions and restricted social mobility stem chiefly from the fact that migrant workers are steered overwhelmingly into certain sectors and types of work:

“arduous, precarious, hazardous, low-paid, socially marginalised” (Ambrosini, 2004: 14). As a result, the features which make migrant workers “different” are likely to be exploitative – wage differentials and markedly unequal relationships with employers. It would be a serious error of judgment to assume that these workers, some of them better educated and trained than their indigenous counterparts, are willing to accept rates of pay lower than the minimum guaranteed wage and working conditions which leave little room for negotiation. It is more appropriate to analyse the structure of the labour market in Europe and work out why, and in what circumstances, migrants end up concentrated in certain niches of employment which may be substandard and even illegal. Another look is also needed at the social dumping issue, migrants being regarded as disadvantaging indigenous workers and pushing down pay levels: but wage stagnation might be better explained by other current economic trends (increased global competitiveness, difficulty in funding innovation and boosting productivity, etc.), and it might turn out that there are factors which make migrant and indigenous workers natural allies in the struggle for better quality employment. Similarly, in some countries, there are problems of social mobility which affect both indigenous workers and migrants and which are caused not so much by shortages of social capital as by the corporatist tendencies of occupations, fragmentation of the labour market and inefficient links between the education system, training and employment.

d. Internal and external limitations of anti-discrimination legislation

Is the anti-discrimination legislation equal to coping with the breadth and depth of these inequalities, even in the most advanced systems? Starting from the available data and the indicators which put them into perspective, there are two possible levels of analysis. They respectively attribute the mismatch between rules and realities to:

- problems inherent in the legal system (legal “safeguards”);
- problems of consistency with other policies affecting migrant workers (migration, social, employment and citizenship policy).

So we need to have a realistic picture of the limitations of the law in relation to the causes of discrimination against migrant workers and the way in which these are evolving in the present-day socio-economic and political context.

Table 1 – Sectoral discrimination against migrant workers⁹

Areas (access, working conditions, mobility)	Indicators (comparison with indigenous workers)	Vulnerability (multiple discrimination)
Access to – employment – job placement services – self-employment	Unemployment rate/skills level Length of unemployment Migrants employed, by sector Migrants employed, by type of business Migrants employed in the “black” economy Rate of self-employment Access to credit and business consultancy services	Men/women Young/older people Disabled persons Sexual orientation Certain nationalities (EU, non-EU, non-OECD, Muslim countries) Poor skills level Legal/illegal (residence permit) Legal/illegal (work permit and contract) Asylum seekers and refugees
Working conditions	Differences in earnings/skills levels Average wage/minimum guaranteed wage Poverty rate Redundancy rate Migrants employed, by sector and type of business Migrants employed in the “black” economy Rate of occupational accidents Uptake of benefits and social security Rate of part-time working Trade union membership	
Mobility	Job rotation Migrants employed, by sector Increase in pay/skills level Difference in educational level between the generations Access to training Access to positions of responsibility	

9. There is no room here to go into the method used to calculate each indicator, or problems deriving from the availability of data, their homogeneousness and the processing of sensitive data. On the conduct and limitations of interviews and tests as a source of information on discrimination, see ILO (2001: 13-39). It is helpful to anticipate a number of caveats made necessary by a qualitative interpretation of the statistics available. The unemployment rate for migrants, for example, remains constant even though it may be on the increase for indigenous workers. This is because migrants find it relatively easy to obtain jobs which are flexible. For similar reasons, unemployment amongst migrants in Italy is actually lower than amongst indigenous workers. By the same token, the level of female migrants working full-time in the United Kingdom is relatively high because indigenous women prefer to work part-time, and in other countries the recorded level of self-employment is high because it is difficult to find payroll employment and self-employment is used to disguise a de facto situation of paid employment.

3. Fighting discrimination through the law: degrees of “legal safeguards”

Directive 2000/43/EC is deservedly regarded as part “of the most comprehensive and far-reaching anti-discrimination legislation to be found anywhere in the world” (European Commission, 2005a), thanks largely to the high level of “legal safeguards” it introduces at Community and national levels.¹⁰ The directive, learning from experience, provides for measures to overcome the obstacles on which anti-discrimination laws usually founder: inconsistency, incompleteness, lack of proper competence, and inflexibility which prevents them from adjusting to change and social complexity.

a. Ensuring that anti-discrimination laws are consistent and complete

Inconsistency in anti-discrimination legislation, or rather the legal system within which these laws operate, happens mainly because the law – as it has been built up over time, often following challenges by individuals to earlier cases of legal discrimination – is not homogeneous. Whilst the constitutional framework of all European countries at least recognises non-discrimination as a formal principle, the existence of other provision – such as laws which exclude foreign nationals from public-service occupations – nevertheless creates a problem of consistency (Lochak, 1995; GED, 2000). Traditionally, these inconsistencies in the system are removed by a country’s Supreme Court, using set procedures. Here, the European directive includes an internal requirement of “conformity”, which means that member states must “take the necessary measures to ensure that: *a.* any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished; *b.* any provisions contrary to the principle of equal treatment which are included in individual or collective contracts or agreements, internal rules of undertakings, rules governing profit-making or non-profit-making associations, and rules governing the independent professions and workers’ and employers’ organisations, are or may be declared, null and void or are amended”.

Anti-discrimination legislation is incomplete when the ban is not accompanied by adequate enforcing instruments (no effective avenues of redress, inadequate system for collecting data or evidence, lack of information and legal consultation) and when it makes no provision for penalties or

10. For the directive’s implementation at national level see website:
http://ec.europa.eu/employment_social/fundamental_rights/legis/lgms_en.htm.

legal remedies (positive action, adequate compensation). The European directive answers these problems point by point, stipulating that member states must take effective measures to complete the ban on discrimination. It also asks them to “designate a body or bodies for the promotion of equal treatment”, whose main duties are “providing independent assistance to victims of discrimination in pursuing their complaints about discrimination”, conducting surveys on discrimination and publishing reports on the subject.¹¹

b. Widening the scope and flexibility of anti-discrimination legislation

Regarding shortcomings of scope, the directive seems to take on board the outcome of the debate on the difficulty in anti-discrimination legislation (Lo Faro, 1999) of identifying an intention to discriminate which is direct and impacts directly on an individual. The directive thus makes provision for cases of “indirect discrimination” occurring “where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons”.

The ability to adjust to changing situations and to recognise the multiple forms of discrimination that exist (gender, age, sexual orientation, disability, low educational level, etc.) and the cultural differences of the persons concerned is a sine qua non for providing broader safeguards in a pluralist society. Recognition of the role of social dialogue and of dialogue with NGOs is also part of an active strategy of this kind which has to cope with change and a complex society.

4. Migrants’ right to have rights

The efficacy of anti-discrimination rules has to be measured against the changes which European societies have undergone during the last few years. What models of work and social relationships have these laws catered for? What are the specific subjects to which these laws and their safeguards in fact relate? Most particularly, what impact have migration policies had on the legal capacity of new migrants and, consequently, on

11. For a comparison of “mechanisms reporting complaints about discrimination and other equality bodies” see EUMC, 2003 (Annex, Table A8). For a presentation of the Equinet project, a partnership of national ombudsmen for these areas, see www.migpolgroup.com/topics/2078.html.

their working conditions and access to jobs markets? Have these policies had repercussions on persons of foreign origin too, given that there is no consistently defined “group” here?

a. Changes in “work” and “social citizenship”

In the post-war societies of full employment, payroll employment was a crucial determinant of social expectations and people’s sense of “belonging”. In international migration, within Europe and beyond, work was the “way in” for millions of people over one or two generations. In the last twenty years its form and significance have been changing. Far from becoming “extinct” (Rifkin, 1995) in the strict meaning of the word, work now extends beyond the traditional areas of factory and office: it is losing its hierarchical and centralised structure, tending instead to be “independent”, with networking or just-in-time methods. It is becoming flexible, fragmented and geographically more widely spread; it is even dropping out of sight, becoming part of the “grey” or “black” economy, with subcontracting disguised as self-employment, and one-to-one relationships between employer and an employee who has no real scope for negotiation.

Tertiarisation of the advanced economies on the one hand, and the relocation of certain types of production and the informalisation of others which cannot be relocated,¹² generate a “human surplus” (Bauman, 2004); this justifies increasingly sophisticated or, depending on the case, increasingly brutal forms of control and selection of workers and “discrimination” against them. Since the structure of production and the international division of labour are unchanged, there would seem to be less and less chance of avoiding a crisis of material and social citizenship and a renewed ascendancy of security as the rule for managing disorder (Palidda, 2005). This description is particularly apposite seen from the point of view of migrants or other groups “discriminated against” by control measures such as expulsion, imprisonment or ghettoisation. On the one hand migrant workers are routinely likely to be “overworked, underpaid and over here” (TUC, 2003), to find employment only in sectors where added value is

12. In sectors which cannot readily be relocated (construction, transport, agriculture, domestic services, care work, prostitution, etc.) employing migrants constitutes a kind of “on-the-spot social dumping” (Terry, 1999). For a reconstruction of the reversed relationships between social dumping, capital movement and border controls, see Mezzadra (2001).

low and productivity is poor, to experience very rapid turnover of staff and to be used in programmes of “just in time” migration for seasonal work. On the other hand, young people living in working class districts are genuinely “dislocated” from society, in a situation which is made worse by frustrated expectations, self-exclusion and a lack of any stable chances of establishing themselves in employment or society.

These structural changes are accompanied by other forms of micro-deregulation which alter the landscape in which anti-discrimination laws operate. The increasing power of private agencies in the field of job placement again broadens the potential for discrimination, since legislation for the most part assumes a direct relationship between employer and employee (Lo Faro, 1999). Greater flexibility in the labour market and the return to a measure of informality in recruitment are other aspects not catered for by laws which seem still to be tailored to the model of payroll employment. More generally it seems that the return of a greater freedom in “business enterprise” and “corporate governance”, aimed at maximising profits, is likely to make it harder to obtain proof of discrimination that will stand up in court (Lochak, 2003).

b. Legal “non-existence” and social control

For any full members of advanced societies, possession of legal personality goes without saying. Likewise, although the official culture proclaims every member of the human race as having rights,¹³ “it is not the fact of having a human face, or even a symmetry based on an abstract root of common universality, which forms the specific basis of a relationship between ourselves and others. It is rather that this same relationship, in terms of a shared legal and political space, exclusively enables us to recognise the face of others” (Dal Lago, 2004: 220), and enables others to recognise our own “right to have rights” (Arendt, 1951).

13. This idea of human rights to which anyone was entitled regardless of nationality only gained broad political acceptance following the Universal Declaration of Human Rights of 1948. Though far from complete, this acceptance is growing in parallel with a “juridification of humanity” which views the entire human race as having rights: prosecution of “crimes against humanity”, the existence of “universal jurisdiction” and of international courts to which nations too are answerable, the removal of nations’ “right” to go to war except in their own legitimate defence – all these things are parts of a trend which is born of shared experience of Nazism and two world wars. It is against this background that a transnational body of migration law should develop.

The transformation of many migrants into “non-persons” whose access to rights is effectively blocked or suspended is the result of particularly restrictive and punitive policies on migration which emerged from the 1990s onward, following creation of the Schengen area and implementation of the European visa policy.¹⁴ This category of “non-persons” is thus key to any study of structural discrimination against migrant workers in the advanced societies. Such reconstructions look at the sectoral discrimination which is apparent in employment (see below), comparing migration policies with policies on employment, social citizenship and nationality.

Since a comparative analysis of European migration policies is beyond the scope of this paper, we shall use Italy’s laws as a case study: developed over the past twenty years of political change (European integration) and socio-economic change, they offer ideal material for study. Law 189/2002 (the “Bossi-Fini Law”), along with its implementing regulations, radically revised earlier regulations and practice on admission to the country, renewal of residence permits, “legalisation” of status, and using expulsion or placement in temporary holding centres to deal with illegals. The law as it stands at present makes the grant of a residence permit strictly conditional on signature of a “contract of residence for work”, which is authorised when there is a shortage of national or EU labour and up to the maximum of quotas set each year by decree. Employers send the Ministry of the Interior an “application for recruitment” of a named individual, consisting of a draft contract of residence/work signed by the migrant worker (who is still supposed to be outside the country at this stage). The contract of residence/work also includes the employer’s guarantee that he will provide living accommodation for the migrant (which must meet the minimum criteria for public housing) and will pay the cost of return travel to the country of departure. These contracts may not be for longer than 9 months (seasonal work), 12 months (short-term contract work) or 24 months (permanent work).

14. This concept is normally used for irregular migrants (Dal Lago, 2004). By the same token it would be useful to devise a similar concept for residents and citizens with a background of migration whose right to have rights is not recognised, just as that of migrants is not recognised. Apart from the threat of expulsion, which applies only to the latter category, there are major similarities such as: the ways in which people become criminalised and cut off from the solidarity of the group; an actuarial control approach which categorises this group as dangerous, together with use of public order measures; their treatment as a “human surplus”, which on the one hand renders them “socially useless” and on the other means that they can be exploited and made to perform a multiplicity of roles (see below); and a perception that cultural difference makes it difficult to fit into society and employment.

Most studies show that this admission procedure, with its quotas that are invariably lower than the numbers seeking to get into the country, makes it effectively impossible for many migrants to enter legally (Reyneri, 2003; Palidda, 2006; Santoro, 2006). Moreover, the type of jobs occupied by most (new) migrants (temporary or insecure jobs and sometimes jobs in the black economy), make it very hard for them to get their residence permits renewed: these workers are asked to prove the stability of their status in a way which, subsequent to the new laws on labour market “flexibility”, is no longer demanded of indigenous citizens, especially for a first job. These migrants systematically swell the numbers of “illegals”: over half the migrants who enter Italy legally swiftly become illegal¹⁵ and almost two thirds of all migrants who are legally resident in the country have at some point been illegal. Legalisation of their status, which the government is obliged to grant under pressure from certain employers who need a more stable workforce, thus becomes the key mechanism in migration policy.

It is reasonable to conclude that the typical experience of migrants in Italy is that they serve a “trial period” (Santoro, 2006: 310), during which they are expected to behave impeccably, under constant threat of expulsion. This period then continues in an atmosphere of widespread “suspicion” which may persist for years.

c. Exceptions to the rules on non-discrimination – false arguments and probable reasons

Migration policies like this are of course likely to produce a system of exceptions to migrants’ rights which is basically at odds with the primacy of the law and all efforts at countering discrimination.¹⁶ Does this mean

15. According to the Ministry of the Interior’s 2005 “Report on Security”, of all persons legalised in 2002 and 2003 “75% were foreign nationals who had entered the Schengen Area legally and remained after their permits had expired (over-stayers), 15% had entered Italy illegally, and 10% had landed on the country’s south coast. Of all those recorded in Italy in 2004 as having no residence permit, it is thought that 67% were over-stayers, whilst 29% had entered illegally across a land border and just 4% had entered by sea” (Ministry of the Interior, 2005: 45).

16. Interestingly, this same Directive 2000/43/EC, which defines non-discrimination in its preamble as a universal right, makes that right subject to limitations deriving from national sovereignty: on the matter of its competence the directive clearly states that it “does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons on the territory of Member States, and to any treatment which rises from the legal status of the third-country nationals and stateless persons concerned”.

that only those migrants who settle for fewer guarantees, fewer rights and less security will be deemed “good” migrants and allowed to stay and to work? This raises the question of whether anti-discrimination legislation is *consistent* with the current socio-economic and political system, and particularly with the short circuit which forms between poor and unregulated jobs, the “grey economy”, and prohibitionist migration policies (Reyneri, 2003). It is quite obvious that the migrant worker, who depends on his employer for his residence permit, will ultimately put up with all forms of discrimination (over pay, safeguards, treatment, etc.) without having any legal redress.

Italy, with some 30% of its GDP coming from the “grey economy”, may look like an extreme case, but an analysis of Europe’s labour markets suggests that the use of “illegal” migrants with neither residence permits nor employment contracts is a firmly established feature in current production trends and in demand for domestic services. One may even conclude that “important labour demand from the underground economy can have a sizeable pull effect, chiefly when external borders are formally closed and economic migration can only be unauthorised” (Reyneri, 2003: 15).

Notwithstanding this finding, it is the “prohibitionist” arguments which continue to influence policies on admission and integration, building on fears which persist fairly widely in the host societies: limited ability to absorb new migrants, high unemployment amongst the indigenous population, unfair competition because migrants accept poorer conditions, rising crime, etc. In general these arguments are not adequately supported by analysis of the figures, but they have a profound social and political influence.

The fact that the number of applications for legalisation (which can be made on presentation of a contract evidencing stable employment and the guarantees routinely required of the employer) far exceeds all quotas illustrates that the Italian labour market is well able to “absorb” these migrants. An analysis of the sectors in which migrants are employed also tends to weaken the argument that new migrants compete with indigenous workers for jobs, showing rather that the relationship is one of “complementarity” and “replacement” (Reyneri, 2003: 9-11). There is nothing in the available data (Venturini and Villosio, 2004) to suggest that migrant workers depress wage levels for the indigenous workforce: earnings in both categories seem to follow the same trends, the same slow-down which has been apparent for a number of years in the advanced countries.

The arrest rate, higher for migrants than for the indigenous population, can be explained by numerous factors other than “foreigners’ criminal tendencies”. Most arrests are of illegal migrants, whilst the rate for “legals” is virtually nil (Santoro, 2006: 312). Secondly, migrants are more often detained, for the same offences, than indigenous citizens. Thirdly, it is harder to impose alternative sentences on migrants, given their living and working conditions. Ultimately, “in a context where the dearth of legal and stable jobs tends to channel the workforce into grey or unlawful areas of the labour market, the fact that migrants end up earning their ‘living’ there becomes a self-fulfilling prophecy” (Santoro, 2006: 314).

Given the exorbitant financial and social cost of these prohibitionist policies, it is almost *de rigueur* to try to justify them after the event. A first hypothesis suggests, in the face of an official ban on discrimination, that the current demand for a flexible and low-cost labour force needs to be met differently. On the one hand, criminalising migrants as “illegals” provides some kind of justification for the discrimination they suffer in employment. On the other hand, it makes migrants “willing” to accept this discrimination and prevents them from breaking free of it. Also, most western public opinion would be reluctant to deny migrants’ rights on grounds of their different culture or status, but turning them into criminals means they forfeit our sympathies and are harder to defend. This also provides an excuse for a “chauvinism of prosperity” (Habermas, 1992: 651) which ranges “insiders” against “outsiders” and gives vent, without threatening the dominant order, to the collective insecurity created by ongoing social change. Lastly, this depiction of migrants as a threat to our living standards and our public safety makes them “convenient” to the present order in many respects (Wacquant, 1999): firstly as an “available” pool of labour; secondly as a factor against which western societies can take a reunifying stand on the basis of identity; and thirdly as a group which legitimises a security approach to social conflict.

Conclusions

The desire to “tear the mask of hypocrisy from the face of the enemy, to unmask him, his devious machinations and manipulations that permit him to rule without using violent means, that is, to provoke action even at the risk of annihilation so that the truth may come out – these are still among the strongest motives in today’s violence on the campuses and in the streets” (Arendt, 1969). Is this analysis of the US riots still pertinent, forty years on?

Consideration of the mismatch between rules and realities in the fight against discrimination against migrant workers leads us to a troubling conclusion: the advanced societies are currently in a position of paradox – they have to accept that legitimate power requires acceptance of the key principle of non-discrimination, but they are reluctant to give up the many benefits they enjoy which result from a measure of discrimination against migrant workers and persons of foreign origin. Only a collective desire to resolve this paradox and open up real areas for negotiation with the parties concerned can refute the charge of hypocrisy and deflect the threat of violence. That necessitates an understanding of the true extent of social conflict and a clarification of ambivalences in the thinking and policies hitherto deployed to address it.

For a start, the question of the “diversity” of migrant workers needs to be tackled more in terms of socio-economic inequality. The fight against discrimination on grounds of race or ethnic origin should avoid confusing the *causes* of disadvantage with the *means* which produce it: the creation and reproduction of wage differentials, together with special controls on the work of migrants, accentuate cultural differences only instrumentally and require structural policy measures if they are to be overcome. In the words of a recent report by the International Labour Office: “Allegations of the disruptive effects that foreign and ‘incompatible’ cultures may have on the integrity of national identities are used instead of the older theories of purported superiority of one racial or ethnic group over another” (ILO, 2003: 31). Awareness of the cultural diversity of employees as something which may be beneficial to businesses in terms of innovation, improved corporate image and reputation and enhanced marketing opportunities (European Commission, 2005b), should be accompanied by a critical review of the development model, the division of labour and the economic categories of usefulness, cost, competitiveness, etc. The cultural and social dimensions, and the specific conflicts which go with them, cannot be arbitrarily replaced: recognition of cultural differences cannot undo the damage done by unequal access to social well-being, and vice versa, and economic integration on its own cannot ensure well-being if there is no recognition of the diversities of individuals and groups.

Secondly, in order to be more effective, the fight against discrimination needs to go beyond the specialised legal instrument. It must take in the structural discrimination which derives from the cross-cutting effects of the various policies which are relevant to migrant workers (migration, social, employment, nationality policy, etc.) and which impact on their actual ability to integrate into society and employment. As the 2005 report of

the European Monitoring Centre on Racism and Xenophobia (EUMC) puts it: “There are mixed messages emerging, on the one hand, from policies to combat discrimination in the labour market and, on the other hand, policies in certain Member States that restrict the rights of third country nationals... There appears to be a conflict between the need for immigrant labour, working without discrimination, and the desire by Member States to be seen to be doing something to limit and control immigration” (EUMC, 2005: 10). The full extent of this conflict needs to be taken into account in the framing of consistent policies against discrimination. We also need analytical methods which take account of it: comparative studies of countries with differing migration, social and nationality policies (Wanner and Dronkers, 2005) are essential in supporting this approach and devising indicators which are suited to present-day complexities and can be used also in a range of different national and local contexts.

The implementation of consistent policies also requires an understanding of migrant issues as collective issues triggered by the internal dynamic of advanced societies. The growth of unofficial economies, fragmentation of the labour market, the re-emergence of poverty and inequalities, obstacles to social innovation and mobility, the sense of insecurity which accompanies the loosening of ties of solidarity – these are questions which our societies must address *concurrently with* the disadvantages suffered by migrants and persons of foreign origin. So attention must focus on developing social cohesion in Europe: if multicultural Europe is facing an identity crisis, the question is how far Europe can ensure the well-being of everyone living within its borders.

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III – Invisible poverty: migrants, new social policies and the risk of exclusion

Giovanna Procacci, University of Milan (Italy)

Introduction

Social rights are an integral part of our experience of modern citizenship to the point that we tend to consider them as politically irreversible. Social citizenship, the specific form of citizenship that T. H. Marshall (1950) conceptualised as being based on social rights, developed since the end of the Second World War into an institutional framework of national welfare systems and underwent a gradual expansion of benefit schemes in terms of protected categories and the social risks covered. By referring to adequate standards of living which each citizen is entitled to, social rights operate on a logic of liberation from need, rather than a logic of individual liberty as for civil and political rights; they establish the principle that the state and not only the individual citizen is responsible for making those standards within the reach of everybody. Their main characteristics are “universality” (common standards) and separation from nationality (replaced by “territoriality”): people are protected by virtue of their membership and participation in society. On these bases, social rights acknowledge that individuals are not equally exposed to social risks and accordingly intervene to protect them. Therefore, there has always been a special tension between the universality to which they tend and the distinctions or categorisations through which they operate, open to possible discrimination. From this point of view, social rights incorporate an active idea of rights fighting for their own realisation (Lochak, 2003). On the one hand, they helped to create the conditions for a social consensus necessary to rebuild European societies after the war; on the other, expansion of social rights up to the end of the 1970s provided a powerful means for social integration, including that of migrants. Despite difficulties and insufficiencies, it is largely acknowledged by the scientific literature that national welfare systems have been the key arenas for immigrants’ social inclusion (Bommes and Geddes, 2000: 213).

In the last decades, the whole picture has undergone two main paths of destabilisation: the crisis of welfare systems and the building of supra-national political institutions. A third focus of change particularly affects the condition of migrants: political investment in the issue of migration at both levels, national and European, has reinforced the interdependency

between social protection policies and migration policies. At the crossing point of these perspectives of change we shall question the impact of social policies on migrants' integration: are the new post-welfare social policies structured in a way that will fulfil the objective of immigrants' social inclusion, or are they rather reinforcing the discrimination against them? More particularly, this article will deal with policies aimed at reducing the risk of poverty or, as is more commonly said today, the risk of *social exclusion*.

This is a matter on which European institutions, particularly since the 1990s, play a relevant role, both at the normative level designing new directions for policies and at the level of monitoring policies' effects. The European Commission promotes the fight against social exclusion as a crucial means for a strategy of convergence of national social security systems into a European Social Model (ESM) and has taken leadership in this field of policies. The Council of Europe in turn has assumed a leading role in enhancing social cohesion as an integrated strategy, acknowledging that social rights are crucial to Europe; this brings the fight against poverty and social exclusion to the forefront in so far as they represent a major obstacle to access to these rights. Though their respective strategies and fields of application differ, we shall see that they share a definition of social rights that may account for some common orientations. All together, the impact of Europe in transforming anti-poverty policies and implementing anti-discrimination is a key aspect of current transformations in the field of assistance.

1. From fighting inequality to fighting discrimination

By itself, discrimination only means distinction; in fact, it has acquired a negative connotation, implying that an illegitimate distinction is leading to unjustified unequal treatment (Lochak, 1987). This requires that we establish criteria for defining what is illegitimate about the distinction, or on what grounds treatment is unequal. Inequality of treatment is here less of an issue, the focus is rather its legitimacy or illegitimacy. From this vantage point, we can say that although the fight against discrimination shares the same idea of rights fighting for their own realisation that underlies welfare policies, they work with different goals and paradigms. This might actually account for the development of anti-discrimination policies from the 1980s onwards during a time of welfare crisis, under a political combination of events characterised by a decreasing consensus around it; and at the same time it can help us understand how they share some trends with the restructuring of welfare policies.

