



## RELEVANT EU LEGISLATION – INITIATIVES – OPINIONS

### INTRODUCTORY REMARKS

The following text includes the results of an analysis of EU initiatives in the field of integration of third-country nationals and intercultural dialogue. It does not cover *all* measures taken directly or indirectly (for this, the whole EU acquis would have to be analysed), but focuses in particular on initiatives regarding a) Participation in economic life; b) Participation in public life/Political participation/Civic citizenship; c) Intercultural Dialogue. Moreover, a comment on the issue of local partnerships has been included.

The analysis examined in the first place measures designed for third-country nationals. However, the actions described in the field of intercultural dialogue apply most often to all groups of inhabitants, be they third-country nationals, European citizens with or without immigration background etc.

Most of the initiatives for integration can be found in the field of economy. In other domains such as political participation, a number of declarations of good will still seem to prevail over concrete actions. Nevertheless, it has been considered useful to confront these official statements and declarations with measures that have actually been adopted and implemented. This might help defining shortcomings at local and national level and formulating well-founded recommendations to national governments and the EU level.

When analysing EU initiatives in the field of integration/intercultural dialogue, one should take into consideration the weight of decisions of national governments. Particularly with regard to voting rights and other forms of political participation, it is still up to each member state to take its own decisions and adopt its own rules.

In other domains in which decisions may be taken at EU level and initiatives prepared by the European Commission, the Council (e.g. national governments) still has the last say when it comes to the final adoption of specific measures.

For a better understanding of the competences of the EU and the national level, the following presentation of EU initiatives will start with a short overview on their general framework, i.e. treaties and programmes adopted by the member states.

## 1. THE TREATIES/PROGRAMMES

EU immigration and integration policy is still fairly young. For a long time, these fields were considered sole competences of the member states. After the introduction, in the Rome Treaty (1957), of the right of freedom of movement Community actions rather referred to migration *within* its borders.

However, an increasing number of legal and illegal immigrants and asylum seekers entering EU member states, the Schengen agreement of 1985 as well as the perceived danger of terrorism, on one hand, and an increasing need for (economic) immigration to Europe, on the other, finally led to joint actions of the member states.

With the Amsterdam Treaty (1997) the “Area of Freedom, Security and Justice” was created. The member states decided to more closely collaborate on asylum, visa, immigration and other matters linked to the free movement of persons. They transferred specific competences, i.e. regarding external border control, asylum, immigration and judicial cooperation on civil matters, to the Community level. (Regulations relating to conditions of entry, the granting of a residence and work permit or questions of citizenship, however, were considered a competence of each single member state.) However, very specific decision procedures, in which the Council has a major weight, apply. Moreover, Great Britain, Ireland and Denmark benefit from an “opt-out” rule and may decide on a case-by-case basis if they take part in specific policy measures.

The Tampere Council in 1999 helped preparing the ground for a “Common EU asylum and migration policy” which should, amongst other objectives, contribute to manage migration flows, but also promote “fair treatment of third country nationals” and enable them to enjoy similar rights as Member State nationals. These intentions were, even though more indirectly, reinforced by the Lisbon Agenda and its major objectives of economic growth and a greater social cohesion.

In 2001, during the Laeken summit, a “loyalty clause” was introduced to help consolidate joint efforts: The member states committed themselves not to adopt any legislation that might be in conflict with EU recommendations in the area of asylum and migration.

On request of the Justice and Home Affairs Council of October 2002, the European Commission created the network of National Contact Points for Integration which is supposed to facilitate exchange on matters of integration between the member states. In most cases, these contact points can be found in national ministries. The network contributed to a large extent to the drafting and publication of the “Handbook on Integration for Policy-makers and Practitioners”, issued by the European Commission in 2004 and 2006.

During the Thessaloniki summit in 2003, migration and asylum issues were declared joint responsibility of DG Social Affairs and Employment and DG Justice and Home affairs (as well as corresponding ministries at national level). This decision also raised hope for a stronger focus on integration and related socio-economic aspects.

With the “Hague programme” issued after the Hague summit in 2004, the member states finally laid the official foundations for common initiatives regarding *integration* policy and agreed, for instance,

on the introduction of a “European framework of common basic principles”. (All initiatives taken in the field of regular immigration remain subject to unanimity.)

Following a Commission proposal, the Council, in November 2004, adopted the Common Basic Principles for immigrant integration policy in the European Union.

**Common Basic Principles for Immigration Integration Policy in the European Union:**

- Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.
- Integration implies respect for the basic values of the European Union.
- Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.
- Basic knowledge of the host society’s language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.
- Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.
- Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration.
- Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environment enhance the interaction between immigrants and Member State citizens.
- The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.
- The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.
- Mainstreaming integration policies and measures in all relevant policy portfolios and level of government and public services is an important consideration in public-policy formation and implementation.
- Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.

*Council Conclusions (Justice and Home Affairs), November 2004*

The concrete application of these principles, however, has been left up to the member states. There is no specific “implementation procedure”. In a number of legislative proposals the Commission and the European Parliament, however, make reference to the principles and seek to promote them as a basis for a strong and coherent future European integration policy.

The field of intercultural dialogue, however, so far remained a competence of the member states. European institutions may only issue recommendations or adopt promotional measures/incentives (see chapter 3.3: Intercultural Dialogue).

In its Third Annual Report on Migration and Integration (COM (2007) 512 final), issued in September 2007, the Commission gives a short comment on the respect and promotion of these principles in the Member States. Notwithstanding some progress in the implementation and a growing number of awareness-raising initiatives at national level, it states shortcomings and needs for action regarding issues such as:

- a) A lack of *structural* measures to increase the host population's capacity to deal with diversity and integration (CBP 1);
- b) Missing evaluation (evaluation instruments) of implemented initiatives (CBP 4);
- c) Insufficient action to address the very specific needs and problems of immigrant children and youth (CBP4);
- d) Only recent involvement into the integration debate of companies as service providers (CBP 6);
- e) Still improvable access to public services and cooperation among public institutions on these matters (CBP 6);
- f) Limited action promoting daily life interaction between immigrants and the host society (CBP 7);
- g) Improvable mainstreaming of integration issues into all policy fields (CBP 10)

## **2. EU BASIC VALUES**

Each institution at European and national level recognises that integration necessitates efforts from both immigrants and host society. However, the necessity to respect EU basic values such as respect of human rights, equality, democracy or fundamental freedoms such as freedom of speech is highlighted. Institutions such as the European Economic and Social Committee or the European Commission pointed already very early to the link between integration/intercultural dialogue and the opportunity/necessity to make the local population discuss on local/national and European values.

