MIGRATION POLICY PRACTICE

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Introduction

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Welcome to the sixth issue of *Migration Policy Practice*, which focuses on migrant integration policies in a range of countries worldwide.

This bilingual English–Spanish issue of MPP includes 10 articles written mostly by fellows of the Transatlantic Forum on Migration and Integration (TFMI). The Forum was established in 2008 by the German Marshall Fund of the United States (GMF) and the Robert Bosch Stiftung with a view to supporting an international learning and exchange platform on issues of migration and integration.

The TFMI Fellows featured in this issue of MPP include central government officials, and representatives of social partners and non-governmental organizations (NGOs) from Asia, Europe, South Africa and the United States, who discuss a range of migrant integration policies and programmes at the national and local levels.

We are extremely grateful to Ms. Karoline Popp, Associate Migration Policy Officer at IOM and a fellow of the Transatlantic Forum on Migration and Integration, for organizing and seeing through a call for articles among her TFMI colleagues. Her time, advice and dedication at all stages of the process have been essential to the production of this special edition of the journal.

We hope you enjoy this issue of *Migration Policy Practice*, and as always, we look forward to your comments, suggestions and possible contributions to future editions of the journal.

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A word on the Transatlantic Forum on Migration and Integration

Stefanie Jost, Karoline Popp, Melanie Schuster, and Astrid Ziebarth[1]

Introduction

Many policy fields have recognized the importance and opportunities of international networking and skills building for young professionals across disciplines to help them understand policy processes and the interests of different stakeholders, identify policy gaps and trends, share the latest research or best practices with relevant counterparts and stakeholders, and build leadership skills at the same time. The migration and integration field lagged behind in this respect, until 2008 when the German Marshall Fund of the United States (GMF) and the Robert Bosch Stiftung decided to close that gap and initiated TFMI as an international comprehensive learning and exchange platform.

Since 2008, TFMI has offered activities such as annual and regional meetings, professional exchanges with international counterparts, study tours, workshops and other collaborations of TFMI Fellows supported by modest seed funds for TFMI spin-off projects. The network has evolved into a vibrant community of young professionals active in the field of migration and integration. Fellows represent a diverse range of professional backgrounds, including government, academia, media, business, civil society, and regional and international institutions, including IOM. GMF and the Robert Bosch Stiftung carefully select the fellows for this programme, based on the added value of their perspective in the migration debate, their professional record in migration-related areas and their future potential. In the last five years, TFMI has brought together more than 100 fellows and their institutions or governments from over 30 countries, representing both sending and receiving countries.

As part of the year-round activities organized by GMF and the Robert Bosch Stiftung, TFMI fellows meet at annual conferences and regional workshops in changing international locations, where they have an opportunity to receive capacity training, network, share their expertise and learn from others on current migration issues at the global, regional or national level. The meetings and workshops challenge fellows to explore aspects of migration which are not necessarily part of their daily work or within their field of expertise, thus promoting a broadening of knowledge and thinking on this multifaceted issue. Diversity and integration, perceptions of migrants and migration, irregular migration, migration, development and remittances, and return migration are just some of the themes that have featured consistently at TFMI gatherings. Furthermore, each conference is tailored to expose fellows to the principal migration and integration challenges relevant to the host country, for instance, through discussions with local policymakers and practitioners or visits to local institutions and organizations. Following its launch in Germany in 2008, the network's subsequent annual conferences were held in the United States, Turkey, India, and in Canada in 2012.

The space for exchange and cross-fertilization provided by the network allows fellows to make vital professional contacts, which often translate into joint projects. Fellows have organized joint workshops or invited each other to conferences. They have embarked on study tours together, visited each other's institutions, or co-produced publications, teaching materials and documentaries. Frequently, TFMI fellows report on the positive impact of TFMI and the contacts and knowledge they gained through the network on their daily work and careers, such as generating new project ideas, benefiting from increased knowledge sharing, and collaborations with relevant stakeholders. Five years into its existence, TFMI has developed into a truly sustainable network as fellows have taken ownership of the network, made vital professional contacts and, in many cases, became friends.

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The importance of welcoming immigrants in today's competitive world

Adam Hunter[1]

Immigration is an entrenched part of the American experience. The United States is a country that came of age and continues to be defined by immigration. Today it is home to 40 million immigrants, more than in any other country. Immigrants come to join their family, to work and contribute to the economy, or to escape persecution and fear in their homeland. Now making up 13 per cent of the population, and overrepresented in the labour force, immigrants have made and continue to make significant contributions to all facets of American life and prosperity. They comprise leaders of America's largest companies and most recognizable global brands, Nobel Prize winners, sporting champions and artistic virtuosos, as well as distinguished politicians and statesmen. America is unique in the opportunity it has afforded immigrants; in turn, the country has reaped great success. As a result, America continues to be a beacon of hope and opportunity for people around the world.