The two sets of policies do operate in different ways. Welfare social policies identify categories of social risk needing intervention and thus face the risk of possible discrimination against other categories of people excluded from protection. Fighting against discrimination rather implies identifying groups of people who have been the object of unjustified unequal treatment and thus face the risk of possible stigmatisation, linked to substantialisation of identities. This might account for the relative success of the latter in times unfavourable to the former. No doubt, they follow a pattern more suited to our times, more worried about preservation of identities than reduction of inequalities. Anti-discrimination policies do indeed refer to a principle of equity – equal opportunities for all, irrespective of some individual characteristics – rather than that of equality (Borgetto, 1999). Their selectivity breaks with welfare universalism; the goal here rather becomes to improve the most vulnerable situations in an attempt to repair a social fabric threatened by deep fractures (Chevalier 2003). The fight against discrimination seems to have today replaced the fight against inequality, as a more coherent strategy for post-welfare policy. Protection against discrimination has become an imperative of EU policy (Directive 2000/43/EC on the principle of equal treatment irrespective of racial or ethnic origin, and Directive 2000/78/EC on equal treatment in employment and occupation). Social policy reforms at EU level cannot be analysed without also questioning their consistency with the objective of non-discrimination.

Despite such differences, EU normative tools explicitly claim to support both the maintenance of solidarity and social protection as core components of the European Social Model and the fight against discrimination. And indeed, at closer reading, we shall see that they share a similar orientation towards human rights. Fighting against discrimination means recognising that a group identity is imposed on the individual who is at the core of human rights. New social policies against social exclusion base the fundamental social rights upon which they are built on the human right of the individual to live in dignity, rather than on the social organisation of risk and protection (Procacci, 2006), going back to a source of law far more congenial to international legislation and more suitable as a framework for anti-discrimination policies. From the vantage point of social policies it is possible, however, to wonder whether human rights may represent a downgrading trend, reducing political intervention to the preservation of the dignity of human beings, without intervening on the issue of common standards of well-being and conditions of access to them. Are human rights able to counter restrictions in welfare policies and social services, which are, according to many analysts, likely to build

barriers to migrants' integration? To stop such restrictions would require some positive action from the state and the consequent mobilisation of public resources, both characteristics of social and not human rights. As a result, we might face a contradiction between favouring such a restructuring of social policies, which inevitably tend to be less available to migrants, and pursuing anti-discrimination objectives in the name of human rights.

2. New policies against social exclusion

The structure of welfare systems has been challenged at different levels, including criticism of their universalism in the name of inefficiency, as well as of possible discrimination actually hidden behind it in the name of corporatism. As a result, current trends in social policy reform, also affected by EU political imperatives, tend to reduce universalism as well as redistribution policies, and are confined nowadays to forms of assistance for extreme levels of need, such as social exclusion.

According to Marshall, social rights are located above minimum dignity; social citizenship implies acknowledging a status outside the market, made up by strategies of *empowerment* of citizens towards economic, social, cultural and political processes (Garcia, 2005). In EU political strategy, the whole issue of social rights is controversial: while up till the end of the 1970s they expanded within the framework of national states, the challenge nowadays consists in reformulating social rights at a supranational level. In EU normative tools, on the one hand, social rights are claimed to be foundational for social protection, and social protection in turn is acknowledged as the core element of the ESM, characterised by a strong heritage of social rights (COM/1999/347). The revised Treaty of Amsterdam establishes (Article 136) the need to ground social policy "on fundamental social rights", and (Article 137) extends this to the fight against social exclusion. The Council of the European Union confirmed at Lisbon and Nice that social inclusion is fundamental to the modernisation of the ESM; its resolution on social inclusion (2003) confirms the commitment to eradicating social exclusion and invites the Commission to integrate social inclusion into the Union's economic and social strategy. Also the Council of Europe has acknowledged the importance of fighting against social exclusion for promoting its own strategy of social cohesion through social rights. Already the revised European Social Charter (Article 30) has established that effective access to social rights for all is a crucial factor in the fight against poverty, linking the success of social cohesion to social inclusion.

However, fundamental social rights are defined according to what has been stated by the Council of the European Union in Recommendation 92/441/EEC: they represent “a fundamental right of the individual to sufficient resources” in respect of human dignity. This is a relevant shift in policy-making with respect to social rights as we have known them at the source of welfare: through the principle of human dignity, social rights change their nature and become close to human rights. Hence, social policies are less concerned with standards of services to respond to needs, than with respecting a person’s dignity beyond the need.

A very similar definition, however, is at work also in the Council of Europe which, according to a report of the European Committee for Social Cohesion (CDCS), “has always based its work on the dignity of the individual” (Daly, 2002: 32); actually, focusing on people is seen as the key for granting access to social rights to the most vulnerable groups. If effective access to social rights depends on economic, social and cultural conditions which can create situations of vulnerability, as confirmed by the Council of Europe when monitoring national situations, it seems that here also re-establishing human dignity is the goal of social policies, rather than rebuilding such defective conditions. Although policies should be framed within the broader goal of social cohesion and hence be evaluated according to their contribution to it, the rights they are based on are conceived of as individual rights. This defines an utterly new framework for social policies based on individual rights: what kind of social policies are they? How do they work?

Take the new policies against social exclusion that from the 1990s onward have reframed social assistance measures addressing the issue of poverty. There has never been a real balance between expenditure for social insurance policies, such as pension schemes, and for social assistance, which only counts for a small part of the social budget in most countries of the Council of Europe (Melvyn, 2001). National welfare systems being built on the employment principle, the part aimed at assistance against poverty has always been residual. In fact the European Code of Social Security (entered into force in 1968) which aimed to establish a series of standards in order to guarantee a minimum level of social protection without trying to standardise national social security systems, only concerns social insurance. Social assistance being non-contributory, it was generally regarded as a discretionary benefit. It is the European Social Charter (1961) and even more the revised European Social Charter (1996) that establish entitlements to social assistance as a subjective right to protection against poverty and social exclusion, pointed out as one of the main obstacles to access to social rights (Daly, 2002: 20).

Criticism of assistance implemented by welfare systems follows two main threads: its costs are based on labour and yet benefits are distributed irrespective of the effects on labour. New policies against social exclusion promoted by the EU are policies of “minimum income” (MI), defined as the last mechanism of income redistribution (COM/1998/774) and addressed to the poorest, in order to relieve them from extreme levels of basic need, below the poverty line. It has to be entirely non-contributory, financed only from public funds. In order to avoid having a negative impact on labour, they need to be “employment friendly” policies. Income support schemes have been increasingly subject to activation criteria, in order to minimise disincentives to paid employment and to avoid poverty traps. Entitlements to benefits have been made conditional on active job search, availability for work or participation in training, to which the person is committed. MI policies are characterised as integrated strategies of social reinsertion (COM/1999/347); but social reinsertion should only work as a temporary objective while it tends to become a chronic condition, a new status of the poor indefinitely on the way towards reinsertion. If reinsertion appears as an illusion, policies against social exclusion in practice end up feeding an area of atypical labour, underpaid and with no social guarantees. As a result, poverty is no longer considered as a social risk that everybody could face at some moment, but as a consequence of exclusion from the labour market, thus hiding the fact that in our advanced societies not only the lack of labour, but labour, in particular precarious labour, may itself lead to poverty (Scharpf, 2000). In fact, the number of working poor is growing fast. Experts have long insisted on a downgrading trend where unemployment together with underpaid labour are responsible for originating poverty (EAPN, 1999).

Eurostat itself now gives figures on *in-work poverty*, or the risk of poverty among the active population (Eurostat, 2005: 5), families living below the poverty line despite labour income. In 2001 around 14 million workers were living in such conditions, 7% of the active population, and up to 9% in countries who have recently joined the EU. In the end, as experts point out, the focus primarily on jobs rather than on poverty in the anti-exclusion strategy accounts for its failure and for the growing inequalities (EAPN, 2005).

Anti-exclusion policies do respond to new imperatives for social policy: decreasing labour costs and reducing income redistribution. For this purpose, they reduce all poverty problems to extreme poverty only and legitimate redistribution for humanitarian reasons. By doing so, they revive a logic of assistance to the poorest, with the consequent effects of stigmati-

sation and dependency. They are all means-tested policies, submitting benefits to close control, as in philanthropic practice. A strictly local character fits this purpose better, allowing personal contact with the recipients and leaving more discretionary power in attributing benefits; in fact MI policies are the most decentralised social policies (Saraceno, 2002). Furthermore, their indexation on the labour market requires that benefits are linked to a willingness to work, through programmes of reinsertion individually negotiated and asking the recipient to take responsibility, following a logic which reminds one of “workfare”. It seems that EU action for social inclusion is caught up in a model of public action built on the philosophy of self-help (Sen, 1997) demonstrating a contradiction between the social rights on which MI policies are based and the individual right to survive. Social reinsertion might well prove to be an illusion, as, while it remains crucial in the functioning of these policies, it helps to transform poverty from a social risk into an individual responsibility.

3. Europe and its migrants

What is the potential impact of such a shift in policies of social assistance on migrant populations? After all, they are especially exposed to the risk of poverty. Nowadays, territoriality is more than ever a resource in a globalised world and in the same way the source of significant disadvantages (Pizzorno, 2001). Hence inclusion of migrants should be an integral part of a strategy against social exclusion.

Welfare systems have always been caught in a fundamental tension between universalism, countering discrimination against non-nationals, and the realistic principle of a state sovereignty favouring privileges for its own citizens. And yet, given their reference to membership and participation in society rather than to nationality, it was possible to extend social rights to migrants. During the decades of their expansion, we have in fact seen an evolution gradually narrowing the difference between native and foreign workers; giving migrants greater access to social rights appeared to be a powerful way of assisting their integration into host societies. One might wonder how it was possible that migrants got access to social rights well before other sorts of rights, and despite firm resistance to giving political rights to foreigners. It is what Guiraudon (2000: 74-75) sees as a reverse development of the Marshallian triptych. Her hypothesis is that social policies are less visible than political participation; therefore granting social rights is seen as less risky for politicians in their constituencies. However, the expansion of social rights having stopped, we can now see at work a counter-tendency leading to a narrowing of access to social rights.

The fact is that political views have changed. More and more attitudes towards immigrants' access to social protection are influenced by attitudes towards immigration policies, be they favourable or restrictive. This most often leads one to see participation of migrants in welfare benefits less as a means of integration than as a pull factor attracting migration, and as such an obstacle to the political objective of migration control. It is true that the impact of international law on the evolution of rights towards a lesser distinction of non-nationals has been significant, above all in the name of anti-discrimination objectives. How does this combine with EU political trends in reforming social protection systems? Can we expect that new social policies will be able to stop the current restrictive tendency towards immigrants at the national level? Or should we think that the restructuring of welfare systems at the European level will particularly affect migrants, given their specifically weak relationship with national welfare states (Bommès and Geddes, 2000: 251)?

Under the UN Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (18/12/1990, implemented 1 July 2003) all migrants ought to receive equal treatment to nationals in matters of social security, according to the requirements of the host country; if national rules prevent migrants from equal treatment and access to services, they must be repaid their contributions (Article 27). But in host countries, objectives of migration control do prevail and they require legal residence. Only health care is explicitly established (Article 28) as a right which cannot be denied, no matter what status of residence or work the migrant has with respect to the administrative requirements of the host country.

At European level, policies of access to social rights have to be linked with the commitment to freedom of movement, which is an integral component of the European project, as well as with the political objective of non-discrimination. The need for such coherence has been emphasised in the context of EU strategy for social inclusion, acknowledged in Lisbon as "fundamental to the modernisation of the ESM", allowing as many people as possible to be active participants in the labour market and in society at large, regardless of racial and ethnic background, gender, age, disability, religion and sexual orientation. Also the Council of Europe strategy on social cohesion acknowledges inclusion as being a key path towards its goal.

Social protection in general, and anti-exclusion policies more particularly, find their place naturally within this framework as crucial tools for promoting inclusion. As for the actual organisation of social protection, action was

left to member states, but supranational institutions took upon themselves the task of drawing up the common objectives of social inclusion which were to guide the National Action Plans (NAPs). The foundation for this is provided by the revised European Social Charter (Articles 12-13) defining the right to social security as a fundamental human right, therefore implying the principle of equal treatment. Notwithstanding, the European Convention on Social and Medical Assistance (1953), as well as the European Convention on Social Security (1977) only provide for equal treatment of nationals from other contracting parties, in an effort to co-ordinate national systems of social protection and to create the conditions for social entitlements to cross borders. The same occurred with Regulation (EEC) No. 1408/71 on social security schemes: on the basis of the principle of employment, it is established that the legislation of the country of employment would apply irrespective of the residence of the beneficiary. Nationals from other member states would no longer be discriminated against and would enjoy equal treatment in all member states (full export of benefits, aggregation of insurance periods, and coverage for family members although they reside in another country). Social security and freedom of movement are provided for EU citizens. It is only very recently, with Regulation (EC) No. 859/2003, that the scope of the previous regulation was also extended to third country nationals (TCNs) legally residing in a member state.

The importance of not treating TCNs who are legally resident differently to EU nationals has finally been acknowledged by European law, although conditions for social security are still regulated by national law. This does not mean in any way that access to social rights is granted to them, even less that conditions for such access are the same in all countries, as is acknowledged by expert groups monitoring NAPs on behalf of the EU itself as well as for NGOs. Access to social rights is guaranteed, and yet social protection remains in fact a crucial field of ethnic discrimination (Belorgey, 2002), although the European Committee of Social Rights has extensively interpreted European Social Charter indications in matters of equal treatment between nationals and non-nationals. Social assistance is the most difficult issue, together with the transfer of pension benefits. Belorgey explains this with the claim from member states that universalistic security systems only based on taxation ought not to be treated in the same way as contributory security systems based on work. According to the Council of Europe Report CS-PS(2001)12, social stigmatisation is a widespread psychological obstacle, particularly concerning non-contributory means-tested social assistance benefits with respect to those based on statutory rights (Melvyn, 2001). Ethnic and linguistic minorities

are groups who suffer discrimination concerning information and are subject to restrictions on state financial benefits, while racism and prejudice appear to have grown with increased immigration and requests for asylum. Nationality is being asked for again, together with residence, as conditions for receiving MI benefits, and either used for excluding foreign people or for raising additional conditions, such as longer residence, residence permit, membership of special groups such as asylum seekers, etc. (Saraceno, 2002). A sort of circular link appears between the right to social assistance and legal residence, while immigration policies make legal residence dependent upon the condition that the immigrant does not rely on public funds. Recommendation Rec(2003)19 of the Committee of Ministers of the Council of Europe to member states on improving access to social rights recommends that action to this end is based on the principle of non-discrimination, through measures such as training of social services staff with a special focus on non-discrimination, communicating information in several languages, simplifying documents and administrative language, and the like. A Communication from the Commission of the European Communities (2006: 5) "to promote active inclusion of the people furthest from the labour market" acknowledges that ethnic discrimination is an aggravating factor of social exclusion, as well as living in disadvantaged areas. Although universal social assistance policies aimed at guaranteeing all legal residents a minimum income have been largely adopted, analysis of NAPs highlighted that MI policies are mainly concerned with minimising disincentives to work. Insufficient attention is given to other goals, such as providing the social services needed to support inclusion and to contribute to social and territorial cohesion, or ensuring adequate access to those services that are a precondition for becoming able to integrate into the labour market. As such, the existence of social provisions, particularly in the case of MI, is not sufficient to ensure that all people in real need, and particularly migrants, get the benefits they are entitled to, since most often they do not claim their entitlements, they do not match with eligibility rules, or they do not complain about payment delay or suspension, etc.

It is also important to mention other issues. Migrants' access to social rights has been established on the basis of a fundamental distinction between legal and "undocumented migrants" (UMs). The revised European Social Charter (Article 13, paragraph 4) states that nationals of the contracting parties to the Charter, lawfully resident or working regularly within their territories have the right to social and medical assistance. Also according to the Charter, migrants are distinguished between legally and illegally resident, and only the former enjoy the right to equal treatment with respect to nationals. There might be exceptions in extreme cases,

such as massive arrivals from areas of conflict (Committee of Ministers Recommendation No. R (2000) 9 on temporary protection), when accommodation, health care, children's education and access to work should be granted also to illegal residents but only as an exceptional measure limited in time.

This is a firm distinction, but an ambiguous definition: according to the European Code of Social Security legal residence is "usual residence", and the same ambiguity is to be found in ILO conventions. This means that interpretations at the national level can vary significantly, from very restrictive to more open. As a result, illegal migrants frequently enjoy no social protection at all (Council of Europe, 2005: 130). The 8th Conference of European Ministers responsible for Social Security (2002) in the face of increasing irregular migration, stated the need for UMs to also enjoy some basic support, including emergency health care. As irregular migration is becoming a stable phenomenon, the issue of UM rights and status is now unavoidable.

A second distinction concerns different kinds of social protection services. According to ILO conventions, only social services funded by contributions justify equal treatment between nationals and non-nationals; social assistance based on fiscal public funds might be reserved for nationals. On the one hand, contributory social insurance based on professional work is actually open to non-nationals. The main issues leading to discrimination concern reluctance to pay pension benefits abroad, conditions of reciprocity required, coverage of family members, etc., not to mention the trend to push migrants towards the illegal labour market. On the other hand, social assistance has always been more problematic: from its very beginnings, it has kept a local character, which might account for the widely held belief that the country of origin is responsible for the support of its poor. Self-support is seen as a requirement for accepting an immigrant and acknowledging him/her as legally resident. Assistance is also excluded from international co-ordination. More generally, we can say that the principle of state responsibility for the social welfare of all citizens has never fully been accepted.

From the point of view of migrants' access to the benefits of social policies, we can see a tension between two tendencies: excluding immigrants from social security means reducing costs of welfare and costs of immigration, reinforcing its temporary character; but including them in social security would mean fostering their integration into the host society. International legislation might push for inclusion, but it is not able to

oppose exclusion from effective access that is established by national laws. One might have expected that a European strategy of inclusion would be a strategic resource against national restrictions, particularly for migrants. Instead experts state that disregarding the reality of migration is a major weakness of anti-exclusion strategies, contributing to their failure (EAPN, 2005). To use Geddes' words, Europeanisation of social rights appears as a "thin" process (Geddes, 2000), ironically ending up restating the strength of nation states.

4. Excluding the most excluded

Anti-exclusion policies seem to reinforce a tendency to discriminate against migrants, despite the now established principle of non-discrimination in access to social rights. Furthermore, since this principle has been reserved to regular migrants, a significant part of immigrants are excluded as they do not have a regular status with respect to the administrative requirements of the host country. One would expect that extending access to social rights also to undocumented migrants (UMs) would naturally find a place within the scope of policies aimed at fighting social exclusion. And in fact the Council of Europe Committee of Ministers Recommendation No. R (2000) 3 on the right to the satisfaction of basic material needs of persons in situations of extreme hardship recommends giving minimum help to all persons concerned in the name of human dignity, which sounds very much in accordance with the aims and characteristics of anti-exclusion policies.

And yet, access to social rights for UMs is practically precluded. An irregular situation exacerbates exclusion problems; all difficulties already stressed for regular migrants are reinforced in the case of undocumented migrants as a direct effect of their especially precarious condition. First of all, they are pushed into the black labour market, and thus deprived of most social rights linked to regular labour. From this point of view, further discrimination vis-à-vis nationals employed in the black labour market is largely documented. Secondly, a major obstacle preventing UMs from access to minimum social rights is the requirement for people helping them to denounce them to administrative or police authorities, either legally or voluntarily. This spreads among UMs the fear of disclosing irregular status when in contact with public authorities, which prevents them from asking for help. Thirdly, a circular reasoning puts them into a sort of trap: since they have no right to stay in the country, they cannot enjoy any social rights. The lack of legal residence which is the basis of the condition of UMs thus becomes the reason that makes it impossible to access

social rights. Access to social rights would help them to overcome the extreme difficulties of their condition, while non-access to minimum social rights is only further reinforcing their exclusion. Furthermore, they are particularly exposed to the discretionary power of their employers, of local administrations, of volunteer organisations, and in particular are unable to prove a lack of resources as required by means-tested policies of support.

PICUM (2003) denounces discrepancies between international standards of rights and national policies, and also the gap between national legislations and the real practice of social services, recognising that social rights for UMs are legally limited, but even more limited in reality. As a result, access to social rights is for them extremely precarious. The only right acknowledged to UMs in most EU countries is the right to emergency health care, although this also is implemented in different ways in different countries (Da Lomba, 2004). The ILO denounces that they are excluded from labour rights. Housing is precluded, although it is acknowledged that minimum help is necessary for human dignity and this cannot become *de facto* incarceration. What about social assistance against poverty? Most countries allow them access to basic assistance and non-monetary benefits such as food, clothes, lodging, but these are left to the discretion of local authorities, so that conditions vary greatly, transparency is missing, and above all the power of a right is absent.

Basic social assistance to remedy poverty ought to be acknowledged to UMs just as to everybody else (Cholewinski, 2005: 48). But integration no longer appears as a legitimate strategy for UMs since states essentially want them to leave the country. As PICUM remarks, the idea of denying access to social security as a way of preventing UMs from coming is even stronger than attitudes towards general immigration. From this point of view, reducing social rights to UMs has become an essential aspect of restrictive immigration policies. Assistance and solidarity towards UMs are restricted, even though at EU level solidarity is reaffirmed as being a universal value on which the EU is based.

Conclusions

National cases are, of course, not always the same; at the normative level as well as in their practices they can vary significantly, and also influence each other by virtue of their differences. It is important to analyse such differences, highlighting good and bad practice. I shall introduce some national practices in a longer version of this chapter. And yet there are some special features of anti-exclusion policies that are shared across

countries and raise obstacles to migrants. The very fact that poverty is treated outside a wider range of social risks and confined to a separate action against social exclusion contributes to make poverty literally invisible in most texts about social protection. In the case of immigrants, we see at work a double invisibility: they just cannot be poor, or they will simply not be accepted as legal residents and therefore will be forced into a clandestine condition. As an undocumented migrant they have no social rights, only humanitarian aid in the case of health emergency, food, lodging, and suchlike.

No systematic monitoring of the actual way that anti-exclusion policies and services work in member states has yet been done. There is a lack of surveys into access to social rights, and this would be crucial in order to fully report on the exclusion of migrants from social protection against poverty. It is a task which remains to be fulfilled. In the meantime, one can only wonder whether such exclusion would not be the consequence of a contradiction in political strategies that we mentioned at the beginning. The weakness may come from the fact that social policies are open to migrants in relation to an anti-discrimination objective, not an objective for reducing inequalities but rather in the name of equal treatment, that is, via a more stringent conception of human rights. From this point of view, anti-discrimination laws and new social policies tend to converge: as we have seen, they are both built on a logic of human rights, concerning the dignity of the person rather than the conditions for reducing inequalities as a way to empowerment. One might wonder whether human rights are suitable for more than the sphere of private liberties, being much less significant for economic and social rights, even less for political rights (Lochak, 2003). Supporters of migrants' rights are inevitably strong supporters of human rights, but they should also wonder whether, despite great enthusiasm about the so-called politics of human rights, the latter would be enough in matters of social protection. Do humanitarian concerns about equal treatment in the name of dignity offer criteria for defining adequate standards of social protection? Attacking the current reframing of policies against poverty might well be a way of realising that social rights are not such a politically irreversible advancement in the condition of modern citizenship and they might be undermined, for nationals as well as for migrants.

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PARTIE III – MIGRANTS’ ACCESS TO SOCIAL RIGHTS: TOWARDS A POLICY OF “CULTURAL COMPETENCES”

I – Citizenship, equality and social rights in a pluralist society

Alessandra Facchi, University of Milan (Italy)

1. Multiple citizenship and cultural pluralism

In the current debate on the concept of citizenship, two clearly related trends have become increasingly prevalent. The first is a move away from the idea of full legal membership of a nation state and hence from the legal status of nationals. The second is a departure from the idea of national homogeneity governed by historical, linguistic, cultural, religious and other factors. Both trends correspond to the current changes in European societies. A defining feature of these societies is their growing pluralism. They are increasingly made up of people with different cultural traditions, religions and lifestyles, who are not necessarily citizens in the legal sense of the word. On the contrary, many of them are “invisible” in legal terms – but they are part of the population none the less, in that they live, study, work, have children, have homes and die in Europe.

Extending the concept of citizenship to cover circumstances beyond those directly linked with the legal status of nationals is part of a tradition established by T. H. Marshall. Marshall sees citizenship as “a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed” (Marshall, 1950: 14). This type of status is a sign of modernity. It confers a kind of socio-economic citizenship rather than a legal one, signifying equal membership of a “nation” and entailing a series of rights and duties vis-à-vis the state and other members of society.

In this perspective political theorists have recently devised a concept of multilevel citizenship, in which there are separate spheres of citizenship, each of which comprises a different set of rights and duties. This approach is directly relevant to immigrants. The first sphere contains fundamental rights and these generally include civil rights and

certain social rights (particularly the rights to education and health), which are granted in principle to all women and men. This is a kind of “world citizenship” and it comprises all immigrants, even if they do not have a valid residence permit.¹ The second sphere encompasses lawful residents and entails access to all civil and social rights and, in some cases, political rights (particularly the right to vote in local elections). The third sphere covers nationals, who fully enjoy all these rights. Most European systems adopt this three-tier approach in its main format (see Benhabib, 2004). From the viewpoint of legal theory, there is a need to formalise and flesh out these new forms of relationship between population, territory and sovereignty, which are the three traditional components of the state.

In recent years, the range of issues raised by citizenship has widened as a result of increasing efforts to take account of people’s “cultural differences”, that is to say distinctive characteristics linked to the origin, religion, traditions and lifestyle of immigrants and their descendants. This has complicated matters considerably, because some account needs to be taken of this new variable, which is liable to create corresponding rights and entail interaction or even conflict with other rights.