The European Commission, in its "Communication on a Community Integration Policy" (COM (2000) 757) stated that "There must (...) be respect for cultural and social differences but also of our fundamental shared principles and values: respect for human rights and human dignity, appreciation of the value of pluralism and the recognition that membership of society is based on a series of rights but brings with it a number of responsibilities for all of its members be they nationals or migrants."

Different EU programmes issued above all in the area of culture and citizenship seek to promote discussion and exchange on the aforementioned values. They had been designed in the first place for European citizens, but include more and more also other groups such as third-country nationals. Examples are the "Community Action Programme to promote active European citizenship", the "Youth Programme" or the new programme "Europe for citizens".

### 3. INTEGRATION-INTERCULTURAL DIALOGUE – KEY DIMENSIONS TO CONSIDER

#### **3.1 Economic participation: Employment/Entrepreneurship/Creativity**

In most member states, face to a lack of rights regarding political participation of third country nationals, *economic* participation still seems to give third country nationals ‘most’ opportunities to contribute *to* and shape their host societies.

##### **3.1.1 Statements:**

Employment is seen by all European institutions and national governments a key factor to successful integration.

However, above all, it is considered a necessity face to demographic decline in the EU Member States and to the challenge of being competitive with other world regions that already attract different types of migrant entrepreneurs or migrant workers. These arguments seem to be a driving force, particularly for the **Council**, in efforts to improve economic integration of immigrants.

Other EU institutions such as the **Commission** highlight the added value migrant workers and entrepreneurs can bring about. Entrepreneurship of immigrants is seen as a stimulating contribution to economic development and economic growth not only because of its potential to create jobs and successfully integrate other immigrants, but also because of specific skills and innovative/creative approaches it might bring along.

This is stated, for instance, in the Commission’s “Third Annual Report on Migration and Integration” or in the Commission’s “Communication on Immigration, Integration and Employment” (COM (2003) 336 final).

Referring, *inter alia*, to the UNESCO Universal Declaration on Cultural Diversity, the Commission further underlines the important contribution of diverse *cultures* not only to social, but also to economic development (see Commission’s Communication “On a European Agenda for Culture in a globalizing world” – SEC (2007) 570). Culture and cultural diversity is seen as a clear “catalyst of creativity in the framework of the Lisbon Strategy for Growth and Jobs”.

With similar arguments, the Commission, in its communication “Promoting young people’s full participation in education, employment and society” also refers to the necessity to better integrate young people with a migration background and ethnic minorities and to foster their potential by promoting social inclusion, their access to education and entrepreneurial skills/projects. (COM (2007) 498)

Moreover, the Commission, in its explanations on the “European Social Fund 2007-2013: Integration of migrants in the labour market” (November 2006), stated: “Integration policies will have to take into account the fact that finding a job appears to be less related to the skills level of immigrants on arrival than to the experience acquired over the years in the host country”. It points to the fact that a lack of instruments to assess, recognise and appropriately use immigrant’s skills and knowledge

fosters their economic and social exclusion. Still too often immigrants, on their arrival, have to accept and work in low-quality jobs which finally prevent them from having access to workplaces that would better fit their capacities.

### **3.1.2 Actions**

#### *Anti-Discrimination Directives*

Two important pieces of legislation to facilitate access also to employment and occupation have been introduced in 2000 with the adoption of the aforementioned “Directive on the implementation of the principle of equal treatment between persons irrespective of race or ethnic origin” (Directive 2000/43/EC) and the “Directive of a general framework for equal treatment in employment and occupation” (Directive 2000/78/EC).

Based on International and European law such as the Universal Declaration of Human Rights, the United Nations Covenants on Civil and Political Rights and on Economic, social and Cultural Rights or the European Convention for the Protection of Human Rights and Fundamental Freedoms, these directives promote equal treatment in areas such as employment and occupation (access and working conditions), but also vocational training, education and – with few exemptions - access to specific goods and services or social protection. They aim to counteract direct or indirect discrimination related to ethnic origin and race, religion or belief, disability, age or sexual orientations.

National governments are called upon to dialogue *with* and *between* the social partners and non-governmental organisations (no specific mentioning of the role of social economy).

*However, both directives do not concern differences regarding specific rights which are linked to nationality and provisions linked to the access of third-country nationals to employment and occupation.*

According to the scoreboard published by the European Parliament<sup>1</sup> on a regular basis, the European Commission has been and still is fairly active in supervising their implementation and sues member states in cases of infringement. Both directives have been combined with a special community action programme (Community Action Programme to Combat Discrimination - 2001-2006), which sets up investigations on discrimination within the EU and is meant to generate adequate solutions. These activities of the Commission together with the policy-shaping role of the ECJ are considered as a motor for future, more far-reaching measures. In this context, one should also highlight the potential impact of the Charta of Fundamental Rights and other Conventions. Their scope of application may in a number of cases also be extended to third-country nationals.