Immigration is competition – are policies enough?

In today's competitive and globalized world, however, is the United States to remain a pre-eminent immigrant nation or is it to become one of the many possible destinations from which an aspiring immigrant might choose? Like many global trends, trends in the immigration space point toward multi-polarity. The rapid growth and development of the world's largest immigrant-sending countries fuel increased competition among countries that have become sought-after destinations for migrants. At the same time, the structural demand for new migrants in these countries is only expected to grow, as they face ageing populations and labour market shortages in critical sectors, even at a time of high unemployment.

There are diverse policy tools that national governments have explored in recent years to attract immigrants, through matching and selection schemes, as well as smoother pathways to citizenship and support for integration. Major national reform has been relatively stagnant in the United States, however, when compared to recent efforts in Australia, Canada, Germany, Spain, and the United Kingdom, to name a few examples. Many governments track available data sources to assess the impact of new programmes to measure immigrant success. These include such metrics as immigrant labour market participation and mobility, education and income, citizenship and political participation, and others. These data show some moderate gains, yet do not adequately reflect immigrants as individual actors or assess their motivation.

Recent research has begun to delve into underexplored factors impacting an immigrant's motivation to come to a given country and to stay. These are among the most difficult facets to collect data on for systematic research, but a greater exploration of community welcoming and immigrants' own sense of belonging is necessary to fully understand migration flows in today's networked world. Without this understanding, even the most well-intentioned reforms may fall short of their aim.

If you are an Indian computer scientist who settles in rural Nebraska and becomes a US citizen, common indices might regard you as successful if you own your home, earn top income, are highly educated, and became a citizen. But these factors might not matter if you receive mistrustful stares while dropping your daughter off at school and feel isolated from the social fabric of your community. Economic, educational and civic indices alone may not be the best predictor of your investment in your new community, your commitment to your adopted country or the likelihood that you would even desire staying, were you to have the opportunity to leave.

As simple as such a scenario might be to comprehend, there come to mind at least four hurdles that have allowed policymakers not only in the United States, but also in other democracies, to largely side-step the importance of community welcoming and immigrant belonging:

1. It is difficult to identify and agree upon what factors contribute to belonging, which among these factors might be more significant than others, and how to measure them.

2. The issue of belonging is hyper-localized; it cannot be understood, measured or solved with a standard national or even subnational plan, but requires attention and resources at the neighbourhood level as each local context is different.

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3. It requires engagement with native-born citizens when agencies that have focused their efforts on immigration and even integration are more used to engaging with immigrants.

4. The issue of belonging can be viewed as a manifestation of personal preferences and democratically protected beliefs, largely outside the domain of state action in democracies that tend to focus on acts that are legal or illegal and not on judging preferences or personal behaviour.

But these difficulties belie the importance of action. It is a space where local organization is key and where government is often not an effective catalyst. Locally driven private and community groups working with local leaders across all sectors can be the most effective way to engage. I recently became involved in an advisory capacity with an initiative focused specifically on this issue. The Receiving Communities Initiative, a project of Welcoming America, is an effort to build a movement of individuals and organizations focused on engaging mainstream Americans in immigrant integration. This organization focuses not on service delivery or language classes, but is premised on local engagement strategies in three key areas: contact, communications and leadership.

Local partnerships are formed to foster dialogue and organize community projects that bring community members together in a shared purpose and investment in their community and to build relationships across lines. Recognizing the importance of the media and public portrayal, tailored strategies are employed in each local context to ensure that messages about a community's immigrants are accurate, informed and resonate with the target mainstream community. In addition, the strategies address how to identify community leaders who make effective spokespersons to both speak with and represent immigrant voices in community fora. Finally, the involvement of local leadership – in the public and private spheres – greatly advances integration and helps to demystify immigration and community change for decision makers. Boiled down, a framework of contact, communications and leadership sounds simple. But in that simplicity, it is also profound because few communities have mobilized in this way.

Does welcoming and belonging matter?