To deal with the pluralist situation which characterises North American countries, the concept of “multicultural citizenship” – that is, a differentiation of rights according to which group one belongs to – was developed (Kymlicka, 1995). This applies to a diverse range of native communities or ethnic groups which have been part of national history for centuries.² In Europe, this concept is not strictly necessary as it may be enough simply to move away from the fictitious notion of homogeneous peoples,³

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1. Some countries’ legislation grants fundamental social rights to illegal foreign residents, particularly to minors. However, this is an area in which considerable discretion can be exercised, creating a great deal of uncertainty. In this connection, Collective Complaint No. 14/2003 to the European Committee of Social Rights (*International Federation of Human Rights Leagues (FIDH) v. France*) prompted the Committee of Ministers of the Council of Europe to call for the application of Article 17 of the European Social Charter with regard to the right of children and adolescents to medical treatment even if their parents are illegal residents (see its resolution of 4 May 2005).
 2. I think that in general it is best to avoid using special concepts if they are not necessary to describe empirical phenomena. Furthermore, with regard to immigration, the use of new classifications which depart from European political tradition is liable in itself to become an instrument of social conflict.
 3. The artificial nature of the idea of homogeneous peoples, which was one of the building blocks of the nation state, has already been highlighted by Kelsen (1929), who believes that subjection to the same legal system is the only criterion for citizenship, and says that political rights are not necessarily linked to nationality.

with all the consequences that this has had in terms of equal treatment. In point of fact, this notion of national homogeneity, which was reinforced in the 19th century, was based on the existence of majorities (or, to be more precise, ruling classes), who subscribed to common values, and on the need to differentiate one nation from another. In this way, citizenship became a means of excluding those who were not regarded as “equal members” of a particular nation.

Rather than meaning that a person belongs to a “people”, the current concept of citizenship reflects a subjective feeling of identification with the political community in which that person lives. But this feeling can be fostered only if the cultural and religious differences of the individuals who make up Europe’s population are catered for and doing this is ultimately based on the freedom of conscience and independence of the individual. It is also only on this basis that a new collective identity will be possible: in a European context, cultural diversity and the way in which it is organised may be one of the defining features of the social fabric.

This is ultimately the way in which the idea of European citizenship,⁴ which has to be pluralistic, can help us to overcome the obstacles that arise when there is too close a link between the access to rights, legal nationality and national cultural “roots”.⁵

The concept of citizenship as implying equal rights and participation, which is gaining ground at European level, should not cause feelings of belonging to a separate community to be ignored on the ground that community bodies are either unimportant or undesirable in the public arena. A lack of recognition of this sort would cause tensions to arise and could easily be manipulated. Furthermore, it is no coincidence that serious conflicts stemming from identity-related demands are most frequent in social policy-

4. The adoption of a socio-economic concept of European citizenship, coupled with guidelines defining its content, could play a significant role from the viewpoint of social legitimisation, considering that national communities’ misgivings about immigrants focus mainly on social policies, as the chosen means of distributing diminished resources. A concept of the sort might also force (or encourage) governments not to allow social rights – at least those which are considered as fundamental – to fall below a certain level. Obviously, I am not referring here to a legal concept of European citizenship, which is indeed conferred on any national of a member state (Article 17 of the Treaty of Amsterdam).

5. It should also be recalled that responsibility for the access of immigrants to rights is currently divided among several tiers of government. The task of implementing social rights is assigned for the most part to local and regional authorities, which have different approaches, whereas the general principles of social policy and choices concerning the redistribution of national wealth are always matters for the state.

related sectors (such as education, health and housing), where the link between individuals and public affairs is most obvious. Identity-related issues (religion, culture, community, etc.) are gaining ever more weight in public debate, either as a sincere expression of attachment, reflecting genuine feelings or needs, or as a kind of weapon, used by various types of authority to pursue unrelated interests or hide other problems. This means that we have to address issues of identity and come up with proper responses that can dissuade both sides from manipulating them.

2. Social rights, diversities and legal equality

Whereas civil rights are considered the epitome of human rights, social and political rights are traditionally regarded as citizens' rights, directly linked to the individual's relationship with the state and its political and economic choices.

Immigrants' initial access to citizenship is contingent on social rights. The result is that foreign residents follow the same path as women and workers have followed over the last two centuries: they are granted social rights before political rights and, in practice, sometimes even before civil rights. At the same time, however, social rights cannot be a means of achieving citizenship, or even a non-assimilatory form of integration, unless they are geared to people's identities, and allow everyone to appropriate them for himself or herself. We can no longer overlook the fact that social rights⁶ reflect a particular idea of the role of the state and even of the relationship between the state and individuals, which stems from European history, but also that they can be based on differing views of work, the family or health.⁷ Furthermore, immigrants are generally not aware of actually *having rights*, rather than simply *receiving benevolent services*.

6. Social rights are a problematic category for legal theorists: the variable and inadequate degrees to which they have been implemented by nation states has raised doubts as to whether they can be regarded as rights at all (see Zolo, 1994). Other authors claim, however, that, at least as far as those social rights which can be viewed as fundamental rights are concerned, the fact that they are less institutionalised than other rights does not affect their binding nature (see Sen, 2004).

7. For example, when we talk of the right to family unity, what type of family are we referring to? The most obvious aspect of this issue is polygamy, which is legal in several Muslim countries. The problems this creates come out mainly in social and judicial policies. For instance, if family reunion and the resulting social rights (housing, maternity, family allowances, etc.) are granted only to the first wife and her children, this gives rise to discrimination towards the other wives, if only because they can no longer live legally with their husband and children. There is a risk therefore that, in our attempts to protect women in the abstract, we may end up harming them in reality.

It is now generally accepted that the potential universality of rights – an idea that stems from western, and more particularly European, history – can be realised only if the content and the mechanisms for the application of these rights are redefined. The universality of rights is increasingly regarded as a political goal, to be pursued through processes of communication and public debate involving people from different countries, traditions, socio-economic systems, and so on.

This question, which is a very familiar one in international forums,⁸ has now been raised in a European context. Social policies can no longer be viewed as culturally neutral: whatever level of citizenship a person possesses, it will be affected, albeit to varying degrees of course, by his or her cultural and religious background.⁹ Likewise, it has to be stressed that cultural and religious differences overlap with differences linked to gender and socio-economic circumstances or to the inequalities that result from these. For most immigrants and their descendants, socio-economic discrimination compounds other types of discrimination, particularly those linked to cultural and gender differences. Consequently, the interaction between these aspects should always be considered when devising social policies.

Seen from the viewpoint of the justification for public action, these questions are associated with the idea of legal equality. If we adopt Marshall's view of citizenship as a force for equality, the question is what type of equality we are really talking about. Equality is well known to be a many-sided, historically determined and controversial concept, so I shall confine myself to summarising three concepts, which could be the basis for various types of measure.¹⁰

The first concept is the conventional one of equality before the law or so-called formal equality. According to this concept, there must be no differ-

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8. Concerns relating to the universality and the ineffectiveness of human rights in the world were what prompted the Declaration of the World Conference on Human Rights adopted in Vienna in 1993.
 9. The most frequent demands on the part of immigrant associations relate either to the possibility of observing cultural and religious practices in certain institutions (schools, hospitals, prisons, etc.) and in the workplace (with regard to working hours, religious festivals, food, etc.) or to access to public funding for housing, religious establishments, etc. Clearly, there are situations that are more difficult to handle, such as polygamous marriage, the legal and medical treatment of female genital mutilation, or the reformulation of school curricula.
 10. There is a vast range of literature on this subject. I would refer only to Gianformaggio (2005), who makes a very thorough analysis of the different concepts of equality and the debate on the ways in which they might be applied.

ences in the law, which must be equal for everyone and result in identical treatment. Differences derive from people's social status and are linked to collective attachments assumed to be irrelevant to people's national status. This concept gives rise to identical treatment and entails non-discrimination on grounds of sex, race, political opinions, etc.

The second concept is that of so-called substantive equality. This notion, which can also be expressed in terms of "equality of opportunity", takes account of differences resulting from inequalities and can give rise to special treatment, justified by the need to reduce these inequalities. This category includes affirmative action, that is, favourable treatment which may constitute an exception to formal equality. Such measures are temporary, warranted by a situation of discrimination or oppression which must be eliminated.

The third concept is based on a positive view of differences. Seen from this angle, differences are neither denied nor regarded as something to be overcome. Instead, they are considered as characteristics to be preserved or at least to be taken into account as relevant factors when establishing public standards and policies. Equality can be achieved only if the features that shape people's identities, such as cultural, gender and religious differences, are taken into account.

All three concepts of equality are relevant to social policies, particularly those relating to immigrants and their descendants, and – since each one gives rise to specific measures, which very rarely conflict – the most important thing is to consider how they interact. Our efforts should focus on identifying areas where the three concepts can be combined rather than on pinpointing potential incompatibilities.¹¹

The first two concepts have already entered social and institutional mores, although there are still some misgivings about the second and it is not widely applied.¹² The third is more recent and controversial and is not yet

11. By way of example, the first group includes anti-discriminatory measures in public services and employment, the second, support and incentive measures, including affirmative action and quotas, and the third, measures which make it possible to make distinctions in the types of services offered and the way in which public and private institutions are organised.

12. In 2001, a universal declaration by UNESCO defined cultural diversity as "the common heritage of humanity (which) should be recognised and affirmed for the benefit of present and future generations". The danger of this definition is that it may give culture, and hence in some cases the community, preference over individuals and their rights, and legitimise a kind of right for culture to survive (see, in this connection, the debate between Taylor, 1994 and Habermas, 1996). Nonetheless, Article 4 of the same Declaration specifies that "no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope".

generally accepted. It is also directly linked to questions raised by immigrants' cultural attachments in the broadest sense: it can be considered as the very basis of social policies that are differentiated on the grounds of the characteristics of those concerned (gender, religion, culture, etc.).¹³ Clearly, this approach requires criteria to be set in order to establish which collective differences are to be considered relevant.

This is not a matter of *special* treatment requiring exemptions from formal equality but of *differentiated* treatment based on a pluralistic vision of society, according to which there is no ideal model of values and practices which can be considered "normal" and in relation to which other models can be considered special.

Equality of rights, which it is typical to sum up using the formula "everyone has the right to the same fundamental rights", requires not only that everyone has access to these rights, but also that they are safeguarded in ways that are in keeping with the characteristics that shape individuals or may even be vital to their well-being. Only if this requirement is met is it possible to talk of genuine equality. Rights which result in equal measures for all are not necessarily immune to accusations of assimilationism or discrimination. If these premises are accepted, the differential application of social rights can be seen as being in keeping with the view of citizenship as a historical process of integration based on the recognition of equality.

3. Social policies as a tool for individual autonomy

We may not want to enter into the debate on "multiculturalism", but neither should we overlook the fact that most of these issues have to be addressed in the context of the different models of multiculturalism that are proposed and this context is directly linked to the consideration of individual freedoms. The approach which appears to be most in keeping with the liberal tradition and the empirical features of Europe's multicultural societies is one which rejects assimilation on the one hand and sectarianism on the other. Instead, it pursues a pluralist model of society founded

13. This is the approach that seems to have been taken with the Charter of Fundamental Rights of the European Union, which does not establish cultural rights but states as follows in Article 22, under the heading "Equality: The Union shall respect cultural, religious and linguistic diversity". It is more frequent for public acknowledgement of diversity to be framed in terms of a recognition of cultural rights, which is a concept that was established by the United Nations in its International Covenant on Economic, Social and Cultural Rights (1966). Where most social policies are concerned, the concept of "cultural rights" is neither necessary nor advisable, as the ground on which it is based and, above all, the way in which it is to be applied have not been fully and unequivocally explained.

on communication between different cultures, while preserving specific characteristics within a common framework of political values and procedures allowing dialogue (see Habermas, 1996; Touraine, 1997).

This, therefore, is an approach that puts the emphasis on individual choice or, one might say, on affiliation rather than identity, taking a sceptical view of the static, holistic portrayal of identities and legal pluralism and of the extent of the representativeness of cultural and religious organisations (Facchi, 2001).

It prompts us to highlight two aspects of the concept of individual freedom which seem particularly significant in the current context of immigrant populations and their descendants. In the interaction between social rights and cultural diversity, individual freedom can serve as a justification either for self-determination or for participation, in other words as a “negative” or a “positive” freedom (Berlin, 1958).

If it is used for the first purpose, freedom is viewed as a sphere of individual autonomy. In liberal societies, freedoms are traditionally seen as a means of protecting individuals from government interference. However, if we look at the most obvious examples of statutory freedoms (such as freedom of thought, opinion, expression, movement, association and the freedom to plan one’s life), it is clear that, for many immigrants and their descendants, the exercise of these rights is also threatened by private entities.¹⁴ This aspect is very important for women immigrants, who suffer particularly from restrictions on and violations of individual freedoms from their own families and communities. Recent cases of punishment of certain “rebellious” women are merely the tip of the iceberg.¹⁵

14. The reference is mainly to traditional institutions, because these are among the more prominent features of the situation of immigrants, but it is recognised that many of the infringements of immigrants’ freedoms come from other private sources. School, work and medical institutions are also places in which rights such as self-determination, freedom of opinion and privacy are exercised, so it is essential to support individuals in their efforts to exercise their rights in practice in all these contexts.

15. The Parliamentary Assembly of the Council of Europe recently took a stand on this issue, expressing concerns “at the legal shortcomings identified in relation to the protection of the human rights of immigrant women and compliance with the principle of equality between women and men in immigrant communities” (see Resolution 1478 (2006)). More generally speaking, conflicts between multiculturalism and feminism stem from the condemnation of public policies which, in the name of the autonomy of the various communities, cultural differences and “tradition” as a value, result in support for or a refusal to interfere in supposedly private matters, particularly in family affairs, which is where cases of discrimination, oppression and segregation of women are most frequently encountered. The main authority on the theory in this area is Susan Moller Okin (1999).

It is not, therefore, simply a case of *declaring* legal freedoms but also of *guaranteeing* them (Bobbio, 1990), and if these laws require institutions to protect individuals not just from the state but also from private parties, then the function of social rights is enhanced.

This makes it clear that social rights perform an additional function, which is an extension of their now undisputed task of allowing effective access to legal freedoms and political rights. It is only through education, social welfare and access to housing, work and free health care that individuals can be given real means of self-determination or support in their efforts to make choices independently of the community, that the balance of power within families can be altered and that individuals can choose whether to observe traditional practices or not. If they are to be effective, however, these instruments should not be at odds with all of the traditions associated with a particular collective identity: they cannot be regarded as neutral, either from the viewpoint of gender¹⁶ or in terms of culture. Practically all categories of social rights are affected, in different ways, by these two variables, which should also be regarded as key criteria when identifying the needs of recipients.

The prerequisite for a proper, differentiated application of social rights is a public discussion of their content with the individuals and groups concerned, combined with the broader process of reviewing fundamental rights that is needed to make them genuinely universal.

This gives rise to the idea that freedom equates to participation or, in other words, the right to take part in public decision-making.¹⁷ Public participation in the legal decision-making process is one of the fundamental principles of democracy. Applying this general principle in the area of social rights is particularly important in the case of immigrants, both to ensure that the way in which such rights are applied is in keeping with their identities and in order to cater for the specific nature of their working and

16. It has been observed in a number of studies that men and women have different needs and means of access in respect of social rights, whereas policies are generally undifferentiated and framed on the basis of typically male needs and values (see ILO, 2003). This implicit preference derives from various factors involving indirect discrimination, which in most cases are not even perceived as such.

17. In addition to the right of residents to vote in local elections, the Convention on the Participation of Foreigners in Public Life at Local Level, adopted in Strasbourg in 1992, provides for other forms of consultation and serves as a legal reference on such issues.

housing conditions and family circumstances. Broadly, it ensures that the services on offer meet the demand. Devising social policies in consultation with those concerned is essential if social rights are to be accessible, and an important means of legitimising political choices.

Furthermore, it is only by seeking new forms of consultation that we can avoid reducing individuals to mere members of communities or fixed identities. A problem which all European governments face is how to identify representatives of immigrant populations. This is a particularly important aspect, which brings the relationship between representation and representativeness into play and raises particular issues with regard to women, who are often inadequately represented in immigrant communities and organisations.

To sum up, a differentiated, participatory interpretation of social rights is a significant step towards the establishment of an active form of citizenship based on values of equality and freedom. It also, however, helps to make these rights more effective and ensures that the material needs of beneficiaries are more satisfactorily met. Social policy can therefore be regarded as a sphere in which different rights, including social ones of course, but also civil and political ones, are interlinked and mutually sustaining.¹⁸ This approach, based on the amalgamation of different rights, seems to be particularly suited to detecting the positive and adverse effects that government measures may have, with the aim of improving access to rights for everyone, particularly for persons in whom differences and inequalities are combined.¹⁹

18. Another useful approach, besides the rights-based approach, to addressing the complex situations to which social policies are applied is the “capabilities approach” proposed by Amartya Sen (1992) and reformulated by Martha Nussbaum (2000). This approach is based on people’s needs and on the actual potential for meeting them and makes it possible to picture the possible combinations of various rights and tangible opportunities. For example, two people with equal rights and means (e.g. a boy and a girl, a healthy person and a disabled person) may have different “capability”. In this way, it is possible to avoid the inadequacies both of an approach based on material resources (or formally recognised rights) and of one based on individual preferences.

19. In the controversy over the ban on headscarves in French schools, one of the major concerns besides those relating to the principles involved and the demands made, was the removal of children from state schools and the consequences this would have in terms of the segregation of families and a lack of education and hence of an alternative to traditional roles for women. Quite clearly, it is not enough to make school compulsory for minors to provide an effective right to education.

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II – Cultural competences in improving migrants' access to health services

Tiziana Caponio, International and European Forum of Migration Research (FIERI) and University of Turin (Italy)

Introduction

Formal entitlement to a social right does not imply that it will also be accessible in practice: in the case of minority groups psychological and socio-cultural obstacles have been identified (Daly, 2002) both on the part of service providers and users. As for the former, negative attitudes or stigmatisation of beneficiaries may undermine the possibility of building positive relations based on trust and mutual respect, which are particularly relevant when foreign immigrants approach host country institutions for the first time. On the part of users, lack of self-confidence, as well as unfamiliarity with official procedures and poor knowledge of the majority language may block any access. As a consequence, a rather paradoxical situation arises: to provide *the same care* for everybody might eventually result in providing *inferior* care to groups who differ from the majority (Ingleby et al., 2005: 90). In Europe, as well as in other developed immigration countries such as the United States, Canada and Australia, practices of recognition of cultural differences and valorisation of cultural competence have been undertaken and supported by health institutions in order to deal with such a paradox.

Here below, in the second section, the discussion will commence by analysing research studies on immigrants' health conditions, in order to find out if considerable differences can be found in the health status of ethnic minorities and refugees on the one hand, and of the majority population on the other. However, evidence shows higher health risk ratios among immigrant groups that usually enjoy poorer health. Socio-economic factors do undoubtedly account for a relevant part of this gap: immigrants are more likely to find themselves at the bottom of the social stratification system, and thus to perform more physically demanding, badly paid and risky jobs, to live in poor housing conditions, and to lack money and time to get access to adequate care. None the less, cultural factors may also play a role. According to a number of research surveys, immigrants often report that they are unsatisfied with health care services especially because of difficulties in understanding explanations and in having positive relations with doctors and nurses.

As will be demonstrated in section two, such a challenge has been faced in practice in all European immigration countries with the take up of a plurality of practices aimed at incorporating some degree of cultural competence into health care services. Here below, an overview will be provided.

Among these practices, particular attention will be devoted in the third section to so-called cultural or community mediation. An in-depth analysis is seen through local cases in two countries, that is, Belgium and Italy, where health services have resorted to “cultural mediators” or “link workers” in order to cope with issues of cultural difference. The focus of these cases will be upon the role of these workers in mediating communication between foreign patients and professionals, in order to identify potentialities and possible shortcomings of such an intervention. Thus, in the conclusions, drawing on the analysis carried out, the role of cultural competence in health services will be at the forefront in order to identify the features of what might be called a “best practice” in establishing positive interactions between foreign patients and health professionals.

1. Assessing immigrants’ needs and demands for health care – an open problem

Notably, the so-called “healthy migrant effect” predicts that immigrants will show better health conditions than their national counterparts, due to the migratory selection process.¹ Those who migrate are usually the younger and healthier part of the population, while by contrast less healthy people have a lower propensity to leave. However, empirical evidence points out that this is hardly an accurate generalisation: in the case of asylum seekers, for instance, the worst state of health has been observed, corresponding to a higher prevalence of infectious disease (Bischoff et al., 1999). Moreover, immigrants’ health is subject to rapid deterioration because of socio-economic disadvantage and poor living conditions in the host country, that is, bad quality housing, heavy jobs in unhealthy environments and long working days, insufficient income and social exclusion.

However, research into immigrants’ state of health is inadequate and lacking in many respects (Ingleby et al., 2005: 91). The main data source is represented by clinical records that frequently do not register the ethnicity or country of origin of the patient. Sometimes this is a deliberate choice, in

1. This phenomenon was already observed by Raymond-Duchosal in 1929. For more recent analysis and critics, see: Wanner et al., 2000; Manfellotto, 2002; Westerling and Rosén, 2002.

order to avoid a practice regarded as discriminatory, but more often it is a matter of administrative discretion. However, clinical records give only an indirect assessment of immigrants' needs, since data concern only those who seek treatment and tell us nothing about those who do not become known to the health system. Ideally, epidemiological surveys should be undertaken in order to have a more reliable picture of a population's state of health. Yet, these are extremely expensive because new data have to be collected.² Moreover, there are categories of immigrants which are likely to be systematically ignored by any kind of health monitoring. This is particularly the case of asylum seekers, who are not regular residents and may thus be excluded from integration policies, as well as of undocumented immigrants, who usually are reluctant to get in touch with host country institutions in order to avoid the risk of expulsion and deportation.

Despite this lack of systematic research, surveys carried out in different countries seem to agree on a number of conclusions (Ingleby et al., 2005: 94-96):

- immigrants show higher rates of prenatal mortality and foreign women usually more frequently incur pre- and post-partum complications;
- the incidence of coronary heart disease and diabetes is usually higher than average in immigrant groups;
- asylum seekers and refugees are often reported to have higher rates of post-traumatic stress disorder, depression and anxiety (Watters, 2001);
- immigrants' subjective perceptions of their state of health are usually less satisfying than those reported by the native population;
- foreign residents show higher rates of access to emergency and general services, as well as a relative under-use of specialist care.

Such unfavourable health conditions are to a great extent explained by the socio-economic factors mentioned above. Immigrants can find themselves more easily in a situation of socio-economic disadvantage, especially if recently arrived under the pressure of dramatic events, as in the case of asylum seekers. However, as pointed out especially by survey research and in-depth qualitative studies,³ issues of accessibility also emerge. Problems of language and cultural difference are often mentioned as barriers to full access, since these undermine the possibility of establishing positive relations with the medical staff.

2. Specific methodological problems are also likely to arise, especially as far as the cross-cultural validity of standard questionnaires and tests is concerned. On this point see: Stronks, 2003

3. See for instance Bruijnzeels (2004: 50) on the Cape Verdian community in Rotterdam.

As a consequence, the need emerges to find effective solutions to problems of language communication and cultural difference. If conditions of socio-economic disadvantage may be considered as the main cause accounting for immigrants' unequal access to health services, linguistic and cultural barriers can seriously exacerbate the situation even more. To break this downward spiral of social exclusion, cultural factors cannot but be of the utmost relevance, since establishing relations of mutual trust and understanding is a crucial prerequisite to ensure access for effective health care to everybody.

2. Cultural competence and access to health services – an overview of practices and policies in Europe

Generally speaking, in Europe there is a lack of systematic research on the actions undertaken in order to facilitate immigrants' access to health services (Ingleby et al., 2005: 93; Watters, 2001). The main reason is related to the highly fragmented nature of this kind of intervention, usually promoted by NGOs, isolated groups of professionals and/or service providers at local level, without much co-ordination or contact with each other. However, this does not mean that there is no need for a more comprehensive knowledge of both field experiences and policy programmes promoted at a local, regional and/or national level.

In order to provide a first assessment of practices (2.a), the discussion will be based on the results emerging from the Migrant-Friendly Hospital (MFH) project, promoted in 2003 by the World Health Organization (WHO) Network of Health-Promoting Hospitals, with the financial support of the European Commission and of the Austrian Government. The initiative, that gathered together as partners hospitals⁴ in 12 European countries, had the aim of improving the exchange of best practices and successful experiments in order to develop migrant-friendly and culturally competent hospital organisations. However, if we move from the level of practices to that of policies, we realise how European countries differ

4. The hospitals involved were: the Kaiser-Franz-Josef-Spital (Austria); the Immanuel-Krankenhaus GmbH (Germany); the Kolding Hospital (Denmark); the Hospital "Spilipopoulou Agia Eleni" (Greece); the Hospital Punta de Europa (Spain); the Turku University Hospital (Finland); the Hopital Avicenne (France); the James Connolly Memorial Hospital (Ireland); the Presidio Ospedaliero della Provincia di Reggio Emilia (Italy); the Academic Medical Centre (the Netherlands); the Uppsala University Hospital (Sweden) and the Bradford Teaching Hospital NHS Foundation Trust (Great Britain). For the results of the project, see the website: www.mfh-eu.net/public/home.htm.

considerably in the extent to which cultural recognition has become part of more comprehensive programmes (2.b). Convergence in everyday practice does not necessarily imply the development of a coherent strategy of immigrants' incorporation into health care services across Europe.

a. Cultural recognition in health services – reviewing practices in hospitals

Health services in western immigration countries, both within and outside Europe, have developed a wide array of practices in order to cope with issues of accessibility. Three specific challenges can be identified: *communication, cultural responsiveness* and *empowerment*.

Difficulties of *communication* because of language barriers may seriously hamper immigrants' access to health services. On the one hand, foreign users might feel unable to properly explain their symptoms and problems. On the other, health professionals are more likely to incur misunderstandings and misdiagnoses. In order to override linguistic gaps, three strategies have been suggested (Bischoff, 2003: 31-42): to improve the language proficiency of foreign patients; to increase the number of health professionals who speak other languages; to provide for a third party translating messages from the language of the professional to that of the patient and vice versa.