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<sup>1</sup> European Parliament: A Common EU Asylum and Migration Policy. Scoreboard.  
[http://www.europarl.europa.eu/comparl/libe/elsj/scoreboard/asylum/default\\_en.htm#scoreboard](http://www.europarl.europa.eu/comparl/libe/elsj/scoreboard/asylum/default_en.htm#scoreboard)

### *Simplified procedures for residence and work permits*

Moreover, the **Commission**, after the Tampere summit, received a mandate by the European Council to elaborate and table proposals for simplified procedures regarding residence and work permits as well as a better determination of rights of third-country nationals. In 2001, it published a “Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed activities” (COM (2001) 386 final). Following this proposal, third-country nationals, under very specific conditions, would have the possibility to apply for a “residence permit – worker” which would be limited in time and refer to specific fields of activities or regions only. Together with the permit, the worker would receive certain rights linked to mobility within the EU, working conditions, pay, vocational training, social security or medical care. Nevertheless, member states were still given leeway to shape conditions for the permit themselves (introducing limitations in the number of permits issued etc.). The proposal, however, did not find the Council’s approval. Whereas some member states and different European/national stakeholders considered it useful to conceive a set of horizontal, common standards and conditions for the admission of third-country nationals on the labour market, a majority held the suggestions as too far-reaching/going beyond the competences of the Community. Moreover, the proposal was considered not to leave enough flexibility to adapt the provisions to the different characteristics of national labour markets.

In The Hague Programme (2004), the **European Council** gave once again mandate to the Commission to conceive a “policy plan on legal migration including admission procedures capable of responding promptly to fluctuating demands for migrant labour in the labour market”.

Subsequently, the **Commission**, in its communication on a “Policy Plan on Legal Migration” (SEC (2005) 1680) in 2005 announced the conception of a package of directives, including a framework directive which would specify and guarantee rights of third country nationals legally employed in EU countries (without having already obtained a long-term resident status) as well as four directives concerning entry and residence conditions of very specific groups of immigrants only. The latter are supposed to be tabled in October 2007 and will target a) highly skilled workers, b) seasonal workers, c) intra-cooperate transferees and d) remunerated trainees.

(This communication followed a “Green Paper on an EU approach to managing economic migration” – COM (2004) 811 final - in which the Commission had outlined different options to harmonise legislation regarding the admission of economic migrants, issuing of residence and work permits, granting of specific rights to migrant workers etc.)

Rights and obligations of third country nationals that have achieved a long-term status, in contrast, are much more clearly defined in the Council Directive “Concerning the Status of Third-Country Nationals who are long-term residents” (Directive 2003/109/EC). After five years of legal residence within an EU country, third-country nationals obtain an EU status of long-term resident entitling them to enjoy similar *socio-economic* rights as EU citizens, including minimum income support, health care, parental assistance and long-term care. Under certain conditions, this includes the right of free movement within the EU. The residence permit is valid for ten years and automatically renewed, unless the immigrant committed criminal acts etc. In the field of education and training,

the Member States are obliged to grant *minors* access to the education system to similar conditions as they are applied for nationals.

Long-term residents will thus enjoy preference over other migrants, in particular over newly arrived migrants.

On 23 October 2007, the **Commission** finally adopted a) a Draft Framework Directive on the admission of highly qualified migrants to the EU (Blue Card proposal – MEMO/07/423) and b) a Draft Directive establishing a single application procedure for a residency and work permit and a common set of rights for third-country workers legally residing in the EU (MEMO/07/422). The first directive proposes common standards for an accelerated admission procedure and specific social and economic rights for highly-skilled migrants who already signed a work contract in the EU and who would receive a salary of three times the minimum wage in the respective member state. The second proposal aims to simplify and accelerate application procedures all potential immigrants and their future employers. Moreover, it establishes similar socio-economic rights for third country workers as they are enjoyed by EU citizens. However, all procedure would be subject to the specific conditions for labour admission in each Member State.

A few member states such as Germany, however, met the initiative rather with criticism.

#### *Divers Community Programmes*

Apart from these major legislative acts, different Community initiatives were carried out to work on strategies to promote employment and other aspects linked to economic and social integration of immigrants. Various projects in this field received support by the **Community Programmes to promote gender equality and to combat social exclusion**.

In the framework of the **Open Method of Coordination regarding Employment and Social Inclusion**, Member States are encouraged to address the issue of employment of immigrants in their National Action Plans.

An important and very concrete instrument to foster labour market integration of immigrants has been the European Social Fund, in particular the EQUAL initiative.

Actions will now be continued in a complementary way by the new **ESF programme 2007-2013**, PROGRESS programme as well as the Integration Fund for integration of legally residing third country nationals.

The **PROGRESS** programme aims specifically to foster awareness-raising as well as exchange of information and good practices regarding economic integration and employment of immigrants in EU member states.

Specific measures of the **ESF programme 2007-2014** will promote the integration of third country nationals into the labour market in line with the **European Employment Strategy** (the Council, in its decision on the Employment Guidelines - 2005/600/EC - considers economic integration of immigrants “particularly essential”). Measures for labour market integration of third country nationals can be found under the previous ESF funding period. For 2007-2013, however, they have

gained momentum. The ESF will thus finance, in particular, initiatives relating to the facilitation of access to employment, counselling and training “adapted to the specific needs of migrants”, Life Long Learning, entrepreneurship of third-country nationals, awareness-raising campaigns to fight discrimination... Member states may promote a) projects mainstreaming the integration of immigrants in diverse policy domains and issues or b) specific actions that directly target the problem of labour market integration of immigrants.<sup>2</sup>

The **Integration Fund** complements the initiatives taken *under* and financed *by* the ESF. Its objective is to promote social and economic integration especially of newly arrived third-country nationals. The fund will finance specific national programmes as well as community actions. (Similar initiatives specifically targeted at refugees are foreseen under the European Refugee Fund.)

The **Commission** also announced to develop initiatives targeting the economic integration of third-country nationals through the **European Job Mobility Portal (EURES)** which provides information and advice to jobseekers as well as employers looking for appropriate workforce all throughout Europe. EURES operates as a network between the European Commission and the Public Employment Services of the EEA Member States. (<http://europa.eu.int/eures/home.jsp?lang=en>)

Ethnic Minority Entrepreneurship is fostered more concretely through the **Ethnic Minority Business Network**. Established in 1998 in the framework of a project promoted by DG Enterprise, the network brings together interested persons from national public administrations of EU member states, candidate and EFTA countries. It seeks to promote ethnic minority business by a) establishing transnational and multi-sectoral exchange of information and good practices, b) encouraging public-private partnerships in this domain and c) raising awareness on opportunities of and obstacles to ethnic minority entrepreneurship at national and European level. It addresses local authorities, national governments, the financial sector, intermediary organisations of ethnic minority businesses and other stakeholders.