The first strategy can hardly be implemented by health care institutions, since it requires a more general integration policy aimed at encouraging immigrants to learn the vehicular language.⁵ However, host country health services and institutions can actively support actions directed at helping immigrants get used to the rules and functioning of the health system. Even when carried out in foreign languages, this kind of intervention is aimed more at reducing difference rather than at recognising it. This is the case of health literacy courses promoted by the MFH project in the area of maternity and child care. Some of the participating institutions have experimented with a DVD-video approach in providing relevant, sensitive information regarding breastfeeding. The video has been produced in English, Urdu, Punjabi and Bengali in Bradford, and in Spanish, Arabic and French in Alicante.

5. This does not solve, however, immediate problems of access to health care, especially for new immigrants, who are usually those most in need (Bischoff, 2003: 34).

However, health literacy initiatives, by accustoming immigrants to the functioning of health care institutions and services, may also represent instruments of *empowerment*, at least in so far as these practices are also aimed at making foreign patients aware of their rights.

Communication can also be improved by adopting the second strategy, that is, by increasing the number of health professionals who speak and work in different languages. Recruitment and professional education of members of different ethnic groups are long-term strategies worth pursuing, even though problems of communication are likely to be more acute when new groups are concerned (Bischoff, 2003: 32). In the context of the MFH project, hospitals have developed various kinds of written materials in order to support clinical communication, for example informative brochures on the services offered and on patients' rights and duties, and "point-to-talk booklets" providing initial help to medical staff in approaching patients speaking different languages. At the same time, internal databases on bilingual medical staff to be called upon in emergency situations have been developed. However, these practices are usually regarded as palliative solutions, to be taken while waiting for the intervention of professional interpreters, which is exactly the third strategy mentioned above.

In the context of the MFH project, this line of intervention was put into practice through a multiplicity of practices. The most common solution was that of contracting interpretation services to external specialised agencies and then providing on-demand interpretation, that is, mother-tongue interpreters called occasionally to solve specific situations of conflict or misunderstanding. In Kolding Hospital, Denmark, consecutive telephone interpretation through a sound station was experimented. This kind of intervention is regarded as particularly helpful in emergency situations, when an interpreter cannot be physically present at short notice; moreover, it has the advantage of favouring a more direct contact between the clinician and the patient. A few hospitals set up stable internal interpretation facilities. At the Bradford Teaching Hospital NHS Foundation Trust, a Liaison Officer Service is available where interpreters can be booked in advance. The Gynaecology and Obstetrics Department of the Kaiser-Franz-Josef-Spital in Vienna employed a Turkish community interpreter. At the same time, a collaboration with a migrant women's health centre (FEM) situated in the hospital premises was established. In the case of the Presidio Ospedaliero della Provincia di Reggio Emilia, in Italy, a two-stage project took place: in the first phase an intercultural mediator for the Urdu, Hindi and Punjabi languages was employed in the district hospital with the

highest migrant population (7.9% against an average of 6.6%); then, in a second phase, an intercultural-linguistic mediation service was set up at provincial level to co-ordinate intervention in the districts' hospitals. Intercultural mediators working in Arabic, Chinese, Hindi, Urdu, Albanian, Russian, Turkish and Romanian are now available.

The case of Reggio Emilia provides an example of a practice of intercultural mediation, which goes explicitly beyond linguistic translation, in order to cope with issues of *cultural responsiveness*. The intercultural mediator has manifold and complex functions, that is, facilitating relations between migrant users and health care providers in order to overcome barriers and anticipate possible misunderstanding; to create a supportive atmosphere, respectful of migrants cultural diversity; to support the organisational context in making services more appropriate for migrant users. Cultural responsiveness is the main aim of intervention, whereas communication is the means through which a culturally sensitive response is provided.

Staff intercultural training is the main practice adopted in the context of the MFH project in order to improve health institutions' *cultural responsiveness*. Whereas some hospitals (for example Bradford, Amsterdam, Paris and Vienna) could rely upon established curricula, others, especially in new immigration countries such as Ireland, Spain and Italy, took the opportunity to promote pilot experiences. In general, courses were aimed at increasing staff awareness and sensitivity towards matters of cultural difference, to avoid stereotyping and discrimination. In a number of cases, problems in working with interpreters were also dealt with. Another area of possible cultural distress is represented by food, since it is linked to different ideas about health and illness. Most of MFH hospitals provide different diets according to religious and cultural precepts. However, individual negotiation should also be considered (Bischoff, 2003: 62), since food perceptions may vary from group to group and change over time.

The third challenge identified above, that of *empowerment*, clearly cut across issues of *communication* and *cultural responsiveness*. On the one hand, reliable and effective communication is a pre-requisite for becoming aware of one's opportunities and rights; on the other, cultural responsiveness requires an open attitude towards the participation of groups and communities in designing culturally appropriate services. In other words, *empowerment* is not just a matter of increasing individual awareness but also of groups' recognition and participation. In the context of MFH projects, different paths have emerged reflecting traditions in majority/minority groups' relations, from mutual recognition in a context of equal

opportunity oriented policies, as in the UK and the Netherlands, to more informal and functional relations with all the actors working in the field, as for instance NGOs in Spain and Italy.

b. From specific practices to general policies – an attempt of comparison

Despite the fact that they are few and limited in their scope, existing comparative studies on health services for immigrants emphasise how practices of cultural recognition are usually the product of bottom-up processes taking place because of the interests and motivations of a few individuals, rather than because of coherent national or regional policy programmes (Watters, 2001; Watters and Ingleby, 2003; Ingleby et al., 2005).

Watters (2001), for instance, in his mapping of mental health care services for immigrants and refugees in 16 European countries,⁶ points out a number of serious deficiencies in the planning and provision of services. While accessible in principle, services were almost always only available in the majority language and usually reflect the norms and values of the host society. Four countries – the Netherlands, Sweden, the UK and Switzerland – reported a wide range of specialist services for migrant groups. However, these were largely concentrated in main cities and in few cases targeted refugees. In general, short-term funding and marginality in relation to mainstream mental health services were reported as characterising features of these policies in all the countries considered. Closer comparison between the cases of Sweden, the Netherlands and Spain, revealed substantial differences in the extent to which services had been developed in order to cope with the needs of different categories. Evidence from the Netherlands, for example, indicated a prevalence of facilities for minority ethnic groups, while by contrast, in the case of Sweden, services were focusing more on the treatment of the after-effects of torture and trauma. In Spain, on the other hand, some NGOs had tackled the problem of undocumented foreigner's mental health.

6. This was carried out through a semi-structured questionnaire consisting of 30 questions on 6 broad topics, i.e. background data on immigrant groups and refugees in the country, specific services available for these groups, professional training, involvement of training users, provision of counselling and psychotherapy services and issues of racism and xenophobia in services. The questionnaire was delivered to representatives of senior professionals within mental health services (Watters, 2001: 156), who were asked to collate responses in consultation with colleagues with specific knowledge in this area.

A recent survey on the cases of the Netherlands, Switzerland, Greece and Portugal (Ingleby et al., 2005: 101-119), shows a clear divide between northern European old immigration countries, where a number of facilities aimed at favouring immigrants' access to health services have been implemented throughout the 1980s and 1990s, and southern European new immigration countries, where what is offered is more fragmented and often limited to NGOs. As far as the Netherlands and Switzerland are concerned, the first attempts to override problems of access because of language and cultural difference were carried out at a local level on the basis of short-term projects promoted by NGOs and groups of concerned professionals. These issues entered the official policy agenda only recently.

In the Netherlands, the turning point dates back to 1997, when the Dutch Scientific Foundation (NWO) set up a working group on culture and health, as well as a programme to stimulate research and care innovation in the field. In 2000, the Council for Public Health and Health Care published two highly critical reports on the accessibility and quality of service provision for immigrants. Following these criticisms, the Minister of Health appointed a project group to work on a strategy to "interculturalise" health care, with a particular emphasis on mental health. A four-year action plan was approved, and an "intercultural mental health centre" set up. However, the current right-wing government distanced itself from the active policy on interculturalisation pursued by the previous labour majority (Ingleby et al., 2005: 102). These policies are regarded as contradicting the new approach to integration, which emphasises migrants' obligation to adapt to the host society cultural values and not vice versa. As a consequence, a risk of stagnating is envisaged: the programme on culture and health and the action plan both ended in 2004, while the "intercultural mental health centre" has guaranteed financing just until 2007.

In Switzerland too, first initiatives were carried out at local level especially by NGOs. The association *Appartenance*, for instance, has been working since the early 1990s to enhance the quality of care for immigrants by training interpreters and offering interpreter services, providing psychotherapeutic consultations, promoting transcultural skills etc. (Ingleby et al., 2005: 125). These experiments have been recently incorporated into a national level policy programme: the "Migration and public health strategy 2002-06" has the explicit purpose of creating a health care system that addresses the needs of a multicultural society. Among the priorities, particular emphasis is placed on interpretation services and cultural mediation.

In Greece and Portugal, on the contrary, public health services specifically aimed at catering for immigrants' and refugees' needs are very few and concentrated in the main cities (Ingleby et al., 2005: 127-134). In Athens, the Aeginion Psychiatric Hospital runs a special intercultural unit twice a week, while the Centre for Control of Special Infections (KEEL) has set up a Special Desk for Moving Populations and Travel Medicine. In Lisbon, on the other hand, at the Miguel Bombarda Hospital a team of professionals has just launched a project to provide mental health care consultations for migrants and ethnic minorities, also in collaboration with immigrant associations. Also in Lisbon, the Institute for Tropical Hygiene and Medicine runs a project providing free medical check-ups for newly arrived immigrants and refugees. Moreover, in both countries, various NGOs are involved with immigrant health. Especially in Greece, the majority of foreigners seeking NGOs' services are undocumented.

A similar situation has been depicted for the case of Spain, at least as far as mental health services are concerned (Watters, 2001). However, the situation may vary considerably at the level of "autonomous communities", who have responsibility for immigrant integration. The Community of Madrid for instance, in 2002 established special "social attention centres for immigrants" (so called CASI), in order to facilitate social integration and access to services, health care included (Bernal, 2003: 57). At the same time, since 2001 the *Plans Inmigració* (Immigration Programme) of the Autonomous Region of Catalonia has been devoting particular attention to issues of immigrants cultural difference in access to services, and especially to health care.⁷ Along with interpreters, who perform tasks of linguistic translation, there are also cultural mediators, acting as links with different communities and bringing different cultural points of view into service delivery, as well as foreign health professionals, that also play a role in establishing positive cultural relations and in fostering immigrant patients integration. Cultural mediators employed in health centres have to attend special training. A telephone translation service is also available 24 hours a day, in order to solve emergency problems.

3. Practices of cultural mediation in Belgium and Italy – an in-depth analysis of local cases

Having described the general picture, a more in-depth focus will be made on one of the practices analysed above, that is, that of cultural or

7. Interview with Estanis Alonso and Toña Lizana, Health Department of Catalan Government (7 March 2006, by Laurent Bonelli).

community mediation, by looking at local cases in two countries, Italy and Belgium, which have already developed quite a lot of experience in this kind of intervention. As already mentioned, cultural mediation goes beyond mere interpretation, in order to cope at the same time with issues of *communication*, *cultural responsiveness* and *empowerment*. In practice, the cultural mediator has the task of bringing the point of view of different cultures into health service organisations, by favouring day-by-day adaptation and mutual understanding. It is necessary to first reconstruct how these practices have been emerging and developing over time. Two different patterns can be traced: one which goes from in-the-field practices to national policy programmes, which is exemplified by the case of Belgium (3.a); a second one where, on the contrary, local differentiation prevails, as represented by the case of Italy (3.b). Thus, a balance of pros and cons of cultural mediation practices will be advanced, drawing on empirical evidence on the role and functions of cultural mediators in health care services (3.c).

a. From practices to policies – the case of Belgium

In Belgium, first experiences of social interpretation and community mediation in health care date back to 1970, on the initiative of the main hospital of the city of Antwerp.⁸ In 1986, on the basis of a number of demands arising from social workers, a training project for interpreters to be employed in the area of access to health and social services was financed by the French Community in the city of Brussels. Despite short-term funding impeding the institutionalisation of this initiative, an association called Femmes et santé (Women and Health) was founded by the women who took part in the course. In 1991, the introduction at federal level of the Fond d'Impulsion à la Politique des Immigrés (Fund for the support of immigrant policies) opened a window of opportunity for this association: a project aimed at establishing a network of "social interpreters" and health intercultural "link workers" in the Brussels Region received funding and started operating in 1992.

On the other hand, in the Flanders region the discussion around cultural barriers in immigrants' access to health services started from the initiative of a voluntary action group, gathering together experts and professionals in various fields (anthropology, sociology, medicine, epidemiology etc.). This group promoted the project "Intercultural Mediators in Health Care", supported by the Flemish Regional Centre for Immigrants' Integration

8. This paragraph is based on information drawn from: Verrept et al., 2000.

and financed in 1991 by the Flemish Community. These local initiatives formed the basis for a broader debate starting in 1996 in the context of the “Centre for the Equality of Opportunities and the Fight Against Racism”, which established a working group on cultural mediation in health services.

As a consequence of this policy process, in 1997 an experimental project was launched and financed by the federal Ministry of Social Affairs, to which almost 20 hospitals all over the country adhered. In other words, local level experiences and practices were incorporated into a nationwide programme, thus contributing to the opportunity of also having cultural consultants in hospitals which had not had this kind of facility before. The in-depth evaluation of the project, based on the notes of the cultural mediators describing their activities, has clearly shown how cultural mediation is not just a matter of linguistic translation. Different and complex tasks are actually performed, for instance: mediating between the patient and the professional concerning different cultural perspectives, to foster mutual understanding; contributing to the improvement of foreign patients’ health literacy and knowledge of services; helping to improve information for medical staff and sensitiveness to issues of cultural difference; providing social help and assistance; and pressuring for an overall change of routines and institutions, to meet the needs of foreign users.

In the case of the city of Liège (Fossi, 2004: 28-33), the main generalist hospital – the CHR de la Citadelle – can rely upon cultural mediation in eight languages (Turkish, Arabic, Rif Berber, Armenian, Russian, Serbian-Croat, Spanish and Italian) thanks to a team composed of four female cultural mediators and one co-ordinator.⁹ Cultural mediators intervene in all the hospital departments when required by the professionals or by the patients and/or their families. Usually, they are called upon in urgent cases, when a conflict is taking place because of linguistic or cultural misunderstanding. However, especially in the gynaecology department, cultural mediators assist foreign women in the overall hospital experience, providing information and support before and after encounters with professionals. This sort of “cultural follow-up” takes place also in other circumstances, in so far as, once initial misunderstandings are overcome, it is needed by one or both parties.

9. A cultural mediator of the same team is also operating at the Petit Bourgogne Psychiatric Hospital, also in Liège (Fossi, 2004: 32).

b. Cultural mediation in Italy – a fragmented picture

In Italy, the issue of cultural and community mediation entered the local government policy agenda of the main cities in the north already in the late 1980s.¹⁰ This is the case in Turin, for instance, where the first course for cultural mediators was organised in 1991 by a multi-ethnic association with the support of the municipality, the province and the region of Piedmont. Also in Bologna, the municipality has been involved in the support of intercultural education activities since 1993. In the area of health, in 1992 the main Unità Sanitaria (Health Agency) of the city promoted the opening of the Health Centre for Migrant Women and their Children, still operative nowadays. In 1996 a specific training course for cultural mediators in the social and health field was organised, which led to the foundation of an association specialised in health care mediation and interpretation.¹¹

The area of the province of Bologna is certainly one of the most active in Italy in the field of linguistic and cultural mediation. Initiatives on the part of third party organisations and public institutions have flourished throughout the 1990s. In 2002, a free telephone information service in five languages (English, French, Arabic, Albanian and Tagalong) was established by the health agencies operating in the metropolitan area. Hospital and health counselling services have adopted different strategies in order to integrate cultural competence in the services offered to immigrants, either social interpretation or cultural mediation in a broader sense. For example, in the case of the Counselling Service for Foreign Women of S. Giovanni Persiceto, a small centre in the province, foreign women consultants are available during opening time. If required by the patient, they take part in the medical examination. Their role is twofold, since it requires not only literal translation but also cultural interpretation. When necessary, the interpreter intervenes in order to clarify the cultural assumptions and point of view of the patient to the professional and vice versa.

Cultural consultants appear to assume a more active role in the case of the above-mentioned Health Centre for Migrant Women and their Children, at the S. Orsola Hospital of Bologna. Here female cultural mediators welcome the women, and have a preliminary talk with them in order to elicit the reasons of the visit. Thus, the mediator assists the patient during

10. Information referred to in this paragraph is based on Gentile and Caponio, 2006.

11. This is called Amiss, Associazione di mediazione culturale nel settore socio-sanitario (Association for cultural mediation in the sector of social and health services).

the medical examination, acting as a linguistic and cultural interpreter as in the previous case. At the end of the visit, the patient is again left alone with the cultural mediator, so that they can feel free to express doubts or problems. This privileged relation between the two foreign parties is regarded as particularly relevant for the good functioning of the service, since it helps the patient to be more at ease during the medical examination: she has already explained her problems to a person who can understand her language, and she knows that this person will help her later in order to fully understand the professional prescriptions and requests. A similar pattern of relations can be found also in the Bentivoglio Hospital, located in a small city of the metropolitan area. The women cultural mediators employed by the maternity department follow the foreign patient through the whole experience of the hospital institution. Informal talks in the native language usually precede the examination by the medical staff, who can thus obtain information on the health conditions of the patient directly from the mediator. After the visit, the mediator again has the task of ascertaining that the patient has understood the prescriptions and of eventually answering any questions.

Also in the case of Turin, women cultural mediators are present in the main gynaecological hospital of the city, the S. Anna Hospital. Here, three cultural consultants of different origins (Romania, Morocco and China) assist patients and medical staff in their everyday interactions, performing tasks of “follow-up cultural mediation” similar to those described above.

As is clear in Liège, in Bologna cultural consultants also play a role which goes far beyond mere linguistic translation, and ranges from cultural interpretation to continued mediation and follow-up. However, in Italy there are no national programmes aimed at introducing cultural mediation services throughout the country. Some exceptions can be found at regional level: Emilia Romagna, Friuli Venezia Giulia and Piedmont approved specific decrees that specify the main characteristics of the profession, as well as the required skills and training curricula. Specific programmes have been financed, even though sometimes on a short-term basis (Allasino et al., 2006).

c. Cultural mediation – pros and cons

As pointed out by the description of local practices of cultural mediation in Italy and Belgium, this kind of intervention is based upon the assumption that access to health is heavily conditioned by the different cultural backgrounds of foreign patients on the one hand, and of professionals on the other. In order to ease conflict and sustain mutual understanding, a third

party is needed – the cultural mediator. He/she is required to master both cultures, in order to understand the two parties concerned; at the same time, however, he/she should be able to keep equally distant and neutral, to facilitate the relationship without interfering in it.

Neutrality is the first point of controversy. Research studies based on in-depth interviews and field observation have pointed out how this exercise of cultural distance, while crucial in theory, is far from easy. Patients often see in the fellow-national mediator an advocate. Distrust and disillusion is likely to occur if results do not meet the patient's expectations. On the other hand, the professional looks at the cultural mediator simply as a means to have his/her prescriptions understood and agreed upon by the patient. This instrumental attitude may undermine any attempt to build a real intercultural relationship, which is particularly needed when delicate issues such as, for instance, reproductive behaviour, childbirth and food habits are concerned. On the other hand, problems may also arise in relation to who is called to mediate for whom: in the case of the maternity departments mentioned above, cultural mediators are foreign women. It follows that the relevant dimensions to ensure effective mediation cannot be reduced to national, cultural and linguistic background. Gender and, probably age, especially in the case of services for elderly migrants, are likely to play a role. The result is an increase in demands and requests for mediation which might go far beyond health care providers' available financial resources.

As is clear, cultural mediation presents both limits and opportunities which have to be addressed in order for effective implementation. However, these programmes are rarely evaluated, which does not help full appreciation of their potential. Dance et al. (1993), for instance, show how the introduction of an Asian Linkworker Programme in antenatal care at the East Birmingham Hospital, considerably reduced perinatal mortality and low birth weight rates.¹² Cultural mediation, far from being a panacea for all kinds of problems, might contribute to an improvement and re-thinking

12. The specific intervention comprised, in addition to antenatal care, Asian women receiving a minimum of three home visits and two phone calls from an Asian linkworker who spoke their mother language, to provide basic health information and social support. Dance et al. (2003) suggest that, compared to the control group, i.e. without link-worker (221 cases), the women in the intervention group (464 cases) showed an improved perinatal mortality rate (12.9/1000 vs.19.2) and low birth weight rate (8.1% vs.11.3%), had fewer low birth weight perinatal deaths, required less analgesia during labour, required fewer episiotomies, had shorter labours, were more inclined to breast feed, breast fed for longer, and were more likely to attend for postnatal examination.

of health service organisations in order to incorporate elements of cultural competence and human sensitivity, a change which might be beneficial to all users, foreign and native alike.

Conclusions

In order to deal with cultural issues in health services, a number of different strategies have been presented in this paper, paying particular attention to practices of cultural mediation as these have been developed in the field in Italian and Belgian hospitals. Can we define this as a “best practice”? Or, to put it more generally: what are the criteria for identifying “best practices” in the area of concrete access to health services? We do not intend to provide here any definitive answer to the debate which is ongoing, but rather to contribute to it by drawing upon the analysis carried out above.

First of all, a crucial issue is that of *responsiveness*, in the sense that services have to be designed in order to respond to users’ actual needs. However, as mentioned above, data on immigrants’ state of health and on access to health care services are few and far from systematic, especially in new immigration countries. Efforts should be devoted to gaining a more in-depth knowledge of foreign users’ demands, problems and needs, so as to lay the groundwork for developing informed and consistent policies and practices. Data should be collected at local level, but contributing to more general cross-regional and/or cross-national comparison. This is at the moment extremely difficult, because of the lack of common standards and guidelines for survey research sampling and data collection.

Secondly, following also Mary Daly’s (2002) principles of good practices in promoting access to social rights, a *user-oriented service delivery* approach appears indispensable, especially when issues of cultural difference are at stake. Cultures cannot be thought of as monolithic entities, since other dimensions are likely to influence them, such as gender, age, social class, urban/rural origin, migratory background (migrant workers as opposed to refugees) etc. As a consequence, services cannot be tailored according to the presumed requirements of abstract cultures, but have to be adapted to concrete situations and demands. *Cultural responsiveness* has to be a flexible principle, orienting services towards coping with foreign users’ different beliefs and cultural requirements. Negotiation and mediation have to be preferred over standard solutions, which might unconsciously discriminate against people that in a certain group or community do not share all or some of the values and precepts of the group’s supposed culture.

A third criteria which has to be taken into consideration when searching for best practices is *empowerment and partnership* with concerned groups of users. The two have to be thought of together: empowering cannot be achieved just with formal inclusion, but active participation and inclusion have to be pursued. The purpose is that of enabling immigrant stakeholders to have a say in the designing of services and in the monitoring of conditions of access. Groups of immigrants, as well as other groups of health care service users in general, should be called upon to contribute to a user-oriented service delivery, and thus to an overcoming of bureaucratic or organisational barriers to access.

Finally, best practices should also be oriented at involving different agencies and institutions, in order to tackle the multiple causes which may affect access to health care services and immigrants' health, that is, not only cultural difference, but also poor living conditions, unhealthy work environments, etc. In other words, *multiple organisations programmes* (Aspinal and Jacobson, 2004), developing partnership with other concerned institutions, such as for instance social housing agencies or social organisations, appear of the utmost relevance if the purpose is that of confronting the complexity of problems that might hinder users' equality in using the health system. Hence, immigration, rather than representing a completely new challenge for health care institutions, actually contributes to putting on the agenda issues of humanisation and user-oriented health care which need to be dealt with at once in order to improve access to health services for all patients. Migrant-friendly cannot but mean first of all user-friendly, that is, more open and accessible to all, and especially to socially vulnerable and culturally different groups.

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III – The challenge of cultural competence in the Nordic welfare state: experiences and perspectives from Finland

Kris Clarke, Centre for Advanced Study, University of Tampere (Finland)

Introduction

The globalisation and acceleration of migration is having a profound impact on the planning and implementation of human services at national level in many European countries. Policies and services that have emerged from specifically local socio-political contexts have often proven difficult to negotiate by non-citizens, newcomers and mobile populations in precarious circumstances. Moreover, the complex issues raised by the multifaceted and fluid nature of multiculturalism (including ethnic, gender, ability, class, age, and sexual orientation issues) and migration militate against any easy prescriptions or comprehensive solutions. One of the most pressing issues in contemporary European human services is the contradictions between the retrenchment of welfare policies and the human rights obligation to provide adequate and equal access to services for all.

This report explores cultural diversity issues in the context of the Finnish welfare state with a focus on migrants. It starts by looking at the problem of “multicultural identities” and then presents the Finnish context of cultural diversity. It continues with an analysis of the status of migrants in the Finnish welfare system in terms of policy and practice. The concept of “cultural competence” is then discussed. The report concludes with a discussion of multicultural research in Finland and the corresponding ethics required by social justice work with diverse communities.

1. The problem of multicultural identities

Nordic welfare states are based on the notion of universalism, the belief that, within a liberal democracy, high quality, equal public services should be ensured to all permanent residents. This social welfare framework has produced some of the most egalitarian societies in the world (Esping-Andersen, 1990: 75). However, tensions between control and integration, equality and conformity, the community and the individual, professional expertise and grass-roots lay knowledge can be found at the core of universal social citizenship (Anttonen, 1998). Indeed, an implicit sense of national, cultural and gendered identities and rights can be traced in

many of the normative practices of the Nordic welfare state, which sometimes even contradicts notions of universalism. Thus, policies and practices emerging from such normative frameworks can have an impact on access and the quality of services for those considered as embodying outsider status.

Migrants, as newcomers to society, are among the most visible and marginalised groups in new host countries. Yet, one of the most problematic aspects of analysing migrant issues lies in the point of departure: how should migrants be defined? Should categories be formed on the basis of citizenship, years of residence, mother tongue, place of birth, ethnicity or race? What constitutes membership in these categories and how do they play out in the socio-political arena which shapes health and welfare policies?