Moreover, following a Council Decision on a **Multiannual Programme for Enterprises and Entrepreneurship 2001-2005** (2000/819/EC), Community funds also support, through the **European Investment Fund**, specific micro-lending schemes for immigrant entrepreneurs.

## QUESTIONS FOR DISCUSSION

General Situation:

1. Please give an overview of the different groups of third-country nationals that reside in your city/region (groups and numbers). You may add some information on the different generations (first generation, second generation ...), if data are available. As already mentioned, please refer in the first place to third-country-nationals, e.g. to persons that have not yet acquired the nationality of your country and that are legal residents. You may also deliver some information on other groups of migrants or persons with an immigration background that you consider of **particular interest** for your city/region. However, keep in mind that the INTI programme focuses on third-country nationals – the European Commission expects us to deliver information on this group!!

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<sup>2</sup> European Commission: “European Social Fund 2007-2013: Integration of migrants in the labour market”, Brussels, November 2006.

#### Anti-Discrimination:

1. What kind of discrimination regarding a) employment, b) education/training or c) access to specific services can you observe in your surroundings? *(Please choose two or three examples for each area that you consider particularly important to note.)*
2. Have there been any specific actions in your city/region (legislation and other initiatives, campaigns, events, projects) to combat discrimination especially of third-country nationals? *(Please give an overview on important legislation. Regarding the other initiatives, please make a short summary and describe, in a more detailed way, two examples that you consider particularly important.)* Have third-country nationals been involved in the preparation and realisation of these actions and if so, how?
3. What are, according to your practical experience, factors of success and factors of failure of actions against discrimination? *(Quote and explain at least 5 factors of success/5 factors of failure.)*
4. Has there been any dialogue on these issues between locals and third-country nationals? *Please give examples.*
5. If you are a social economy organisation: Did your organisation take any specific measures to prevent discrimination inside and/or outside your organisation?
6. What could be the role of social economy in promoting (good examples of) anti-discrimination? *Please justify your reasoning with your personal and/or practical experience and/or good practices.*

#### Employment and Entrepreneurship:

1. What are the major problems third-country nationals on your territory have to face regarding employment and entrepreneurship (be it access to employment/entrepreneurship or working conditions)?
2. Have there been any attempts to facilitate access to employment and entrepreneurship or to improve working conditions by social economy and/or local authorities in your city/region *(please give a more general overview as well as detailed information on two or three examples of measures you consider most important and/or innovative)?* Are these measures embedded in a long-term strategy or would you characterise them rather as ad hoc measures?
3. How are third-country nationals on your territory prepared for employment and/or entrepreneurship *(please give a more general overview of measures that exist on your territory)?* Please specify in which way social economy organisations on your territory contribute to training measures (Have they been successful and why? What problems did occur?)
4. In how far are third-country nationals on your territory forced to follow Western patterns of entrepreneurship when setting up their own enterprise? In how far can they bring in their

ideas in entrepreneurship and employment (please provide at least two concrete examples/quote good practices)?

5. In how far are specific skills and values of third-country nationals assessed and validated?
6. Any other comments *backed by very concrete practical experiences (please do not write 'opinions' only, we would like to know about practices and reality at local level)?*

### **3.2 PARTICIPATION IN SOCIAL AND POLITICAL LIFE/(CIVIC) CITIZENSHIP**

In contrast to a number of aspects related to economic integration of third-country nationals, national governments have maintained their exclusive competences in deciding on possibilities of political participation of third-country nationals, voting rights, right of association etc.

Persons coming from another EU member state clearly have an advantage over other groups of migrants and third-country nationals: They can refer to the Maastricht Treaty (1992). It introduced the standard EU citizenship which includes the following rights:

- right to circulate and reside freely in the Community;
- right to vote and to stand as a candidate for European and municipal elections in the State in which he or she resides;
- the right to protection by the diplomatic or consular authorities of a Member State other than the citizen's Member State of origin on the territory of a third country in which the state of origin is not represented;
- the right to petition the European Parliament and to submit a complaint to the Ombudsman.

At present, EU citizenship is granted on the basis of *nationality* and is seen as complementary to the latter.

Face to sometimes paradox situations occurring out of the unequal legal status of EU citizens and immigrants who are living already for a longer period in a certain member state, the need to extend the rights of the latter became more than obvious.

### 3.2.1 Statements

#### *European Council (Member States)*

The **European Council**, in its conclusions of the Tampere summit (1999), mentioned - for the first time - explicitly the need to improve the status of third-country nationals *that have become long-term residents* in EU member states so as to give them the chance to enjoy at least similar rights as EU citizens.

Member states should thus seek common standards regarding principles and practices of social, economic and political participation of immigrants in their societies.

In its conclusions of the July summit 2007, **the European Council** reiterates previous statements and considers vital to ensure "...that immigrants are able *to reach their full potential* and are able to participate *to the fullest extent possible in the social, economic, cultural and civic life* of the relevant Member State."

#### *European Commission*

The **European Commission**, not at least through Commissioners Vittorino and Frattini, firmly advocates the introduction of civic citizenship (*definition below*) for third-country nationals. In its "Third annual report on Migration and Integration" (COM (2007) 512 final), civic citizenship is perceived a major condition for the development of a sense of belonging to the national society, inclusion, willingness of immigrants to take their responsibilities in the host society and to play an active part in their own integration process.

#### *European Parliament*

The European Parliament, which still does not have any co-decision powers in the field of legal migration and integration, supports the Commission in its efforts to promote civic citizenship. In its "Resolution on the links between legal and illegal migration and integration of migrants" (2004/2137 (INI)), the Parliament holds that a European immigration policy should be "grounded not only in the Member States' labour market needs but, and above all, in policies of positive welcome and integration and the establishment of a secure status and citizenship, social and political rights for migrants throughout the Union." In a second resolution on strategies and means for the integration of immigrants in the European Union (2006/2056 (INI)), the Parliament calls upon the Commission to examine national legal frameworks for the provision of civic citizenship rights.