A concrete example of the significance of identity can be taken from the field of HIV, where the identification of social groups is essential to epidemiology as well as the design of adequate prevention, proper counselling and access to services and treatment options. As Dr Nicola Schinaia of the Aids epidemiological unit of the Italian Public Health Institute has pointed out, it is very difficult to collect accurate statistics on migrant health problems when there is no European consensus on how migrants are defined (Schinaia, 2003). Several medical articles have stressed the difficulty of constructing scientifically valid social categories of migrants and ethnic minorities that are meaningful to epidemiological research. At the same time, these researchers have cautioned that the use of constructions of racial or ethnic categories must be handled sensitively, mindful of the sordid history of racialism and biological determinism in the medical sciences (Fenton et al., 1997; Jones, 2001; Kaufman and Cooper, 2001a, 2001b; Senior and Bhopal, 1994). These complexities lie at the very heart of research into identity construction and raise the fundamental problem in evidence-based research on migrants, namely, how do we define the target group? Is it possible to produce knowledge about migrants if they are absent in the process of constructing identity categories?

The development of multicultural identity studies in the past 20 years has broadened understandings of human diversity beyond the multi-ethnic model typical of much multicultural discourse in the social welfare field (Reynolds and Pope, 2001). Although there is a great deal of debate over what constitutes an oppressed or low social power group, the implications of exploring multiple oppressions from the locations of gender, sexuality, religion, race, ethnicity, ability and age raise important challenges to

welfare systems. At the same time, an overemphasis on the fluidity of identity can be viewed as divisive because it focuses on fragmenting communities along gender, sexuality and ethno-racial lines.

The complexity of contemporary multicultural identities and the mobility of diverse populations challenge the modernist link between notions of ethnicised national identity, territory and socio-political institutions. The basis of the Nordic welfare services has traditionally rested on specifically cultural notions of the individual, family and community that have emerged from the political negotiations of forging a national consensus. This national consensus, however, is increasingly fragmented by the forces of globalisation, harmonisation of European policies, and growing socio-cultural diversity of residents in Finland. As eligibility for welfare services gradually becomes the province of people with EU passports or permanent residence permits, human rights questions concerning social and health well-being will be ever more pressing. Finally, greater socio-cultural diversity in partnerships and kinship networks will provide an impetus to reform traditional conceptions of the western patriarchal family that have formed the basis of modern European welfare services.

2. The Finnish context of cultural diversity

a. The cultural and historical context

Finland is usually represented and represents itself as a homogeneous country with a singular culture, ethnicity and religion (Stenius, 1997). Finnishness can be seen as a social construct, one rooted in the socio-cultural and geo-political history of the people living on the Finnish peninsula which was under the rule of the Swedish Empire for 700 years and the Russian Empire for 100 years before the nation of Finland became independent in 1917. Finnish is a non-western language that belongs to the Finno-Ugric family of languages. This linguistic uniqueness played a significant role in the emergent Finnish “national awakening” of the 19th century and contributed to the social construction of the sense of a singular Finnish national identity (Kemiläinen, 1989: 112-117).

The first Language Act (1922) officially defined Finland as a bilingual country, which recognised the significant role of the Swedish-speaking community in Finnish society. Though I will not go into a discussion of the cultural complexity of multilingual issues in the Finnish context, it should be noted that other national ethnic minorities gained linguistic rights much later which perhaps reflects the different relationship of these groups to

mainstream Finnish society. Since 1992, the indigenous Sami have had the right to use their own language before the authorities (the Sami Language Act). Moreover, in accordance with the ratification of the European Charter for Regional or Minority Languages in 1994, Romani obtained legal status as a non-territorial language. A new Language Act (2003) specifically requires that public authorities provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis. The linguistic rights of the Sami and Romani, though guaranteed by an amendment to the Finnish Constitution in 1995, do not have the same status as Swedish. While recognition of the Sami and Romani languages has been an important step towards the acknowledgement of the minority groups long resident in Finland, some have criticised the lack of proactive measures to promote these languages through the development of adequate learning materials, training of teachers fluent in these languages, and challenging stigmatising mainstream attitudes towards Sami and Romani speakers (Finnish Sami Parliament, 1997).

Finland has never been a receiving country of mass immigration or large refugee flows. It has not been the destination of big groups of foreign guest workers, unlike many other European nations, nor has it been a colonial power. There has, none the less, always been a steady trickle of migration amongst the countries bordering the Finnish peninsula which has ebbed and flowed (see, for example, Harle and Moisio, 2000). There were fewer Finnish speakers (86.7%) in 1900, for example, than today (91.6%), largely due to the decrease in the numbers of the current Swedish-speaking community (Statistics Finland, 2006). Indeed, the metropolitan Finnish dialect at the turn of the 20th century incorporated elements of Russian and Swedish. When full religious freedom was ensured (Law on Religious Freedom, 1923), Finland became the first west European country to officially recognise an Islamic congregation in 1925.

These multicultural grass-roots currents in the early 20th century none the less coexisted with the emergence of the modern Finnish state which sought to reinforce national identity through universalising and homogenising policies. As sociologist Jock Young has noted, the modernising impulse tended towards assimilation rather than diversity (Young, 1999: 60). Hence for most of the 20th century, Finnish policy towards national minorities, such as the Roma and Sami, was therefore assimilation through measures such as removing minority children from the home and discouraging the use of native languages (Pulma, 2006). Such assimilating tendencies were also turned towards mainstream citizens deemed to be deviant. Forced sterilisation and other eugenic measures were also used

by authorities to exert social control over the reproductive options of people considered deviant in society in the interest of “race hygiene” (see, for example, Broberg and Roll-Hansen, 1996). These paradoxical historical tendencies reveal tensions between the grass-roots multiculturalism of Finnish society and authoritarian state power exerted particularly through the modern welfare system to suppress difference and forge an assimilated national society.

Until very recently most discussions of migration in Finland have focused on the phenomenon of emigration, as a far greater number of Finns have left for other countries (such as Australia, Canada, Sweden and the United States) in search of job opportunities than immigrants have come to Finland for similar reasons (see, for example, Jaakkola, 1976, 1984; Korkiasaari, 1983, 1989, 1992). Between 1973 and 1977, for example, Finland accepted a total of 182 refugees (Institute of Migration, 2003). Social memory of a pre-war multicultural Finland was largely forgotten during the cold war. In the aftermath of the Russian Revolution, for example, approximately 40 000 Russian refugees settled in Finland (Koivukangas, 2003), though this historical legacy has largely been forgotten in discussions of immigration in the 1990s. Only in recent years has the socio-cultural significance of increasing immigration to Finland and a re-examination of the Finnish multicultural past attracted scholarly interest (see, for example, Huttunen, 2002; Lepola, 2000; Wahlbeck, 1999) and public debate.

This can be seen as a result of both changing demographics and the rise of postmodernist cultural studies methodologies which have focused research questions on issues related to identity. Despite the rise in studies on multicultural identities in Finland, there are few migrants or ethnic minorities actively participating as discussants. The relatively low representation of migrants and ethnic minorities among recognised experts, the short history of migrant communities in Finnish society, the lack of community-based organisations, as well as the paucity of political discussions on the importance of inclusive deliberation have all contributed to the dearth of socio-cultural diversity among actors in debates on multiculturalism in Finland.

b. Changing demographics

The mid-1980s were the turning point for increased immigration into Finland. The earliest groups of migrants largely came for family or humanitarian reasons, with spouses making up the largest proportion of migrants and Somalis representing the largest refugee group. However, 20 years

into this trend, it is clear that the reasons for migrating appear to be changing. There is a greater amount of labour migration, particularly as temporary workers from nearby EU countries, and a diminishing number of asylum seekers and refugees. At the same time, a recent report from the Organisation for Economic Co-operation and Development (OECD) states that immigration into Finland has sharply dropped by 25% (OECD, 2006). This trend may be due to stricter EU policies on migration, the peripheral geo-political location of Finland, difficulties in gaining entrance to the labour market due to structural barriers, discriminatory attitudes and practices as well as the fact that the small size and diversity of migrant communities have not reached a critical mass to initiate chain migration from home countries.

The number of migrants in Finnish society remains under 2% (or roughly 110 000). Approximately, 40% of migrants have come from the former Soviet Union, followed by Swedish citizens, with the biggest refugee group (around 5 000) coming from Somalia. In 2002, 1 558 refugees were accepted from a variety of nations (Institute of Migration, 2003).

Table 1 – Composition of the resident population (2006)

Finnish citizens	5 141 728 (97.8%)
Foreign citizens	113 852 (2.2%)
Foreign born people living in Finland	176 612 (3.4%)

Source: Statistics Finland, Demographic Statistics (24 April 2006).

Table 2 – Main language groups (self-reported mother tongue) in 2006

Finnish	4 819 819 (91.7%)
Swedish	289 675 (5.5%)
Sami	1 752 (0.03%)
Other languages	144 334 (2.7%)

Source: Statistics Finland, Demographic Statistics (24 April 2006)

The main foreign languages spoken in order of size are Russian (39 653), Estonian (15 336), English (8 928), Somali (8 593) and Arabic (7 117).

Finnish citizenship law is based on the principle of *jus sanguinis* or blood-based descent as the basis for the acquisition of nationality, which tends to frame Finnishness as an ethnic attribute. To become naturalised as a Finnish citizen, applicants are required to be adults, to have lived in Finland for a sufficient uninterrupted period of time, to have not committed a crime and to be able to pass a language proficiency test in Finnish, Swedish or Finnish sign language. The new Nationality Act (2003) also guaranteed the right for Finnish citizens to hold multiple citizenships without renouncing their Finnish citizenship. An average of 2 300 foreigners have applied for Finnish nationality each year between 2003 and 2005 (Directorate of Immigration, 2005).

The largest group of migrants in Finland for reasons of marriage (40 000). In some communities, there is an equal representation of both genders (for instance Somalia), while other communities show great disparities (for example, 29% of Moroccans are female; 79% of Filipinos are female) (Institute of Migration, 2002). However, there is little qualitative information, aside from official categories reported by the Directorate of Immigration and Population Register, to explain why migrants have come to Finland.

Though the majority of migrants are of working age (15-64), unemployment runs high in many migrant communities with unemployment ranging from 73% among Iraqi nationals to 14% among Polish nationals. The overall unemployment rate of migrants is 28% compared to 9% among the general population (Ministry of Labour, statistics quoted in *Helsingin Sanomat*, 14 March 2005). In the Nordic welfare state, labour market participation determines the amount of unemployment benefits because they are linked to earned income.

c. Equality, anti-discriminatory laws and “integration policies”

Equality in Finland is seen as parity before the law regardless of gender, ethnicity or socio-economic status. Equality in Finnish law is outlined in the Constitution (Section 6), the Penal Code and the Non-Discrimination Act (2004), in addition to several statutory acts that address specific domains such as the labour market and health care. The Non-Discrimination Act (2004) emerged as an instrument to implement in national law various EU directives on equal treatment. The main development in the recent legislation is a more precise explanation of the definition of discrimination, broader inclusion of various social groups and guidelines for the scope of actions to be taken to redress wrongs. Complaints are made on an individ-

ual basis. Finnish legislation, moreover, does not require that positive action be taken to address current disadvantages due to discriminatory practices. This may result in structural inequalities remaining unaddressed.

The system of social protection (preventive social and health policy, social and health care services and social insurance) is represented by the Finnish government as an essential element of the construction of equality in Finland (see, for example, Ministry of Social Affairs and Health, 1998, 1999). The Nordic tradition of the welfare state has reinforced notions of gender equality through institutionalising community solidarity in the notion of universalism, though this has often been considered a “mixed blessing” (Nousiainen et al., 2001: 3-5).

In her research, legal scholar Anu Pylkkänen has suggested that liberal values of individual rights in law have traditionally been relatively weak in Finland (Pylkkänen, 2003). When combined with the discussion of the construction of *Finnishness* as communal membership in the culture of Lutheranism as suggested by Anttonen (1998) and Stenius (1997), we can see a stronger emphasis on articulations of the community and common good in Finland than the individualism characteristic of, for example, Anglo-American nation states. “The good life is a life of conformity”, is how historian Henrik Stenius summed up Nordic political culture (Stenius, 1997: 161). This communitarian point of departure can prove difficult when new members from vastly different cultures, traditions and religions join Finnish society.

Finnish immigration law and policy has been informed and executed by the authorities within a corporatist administrative culture with little influence by non-governmental organisations (Seppälä, 1997; Streng, 2002: 12). Immigration law has thus more often been viewed as an extension of foreign policy rather than a matter of human rights.

As noted earlier, a stronger body of explicit anti-discriminatory law has been built up in Finland in recent years. The Non-Discrimination Act (2004), the creation of the Ombudsman on Minorities (2001) and Advisory Board for Ethnic Relations (ETNO) (2001) emerged from a patchwork of diverse instruments with the task to explicitly tackle complex issues regarding discrimination in Finnish society through the development of a legal framework. The Ombudsman holds an expert position in Finnish society and provides advice to people who suspect they have suffered from discriminatory acts. However, the Ombudsman and ETNO have no legal right to act to redress discrimination. Despite the implementation of these instruments, the under-reporting of discrimination remains a serious

barrier to assessing the prevalence and possible increase (or decrease) in racist or discriminatory incidents (Sirva and Stenman, 2002: 9). The vast majority of complaints regarding discrimination made to the Parliamentary Ombudsman, for example, concerned the lack of services available in Swedish rather than racial or ethnic discrimination (Streng, 2002: 20). Hence the disconnection between legislation and reporting may reflect complex societal relations of power and privilege, migrant and ethnic minority community disempowerment and the lack of positive instruments to address structural inequalities.

The primary law that affects migrants permanently resident in Finland is the Act on the Integration of Immigrants and Reception of Asylum Seekers (1999). The aim of this Act is to define the responsibilities of the various actors when a migrant arrives in Finland. It also delineates the migrant's own duties to participate actively in integration efforts by, for example, taking language or job training courses in accordance with an agreement drawn up with the local labour office. Only migrants registered in a local population office and eligible for a labour market subsidy and/or social assistance are entitled to make an integration plan with the authorities. There are few undocumented migrants with a precarious status in Finland due to its geographical location, small migrant communities and strict border controls with the Russian Federation. Moreover, there is little information about the needs or experiences of migrants, such as those holding temporary residence status, who do not qualify for integration measures but may remain on the margins of Finnish society for years.

The Integration Act has had the positive effect of requiring municipalities to clarify their own responsibilities for assisting migrants to integrate. However, there have been many problems with its implementation. While greater demands have been placed on migrants to "integrate" into Finnish society by learning the language and joining the workforce, through the adoption of measures outlined in the Act on Integration, or face a loss of social benefits, there are not concomitant requirements or sanctions of the authorities who may fail to meet the integration needs of migrants due to the lack of resources. In public discussion, integration has often been conceived as a one-way process whereby a migrant must take responsibility for him/herself by adhering to the programme. There are few opportunities for migrant communities to participate as stakeholders in the design and delivery of services, and little discussion of the difficulty in recognising foreign academic degrees in Finland. Moreover, a focus on language learning as a panacea to integration ignores the very real hurdles of discrimination, everyday racism, social isolation and vulnerability

that many migrants experience in Finnish society. Some research has also indicated that migrants are often considered by Finns to be a burden on Finnish society and hence face discriminatory practices (Forsander, 1999). The lack of systematic cultural awareness and proactive anti-discrimination training was cited in a study by the International Office of Migration as a significant barrier to combating discrimination in Finnish society (Vuori, 1997). Moreover, the prevalence of discriminatory practices in the labour market tends to further weaken the economic prospects of migrants resident in Finland (Forsander, 2002).

Legal frameworks are essential to combat discrimination; however, laws alone are inadequate to promote social change in Finland. As evidenced by the under-reporting of racist incidents, stronger, more inclusive and proactive interventions are required amongst the different socio-cultural groups in Finnish society to promote greater equality.

d. Care workers

Some of the first, and perhaps most important, contacts that migrants have with Finnish society are with social workers and the job centre, which are tasked by law with drawing up integration plans for newcomers. Social and health care workers have traditionally emerged from the female-dominated professional caring fields. Finnish society has been very progressive in terms of gender equality in comparison to many other western societies, though women's wage levels have remained lower than men. Hence migrants tend to have few contacts with Finnish men, unless they are in the labour market.

A major change in Finland has been the increasing privatisation and retrenchment of the welfare state through new public management in the 1990s. This has meant that resources for social welfare have tended to be fewer, the workload for professionals more, competition for funding more intense, and the criteria for eligibility ever stricter, which often means that migrants' psychosocial needs are not properly supported because culturally sensitive practices may be seen as an "extra" and perhaps even unnecessary element of care work (see, for example, Rauta, 2005).

Premised on a strong ethical basis of advocacy for the weak and excluded members of society, human services work as a statutory activity reflects national policies that fix the limits of inclusion and social citizenship in the nation state through the definition of eligibility for social assistance and the prioritisation of social needs. Care workers often must check clients' and

patients' passports for residence permits before providing services, thus placing their own professional ethics into a secondary position. Asylum seekers, for example, encounter health care practitioners during their first health screening, when they are asked how they came to Finland in the interest of providing properly targeted blood tests. However, an approach that emphasises information gathering rather than psychosocial support may reinforce the impression that care workers are complicit with the immigration authorities as informants. In many senses, care workers have been forced into the role of agents of social control and border guards of inclusion in the national welfare state by working on the frontlines of determining levels of assistance and entitlement to services based on the criteria of residence permit type and a cursory assessment of migrants' psychosocial needs.

3. The current status of migrants in Finnish social and health policy-making

a. The Finnish welfare system

Finland has a national health service, which means that all permanent residents are included in a single service system. Finnish social and health care policy is developed at the national level through the Ministry of Social Affairs and Health, which proposes legislation. Recent legislative reforms since the 1990s have initiated the decentralisation of the provision of Finnish social and health care. The scope, content and organisation of services is thus implemented and funded at the local level through a combination of municipal and state tax revenues (Ministry of Social Affairs and Health, 2004). This means that there may be significant differences from one municipality to the next regarding health priorities, strategies, and even access to services, though all municipalities are required to fulfil their legal obligations to all permanent residents as well as to ensure that the subjective rights are guaranteed. Factors that affect the way that municipalities decide to shape their services include local politics, demographics, and the level of funding.

b. Communities, migrant associations and policy-making

Guidelines for social and health care policy tend to be developed by professional experts in co-operation with the state. Nordic countries have underlined the role of civil society in the decision-making process. However, the way that community groups influence policy may be more unclear

than in other countries. As sociologist Solveig Bergman has noted: “Direct action or civil disobedience have, however, not characterised the Finnish protest culture to nearly the same extent as in many Western countries” (Bergman, 2002: 161). Hence street demonstrations and politically active community groups are not a common part of the societal landscape. Political manoeuvring therefore takes place “behind the curtains” which makes it difficult for new groups with little privilege to access power.

Though there are many small migrant associations in Finland, few have many members, resources or access to decision makers. It is difficult to assess the impact these associations have on policies that affect migrants because there have been few studies on the issue. It should be noted, however, that migrant associations are heavily dependent on the state, particularly the Ministry of Education, for funding. Most resources are directed at attempts to promote integration into Finnish society, though there is little evidence that migrant communities are active stakeholders in processes that define objectives for integration interventions. Hence, questions can be raised about the autonomy of migrant groups to actually define their own agenda when faced with such limitations. While some preliminary research has suggested that migrant associations play an important role in women’s lives specifically, until more evidence is available it is difficult to assess this claim (Saskela, 2004). It may be that the Finnish government is interested in expanding contact networks to improve integration measures, yet an interesting lacunae is the lack of communities’ opportunities to produce assessments of their own needs and aims for integration.

Moreover, despite the fact that academic research on migrants has increased exponentially in the last 10 years, there appears to be little systematic collection of data charting the needs of migrant service users from a consumer or policy perspective (see, for example, Domander, 1993). A greater focus on the needs and experiences of migrant communities in the Finnish welfare state would provide valuable information for developing better services.

Finally, as researcher Tuula Helne has argued, discourse on the excluded in Finnish society has often produced a “double exclusion” by both social mechanisms as well as ways of talking about it (Helne, 2003a). The discourse on exclusion (or marginalisation) paradoxically constructs them as individuals, rather than communities, which limits the scope for political organising or collective action to change the conditions that produce the problem in the first place (Helne, 2003b).

4. Notions of “cultural competence”

Terms such as “cultural sensitivity”, “cultural awareness”, “anti-discriminatory”, and “multicultural social work” were commonly used in human services education in many European countries in the 1970s and 1980s to refer to a range of professional practices aimed at tackling issues of power and privilege in the caring encounter. However, there has been little consensus on what these concepts contained or how they could be implemented in learning. The notion of “cultural competence” emerged in many educational institutions in the 1990s for two main reasons. First, trends in education tended towards creating sets of standards, or competences, which could measure and assess levels of vocational professionalism as educational systems were restructured to be more managerial. Second, a need was perceived to find tools to properly assess what constitutes cultural competence from both a professional and ethical perspective. Cultural competence can be summarised as a process-oriented journey of learning how to perceive others through their own cultural lens, knowledge of certain cultural beliefs, personal comfort with differences, willingness to change one’s ideas and ability to be flexible (Green, 1998: 75). Notions of cultural competence are strongly tied to a social justice approach to care work.

Finland has not yet adopted or defined cultural competence standards in national caring sciences curricula, though it is sometimes offered as an elective. Cultural competence is largely considered to be implicit in the general ethical guidelines. The premise of the notion of cultural competence, however, argues for the need to explicitly address issues of power and privilege by examining one’s own cultural background and social identity to better understand how one’s own beliefs, biases and assumptions have an impact on professional development, interaction skills and institutional settings. If such an approach is not taken, the normative basis of institutions remains unchallenged. A fundamental premise of cultural competence is the recognition of the existing “normative privileges” and the impact these have on people with low social power in a care encounter.

Some research is beginning to emerge in Finland on transcultural nursing. In recent years, research has begun to focus on the provision of health services (see, for example, Koehn and Sainola-Rodriguez, 2005). Departing from the premise that there is an increase in “ethno-culturally discordant” encounters, health care workers are starting to recognise the need for further developing their skills with culturally diverse patients. There has been little sign of this kind of development, however, in the social field.

5. Challenging scientific research on migrant communities: test subjects or developing partnerships?

Research plays an important role in defining social categories, relations of power and privilege, collective priorities, discriminatory practices and structural inequalities as well as ways that could address these problems. Social science research in Finland on migration issues has greatly increased since the 1990s. The Research Programme on Marginalisation, Inequality and Ethnic Relations in Finland (SYREENI), which supported 21 research teams, was funded by the Academy of Finland from 2000 to 2003. The purpose of the research programme was to develop a Finnish scientific tradition on questions regarding xenophobia, racism, marginalisation and inequality. The point of departure was high-level interdisciplinary scientific expertise and international experts on ethnicity were invited to planning meetings for the project. The funded ethnic studies research largely focused on issues related to integration, attitudes towards migrants, refugees and racism.

In the SYREENI programme, ethnic minority and migrant communities in Finland appeared to remain curiously disconnected from the planning and political implementation of research projects. The external assessment of the programme noted that “a minor portion” of the projects included researchers with ethnic minority backgrounds (Rantalaiho et al., 2004: 18). There seemed to be little systematic evaluation of interaction between migrant communities and researchers as a core element of developing knowledge *with* migrants, implying that this synergy was not a valued or desired aim of the programme. Questions can thus be raised about whether migrants are symbolically included in research, but marginalised as full colleagues and depoliticised as communities (Collins, 2000: 5-6). The definition of research objectives on ethnic studies in isolation from migrant communities appears to reflect a political choice as to who will be deemed expert as well as what issues are considered to be significant to migrants.

It is difficult to assess whether migrant communities find funded research topics or concepts as significant or accurate regarding questions related to their own needs in Finnish society because there are few opportunities for them to gain access to findings (due to language, status or educational level) or to have an influence on the development of research frameworks because these are usually hammered out in high-level meetings far from community gatherings. When acts of naming are performed by mainstream institutions with little community dialogue, there is the danger

of bringing into reality categories that can marginalise or misrepresent diverse cultural identities.

More research is urgently needed on migrant community needs that actually involve community members as full colleagues, rather than simply as informants. Such a point of departure could open up new areas of research unexplored by mainstream researchers. The needs, for example, of first-generation migrants as different or even opposed to the second generation could be an interesting starting point. Further information is also needed about people's own coping skills to overcome pathological views that consider migrants in purely negative terms. A strengths approach could reveal the more resilient side of migrants by validating the pain and struggle they have experienced and highlighting the positive ways that people found the courage and tenacity to overcome obstacles. Community-based explorations of the migrant experience could provide an important platform for the formulation of community interests, collective empowerment and opportunities for more inclusive research.

While high-level research trends in Finland depart from the perspective of disembodied scientific expertise which looks to the international scientific community for acceptance, there are important small studies being conducted by non-governmental organisations, such as the Finnish League for Human Rights, which have sought to clearly document racist incidents and housing policy. These NGO reports thus appear to be in closer contact with migrant communities than the more hierarchical academic work.

Conclusions

Contemporary highly diversified immigration is a new phenomenon in Finland, though it is increasing, particularly due to the opening of the borders to the new accession countries of the EU. These new demographic shifts present a challenge to the normative stance of Finnish welfare services which have traditionally been constructed by elite expertise and based on communitarian notions of universal service provision. There is little evidence to show that any systemic attempt is being made to approach and include migrants in ways of conceiving and implementing policy-making processes and practices in the field. Moreover, few migrant welfare workers have ascended to a decision-making position where they can be seen as movers and shakers in the field. Exclusionary research practices tend to reinforce the distance between migrant subjects of study and elite experts, creating a discourse on multicultural issues removed from communities.

The fragmentation of assimilationist modern national identity into the diversity of contemporary postmodernist identities presents new challenges to the Nordic welfare state. Urban-rural and class divides within “native” populations, traditional ethnic minority groups and increasing multiculturalism have many implications for the practice of universalism in welfare services. An important tool to address this fragmentation in welfare needs could be the development of cultural competence in the human services education and training. This could open a dialogue amongst diverse communities that could reintroduce the significance of communities in a system increasingly dominated by a managerial approach.