## **Consultative bodies**

The **Committee of the Regions**, in its opinion of 27 April 2006 on the Communication of the Commission regarding the Common Agenda for Integration (COM (2005) 389 final), highlights the “importance of migrants participating in the democratic process and in formulating integration policy measures, particularly at local level”. Moreover, the Committee deplores a lack of binding measures and more concrete and “structurally important” proposals relating to aspects such as political participation of migrants.

The 2008 opinion of the Committee of the Regions on Integration and Intercultural Dialogue recommends clearly that “immigrants should have the opportunity to vote in local, regional and European Parliament elections”.

The **European Economic and Social Committee**, in the period of discussion and elaboration of a European Constitutional Treaty, goes much further. In its 2003 opinion on “Access to European Union citizenship” (2003/C 208/19), which is to a large extent based on the outcome of a 2002 European conference on integration of immigrants and refugees, it proposes that a future EU Convention as EU primary legislation should define EU citizenship in a way that would also include third country nationals who are “stable or long-term residents”. The EESC considers this proposal in line with the European Commission’s definition of “civic citizenship” as well as with the Charter of Fundamental Rights (Art. 20) that would be included in a future European Constitution.

“At a time when the European Union is embracing most of the States and citizens of Central and Eastern Europe, it cannot go on excluding millions of people who live within its borders.”

### **3.2.2 Actions**

#### *Civic citizenship*

Certain rights for legal residents have already been guaranteed for by the EC Treaty (right to petition to the European Parliament and the European Ombudsman, access to documents).

However, these rights do not enable third-country nationals to play a part at local, national or European level, to shape their environment and thereby make their own contribution to public and social life.

The European Commission, in its communication on Community Immigration Policy, issued in 2000 (COM (2000) 757), tabled the concept of “civic citizenship” which would enable not naturalised immigrants to gradually receive a number of core rights and obligations in order to not discriminate

them from nationals. Granting of the different rights related to civic citizenship would thus be based on the length of stay of immigrants.

According to researchers of the Migration Policy Group, civic citizenship contains the following rights:

- Anti-discrimination
- Right of residence
- Protection against Expulsion
- Access to employment and self-employment
- Access to education, vocational training and recognition of qualifications
- Access to social security and social assistance
- Right of association and membership including trade unions
- Right of participation in political life (at least at local level)
- Right to vote in European Parliament elections
- Right of movement for work and study purposes to any state in the EU<sup>3</sup>

Strongly supported by other EU institutions such as the European Parliament, the European Economic and Social Committee and the Commission itself – often in reference to the Charter of Fundamental Rights, the concept is gradually being taken up by national governments. However, this still happens to different extents with progress being made in areas such as employment or anti-discrimination, whilst other aspects such as political participation (voting rights), the recognition of diplomas, education and skills in general are rather moved to the sidelines and still avoided by a number of member states.

With regard to political participation, third-country nationals enjoy, under specific conditions, the right to vote in local elections in Denmark, Ireland, Netherlands, Sweden, Finland, Portugal, Malta, Slovakia, Slovenia, Spain, UK. In Belgium and Estonia third-country nationals are entitled to vote, but not to stand as a candidate in local elections.<sup>4</sup>

#### *Legislative measures and proposals as a potential basis for an extension of political rights*

The “Directive on the implementation of the principle of equal treatment between persons irrespective of race or ethnic origin” (Directive 2000/43/EC) and the “Directive of a general framework for equal treatment in employment and occupation” (Directive 2000/78/EC) can be considered first steps towards the promotion of specific rights of immigrants. They foster equal treatment regarding the domains employment, occupation, vocational training and related aspects as well as equal access to goods and services (see chapter 3.1 “Economic participation ....”). Even

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<sup>3</sup> Jan Niessen, Maria José Peiro and Yongmi Schibel: Civic citizenship and immigrant inclusion. Migration Policy Group, Brussels, March 2005; Andrew Geddes/Jan Niessen: European Civic Citizenship and Inclusion Index. British Council/Foreign Policy Centre/Migration Policy Group, Brussels, 2005.

<sup>4</sup> Norbert Cyrus, Ruby Gropas, Ankica Kosic and Dita Vogel: Opportunity structures for immigrants’ active civic participation in the European Union: Sharing Comparative Observations. University of Oldenburg. POLITIS – Working paper No. 2. [www.uni-oldenburg.de/politis-europe/webpublications](http://www.uni-oldenburg.de/politis-europe/webpublications) (2005)

though linked in particular to economic participation and inclusion, the implementation of these directives lays new foundations to an extension of rights regarding social and political participation.

Moreover, the Commission, in July 2008, issued a proposal for a Directive promoting equal treatment outside employment<sup>5</sup>.<sup>6</sup> However, due to missing competences of the European Community in this domain, discrimination on the ground of nationality is not covered. Diverse forms of discrimination against third-country nationals thus risk falling to a large extent outside the scope of this directive.

The Directive “Concerning the Status of Third-Country Nationals who are long-term residents” (2003/109/EC), adopted by the Council in 2003, does not grant special political rights, but may be seen as a step towards a more open attitude concerning this subject.

In 2005, in its Communication on “A Common Agenda for Integration, Framework for the Integration of Third-Country Nationals in the European Union” (COM (2005) 389 final) the **Commission** reiterates the need to ensure to a largest possible extent active civic, cultural, and political participation of immigrants in their host society. It proposes, for instance, comparative studies regarding rights and obligations of third country nationals in the different member states, the creation of a platform of migrants’ organisations at EU level and further exploration of possible realisations of civic citizenship.

In June 2007, the **European Council**, in its conclusions, for the first time clearly stresses the necessity to “explore and clarify the various conceptions of and approaches to ideas of citizenship...”. It gives mandate to the National Contact Points for Integration (NCPI network) and the Commission to further deepen work on these issues by analysing relevant EU acquis as well as the different legal systems and legislation in the different member states.

The Heads of State and Government of the EU member states also underline the importance to develop common European modules for the integration of migrants as well as common indicators and indexes to evaluate outcomes of integration policies. However, at the same time it is stressed that the realisation of common initiatives and application of common indicators in each member state should happen on a voluntary basis.

During an informal meeting of EU integration ministers in Potsdam (May 2007), the French representatives announced to address the issue “citizenship” during the **French presidency** in the second half of 2008.

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<sup>5</sup> „Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation”

<sup>6</sup> The directive was issued together with a communication “Non-discrimination and equal opportunities: A renewed commitment”.

In September 2007, the Commission, in its “Third Annual Report on Migration and Integration” (COM (2007) 512 final) reiterates the importance of granting civic citizenship and, finally, nationality to long-term resident third country nationals. In this context, suggestions are made for different treatment of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> generation immigrants (see Third Annual Report on Migration and Integration (COM (2007) 512 final). National citizenship, for instance, might be granted (semi-)automatically for the latter, whereas first generation immigrants would need to go through a longer, formal application procedure.

#### QUESTIONS FOR DISCUSSION

1. In how far do third country nationals on your local territory enjoy: a) the right of access to education and vocational training; b) the right of association and membership including trade unions, c) the right of participation in political life (at least at local level)? (Please give a general overview.)
2. Do third-country nationals in your city/region who enjoy one or several of the aforementioned rights fully exercise them? Are these rights of use for these groups (yes/no – please explain in detail)? What conditions must be fulfilled in order to make third-country nationals fully profit from rights such as the right to vote (is the mere granting of rights as such enough)? *Please justify your answer with your specific experiences (in your organisation/in your city/region).*
3. If third-country nationals are granted specific political rights in your city/region, in how far are their very specific cultures taken into account? Could specific rights be exercised while taking into account specific cultural features and how? *Please justify your answer with your specific experiences (in your organisation/in your city/region).*
4. Are there any kind of local initiatives trying to extent possibilities of participation to third-country nationals that do not have the aforementioned rights (*please give a general overview and describe two or three examples more in detail*)? Are these measures embedded in a long-term strategy or would you characterise them rather as ad hoc measures?
5. Do you think that social economy (in cooperation with local authorities) could – at least temporarily – “make up for” missing rights regarding, for instance, participation in public and political life? How? *Please justify your answer with your specific experiences (in your organisation/in your city/region).*
6. Do you think, social economy – through the promotion of participation of its employees and clients in economic and social life - could motivate certain groups to bring themselves in also in political debates/public discourses? Does it have the potential to reach specific groups that usually do not participate in political discourses and if so, how – with what instruments (*please give examples referring to your experiences*)?
7. Any other comments (backed by your personal experience)?

### 3.3 INTERCULTURAL DIALOGUE

#### 3.3.1 Statements

##### *International Declarations*

The **UNESCO Universal Declaration on Cultural Diversity**, unanimously adopted shortly after September 11 2001, defends cultural diversity and cultural rights. Cultural Diversity is equated with biodiversity and declared the source of creativity, social inclusion and not at least economic activities leading to the well-being of societies: "Creation draws on the roots of cultural tradition, but flourishes in contact with other cultures." The protection of cultural diversity is considered feasible only through partnerships between the public and the private sector as well as civil society.

##### *The Council (Member States)*

Nevertheless, at EU level, the issue of intercultural dialogue gained momentum only recently.

In 2004, the Justice and Home Affairs Council in its conclusions of the November meeting mentioned the necessity for "frequent interaction" between nationals and immigrants and specific instruments such as forums or intercultural dialogue, without, however, proposing concrete promotional actions at EU level. In its conclusions "on the strengthening of integration policies in the European Union by promoting unity in diversity" (June 2007), the Council acknowledged the importance of intercultural dialogue as an instrument *of* and pre-condition *for* "successful integration of *citizens* of different origin, culture and religion in Europe"...

Here it seems the representatives of the governments of the Member States restrict integration and therewith intercultural dialogue to legal citizens of the respective state. In fact, member states still have a large room for manoeuvre - each single national government may decide which groups of immigrants – naturalised or not – will benefit from specific measures. This would mean that a large part of the immigrant population might risk not being within the scope of suggested measures. Interestingly enough, in its "Decision concerning the Year of Intercultural Dialogue" of December 2006 (1983/2006/EC), the Council held that "For the purpose of the present Decision, the notion of 'active European citizenship' should not cover only citizens of the EU (...) but any individual living permanently or temporarily in the EU. " However, as has been shown above, in further communications and documents related to integration and social, civic or political participation as such, this concept does not seem to be applied in a coherent way.

Moreover, the Council acknowledges the vital contribution of culture and intercultural dialogue to a creative economy. Links are made to the renewed Lisbon strategy in which educational and cultural aspects have been stressed. Finally, the Council underlines the necessity to integrate intercultural dialogue as an important dimension and instrument into diverse policy fields such as employment and social affairs, education, sustainable development, research etc. (See “Decision concerning the Year of Intercultural Dialogue”).

So far, Council recommendations remain rather general and refer mostly to the establishment of a regular exchange between member states on experiences regarding intercultural dialogue.

As to more specific actions, the Council seems to take a reactive rather than proactive approach when suggesting expert meetings to work on a future procedure enabling the European Union “to *react* to intercultural problems or conflicts with a potential cross-border dimension”. Here intercultural dialogue seems to be seen as an instrument of conflict solution rather than conflict prevention, *not to speak about its capacities to strengthen and build societies as such*.

#### *European Commission*

In 2005, the **Commission**, in its Communication on a Common Agenda for Integration (COM (2005) 389 final) and a number of other documents, highlights the importance of continuous “interaction” between nationals and third country nationals as well as of the preservation of practices of different cultures and religions.

Two years later, the Commission issued the “Third Annual Report on Migration and Integration” (COM (2007) 512 final) in which it deplores the less structured ad hoc actions a number of Member States are taking in the domain of intercultural and inter- and intra-faith dialogue (reacting to negative events rather than integrating the issue in long-term strategies).