There is an intrinsic connection between labour and welfare rights, and equality. In welfare states, such as Finland, many benefits are tied to labour market participation. Hence the barriers to labour activation must be examined in all of their complexity, including ideological constructions of social passivity and their social consequences in terms of the emergence of discriminatory attitudes, the development of disciplinary practices that may exclude migrants from full participation, and the dominance of the integrationist paradigm in Finnish society which posits that migrants should be seen as individuals that must adjust. Proactive measures to tackle discrimination in the labour market must be explored.

Highly diversified and small communities often do not have the critical mass to lobby for their own interests. At this point in time, migrant community organisations in Finland are plentiful, small in number and have a young history. Lacking funding and large numbers, migrant community organisations are in a significantly weaker position politically in terms of bargaining with the authorities. Furthermore, the Finnish political culture of negotiating “behind the curtains” makes it very difficult for outsiders to gain access to the corridors of power.

Finally, a significant question to address is that of research. Contemporary welfare services that address a more diversified clientele require an ongoing dialogue with the variety of socio-cultural communities resident in Finnish society to continuously calibrate interventions and provide proper outreach. Inclusive research that is engaged with communities is a fundamental cornerstone to promoting best practice in welfare services. With the current trend towards postmodernist cultural studies methodologies in Finnish academia, there is a tendency to paradoxically over-research and exclude migrant communities simultaneously. This orientation towards the construction of social categories of multicultural residents embodies the danger of creating a new “elite of experts” on migrants that have very little accountability to communities.

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IV – Young people of immigrant origin in Europe: how can we make the school an instrument for social mobility and acquisition of intercultural competences?*

*Altay A. Manço, Institute for Research, Training and Action on Migration
(Belgium)*

Introduction

The integration of immigrants and their descendants depends on educational achievement, access to satisfying work and genuine socio-cultural recognition of the migrant presence. A context of balanced interaction provides immigrant communities with an opportunity to develop their own community life and a spatiotemporal articulation between this life and that of the host society. Such articulation can develop in a variety of places of “social mixing” and discuss the different views of how first-, second- and third-generation immigrants of varying origins and periods should integrate, debate the different attitudes to integration adopted by the various immigrant generations and indigenous populations from different backgrounds and generation, give free rein to their creative imaginations and invent their own socio-cultural amalgams, and meet “bridge operators” who can provide crossing points to and from different cultures, thus potentially inspiring/initiating viable, prestige-enhancing models for mixing populations. A school properly integrated into its environment is obviously just one such “articulation”.

1. Initial schooling for new immigrants and learning of the teaching language

Many countries face an urgent problem regarding socio-educational provision for new immigrant children. One solution might be to introduce backup classes in the teaching language given by specialist teachers during

* This contribution to Forum 2006 “Achieving social cohesion in a multicultural Europe” is based on one initial question: *Is the western and northern European education system a tool conducive to social integration, or does it act as a vehicle for socio-economic and cultural exclusion of children/young people of migrant origin from developing or emerging countries?* This version is a brief summary of a longer text available on <http://www.coe.int/socialcohesion/forum2006>.

normal school hours, in preference to extra lessons after school. Classes should also be run to maintain the language of origin in order to enhance the migrant children's culture of origin and consolidate their linguistic basis. In connection with problems of translation/interpretation, moreover, recourse should be had to sworn interpreters, and if need be such services should be improved in order to prevent misunderstandings and the dangers of rough renderings and mistranslations. It might also be useful to consider improving co-operation between schools and other institutions providing services for such children and young people. Directing a child and his or her family who are "suffering in exile" towards competent players can help both the individuals in question and the teachers responsible for them. Another solution, which a number of countries are considering, is to grant special status to schools that take in large numbers of immigrants. Schools with a sizeable concentration of newly arrived and young immigrant pupils should be given additional resources so that they can run *classes passerelles* ("crossover/transitional classes"). This would provide the children with support in moving up from primary to secondary school, thus guaranteeing the sort of continuity which some countries are already implementing between nursery and primary school.

Since pupils who arrive at an earlier age (nursery or primary school level) usually have fewer problems adapting to school than older children, the suggested solutions for dealing with them prioritise improving contacts between parents and schools, encouraging parents to take their children to nursery school at as early an age as possible, and helping the parents themselves to begin learning the host country's language as quickly as possible so that they can effectively monitor their children's school careers. This means promoting intercultural encounters at all levels and creating a climate conducive to harmony and understanding by organising as many interviews and informal meetings as possible. It is also necessary to enhance the cultures of origin of all the families in question so that the young people can feel at ease in their "dual identity", ensuring that neither identity is prioritised over the other.

It would also be advantageous for all such schools to open up to local associations, because the latter can act as intermediaries between schools and the communities in question, improving understanding among people of different origins and cultures. The less contact a school has with the outside, the more closed off it is, the less chance it has of embracing interculturalism. Community networks and the requisite services must be available in order to promote a climate of openness to the Other.

Analysis of immigrant children's linguistic and socio-cognitive skills challenges our illusions about universality, forcing us to consider the implicit codes which schools posit as prerequisites for learning (Crutzen and Manço, 2003). In order to learn it is necessary to be someone, somewhere: a pupil who does not identify is a pupil who does not learn, or at least who does not learn what the school sets about teaching him/her. School regulations that ignore diversity lead many pupils to develop a spatiotemporal "offside", a kind of no-man's-land which is liable to eliminate all reference points, particularly linguistic ones. This is why we consider work on the arbitrariness of signs could provide an excellent starting point for including management of diversity in initial and further teacher training courses. There is a relatively low level of identity-related resistance because of the highly technical characteristics of language learning, which are familiar in terms of the teacher's vocabulary and professional representations. Furthermore, there is extensive consensus on the need to improve our teaching practices vis-à-vis pupils "to whom school is a foreign land". This endeavour far transcends the diversity of ethnic origins to cover the whole range of socio-cultural differences and the transformation of obvious school realities into situations presenting problems that require solutions.

This brings us to the fear, indifference, curiosity or enthusiasm which our relationship with difference may inspire in us. Do schools see diversity as a threat or as a stock of competences to be put to good use? How should we respond to the challenge of accepting interpenetrating norms without fearing losing our own specific identity? How are we to develop norms that can be worked on without the risk of anomie? All these vital questions and issues are very much to the fore every day in the classroom, which necessitates genuine initiation into diversity, complexity and "serene uncertainty".

As a teacher, learning to deconstruct the illusions of language universality and the teaching context is an extremely productive training exercise which is fairly simple to implement. We do not all have to become leading experts in comparative linguistics; on the other hand, it is imperative that we gain an ability to compare such implicit codes as those governing spatiotemporal representations, the status of the spoken and written word, the relationship with knowledge, syntactical hierarchies, conceptualisation of "being" and "having", etc.: all those obvious facts which are central to language and which monolingualism and monoculturalism would condemn to obscurity.

The comparative approach is necessary first of all in terms of professional, efficient educational provision for newly arrived immigrant pupils. It is very important here to consider the child's actual mother tongue, rather than some mythical language of origin. A child's mother tongue is the language he or she speaks with his or her mother or mother-substitute, and can be a fully-fledged recognised language, a rare dialect, or even an "interlanguage" produced by haphazard interferences. It is vital for nursery and early primary teacher training courses to cater for this transition from one language to another, and therefore from one set of complex implicit codes to another. Linguistic and cultural mediation is an essential means of preventing educational failure, which far surpasses the issue of language performance. A child who cannot identify with his or her school will be unable to construct any meaning within its walls and will therefore fail to develop transverse learning strategies taking account of the non-universality of the norms implicit in the language. Education for diversity concerns both the pupils and the teachers, and very often throws up a multitude of questions involving much soul-searching and pooling of ideas. So the work on the arbitrariness of signs has a positive effect on the whole educational approach, for the benefit of all the learners concerned.

The identity issue is very important here, and begs the question of the symbolic violence inflicted by schools on individuals whose codes are regarded as a threat or a handicap. We must engage in a process of rehabilitating mother tongues and languages of origin, a rehabilitation which can sometimes take unexpected forms. How come Franco-Swedish or Anglo-Dutch bilingualism is encouraged, indeed recommended by schools to Swedish and Dutch parents, whereas Danish-Kurd or French-Malagasy bilingualism is usually considered as an obstacle to school learning and integration? For a multitude of reasons the teaching of the language and culture of origin has been marginalised, edged out of the whole intercultural education perspective. From a much more structural angle, our educational systems place considerable strictures on the development of bilingual and multilingual teaching, even though the latter in fact represents the future of European schooling.

Since such teaching has no real prospects for the immediate future, we must get to work on rehabilitating the migrants' languages of origin and promoting the idea that improving structuring in both languages is the optimum means of enhancing future language performance and intercultural skills. It is time we moved on from the "handicap" perception to a "resource" perception of the socio-linguistic competences of migrant children. It is not the diversity of codes that curb learning, but the fact that

such diversity is ignored. This is why we advocate retaining the mother tongue as a substratum for learning the teaching language.

It should nevertheless be noted that it is pointless to implement such approaches unless we can change people's attitudes to the language of origin. Bilingual development and the resultant cognitive capacity depends on the relative status of the languages in question, because the perception which the various educational players have of the languages in question determine the immigrant children's attitudes to "their" languages. In other words, if both languages are held in high esteem in the child's living environments, this will greatly benefit his or her cognitive and general development. On the other hand, confronting the child with an imbalance in the economic, cultural and linguistic prestige of one community vis-à-vis another is liable to affect both his or her intellectual level and mother tongue skills. This so-called "subtractive bilingualism" is common among children of immigrant origin. If, on the other hand, the school makes some provision, however limited, for a minority language, this can produce "additive bilingualism". Some experiments in Canada and northern Europe have led to unexpected results. Children attending classes in their languages of origin improve their skills in the majority language, increase their capacities of linguistic analysis vis-à-vis both the majority language and their mother tongue, enhance their conceptualising abilities and develop greater powers of observation of their conversation partners' expectations, etc. (Crutzen and Manço, 2003).

A survey carried out in Belgium (Manço, 1998) shows that Turks with a good command of written French also have the highest standard of written Turkish, which is highly significant. There is a similar, though less marked, trend among Turks in Flanders: most of those with a good level of written Dutch are also fairly good at written Turkish. On the other hand, in the Moroccan community, those who claim to have a good command of either written Dutch or French also have the lowest level in written Arabic! These data clearly highlight the different relationships with the language of origin in the two immigrant communities. The Turks endeavour to retain their language of origin using a "both/and" approach, while the Maghrebi migrants, who are historically closer to French language and culture and come from a complex linguistic background, prefer French (or other European languages) to their own language(s) of origin ("either/or" approach). Moreover, the deviation between Flanders and French-speaking Belgium (where a command of the host country's language is more common among both Turks and Moroccans, but conversely is very unevenly distributed across the immigrant population) shows the impact of global

situations (particularly regional policies) on the linguistic skills and attitudes of foreigners and persons of foreign extraction (Manço, 1998).

The complexity of such situations would tend to show that cultural and linguistic denial at school exacerbates the immigrant communities' difficulties with socio-educational integration in a variety of ways. For instance, the fact that Turkish schoolchildren are so strongly rooted in their language of origin necessitates educational support for the "both/and" strategy. This would require building solid bridges between both codes in order to prevent withdrawal and exclusion. In the case of Moroccan pupils, the general tendency of the linguistic complexity of the country of origin to create a "no-man's-land" would require schools to reinforce and legitimate the identity of origin by giving meaning to the co-ordination of the various codes involved in order to prevent fragmentation, or indeed anomie. In practical terms this means that despite the context of economic rationalisation which currently conditions most debates on education policies, it is vital that account be taken as of now of the inescapable socio-cultural fact that the issue of languages at school determines the economic and political participation of young people of immigrant origin. This fact is becoming glaringly obvious and dangerous in some suburban areas, challenging the very credibility of the official approaches and aims adopted by schools. It is evident at the very least that cultural and linguistic mediation is needed at school as an indispensable tool for a "success-oriented" educational approach, in order to defuse defence mechanisms and remove irrational obstacles to the work of educational specialists and absorb culture shocks between family and school codes.

Therefore, the codes used in primary school education might gradually be made more elaborate: research has shown that an individual's language skills begin to mutually reinforce when he or she reaches a minimum threshold of command of his or her language of origin. Individuals with an inadequate command of their own language have difficulty familiarising themselves with the subtleties of other languages. Given that immigrant workers' families are seldom able to structure their learning processes, special educational facilities are generally needed to transform their rudimentary knowledge into transferable linguistic and cultural resources. Teachers of immigrant origin who have been trained in Europe can be recruited to teach their languages of origin (possibly in co-operation with teachers from the countries of origin). Such classes may be run outside normal school hours, but they must be subsumed under the official curriculum, contributing to the overall management of diversity.

The quality of initial educational provision and the child's subsequent primary school career is vital for positive identity construction and high educational standards. Secondary schools can then take over, recognising the cultural and linguistic input from immigrant circles on the same basis as other contributions, in a multilingual/multicultural European and global context, drawing on a transverse educational paradigm that prioritises "intercultural competence". Some degree of intercultural sensitivity could be fostered by involving foreign teachers and innovating in terms of content and methods.

2. Discovering intercultural competences

Intercultural competences are psychosocial capacities that enable individuals and groups, and in particular members of immigrant communities, to "confront", with some degree of efficiency, the complex situations arising out of contact between cultures in an unequalitarian socio-economic and political context (Maço, 2002). If we compare the socio-cognitive competences of four- and five-year-olds from Maghrebi immigrant workers' families in France with those of "indigenous" French families, we can see that the cognitive processes experienced by children of Maghrebi origin prioritise "social intelligence" imbued with "negotiating skills". Children of immigrant origin seem more capable of "cognitivising" the adaptations required for the mutual adjustment of partners and roles in informal (play) contexts, as well as joint construction and sharing of meanings. The cognitive processes of "indigenous" French children, on the other hand, are concentrated much more on formal learning situations. These observations include the fact that children of immigrant origin are faced with educational underachievement and more general difficulties at school. This usually leads to a compensatory view of these children's problems at school targeting their educational deficits and erasing their cultural specificities in order to prevent conflicts between different values from heaping even more handicaps on them. Yet a more positive approach would be, rather than vainly attempting to assimilate them, to enhance their differences, particularly in their cognitive processes (differences which are of course imposed on these children by their pluricultural background), and lastly, to use these specificities as an instrument for acquiring formal and academic knowledge.

Other observations would appear to confirm this finding: consideration of the attitudes of young Maghrebis living in France towards returning to their countries of origin shows that the youngsters who are most "hesitant" about this issue are also those who are the most deprived in

socio-educational terms. On the other hand, it has been noted that the most highly qualified young people are also those who are able to deal with cultural contradictions: they can transcend conflict by interpreting the “traditional” heritage in “modern” terms. The intercultural dynamism and psychosocial integration of persons in situations of inegalitarian multiculturalism are therefore only possible within comprehensive frameworks of reception and education geared to facilitating enhancement and active articulation of the original features with components of the host culture, without distorting them through excessive conservatism (Manço, 2002).

The metalinguistic competences of bilingual children and young people and the educational purposes to which these skills could be put are a further illustration of this point (Crutzen and Manço, 2003). Psycholinguistic research has established that bilingual children are more skilful in tasks requiring imagination, cognitive flexibility, a certain reflexive approach to language (for example metasyntactic competences), phonological dexterity, a certain awareness of speech phenomena (the arbitrariness of signs, relativity of meanings, cultural consonances, etc.), capacities for grammatical and semantic analysis, capacities for attention and concentration, etc. On the other hand, monolingual children are apparently better at linguistic production. Nevertheless, the advantages pinpointed would not appear to be present in all bilingual situations. For instance, early and/or simultaneous exposure, balance between the two languages in terms of use and socio-affective prestige, clarification of sociolinguistic contexts (who speaks which language, and when?), and so on, are contextual factors which help positivise the bilingual situation. For example, it has been noted (Crutzen and Manço, 2003) that educational support in Moroccan Arabic enables the children of Maghrebi immigrants living in Brussels to improve their marks in tests in French, the teaching language. According to another research project, the ratio of competences in Turkish and French in a group of 112 children of Turkish extraction at the end of primary schooling in the Belgian capital stands at +0.69. These skills were gauged in accordance with a standardised French-language testing facility adapted to the Turkish language (reading and comprehension speeds, differentiation between and processing of nouns and personal pronouns, etc.). It emerged from the study that the most competent pupils attended schools which enhanced the children’s dual belonging. Such children came from families (who had had little schooling themselves) who themselves attached importance to the teaching language.

So this shows that in this kind of favourable educational context bilingualism facilitates the development of specific metalinguistic competences,

just as biculturalism enables people to gradually aspire to intercultural competences. The contexts which promote the positive development of children's potential are similar, also necessitating equal opportunities for personal development on the part of the different language and cultural groups concerned as well as the enhancement of these differences, to socio-educational ends.

Attempts to focus public attention exclusively on the deprivation, crises, breakdowns, difficulties and sufferings of young persons of immigrant origin serve only to further stigmatise such individuals – hampering their psychosocial, political and economic adaptation – and to reinforce their desperation. Secondary school educational teams often say that they are overwhelmed by the enormity of the task facing them (teaching in “ethnic areas”, rehabilitating young school dropouts, helping with curricular counselling, etc.). Since they identify with their underprivileged groups, as they themselves feel that they have been spurned by schools, families and whole communities, which neither see the importance of their work nor esteem the competences they possess, such professionals also suffer alienation. Renewal may therefore come from utilising the individual and collective intercultural competences of the immigrant populations.

This highlights the vital importance of knowing, recognising and developing the individual and collective identity resources of young immigrants in order to promote integration and interculturalism. Any preventive measures implemented here must strive to avoid stigmatising the families in question: we might, for instance, attempt to identify strategies for managing the culture shock caused by immigration, confrontation of different cultural codes and intergenerational conflicts as a relevant means of prevention. Intercultural negotiation within immigrant families and between these families and the schools emerges as a means of preventing violence or cultural tension. This shows the usefulness of promoting the psychosocial capacities of immigrant populations within the framework of social and educational activities. The enhancement of immigrant families vis-à-vis the host country's institutions on the basis of a positive element (their competences) is an innovation in the host society, as is co-ordination between immigrant parents and the institutions responsible for reception and education.

In many cases, teachers and other educationalists are aware of hurting the feelings of belonging of young foreigners and their parents and therefore sometimes of triggering major crises within immigrant families. However, very few teachers have managed to steer a middle course between respect

for family traditions and the regulation course imposed by their schools. Possible new activities might target pre-teens, who are at an age when the divergence between school and family projects are theoretically less keenly felt than among actual teenagers and pre-adults, whose problems include looming marital choices. It is a case of promoting positive identity strategies among young people at school in Europe in order to prevent and surmount the various types of social violence arising in schools and other institutions dealing with migrants, as well as within the families. Preventive action could be taken to reconcile activity, negotiation and mediation practices and possible conflicts between the parents' and schools' educational projects, with the following aims:

- preventing, identifying and transcending psychological violence and other types of identity negation vis-à-vis young people of immigrant origin in schools and in other socio-educational institutions;
- preventing such pressure from being compounded with various types of violence perpetrated by or against such young people because of tension caused by clashes between educational projects and values advocated by either side;
- promoting positive identity development to enable such youngsters to manage and contain cultural tensions, acknowledge their multiple identities and break out of their isolation;
- reconciling conflicts between the parents' and the schools' educational projects by means of intercultural activity, negotiation and mediation exercises, and link these initiatives up with the children's own plans for the future;
- involving the teaching team in the project; take its viewpoint into account, linking it up with that of the young people and their families; equip and inform the professionals, and attempt to improve their command of the socio-educational tasks they must carry out.

The requisite preventive action therefore consists in using all the appropriate techniques, including drama, to implement secondary-school activities with youngsters of immigrant origin so that they can express their views and living experience of the educational projects which their own parents and communities nurture for them and also those concocted by their schools and the host societies. Personalised, easily accessible counselling services complete the picture as regards facilities to promote these youngsters' identity construction. Teachers and tutors will be initiated into the children's and young people's mode of speech and team meetings organised to adjust educational practices so as to encourage full emancipation of the children without creating tensions in their families, with the ultimate

goal of an “intercultural” vision and mode of operation within schools. Parents will also be consulted in a variety of ways in order to enhance, mediate and reconcile mutual educational efforts.

This type of intensive local initiative can be usefully complemented by creating, evaluating and disseminating various facilities (documents, websites and media programmes) and running awareness, information and systematic training campaigns for young immigrants, their parents and associations, decision makers, social workers and other teachers working with these groups. The results of the research and action in this field will be promoted, disseminated, exploited and assessed.

The purpose of the action proposed is to take account of the socio-cultural constraints imposed on these young people. The requisite action in the youngster’s schools and neighbourhoods can provide excellent opportunities for gradually installing mutual understanding and trust between parents and educational structures and between parents and their children. Schools in countries that regularly take in foreign workers are used to confronting families on the subject of emancipation of immigrant girls or violence perpetrated by boys and young men, and yet such debates usually serve only to increase the tension in parent-teacher relations. On the other hand, integrating and empowering families within an educational project can effectively restore the social link between the youngsters and their parents, as well the trust and recognition required for smooth, effective emancipation. This approach facilitates a positive identity position for all the players involved, enabling the children, the teachers and, of course, the immigrant parents, to develop “non-antagonistic” identities.

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PART IV – SPACE FOR PARTICIPATION AND NEGOTIATED SOLUTIONS TO CONFLICTS

I – Making citizenship a means of sharing responsibility: the naturalisation campaign and integration policy in Berlin

Conversation with Günter Piening and Andreas Germershausen***

1. The “*Passt mir!*” naturalisation campaign in Berlin

In January your office, Berlin’s Commissioner for Integration and Migration, started a naturalisation campaign called “Passt mir!” (“This suits me!”, the slogan is referring to the German word for passport). What contribution could this campaign offer to the “integration” process and, more generally, to the well-being of migrants in Berlin?

The campaign’s first goal is to improve integration and participation or, if you wish, integration through participation. In order to address all of the issues that are related to participation, citizenship is a key issue. Indeed, citizenship is very important for a society because it prevents the exclusion of a segment of the electorate from the voting system. In some districts of Berlin that segment is as large as 25% of the total population. With this in mind, one has to consider the effects on the democratic process. Another example is the election of Berlin’s government. The mayor would certainly address migrants’ issues in campaigns if they would take part in elections. It is harmful for a society if there is a great marginality between the inhabitants of a region and those who have a right to vote and run in elections. That is one side of the issue. Secondly, with a passport the citizenship campaign offers migrants a means of identifying with the wider society. Recently I had a meeting in a school with a Turkish girl who is a testimonial for our campaign. A young Turkish student asked her, “so if you are not Turkish and you are not German, what is your identity?” and the girl replied, “I am a German, I am a real German because I have decided to live in this country and at the same time I am Turkish as well”. Although naturalisation is not the end of the process, it is certainly a cornerstone in the integration process.

* Commissioner of the Berlin Senate for Integration and Migration.

** Head of the Integration Department to the Commissioner for Integration and Migration at the Berlin Senate.

How is this campaign constructed? What are the main targets of the initiative?

The campaign has two sides and two ways of action: the distribution of booklets reproducing German passports and containing information and arguments for the naturalisation procedure and the distribution of posters entitled "The German passport has many faces". The passport booklet is made for individuals interested in naturalisation, whereas the message of the poster is directed mainly towards the general population. It demonstrates that the German passport has different faces focusing on the theme of solidarity in society. It is generally appropriate to consider both sides – the community of migrants who you could call candidates for naturalisation, and also that segment in society who do not recognise the potential benefits of diversity. In order to reconcile these two groups we need to convey the message that we can work together. We need especially to address such messages to the youth of this country. Traditionally a large part of the population understands nationality in the sense of belonging to a homogeneous group. Therefore, it is a challenge to say that being a citizen is more than belonging to a cultural community, and that we can further develop a pluralistic society. With this in mind, it is essential that all inhabitants take part and find the political space to access equal rights and equal duties within society.

How did you succeed in communicating the goals of this campaign and deal with the challenge of often having to change peoples' attitudes towards migrants?

Overall, the reaction to this campaign has been very positive, not only in Berlin, but throughout Germany. At present there is a debate in the Federal Republic of Germany (FRG) on the criteria that migrants should meet when acquiring German citizenship. A number of federal states came up with the idea of testing knowledge and attitudes through questionnaires. By and large the reaction of migrant organisations was negative, as they felt that the threshold for acquiring citizenship was being raised. Also, against the background of that larger debate, the reaction to the campaign was positive, as it offered the contrary message to the migrant community. We now see that the communities are taking up the issue and that schools are becoming involved through "project days" on citizenship.

It has been essential that the immigration and naturalisation offices in Berlin become more efficient and are part of the campaign. This campaign is not only about spreading messages, but actually about improving the process of naturalisation. It is to do with developing a welcoming culture.

To whom is this naturalisation campaign mainly directed? The children of migrants?

Yes, mostly towards young people. In general, you need to document your own income when applying for citizenship. It is easier for young adults who are exempted from that obligation. For many older migrants the prerequisite of proving your own income is difficult, due to unemployment. The present unemployment rate among migrants is about 40%. We are now informing young people under the age of 23 that they can benefit from the opportunity to become a German citizen without having to document their income.

Is there a sense that people must renounce their previous citizenship in order to adopt the German one? How did you address this theme in your campaign? Do you find that the Nationality Law is still too restrictive in relation to dual citizenship and to multiple belonging?

In general, German law takes a negative stand in regard to dual citizenship. Also, according to the new law of 2000, children who are born here of non-German parents need to decide before the age of 23 if they want to retain German citizenship or accept their parents' nationality. Consequently, that leaves little space for individual decision, and we did not address that aspect in the campaign in a prominent way. However, if you ask for my personal opinion I would opt for a more flexible approach to dual citizenship.

2. Citizenship as a key factor of the "integration" process

European society is changing radically. Studies have shown, for example, that by 2020 Amsterdam will have a population with 60% of foreign origin. Is such a phenomenon taking place in Germany as well? In order to face these challenges and to gain from the human potential of the migrant community, do you feel that citizenship is a must?