#### **Consultative bodies**

In its opinion of 27 April 2006 on the Communication of the Commission regarding the Common Agenda for Integration, the **Committee of the Region** stresses the need to enhance the capacities and willingness of the host society to adapt to a multicultural environment and immigration. It calls for the introduction of measures that would raise intercultural awareness and knowledge. Moreover the CoR advocates the important contribution private organisations are making when it comes to diversity management. It proposes thus to reinforce “frequent encounters between migrants and residents, common forums, intercultural dialogue, information about migrants and their culture ...”.

These proposals have been reiterated in a CoR opinion on “Integration Policy and Intercultural Dialogue: the role of local and regional authorities” (CoR 251/2008), which was adopted on 26 November 2008. Here, the Committee of the Regions also refers to the important role and position of

local authorities as governance level which is the closest to the direct living environment of migrants and locals.

**The European Economic and Social Committee**, in turn, had recognised much earlier the necessity to frame integration measures through intercultural dialogue. In its opinion “On Immigration in the EU and integration policies: cooperation between regional and local governments and civil society organisations” (2006/C 318/24) it advocates, for instance, the promotion of **intercultural training programmes** for diverse professions and groups. The EESC backs its view pointing to the pluralist features most EU Member States always or since a long time - this is due not at least to the fact that different and important minority populations can be found in several Member States

### **3.3.2 Actions**

Due to the lack of regulatory competences regarding the field of intercultural dialogue and exchange, the European institutions’ initiatives so far consisted in rather incentive measures and recommendations.

In recent years, a number of conferences and seminars addressing intercultural exchange and related issues were organised by the Commission. Not all of them referred to dialogue between third country nationals and Member States citizens within EU borders, but were also situated in the framework of more general subject matters such as international peace and cooperation.

#### *High Level Group “Dialogue between cultures and people”*

In 2002, a specific High Level Group “Dialogue between cultures and people” had been set up by the President of the Commission Romano Prodi. Even though focussing on the situation in the Euro-Mediterranean basin, the group laid important foundations for future EU actions in the field of intercultural dialogue.

Among the results of this initiative figures, for instance, the establishment of the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures in 2005. The latter operates as a network of national civil society networks from all 37 member states of the Euro-Mediterranean partnership. The aim of the diverse projects and activities of the Foundation is to promote the development of an active civil society movement on its member territories, based on intercultural dialogue, exchange and cooperation.

### **European Year of Intercultural Dialogue**

In October 2005, the Commission adopted a proposal in which it suggests the year 2008 to become a “European Year of Intercultural Dialogue”.

The Council and the Parliament adopted a relevant decision in 2006 (1983/2006/EC). This was followed by a “call for ideas” in which the European Commission addressed local, national and European institutions, civil society organisations and other stakeholders interested in carrying out specific actions that would contribute to reach the objectives of the year. These objectives are:

- to promote intercultural dialogue as an instrument to foster the capacities of European citizens and all other persons living in the European Union to “deal with a more open and more complex environment”,
- to encourage intercultural dialogue as an occasion to contribute and benefit from a diverse society in Europe, but also at international level,
- to “raise the awareness of European citizens and all other persons living in the EU of the importance of an active European citizenship which is open to the world, respectful of cultural diversity and based on common values”,
- to demonstrate the enriching contributions of different cultures to the national/ European heritage and lifestyle

Moreover, the Commission hopes to mainstream initiatives into all relevant Community programmes in 2008.

Actions will include a broad EU level information campaign, a few festivals or other major events at EU level as well as a number of initiatives at national level.

### **Recent Actions**

In May 2007, the European Commission issued a communication with proposals for a European agenda for culture in a globalizing world (COM (2007) 0242 final). Intercultural dialogue, as a “one of the main instruments for peace and conflict **prevention**”, is declared a major objective of the agenda.

On 10 and 11 May 2007, an “Informal Meeting of EU Integration Ministers” was held in Potsdam (Germany). The meeting focused on three main issues, “Fostering Intercultural Dialogue and Reducing the Potential for Conflict” being one of them. The decisions taken referred, for instance to a further exploration of different conceptions of citizenship, to the establishment of a more regular exchange and an expert group on Intercultural Dialogue as well as to the publication of a report on intercultural dialogue and its role in conflict resolution. These decisions were taken up by the European Council, during its summit in June 2007 (see Council Conclusions).

Other proposals for Community actions that also include suggestions relating to different aspects of intercultural dialogue are to be found, for instance, in the “White Paper on a European Communication Policy” (COM (2006) 35 final). Even though the communication refers most often to “European citizens”, it also stresses the rights of “minorities, disabled citizens and other groups that might systematically be excluded from participation in the public sphere” and “people from all walks of life”. In its proposals for a future strategy, the Commission mentions in particular the crucial role

of civic education and appropriate education systems as well as of media, the need for access to all relevant information and respect of diversity (relates to European citizens).

Finally, a study on different practices and methods of carrying out intercultural dialogue in diverse EU Member States has been carried out by the European Commission in 2006/2007. In 2006, a first Compendium “Intercultural Dialogue – Best practices at Community level” had been published by DG Education and Culture.<sup>7</sup>

A database on good practices of intercultural dialogue in different member states has also been established by the Council of Europe which has just launched his Intercultural Cities programme.<sup>8</sup>

### *Programmes*

Apart from the aforementioned decisions, different programmes of the European Commission supported initiatives in the field of intercultural dialogue. Apart from initiatives such as INTI or the Integration Fund which are promoted and managed by DG Freedom, Security and Justice, most of the programmes have been issued by DG Education and Cultural. They refer to issues such as youth, the promotion of multilingualism, citizenship, eTwinning and information society, eLearning or vocational training (Leonardo da Vinci). Other programmes including the promotion of intercultural dialogue have been implemented by DG Employment and Social Affairs, DG Enterprise and Industry or DG Research. They focused, for instance, on company policies for inclusion and anti-discrimination, the involvement of migrants in science or research on diverse concepts of citizenship.

Furthermore, strands referring (more or less explicitly) to intercultural dialogue may also be found in programmes related to the Structural Funds (URBAN, INTERREG etc.).