The demographic prognosis for Berlin corresponds to the data you gave for Amsterdam. Nevertheless, German citizenship is not a must, and you can live your life in Berlin without being a German citizen. The most adverse result of retaining foreign status is exclusion from the democratic process. The right to vote is what creates and fosters equal citizenship. In the long run, the right to vote is the basis for democracy. In order to improve our democratic system and include migrants' interests, it is necessary that migrants acquire German citizenship. It is not good to have an excluded segment of the population. The situation is different in countries like the

United States who have a long tradition of granting citizenship quickly or Great Britain with their tradition of granting citizenship to members of the Commonwealth. Despite the fact that Germany also looks back on a long history of immigration mainly from neighbouring regions, the need for integrating larger groups of non-Germans became an issue very late in German politics. And for a very long time *ius sanguinis* formed the sole basis of our citizenship law. Against this background, the reform of 2000 – very late and overdue in my opinion – is a fundamental change because it introduced an element of *ius soli* into our citizenship law. More precisely, the new citizenship law offers children born in Germany the right to citizenship, if one parent possesses a stable legal status (*Niederlassungserlaubnis*) and has been lawfully living in the FRG for eight years or enjoys the right of free movement as a citizen of the European Union.

What about the fears of the Germans about this changing European landscape?

There is a segment of the population that fears and objects to the influx of new migrants. Studies show that 10% to 15% of the population hold strong anti-foreign attitudes, and that percentage is comparatively stable. An important point is that we do not have strong spokespersons who express these xenophobic positions. Throughout history you can see a pattern of some xenophobic tendencies – in the 1970s there were negative feelings, for example, towards the Turkish population, in the 1980s there was an anti-refugee sentiment and, following 9/11, anti-Islamic attitudes have become more prominent.

For reasons of history there is a strong official policy that impedes the development of right-wing policies. Our office is conducting a programme against right-wing extremism and anti-Semitism, and we actively foster the interaction between different groups. So you have a potentially xenophobic population segment on the one hand, but, in comparison, a larger proportion of the population favours interaction with migrant communities.

As you already pointed out, access to citizenship is an important factor in the integration process. Is the need to become a German citizen related to access to the labour market, for example?

Only in some fields, particularly the field of civil service. The status of a full civil servant, in German *Beamter*, presupposes German citizenship. For example, to work in the police force, you need to be a German citizen; however, you may start your training for the job before having acquired

citizenship. There is another type of civil servant, comparable to regular employees in other fields; for example, they have the right to strike like employees outside the civil service, and they may also work in the administration without being German.

In any case, we strongly promote the recruitment of migrants to the civil service. Last month, we launched a campaign under the slogan “Berlin needs you”, which addresses the younger migrant population and encourages them to apply for vocational education in the civil service. This campaign is part of our larger policy for recognising the diversity of Berlin’s population.

What are the principle persuading factors for a migrant to become a German citizen? What role does the willingness to actively participate in German political life play in this decision? How can the active participation of the migrant community become an everyday reality, not only through the vote?

It is a bundle of factors. When speaking of full participation we refer to society and participation in all aspects of social life. The labour market is not the essential factor: the guest workers, for example, were recruited as foreign labour, and when they acquired the unlimited right to stay they achieved that status without becoming German citizens. Factors that are being enhanced by citizenship are social mobility, identification with Europe and the right to move within the continent.

I do think we have to work on this idea. In fact, the idea of European citizenship is a key factor because we are all different in Europe but we need to find a common ground.

Yes. I’ll give you an example taken from my everyday work. A friend of mine from Senegal years ago said that he would never become a German because of his skin colour and I objected because the passport offers new opportunities. The German passport is a passport of the European Union, and, in fact, it is granting you the rights of a European citizen. So the ability to travel throughout Europe freely could be identified as one persuading factor.

3. Real citizenship at stake: major social challenges and policy innovation

Even if citizenship is a key element of the well-being of migrants, making them an active part of society and entitled to the same rights as the rest

of the population does not avoid de facto discrimination or the persistence of inequalities. The roots of discrimination and exclusion are very deep: we saw this in France. The fact is, they are still identifying second- and third-generation migrants by their original origins and these are not their nationalities; indeed, these people are French. During the upheavals in November 2005, these citizens of foreign origin were showing their French ID and calling for equal rights for everyone in the République. We do not have a clear understanding of why in the United States after even five or ten years everyone feels as though they are part of American society. Perhaps this evolves from the availability of land or the mobility of the labour market, but as we are a European society which offers social protection and security to our citizens, how should we deal with these differences?

This could start up a very long, detailed discussion. I think there are a number of factors: one is the history of policies and the background of this is the issue of guest workers. In the past we did not expect guest workers to stay in Germany for good, and they themselves also did not expect to stay here for good. One can identify a clear change of perspective in the late 1970s. When you look at Turkish migrant newspapers printed in Germany in the early 1970s, they dealt much more with happenings in Turkey than in Germany. There was a change, and today one can see that the stories are now concentrated on issues facing Turkish migrants that are in Germany. The expectation of returning had a great effect on the guest workers themselves as well as the population in the receiving country. The second thing is that there were few incentives to acquire citizenship even for people who stayed permanently in the country, as social security was granted with a stable job. Certainly, there are different individual perspectives on that issue, and one was nicely expressed by Mr Kissinger who once said that he could never have followed his career if his mother had brought him up as a member of the German community in America.

Again, there are different perspectives on the issue: fear of losing our national identity? My hope is that Europe will create a new identity of a diverse Europe which will reflect back to the old nation countries. We are no longer only Germans, we are now also Europeans. We are diverse in Europe and in the long run it is essential that we focus on the opportunities that the future is offering.

When you look at the city of Berlin as both a social and physical space, is it an integrated city? Are there any ghettos with high concentrations of migrant populations?

The concentration of migrant populations traces the shadows of the Berlin Wall. Migrants are concentrated in inner city districts that were once the less developed margins of the old West. Comparatively, however, I think Berlin is a fairly well-integrated city. This has been due to the success of social urban policies, mainly. There was always a strategy to support low-income families so that they could maintain their apartments or houses even when they faced financial distress. As a result, Berlin does not have poverty-ridden ghettos. The department for urban development is especially sensitive to the issue of diverse populations. After 1989, developers expected that this city would expand to a much greater degree than it has. At the moment, there is a high supply of apartments and houses in comparison with demand, which results in cheaper rents than in most European cities. At the same time, salaries are lower than in other European countries.

As we have already pointed out, citizenship is a part of the integration process: the labour market, even after having undergone great transformation, remains the most important sector where material and real citizenship is allowed to be expressed. High unemployment rates demonstrate that the labour market is (or still might be) a tough obstacle for integration.

Of course, citizenship policies do not encompass all issues regarding migration. We have an agreement with most representatives and politicians in the city that represent various departments to support the full acquisition of citizenship. That is without debate and there is also an agreement that the acquisition of citizenship should be achieved on the basis of individual initiative rather than persuasion. There are now integration courses and a high emphasis on language courses. And in regard to integration in general, we are always arguing that language courses are not everything, but the acquisition of language forms a key element for access to the labour market. Certainly, high unemployment among migrants is the core obstacle to successful integration, despite the secure right to stay that the majority of unemployed migrants also enjoy. Therefore, employment, qualification and integration measures need to be combined.

What percentage of the migrant population is unemployed in Berlin?

40%.

And are they receiving social benefits, without limitations related to citizenship?

Yes, they have access to them without such limitations: if you enjoy the full right to stay (*Niederlassungserlaubnis*) you also enjoy social benefits, independent of citizenship. The same holds true for persons with a limited right to stay, for example acknowledged refugees with a refugee passport.

How do you react to the notion that migrants are coming to Germany solely to profit from the social welfare?

This issue has been debated for a number of years mainly in regard to asylum seekers. It cannot and is not being applied to the larger population segment that we refer to as "migrants". Most have lived in the FRG for a long time and enjoy social security in the same way as the general population. They – or their parents' or grandparents' generation – came for work. And social welfare comes along with work in Germany, fortunately.

As you probably know, migrants in certain European countries suffer a lack of recognition of their qualifications. Are you developing policies to recognise the qualifications of migrants and to improve their social mobility?

Of course there are specific examples of this. Studies show that contrary to the dominant impression, new migrants possess high formal qualifications, on average. There are a number of initiatives that aim at improving the recognition procedure. The Secretary of the Economic Department of the Senate is supporting this process. Overall, the chambers are in support of this process. Despite such initiatives, we are not happy with the present procedures; however, it appears to be an extremely complicated field. I may remind you of the difficulties with harmonising standards among the European member states, for example through the Bologna Process.

We cannot ignore that there is a constant debate about the negative relationship between migration and unemployment. What is Germany's view on this issue and the way in which the problem is addressed?

The position of this office is that it is absolutely necessary to combine integration and language courses taken by new immigrants with qualification and employment policies. When young migrants have a good perspective of the labour market, they will also participate positively in society. Social, cultural and democratic integration may be seen as independent processes that rely on each other. In integration agenda of the Senate we have described 12 fields of action. They include labour market policies as well as actions against discrimination. In all fields of action, we need precise

strategies. If we only improve the strategies in one field, there will be dire consequences. Again, we need to improve the strategies in each of these fields so that they may complement each other.

Do you find yourselves facing the issue of social dumping where the migrants will work for lower wages than the Germans?

The revenue of labour is not linked to migration, therefore one cannot claim that migrants pose a great threat to the wage level; it is related to the labour market in general. It is not possible to say that one group of labourers is lowering the prices in one field.

Perhaps in Germany there are certain sectors that can benefit from low qualified workers?

There are always some niches and also larger occupational areas that benefit from cheap labour. See the lobbying in regard to grape-picking for example and other agricultural branches, and also in construction. In Berlin there is little demand for cheap labour. Due to the restructuring of the economy after the fall of the wall, with the failure of industries in both East and West, we have a high supply of qualified labour. Unfortunately, migrants were among the first losers from unification in the western part of the city, and I am afraid that this situation will not easily change within the next few years.

In this context, how do you value the new tendency in Europe (France, Germany, Czech Republic) to push for more selective migration?

That debate does not, however, take full account of the fact that a large share of new immigrants possess high formal qualifications, especially migrants from eastern European countries. So the debate refers back to the important issue of recognising qualifications. It is different with segments in the family-related and refugee immigration. We think that in five to ten years there will be a change in the pattern of this lack of qualified migration to Germany due to the demographic factor, which may lead to a larger demand for qualified labour. As big business, industry and commerce are looking for new ways to look attractive on the global labour market, restrictive immigration laws will prove to impede competition there. One change that Germany has implemented is that students from other countries who complete their diplomas in Germany are permitted to stay as long as they succeed in finding a job in the field of their studies. This is a new regulation of 2005 because previously students had to return to their countries of origin. Another factor is the emigration

from Germany. These on-average highly qualified Germans are going to the United Kingdom and Switzerland because the wages in Germany, for example in the public sector, are going down. In fact, Germans compose the largest migrant group in Switzerland. Large numbers of doctors from Germany are going to the Scandinavian countries and the United Kingdom in order to earn higher wages. This factor also calls for an active migration policy.

And what about an initiative to improve salaries, starting with the sectors of workers who suffered the most under the recent transformation in the global market?

That certainly is easier said than done. It is normal that in the context of a global labour market people are going to go where the salaries are highest. Of course, German employers need to react to such developments. Over the last months, for example, we had strikes of doctors that resulted in higher salaries in public hospitals.

4. Organisation of migrants and dialogue with public authorities

How can the process of becoming a German or the process of self-organisation of migrants in order to attain the responsibilities and duties of a member of society be improved through participation and other policies undertaken at the local level?

We have formulated 12 essentials of integration policy in Berlin, and in all of these fields of political action are ways of improving participation. The integration agenda is reflecting a change of paradigm, which took place over recent years, with two sides to the issue. One is the encouragement of migrant participation, which is mainly directed to the migrants themselves. I also think that there is another side to it, which arises once migrants have acquired citizenship and they are seen as part of the electorate by politicians running for office. Look too at how President Bush is addressing central issues that have to do with Hispanic migrants in his campaigns. We are lacking this. Sometimes in different sectors of the city you can see politicians working in communities and then shifting resources to areas where the electorate is living. In order to address the deficit of migrants who have become part of the national electorate, this office took an intermediate step to create migrant organisations which work as intermediaries between the migrants and representatives in the democratic system. These organisations help to compensate for a deficit in ordinary political participation. A peak in that development was the

foundation of the council in 2003 institutionalised by the Senate following the initiative of our office which works on a consultancy basis. The members of this council are, on the one hand, members of the administration at a very high level, and on the other hand, also representatives from migrant organisations. The idea is that six delegates who are proposed by different organisations represent the migrant population as a whole. This is an important intermediate step because we have provided a structure in which migrant organisations fill part of a democratic deficit. Through this procedure, they are now better taken into account by politicians. However, it is not a perfect democratic representation and that is why I am always arguing strongly in favour of full citizenship and participation in elections. In the long run, if we succeed with this strategy and the majority of the migrant population acquires citizenship, then I would assume that we would no longer need these special types of organisation because it would become more natural for politicians to represent the needs of groups of newly naturalised citizens.

Is it true that the Turkish are the most active and organised group of migrants?

There is a list of about 110 migrant organisations and, overall, the Turkish tend to be the best organised, due to their larger numbers and longer tradition of organising in Germany. At the same time, we also have a very strong Russian community and increasing Arab community. There is also an African council. The Turkish were the first to be represented in democratic bodies. For example, in Parliament there are six or seven members with a migrant background and five of them have a Turkish background. The second or third generation of migrants are now well qualified, therefore they have the qualifications to attain these positions and participate in democratic structures. A new and important development is that different migrant groups are meeting together. They are now looking to develop a common interest and lobby for such issues. The 110 migrant organisations are able to elect representatives for the migrant council, therefore the Turkish are looking for the support of the Russians and so forth. Indeed, this is an important step forward in the process of participation for migrant groups.

Did you ever foresee the development of a European organisation of these migrant communities – is there a need to bring them together at a European level?

I think the need right now is to first bring them together at a national level. But what would be the common interest of migrants in Europe?

We are now discussing a kind of council for migration and integration at the federal level with representatives from different groups. In regard to the European level, I think the best strategy is to integrate migrant representatives into the structures that are already in existence.

How do you consider the feasibility of a closer collaboration between associations of migrants and public authorities? Is a further change in the public action scheme or in the organisation of the associations needed in order to make this collaboration a stable element of policy-making?

I believe that the form of representation that we initiated in 2003 with the state council in which secretaries of Senate departments interact with delegates who represent the migrant communities complies with the criteria that you allude to. I believe that this form of representation and interaction may be seen as a best practice for the time being. However, as I strongly argued during our discussion, the long-term perspective lies within a mainstreaming policy with the full inclusion of migrant interests into the well-developed democratic structures in the FRG and also into the European bodies. I may reiterate that also in this context the political concepts of participation and democratic representation form a continuum with the naturalisation of Berliners who once came into our society as migrants. A mainstreaming strategy of that kind may reduce the relative importance of special migrant bodies. Also, in the long run, they will probably be needed in the form of interest groups, as you also have other interest groups in a democracy. The main strategy of our work, though, lies with the incorporation of long-stay migrant groups into the major bodies of representation that exist in European democracies.

II – The political participation of migrants in Europe

*Muhammad Anwar, Centre for Research in Ethnic Relations,
University of Warwick, Coventry (United Kingdom)*

Introduction

Migrants¹ are now an integral part of Europe. Their fullest involvement in all aspects of public life in the countries of their settlement is crucial if we are to create societies free of racial disadvantage, racial discrimination, and racial tensions and help the process of integration and social cohesion. In addition to the economic progress of ethnic migrants, their integration in the political process is of fundamental importance. Political involvement is important to highlight issues and in influencing political decisions both through the ballot box and by taking direct political action. The ongoing and effective involvement of migrants in the political process is essential and should be beneficial in the promotion of equality of opportunity in other fields. Continuous lobbying through pressure groups based on specific issues or through other interest groups, trade unions and voluntary ethnic minority organisations is also important. In this paper, first we discuss some of the debates about the political participation of migrants in Europe. Second, we present a brief review of the voting rights granted to migrants in different European states. Finally, we look at trends in the participation of ethnic minorities in the United Kingdom over the last two decades, as a case study.

1. Debates on political participation

Political participation is part of civil rights which are secured to all legal residents in a country, irrespective of their nationality, as part of the Universal Declaration of Human Rights. Therefore, civil rights are the basis for political participation. However, voting rights are often linked to the concepts of citizenship and nationality. In many countries of Europe, those who are not citizens of the national state either through birth or nationality do not have a right to vote, except the citizens of European Union member

1. The term “migrant” is used for people of immigrant origin from “third countries”, since this is commonly understood in the majority of countries in Europe. For the citizens of immigrant origin in the United Kingdom, the term “ethnic minority” is preferred. However, in some sections of the paper both the terms are used, depending on the context.

states who are allowed to vote in local and European elections. It is argued by some that while constitutional law might reserve civil liberties to citizens, human rights law is universal, and applies to individuals as persons rather than their citizenship status. Therefore, human rights law lays down minimum standards in relation to all the major areas of civil, political, economic, social and even cultural rights irrespective of nationality. According to this view, everyone within the jurisdiction of a nation state is entitled to these rights irrespective of their citizenship status.²

Political participation of migrants should be seen in a broader context of participation than just voting rights. Their participation through trade unions and other pressure groups is equally important. Trade union rights and the right to form immigrant associations now exist in almost all Council of Europe member states. However, some of these rights are still limited to nationals only. In France, for example, immigrants have the right to sit on industrial tribunals but are not allowed to be elected to them. Another development in some states is the formation of immigrant consultative bodies at various political levels to give immigrants a chance to voice their opinions on issues relevant to them. These include: consultative assemblies, boards, councils and associations. Their overall objective is to promote dialogue between the representatives of immigrants and state officials at different levels in order to tackle any special problems arising due to the presence of migrants. Migrants' voluntary organisations also play a similar role, as they provide their members with information about their civic and political rights, as well as present their members' demands to the authorities, and this way, they help their members to participate in the political process. While these initiatives and developments are useful in a democracy, they are no substitute for voting rights, that is, the right to vote and the right to stand for elections.

2. Voting rights for migrants in European states

In the Treaty on European Union (Treaty of Maastricht – TEU) in 1992, the status of nationals of the European Union (EU) member states was made official under the title of “Citizenship of the Union”. The nationals of these states have the right to vote and stand for election in European and local elections if they live in an EU member state. However, each state has a certain degree of freedom to implement this requirement of voting rights. In this context, some states have amended their Constitutions to give EU nationals voting rights in European and local elections, while others have put in a few restrictions.

2. For a discussion on this, see Smyth, 2005.

Several states in Europe have granted the right to vote in local elections to third country nationals who are residents in the country of their settlement. The right to vote in municipal elections for third country nationals was first granted in Ireland (1963) in Sweden (1975), in Denmark (1981), in Norway (1985), the Netherlands (1985), and Belgium (2004). However, there is a minimum residence requirement which ranges from three to ten years to exercise this right. In Sweden, all foreigners who have held a resident permit for at least three years have the right to vote and stand for election in municipal, regional and religious elections. Similarly, in the Netherlands, foreigners who have been legally resident for five years or more have the right to vote in local elections but not in provincial, national and European elections. In Portugal, residents from Portuguese-speaking countries have the right to vote in national and local elections and citizens of some other countries such as Argentina, Israel, Norway, Peru and Uruguay, have been entitled to vote in local elections after three years' residence since 1997.³ In the United Kingdom, in addition to British citizens, all Commonwealth countries' citizens legally resident, without any length of residence, have a right to vote and a right to stand for elections. It is clear that in Europe, different trends are emerging in relation to the rights of citizens and non-citizens. On the one hand, EU citizenship was formally introduced as a legal concept in the Treaty of Maastricht in 1992.⁴ As mentioned above, they may vote or even stand as a candidate in municipal and European parliamentary elections in the member state where they now live, but not in national elections.

At the time of the introduction, some people feared that EU citizenship would replace or undermine national citizenship. However, this was later clarified in an amendment to the treaty that "citizenship of the Union shall complement and not replace national citizenship". Therefore, EU citizens enjoy a multilayered citizenship. However, these developments have not encouraged more voting rights for third country nationals resident in the EU. But some other developments in the EU have recognised diversity and placed a greater emphasis on citizenship values. These values include "liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law".⁵ In addition, recent EU directives express these values in clear terms and equally apply to all persons legally resident, including third country nationals, in the EU. These include banning discrimination on the grounds of nationality and gender and equal treatment for all,

3. This is allowed on the basis of reciprocity.

4. See the Treaty Establishing the European Community (TEC), Articles 17-22.

5. See Consolidated Treaty on European Union (TEU), Article 6, paragraph 1.

regardless of their racial or ethnic origin, disability, age, sexual orientation in employment and access to services, and also a ban on religious discrimination in employment. As is clear, these directives do not extend equal treatment in terms of voting rights for third country nationals legally resident in the EU. However, the Council of Europe has made several efforts in this context.

Let us now review some of the human rights law which argues for granting of non-citizen voting rights. The 1966 International Covenant on Civil and Political Rights (ICCPR) limits a range of rights including voting rights to citizens (see Article 25). However, the Human Rights Committee's interpretation appears to bring non-citizens within the purview of Article 25: "states reports should indicate whether any groups, such as permanent residents, enjoy these rights on a limited basis, for example, by having the right to vote in local elections or hold particular public service positions" (Human Rights Committee, 1996). The committee also states that any distinction between the voting rights of birthright citizens and those citizens who have naturalised may raise questions of compatibility with Article 25.

Similarly, the International Convention on the Elimination of all Forms of Racial Discrimination (1966), Article 5, includes "political rights, in particular, the right to participate in elections – to vote and stand for election – on the basis of universal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service". However, the convention creates a distinction between citizens and non-citizens when it comes to voting rights. Overall, it appears that "there is no emerging norm of customary international law to the effect that non-citizens have the right to vote and participate in elections" (see Smyth, 2005). The only convention which specifically deals with the participation of foreigners in public life is the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level (1992). It asks member states in Chapter C to grant the right to vote to foreign residents and also to stand as candidates in local authority elections, "subject to a lawful habitual residence requirement of five years, though states may opt for a shorter period of residence". In addition, states may opt to restrict the right to stand for elections to a longer period. However, Chapter C is optional and therefore some states may not apply the provisions of this chapter (Council of Europe, 1992). Despite the limitation of the convention on voting rights for non-citizens, so far, only eight out of forty-six member states of the Council of Europe have ratified the convention.⁶ Therefore,

6. Only Albania, Denmark, Finland, Ireland, Italy, the Netherlands, Norway and Sweden, among the 46 members of the Council of Europe, have ratified the convention.

the convention has not produced the desired results due to its limitations and limited ratification.

Above all, the history, constitutional framework, national philosophies regarding integrating migrants, the reactions of the majority population in relation to migrants, the size and location of migrants, their length of stay, their religious and cultural differences in relation to the majority population are important factors for the political participation of migrants.

3. Ethnic minorities in British politics

As mentioned above, ethnic minorities in Britain have a right to vote and stand for elections both as British citizens and as Commonwealth citizens. In this section we examine how far they have exercised this right and participated in the electoral process. We also analyse the responses of the political parties to the participation of ethnic minorities in politics and look at the representation of ethnic minorities at various levels of the British political system. Has this representation influenced relevant policies concerning ethnic minorities' interests at different levels or does this representation simply have a more general symbolic value?

Due to mass migration of ethnic minorities into the UK after the Second World War, in many areas the electorate has become multiracial. According to the 2001 Census, 8% (4.7m) of the total population was categorised as ethnic minorities. Ethnic minorities are highly concentrated in industrial and urban areas. This means that the ethnic minority population is not distributed throughout the country in the same way as the white population. Not only are there concentrations of ethnic minorities, but there is also a great diversity among these populations. The two large groups of ethnic minorities are Asians (50%) and Blacks (25%) (Office for National Statistics, 2004). According to a 2001 *Census Report*, 23 of the UK parliamentary constituencies had more than 40% of the population categorised as ethnic minorities (Office for National Statistics, 2003).

a. Electoral participation

It must be pointed out that it is not only the number of ethnic minorities in certain areas which makes them electorally important but also whether they actively take part in the process through registration on the electoral register, and, if they are on the register, whether they come out to vote. It is also worth pointing out that the level of political awareness among ethnic minorities has increased in the last two decades partly due to ethnic minority organisations, political parties and ethnic minority media.

Several studies since 1974 have shown that non-registration among ethnic minorities in the UK is significantly higher than among white people. In 1974 a sample survey showed that only 6% of whites were not registered to vote compared with 24% of ethnic minorities (Anwar and Kohler, 1975). In 1998, it was discovered in a survey in five local authority areas (Anwar, 1998) that the non-registration among Black respondents was still very high (26%) but the registration for Asians and whites was fairly similar (18% and 19% respectively). The reasons for non-registration included: the doubt about their residence status, language difficulty, fear of racial harassment and racial attacks from extreme right groups who could identify South Asians, Chinese and others from their names on the electoral register. Other reasons included the alienation of young ethnic minorities but also of young whites, from the political system; and the policies of the registration offices which have not changed their methods to meet the needs of their multiracial electorate. Registration levels in different areas vary and are linked with the policies and practices of local registration offices and with the interest taken by political parties and ethnic minority organisations in persuading and helping people to participate in the electoral process. With the new rolling register system introduced in February 2001, people are able to register throughout the year rather than once a year under the old system.

Due to anglicised names for some groups such as Blacks, it is difficult to calculate turn-out for them because their names are not identifiable from the "marked electoral register" which is used to calculate turn-out levels. One way to overcome this difficulty is to compare Asians with non-Asians either by observing voters as they come out of polling stations at elections or by checking the marked registers after a particular election.⁷ Various surveys undertaken in the last 30 years at several local and national elections show that the Asian turn-out on average was higher than that of non-Asians. Table 1 shows the details of turn-out of Asians and non-Asians in four parliamentary constituencies at the 2001 general election.