In the new programming period 2007-2013, a majority of these initiatives will continue. The new Culture Programme 2007-2013, for instance, clearly states among its main objectives the promotion of intercultural dialogue. The European Parliament and the Council, in their decision on the Lifelong Learning Action Programme (adopted in November 2006), which regroups a number of sub-programmes such as Comenius (school education), Erasmus (higher education), Leonardo da Vinci (vocational training) or Gruntvig (adult education), held that “particular attention should be paid to the synergy between culture, education and training”, which would thus also include a strengthening of intercultural dialogue, active citizenship, the promotion of democracy and human rights as well as the fight against exclusion and racism. Moreover, with the programme, the EU institutions also seek to enhance creativity and entrepreneurial spirit as well as employability.

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<sup>7</sup> DG Education and Culture: Intercultural Dialogue. Best practices at Community level.  
[http://ec.europa.eu/dgs/education\\_culture/dialogue/index\\_en.html](http://ec.europa.eu/dgs/education_culture/dialogue/index_en.html)

<sup>8</sup> A database on best practices in intercultural dialogue can be found on the website of the Council of Europe:  
<http://www.culturalpolicies.net/web/intercultural-dialogue-database.php>

Similar objectives pursues the new Youth in Action Programme which addresses in particular disadvantaged young people and aims to involve them in activities related to active citizenship and international exchange.

#### QUESTIONS FOR DISCUSSION

Please describe, in a more general way:

1. Which major channels and instruments for intercultural dialogue do exist/did exist on your territory in general (please provide information in particular on a) their form, b) their promoters, c) target group, d) involvement of the target group in the preparation and realisation of the initiative, e) positive and negative results/reasons for success/failure)?
2. Are these measures embedded in a long-term strategy or would you characterise them rather as ad hoc measures (*please give reasons for your opinion*)?
3. Which are the (usual?) participants of diverse initiatives regarding intercultural dialogue in your city/region?
4. Which groups are hard to reach? For which reasons?
5. Which measures have been taken to reach those who usually do not participate?

Please describe, in detail:

1. ... two or three measures for intercultural dialogue *taken by your organisation* which you consider as particularly important (in case you have already carried out specific actions in this field). Describe a) the field in which they were implemented (education/employment/political participation/others), b) the objectives, c) the target group and its involvement in the preparation and realisation of the initiative, d) the promoters of the initiative, e) cooperation with other local actors in the framework of the initiative, f) the activities as such, g) strong and weak points of the initiative (did you reach your objective?). Could you make a difference with regard to previous initiatives of your organisation or of other local actors?
2. Please provide information regarding your cooperation with other local actors in the framework of initiatives for intercultural dialogue. With whom do you co-operate? What is the framework of your cooperation (public procurement, formal and informal agreements, ...)? Which are your contributions; which are the contributions of your partners? Which are the common interests and objectives of your cooperation? Where might interest and objectives differ? Which are strengths and weaknesses of your cooperation?

Any other comments (backed by your personal experience)?

#### 4. LOCAL PARTNERSHIPS

*UNESCO Declaration for Cultural Diversity: "Building partnerships between the public sector, the private sector and civil society: Market forces alone cannot guarantee the preservation and promotion of cultural diversity, which is the key to sustainable human development."*

Governance issues, including role and different forms of local partnerships, are running like a red file through a number of communications published by different EU institutions (in particular the European Commission and the consultative bodies). They have continuously gained momentum in recent years.

To give just one example: Already in 2002 (before the conception of The Hague programme), the **European Social and Economic Committee (EESC)** stressed the need for strong integration programmes that should accompany immigration policies and involve different actors in their implementation. In 2006, **the EESC** further deepened its proposals in the opinion "On Immigration in the EU and integration policies: cooperation between regional and local governments and civil society organisations" (2006/C 318/24). As indicated in the title, specific emphasis is laid on local partnerships between local and regional authorities, civil society organisations and social partners. Apart from stating the necessity to strongly involve the local level in integration policies and their implementation and to better coordinate local and national actions (here, the EESC is referring to the principle of subsidiarity), the EESC stresses the basic contribution of civil society in fostering integration activities and favourable attitudes not only among immigrants, but also within the host society. Using the term "civil society" the EESC refers to "social partners, human rights organisations, cultural and sports associations, faith communities, neighbourhood associations, educational communities, the media ...". In its further explanations, it uses the more general term "social players". (Social economy might thus – at least partially - be considered part of the aforementioned structures.) Local authorities should, according to the EESC opinion, conceive integration plans/programmes which include clear objectives, commitments and indications regarding the allocation of resources. Moreover, the EESC calls upon local governments to involve and consult (most representative) immigrant organisations and communities while designing local policies that might affect different aspects of integration.

The **Committee of the Regions** highlights the importance of local partnerships for intercultural dialogue and integration in particular in its opinion on "Integration Policy and Intercultural Dialogue: the role of local and regional authorities" (CoR 251/2008), which was adopted on 26 November 2008.

The crucial role of the local level regarding integration, shared responsibilities and partnership between local authorities and other local stakeholders such as enterprises, civil society or media has also been taken up recently by the Council in its conclusions of the June summit 2007.

Following the principle of subsidiarity and the resulting division of competences (including reservation of specific decision-making powers to the national, regional and local level), the EU level can hardly impose any legislation that would enforce the establishment of diverse partnerships at local level.

However, through various programmes linked, for instance, to the Structural Funds and programmes such as EQUAL, URBAN or INTERREG, the European Commission has provided and will further provide a number of incentives for local actors to cooperate with each other. In the framework of upcoming calls for proposals in the framework of the PROGRESS programme, the promotion of local partnerships has still been strengthened and will be considered a clear advantage.

#### QUESTIONS FOR DISCUSSION:

1. What kind of partnerships for integration and intercultural dialogue can be found on your territory (please also state local legislation regarding such partnerships)?
2. Is there any kind of “local plan/programme” for the integration of immigrants or intercultural dialogue? Are there any advisory bodies bringing together local authorities, social economy and civil society organisations on issues related to integration and intercultural dialogue?
3. What are their strengths, what are their weaknesses?
4. Which are the partners? To what extent is social economy involved? Should it be involved to a larger extent and if so, in which domains?