7. There is always a small margin of error in identifying the name and the ethnic group of some electors, as some Asians also have anglicised names.

Table 1 – Asian vs. non-Asian turn-out, 2001 general election (%)

Parliamentary constituency	Asian turn-out	Non-Asian turn-out
Ilford South	52.6	47.4
Walthamstow	56.6	53.3
Birmingham Perry Barr	53.5	33.5
Birmingham Sparkbrook and Small Heath	56.5	44.5

Source: Anwar, 2005.

It is clear from the table that Asian turn-out was higher than non-Asians in all the areas in the study. The results from a survey commissioned by the Electoral Commission into public attitudes towards voting, elections and the political process also confirmed this trend (see Electoral Commission, 2002). The reasons for non-voting for all ethnic groups include: alienation, apathy and convenience.

The responses of political parties are crucial to encourage greater political participation of ethnic minorities. These include special arrangements to attract ethnic minority support, manifesto commitments at elections and the representation of ethnic minorities at local and national levels. It is also clear from research evidence that initiatives to attract electoral support of ethnic minorities can be taken by political parties and their leaders without the fear of losing white voters, which was the case in the 1960s and 1970s.

b. Representation

We have clear evidence that there is very strong support for the involvement of ethnic minorities in politics. In a survey, an overwhelming majority of ethnic minorities as well as whites (both 97%) felt that ethnic minorities should be encouraged to participate in the British political system (see Anwar, 2005). Almost 98% of ethnic minority respondents but also 91% of whites thought that there should be more elected representatives from ethnic minorities. However, the fact is that ethnic minorities are seriously under-represented in the political process. Many ethnic minority candidates have contested elections for the three main political parties since 1970 but they were generally never given winnable seats. It was in 1987 that, for the first time, four members of parliament (MPs) of ethnic minority

origin were elected. Table 2 shows the number of candidates, at general elections, for the three main political parties and the number who were elected between 1970 and 2001.

Table 2 – Candidates selected and elected since 1970

	Con	Lab	LibDem	Total	Elected
1970	0	1	3	4	0
1974 (fév.)	0	1	1	2	0
1974 (oct.)	0	0	1	1	0
1979	2	1	2	5	0
1983	4	6	8	18	0
1987	6	14	9	29	4
1992	8	9	7	24	6
1997	11	14	19	44	9
2001	16	21	29	66	12

Source: Adapted from *Runnymede Trust Bulletin*, 326, June 2001.

At the 2001 General Election, all 12 MPs of ethnic minority origin belonged to the Labour Party. At the 2005 General Election, the number of ethnic minority candidates for the three main political parties increased significantly and 15 MPs of ethnic minority origin were elected but this time, two of them belonged to the Conservative Party. On the whole, the electoral performance of ethnic minority origin candidates was fairly similar to the regional vote share for the main political parties. This shows that electors are supporting ethnic minority candidates as their party candidates.

It is clear from the evidence that the representation of ethnic minority origin MPs in the House of Commons (15 out of 645) still does not reflect their numbers in the population. Sixty MPs of ethnic minority origin would be a more accurate reflection. In the House of Lords, the number of ethnic minority origin members has increased significantly to 24 in the past few years. In particular, the number has more than doubled since 1997 when the Labour Party came to power. Out of the total British MEPs in the European Parliament, four are of ethnic minority origin (two Labour, one Conservative and one Liberal Democrat).

At the local council level, it appears that slow progress is being made over time. For example, in the London borough elections in 1974, only 12 ethnic minority origin councillors were elected but recently there were over

120 out of nearly 2 000 councillors. Overall, it is estimated that nationally there are about 550 councillors of ethnic minority origin out of a total of 22 000 councillors. Three points are worth making: 1. the number of ethnic minority origin councillors does not reflect the number of ethnic minorities in the population; 2. they are mostly concentrated in the inner-city areas of metropolitan districts; and 3. the majority of those councillors represent the Labour Party.

Over time, the participation of ethnic minorities in the electoral process has increased although their representation has made slow progress. This is an encouraging indication of the extent of their integration into the main stream of political life in the UK. However, it is clear that political parties and ethnic minority communities need to do more to achieve fair representation at local, national, regional and European levels.

4. The role of ethnic minority organisations and political parties

Ethnic minority organisations and leaders also promote the participation of their members in the political process. There are more than 5000 ethnic minority organisations throughout the country. The role of ethnic minority leaders and ethnic minority organisations is very important in the political process but also their activities in terms of pressure groups and protests on various issues are crucial for their civil participation.

However, it must be pointed out that ethnic minorities are not a homogeneous group. Therefore, on some issues their mobilisation is based on their ethnicity or religion. For example, the "Rushdie affair" in 1989 and more recently the Iraq war and the issue of the publication of cartoons have made Muslims in the UK more politicised and, as a consequence, they have been mobilised by community leaders on other issues as well. Many Muslims argue that they are not being treated equally as a religious community and as a result some young Muslims have recently become more ardent supporters of the genuine demands of Muslims in the UK. This has also influenced their political participation. Similar trends are found in other European countries such as France, Germany, the Netherlands, Denmark, etc., where Muslims have mobilised against the increase in Islamophobia. These trends are borne out of several reports of the European Monitoring Centre on Racism and Xenophobia (EUMC) since the events in the United States (US) of 11 September 2001 (see for example EUMC, 2001). In the 2006 local elections, for example, the BNP candidates openly attacked Muslims in their literature and speeches. In these local elections

the number of BNP councillors more than doubled from 20 in 2005 to 44 in 2006.⁸ However, it appears that Muslims and other political activists of ethnic minority origin are determined to counter the propaganda of the BNP by increasing their communities' participation at the ballot box. In this context, there is an overwhelming support, both among electors and main political party candidates, for encouraging ethnic minorities to participate in the existing political parties rather than having their own ethnically based political parties (see Anwar, 2005). However, there appear to be some problems in terms of equal opportunities for ethnic minorities in this context. Therefore, it is the responsibility of the political parties as well as of ethnic minority communities and their activists to increase the number of ethnic minority origin people in the decision-making process. The candidate selection process is the crucial gateway into the House of Commons and local councils.

In addition to electoral politics, it appears that generally Afro-Caribbeans in the UK mobilise along racial lines, use a strong assimilative Black identity, conventional action forms, and often "target state institutions with demands for justice that are framed within recognised framework of race relations" (Statham, 1999). However, a high proportion of Asians, particularly Muslims, with a religious identity, make claims using religious forms of identification. Some of these claims are made through ethnic minority organisations who also provide education and training, health support, welfare and legal advice and advocacy, day care facilities, housing and accommodation, cultural, sports, religious and leisure activities (see Koopmans and Statham, 2004). Generally these organisations are often involved in their own community politics, advocacy, lobbying and campaigning on relevant issues and policy guidance. Overall, these community organisations play an important role in the integration of their members in the UK.

Conclusions

The political participation of migrants is clearly linked to the history, constitutional framework, and philosophies of integration in different European nation states. All states are multi-ethnic and multicultural. For example, there is no state in the European Union which is mono-cultural. Therefore, diversity is a fact but this does not mean that all states in Europe are

8. Nationally in 2006 local elections, the BNP put forward 350 candidates.

multiculturalists, treating all cultures with the same respect and recognising them as an added value to European society as a whole. There are five possible models that European states could follow to cope with diversity:

1. *Procedural*: the state is neutral vis-à-vis culture, and only a few basic procedures are common in society.
2. *Nationalist*: the state promotes a single culture, and those who do not assimilate to it are second-class citizens.
3. *Liberal/Constitutional Patriotism*: there is a uniform political culture in public life which provides for cohesiveness but diversity is private.
4. *Plural*: in the public and private spheres, there is both unity and diversity; the public realm is “continually revised to accommodate cultural diversity in society at large”.
5. *Separatist*: the state permits and expects each community to remain separate from others, confining itself to maintaining order and civility.⁹

However, it is clear that no state in Europe is composed of only one of these models, but shares features from all of them in different ways in the light of their history, constitutional arrangements, migration experience, respect for human rights, philosophies and policies on integration of migrants. For example, the UK follows a multicultural framework but France practises a republican integration philosophy, which is based on the highly normative ideal model of individuals as citizens, imposed on migrants. As indicated above, in many European states non-citizens are excluded from the electoral process completely and in this way they are not treated equally and are “second-class” citizens. In addition, we know from research evidence from various countries, that even those who have become nationals of the country of their settlement still face racial, cultural and religious discrimination.¹⁰

The international human rights standards, in particular those included in the European Convention on Human Rights (ECHR) provide a minimum guarantee of protection for individuals and a framework for multicultural situations. In this context, the right to participate in the decision-making process could help the integration of legal resident migrants in the European states. Migrants’ integration into the political process

9. For the analysis of these models, see Commission on the Future of Multi-Ethnic Britain, 2000.

10. This is shown in many studies across Europe and also in the various reports produced by the European Monitoring Centre on Racism and Xenophobia (EUMC).

of their adopted country is of fundamental importance as “citizens”. The label of “third country nationals” shows inequality and does not help the process of incorporation of “new citizens”. Migrants need to feel that they are accepted as full citizens rather than “outsiders”. The importance of migrants in the political process is unquestionable. Through the decision-making process not only can they gain equality in the political arena, but also through it, which helps to achieve equality in other fields as well. Political participation of migrants also has its symbolic value in that migrants are accepted as equals. Political involvement, power, and influence in politics is important to highlight issues and influence political decisions.

The participation of migrants in politics is a two-way process: the political parties must open their doors to migrants and welcome them as members by removing all the barriers; and the migrants must feel free to join the political parties and take initiatives without any fear of prejudice, discrimination and rejection. The political parties need to make sure that their migrant origin members also get an equal chance to represent the party at all levels to make their representation effective. As shown in the UK’s case, both electors and political party candidates rejected the idea of separate parties for ethnic minorities. It is in the migrants’ interest that they join the existing political parties wherever they live. However, the evidence presented above shows that European states have a long way to go to achieve equality for migrants in the political process.

Finally, looking to the future, the following action is proposed to integrate migrants in the political process:

1. all legal resident migrants should be given the right to vote and stand for election in local, regional, national and European elections;
2. political leaders should shape, not pander to public opinion on issues relating to race, culture and diversity;
3. politicians and others should present a national story that includes migrants and should take opportunities to speak against all forms of racism;
4. politicians should never play the “race card” to maximise their own electoral support;
5. migrants should be fully involved in the party political system at local and national levels, as both elected representatives and party activists;
6. migrants should also be included in nominated bodies at local, regional and national levels.

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III – How can the right to stand for election improve social cohesion in a multicultural Europe?

*Conversation with Emine Bozkurt**

1. Migrants in political life – closing the gap of democratic representation

Why is it necessary to involve more people from different origins, cultural and ethnic backgrounds in European policy-making?

I think Europe will be a stronger world player if it can develop from its diversity rather than emphasising the differences and divisions. Therefore, what I would propose is that migrants finally are seen as European citizens with the right to vote at the national and European level. If you really want people to vote, you must make them aware of the importance of their right to do so.

The disproportionate ratio of representatives in our political assembly compared to the demographic ratio of immigrants in the overall population is becoming a significant democratic problem in Europe. During the last few years has the need for migrants (and their children) to access political rights been met with support, indifference or substantial hostility by the rest of the population?

In the Netherlands I see that the rest of the population is rather indifferent to the efforts of migrants to get better representation. However when they believe there are too many migrants or visible representatives of migrants, the majority population starts to feel threatened. Then it objects to what it sees as “over-representation”, even though factually migrants are still under-represented. Subsequently Dutch people start voting for “Dutch” politicians who claim to represent the “indigenous” Dutch voice in politics. Unfortunately these politicians are often of the populist variety.

This issue is, however, faced differently from country to country. Of course some countries have fewer migrants than others, but overall it is a matter of representation of the different groups of a society. In some countries

* Member of the European Parliament for the Dutch Social Democrats, Member of the Committees on Employment and Social Affairs, Women’s Rights and Culture and Education. Also a member of the Joint Parliamentary Committee EU – Turkey.

there is a wider awareness that everybody should participate and be involved in the political arena, but certain countries have more adequately addressed this issue than others. If you compare the number of migrants from the Turkish community in the Netherlands to that of Germany, you will find that in both countries five or six individuals of migrant origin are acting as representatives in Parliament. However, when you take into account the fact that the Netherlands has a very small population of only 16 million people and Germany is the largest country in the European Union, the proportions are very much off balance. It is important that these individuals of foreign origin are present, but with around two million Turkish migrants residing in Germany, there is not sufficient representation of this group for such a large country. At the local level there is more participation, but the higher the level of government, the fewer migrants are present. For instance, when you consider the European Parliament with 732 members, I am one of the few parliamentarians of migrant origin. As such, it seems as though the migrant participation could occupy much more space in the parliament, so that a greater level of participation could be achieved. I think that if members of the European Union really do care about the participation of all members of their state, action should be taken to encourage equal participation in the political system. Contrary to what is usually said (“we can’t find good candidates”) there are a lot of good candidates but real efforts to find them and to support them should be taken. The political parties are getting more and more aware that society is changing and that this has consequences for the way of recruiting candidates for political representation.

How do you address the fact that some nationals do support a migrant’s right to vote, yet they are surprised and react quite negatively when the elected candidates are not of Dutch origin?

There is a huge contradiction: migrants should vote, but they are expected to vote for the “ideal” Dutch, that is, male, over the age of fifty, with a great deal of experience. Just recently there has been a study by the University of Amsterdam to find out about “ethnic” voting of migrants during the last local elections in four big cities in the Netherlands. It appeared that 38% of the voters of Turkish origin voted for a Turkish candidate, 36% of Moroccan voters voted for a candidate of Moroccan origin, 19% of Surinamese voters for a candidate of their own origin and 2% of the Antillean voters voted for an Antillean candidate. The most ethnic voters were the original Dutch voters: 81% of them voted for a candidate of their own origin!

In the past, migrants were not as eager to vote, but today, people are becoming more aware that they can become a decisive factor in the Dutch political system. This increases political participation as well.

There certainly is a paradox: on the one hand, people very much support the right of migrants to participate in the political system, yet once they begin voting, people are very surprised that the votes are given to candidates of the same ethnic origin. After local elections in the Netherlands, there were criticisms that certain parties, especially the Social Democrats, were becoming “the parties of migrants”, in that some parties had received many votes from migrants and there was also an increase in the number of elected Turkish candidates. In truth, it is a ridiculous debate because it is not a matter of division between the Dutch people and the migrants: we are all Dutch and have the same right to vote. If you think that as an elected official a candidate of your ethnic background could be more attentive to your problems, what is the harm in electing a qualified person?

Data shows that there still is a lower electoral participation among people of foreign origin, especially among young people. How do you try to build confidence between you, that is, the political class, and the people?

People are seeing the importance of participation through representatives of migrant origin who are successfully filling their positions and are having a legitimate influence in the political arena. With such examples of accomplishment, migrants are reassured that it is, in fact, possible to attain an influential position in politics. It has been my experience that many migrants see the position I have assumed and they ask me what they need to do in order to reach the same level of participation in the political system. Forty years ago when migrants came to the western European countries, they were coming here solely to work. Now, however, there are second, third and even fourth generations living in Europe and they are realising that they are becoming a more integral part of society. At the end of 2006 we will have elections in the Netherlands and I know that there are many migrants planning their candidacies. In the past, political parties were always complaining that they could not find qualified migrant candidates, but this no longer is the case because there now is a multitude of candidates.

Do you think that the newfound openness of political parties to migrants is a sincere attempt to integrate these groups of people or do you think it is merely a strategy to attain more votes?

We have seen throughout history that parties are not always very sincere. Often, the migrant candidates that run with a certain party are given a very low position on the ballot where they have no real chance to become elected. Politicians with a migrant background have never made it higher than No. 2 on the election lists. Even if No. 1 drops out, as in the case of the death of Fortuyn, the “migrant” No. 2 is not considered as a serious successor. This shows that the No. 2s were only there to attract votes and not as serious candidates for the party leadership. In the past, I have seen that migrant people tend to give their votes to a candidate of their own origin, but I think that this will change in the future. Even now we are seeing a change in mentality as voters are not only considering the ethnic background of a name on the ballot, but they are also taking into account the candidate’s party, the platform, and his or her specific qualifications before casting their votes. It is also a matter of time and building trust. Right now the elected representatives of migrant origin have a great deal of responsibility because if they do poorly, the reputation of all candidates of that origin will be degraded and on the other hand, if they do very well, it could boost the reputation of successive candidates from that community. As a matter of democracy, it can be very bad for society if groups of the population are excluded. If all parts of the population are involved in politics, however, everyone can contribute to the building of society. Especially as Europe becomes more and more culturally diverse, it is important to have shared political values.

2. Cultural diversities and political participation – challenging some misunderstandings

The media is a key tool in democratic life. On the one hand, it can inform people so that they are more capable of participating in the political realm, but on the other hand, it can also present a skewed picture of reality. What effect do you feel that the media have had on political participation of migrants and on their acceptance by the rest of the population?

The role of the media is extremely important but at the same time it can lead to a very negative image. Good news is ignored and bad news is exploited. Bringing different groups together is less interesting than polarising them. For instance, in the Netherlands the news programmes concentrate on criminal Moroccan men. This causes a negative image of this group of people and a stereotype develops which causes all non-criminal Moroccan men to be suspect. There is a responsibility of the media to show the whole picture, but in practice that is not done. There is a lack

of programmes showing a real reflection of society. For instance, soap operas solely depict white middle class people with no attention paid to the fact that migrants compose an important segment of our population. It seems as though the media is unaware of the fact that there is a new reality of diversity. Very slowly, small changes are taking place but a great deal of typecasting continues to occur. For instance, a Turkish actor will continue to play the role of a poor-spoken Turkish man which only serves to further existing stereotypes. I have been on a board which made an evaluation of the Dutch public broadcasting media. Though it was not my specific role, I felt the responsibility to ask questions regarding multiculturalism and I found that it was not a very big issue. For example, one of the larger broadcasting organisations had to make a report on what they have done and they claimed multiculturalism as one of their accomplishments. When I read their report, it showed that they had a morning aerobic programme for the elderly and since the man that conducted the programme happened to be black, they used the programme as an example of the multiculturalism of their programming. This is not the sort of diversity that needs to be shown; the idea is to have programmes, reports and documentaries about the reality of life in the Netherlands which depicts true diversity. There is a conflict of interest though, because public broadcasting has to appeal to viewers, therefore its main goal is not always to send a good message about the cultural landscape of Europe, but to make a profit with the greatest number of viewers. Being that these organisations do not economically profit from their moral responsibility, diverse and cultural programming is not often shown. The same attitude is reflected at the moment in the Netherlands, as the atmosphere is not very open to migrants. As a result, we are witnessing a large number of well-educated people returning back to the countries of their parents' or grandparents' origin. This is a great loss for the Netherlands – it is a loss of human capital.

Was there any specific cause for this change in attitude towards the migrant population in the Netherlands?

Of course, following 9/11 there was a great change throughout Europe. More recently, the murder of the Dutch anti-immigration politician Pim Fortuyn by a white Dutch man took place and after that, the murder of Theo Van Gogh, a film director who recently created a rather controversial film based on violence against Islamic women, was committed by a Dutch Moroccan man. These incidents had a large impact not only on society, but at the highest political level within the government because different groups of people were blamed for these sorts of attacks.

Furthermore, not enough has been done to facilitate integration and to ease the harshness and rigidity of migration policies. Rather than looking at the migration situation from a positive aspect, migrants are being punished. It should be a two-way direction. In the long term, it is more important to include these people so that everyone can claim responsibility for the future of the Netherlands.

Does voting in the Netherlands take place primarily along ethnic or religious lines or is it based on the qualifications of the candidate regardless of origin?

What I see in practice in the Netherlands is that neither ethnic based parties nor religious based (other than Christianity) parties have much of a chance of success. Mainstream parties have to see the importance of citizen's participation in these other organisations in order to understand their interests, but if people really want to become an important influential factor in politics, they ought to become involved in the established institutions and parties. I am not in favour of people grouping together in political organisations that are primarily based on a common religion or ethnicity, but if people are doing this, it is their democratic right to do so.

The misunderstandings that arise from differences in cultural backgrounds and religion are often perpetuated by the political system when politics tend to rely on division rather than mutual understanding. What is, in your experience, the best way for a politician to address the question of secularisation and deal with the issues related to religion and cultural diversities?

Though I myself am a Muslim, my belief is that as a politician or government official, one should remain neutral. Often in politics, religion and culture foster networking of candidates who identify with a group of people that hold the same beliefs or traditions and this can make contacts and relations easier. However, I will fight as hard for the rights of Jewish people as for Muslims, Christians or atheists. In this way, I think it is important that the state retains a neutral attitude. At the same time, despite the formal division of church and state, many countries have developed with hundreds of years of religious traditions. One can see the effects of such traditions in the Netherlands; though this country is secular, in Article 23 of the constitution it is stated that religious education should be supported by the state. The specific situation with Islam right now is very difficult because it is thought of as a very dangerous religion solely because of the actions of a handful of Muslims. For this reason, it is very difficult to express oneself as a Muslim, if one wishes to do so, because

people immediately become suspicious and sometimes even aggressive. This situation brings about a great challenge to Europe because if groups of people do not feel welcome, this will lead to social exclusion and in the long run, a division of Europe. Individuals such as myself face many challenges because even though I am a Dutch citizen, because of my Turkish background, people are not as willing to accept me as Dutch because I look different. I think it should be a question of interaction rather than of acceptance and intolerance.

3. Active participation as a way for sharing responsibility

When you decided to enter the Social Democrat Party and become involved in politics, what were the main obstacles that you faced? What exactly was your experience entering the political arena as a young woman of Turkish origin?

When I began working after finishing university, I was confronted with a great deal of social problems of migrant groups. Instead of watching on the side line I wanted to find a way to have a greater influence on the political system. I decided to become a member of the Social Democrat Party. I started becoming active in a multi-ethnic women's network and also with a youth organisation, among others within the party, in order to find my interests. I realised that European politics were of my greatest interest. It certainly was not easy to become active and advance within the party. In 1999 I was put on the ballot as a candidate for the European Parliament but in a very low position on the list. Though I did not succeed in becoming elected the first time, I decided that I could either take it as a defeat or as a challenge. I chose the latter and became much more involved in the campaign process in order to gain experience before the next elections. When the next elections came around, I was put on the ballot in the seventh position which was fine because we were expecting to have seven seats in the Parliament. However, when a colleague who was already in the Parliament was put in a very low position, she lobbied in order to advance herself and did so successfully. As a result, I was pushed down a level on the list, to the eighth position. As was expected, the Dutch Social Democrats received seven seats and when the results came in for the election, I had not come in first, but a few days later the preferential votes were counted and it turned out that I had gained around 24300 votes and I was elected. This was a great accomplishment because I had gained a seat based on the direct mandate of the people. In the Netherlands I was the first candidate of migrant origin who succeeded in campaigning to be elected in the European Parliament on preferential

votes. My main political theme has always been that I fight for equal rights of all people, men and women, gay and straight, regardless of colour, religion or creed, because Europe is there for everyone. Many of the voters who voted for me were from my specific target groups, namely young people, gays, migrants (especially Turks) and women. After this success, many more people of migrant background began planning their own candidacies. A lot of young Turkish women now come to me to ask how they should act to also become a parliamentarian. They see that it is possible and that I am successful in politics not in spite of my background but thanks to my background, being a young woman of Turkish origin.

As you have already pointed out, there is a growing interest in politics among the immigrant population in the Netherlands. Is this interest shared by young people too? In general, how could it be possible for them to translate their interests in social and political issues into an effective involvement?

I tell people that if they want to have an influence in politics, they should become members of a political party. It is easy to criticise the work of current politicians, but the best way to see a change is to accept the responsibility of an active member of society and become a member of a political party. The problem right now is that political party membership is, in fact, decreasing. A collaborator of mine did a survey on students of Turkish origin in the Netherlands. These are intelligent and very well-educated people who could be very significant players in political discussions but they are not really participating in the debates, or really in active political life. The findings of the survey were very interesting because it was not only a matter of why these students were not participating, but also what they knew about the situation of Turkey's accession to the European Union. One of the outcomes was that 80% of the students were supporting Turkey, but they were very critical of the issues of women's rights, trade unions and the human rights situation in the south-east with the Kurdish people and they said that Turkey has to improve these issues if they were to continue supporting the country. This study pointed out to me that though these students have very strong opinions, they do not have a very good idea of where to start in the process of becoming involved in the political system. One of the results of this study is an initiative to write a newsletter on these particular issues for a large group of students as a way to inform them with better, more objective information. My "hidden agenda" is that once these students become more informed, they will gain experience, participate in general debates and send opinion letters to newspapers.

Are there any associations or other spaces where migrants, particularly young people, can become aware and active in politics? Are these NGOs financed and supported by public authorities?

NGOs can be a good start if people are wishing to become active within their own community and better identify their opinions on certain issues. These organisations are a good tool to educate people on how to deal with political issues and the structure of the system itself. In reality though, what has happened is that people will hold positions on the board of directors of these organisations for as long as twenty years, doing the same work. The problem with this continuity is that young people are not able to access these associations and without the new initiatives of younger people, these organisations become less effective in involving new groups of people in the democratic system. After learning the basics, I think it is important for people to move on to a higher level of participation in politics. I think it would be much better if the high positions in NGOs and other organisations were held for only one or two terms in order to allow more access to these important roles. What you see in practice is that a lot of this sort of NGOs are financed on the basis of specific activities, very often integration linked activities. That means that there is less money for general purposes, such as educational purposes. Another development is that the younger generation is getting less and less interested in these organisations.

If you really want migrants to become European citizens, you must address the issue of social exclusion and look forward to a Europe with more diversity and cohesion. The contribution that participation of migrants can give for achieving social cohesion in a multicultural Europe is very important. The active presence of migrants in democratic life can be a better guarantee of fighting the discrimination and inequality that affect migrants. It is very logical that people who best know the problems can contribute to solving them. That will improve the well-being of people living in Europe. To the people of foreign origin, I would say if you really want to have a voice in the political debate, you can criticise it, but if you want to change the script of politics, you should be one of the people writing it.