The global financial crisis has had a severe impact on immigration. Given the statutory limits to most legal immigration streams to the United States, the overall number of permanent resident "green card" holders has been, and continues to be, relatively constant at about 1 million a year. But the net flow of undocumented immigrants – who are most responsive to changes in the labour market – is estimated to have peaked upwards of 500,000 a year in the early 2000s, and recent research

by the Pew Hispanic Center notes that the net flow of migration from Mexico, the largest source country of undocumented immigrants in the United States, has all but ceased. The immigrant proportion of the population in the United States remained constant between 2009 and 2010, after consistent year-on-year growth. Signs of recovery are becoming clearer. In an immigration-related indicator of high-skilled business need, the H-1B visa cap of 85,000 was reached in only 10 weeks this year, significantly faster than the 33 weeks last year, and more so compared to the year before.

We are only beginning to understand the structural shifts in our economy in light of the ongoing global financial crisis, but one aspect relating to immigration has started to become more clear: would-be immigrants, as well as immigrants already in the United States, are presented with more opportunities to settle, contribute and live successfully outside of the United States – for some, back in their home country – today than ever before. This trend has much deeper roots than the 2008 financial crisis and is inevitable. Yet nonetheless, its impact on flows of people who are among the most mobile, interconnected and sensitive to economic opportunity underscores much sooner than otherwise the need to find new ways to be attractive to immigrants.

These trends underscore the need for partnerships. Immigration cannot be viewed through a national government lens only, but must be understood to be an all-of-society responsibility. This includes government at all levels, the business community, the media and community-based organizations. No single entity, public or private, is solely responsible for fostering immigrant success. Yet at the end of the day, immigrant success is in the United States – and will become in many other parts of the world – critical to the success of all our communities, and our nation as a whole.

An early lesson from the financial crisis is that we should no longer take immigration as a given, but should recognize and facilitate the contributions immigrants make to our shared success. Today more than ever, we can observe that being an attractive destination for immigrants is a necessary component to fully realizing the goals of a nation's immigration law and policy framework. Policymakers at all levels have their work cut out for them to better understand what it takes to be that destination and how we work across, and are led by, other sectors to achieve that environment.

Internal migration and labour market integration: Breakthroughs in organizing and collectivizing migrant workers in India

Rajiv Khandelwal[1]

Internal migration and migrant workers in India

Seasonal migration for work is a pervasive reality in rural India. An overwhelming 120 million people or more are estimated to migrate from rural areas to urban labour markets, industries and farms. Migration has become essential for people from regions that face frequent shortages of rainfall or suffer floods, or where population densities are high in relation to land. Areas facing unresolved social or political conflict also become prone to high outmigration. Poverty, lack of local options and the availability of steady work in other locations become the trigger and the pull for rural migration.

North Indian states like Uttar Pradesh and Bihar have known rural migration for decades – however, newer corridors like Odisha, Madhya Pradesh, Rajasthan and recently even the North-east have also become sending regions of migrant workers. Migrants from a specific region tend to cluster in destinations and their presence becomes the magnet for future waves of migrant workers. Migration streams are also determined by social and caste origins and reflect social dynamics and changes in economic growth.

India's vast construction sector is the largest employer of migrant workers – nearly 40 million workers crowd the landscape of construction work and migrants are the overwhelming majority of this number.[2] Other large sectors that absorb seasonal migrant workers include brick-making, domestic work, mining and quarrying, transportation and small manufacturing. Over and above these, there is a massive seasonal workforce that enters the agriculture sector in response to demands of labour in sowing, harvesting, head-loading and processing of agriculture produce.

Rural migrants form the largest part of India's unorganized workforce, which is estimated at 387.34 million.[3] While there are gaps in officially counting migrant workers with reasonable accuracy, there is growing clarity on the issues that confront this vulnerable workforce.

Devoid of critical skills, information and bargaining power, migrant workers often get caught in exploitative labour arrangements. They are forced to work in low-end, low-value, hazardous work. They become easy prey to problems related to lack of credible proof of identity. With poor legal protection, migrant workers also become easy victims to non-payment of wages and harsh work conditions. The hardships of migrant workers are especially magnified when state boundaries are crossed and the distance between the "source" and "destination" increases.

The policies of the Indian state have largely failed to provide legal or social protection to this vulnerable group. In a continuous state of drift, migrants are left out of the scope of state provisions at both ends – their homes as well as their workplace. The urban labour markets treat them with opportunistic indifference, demanding hard labour but denying basic entitlements such as decent shelter, fair-priced food, subsidized health services or training and education. They are also usually out of bounds of government and civil society initiatives, both because of being "invisible" and for their inability to carry entitlements along as they move. The contribution of migrant workers to national income is enormous but there is little done in return for their security and well-being.

The collectivization challenge

A vast majority of India's workforce is classified as being part of the "unorganized or informal sector". Unorganized sector workers are those whose work arrangements are fluid and frequently changing. Also, unorganized sector workers have no access to social security and entitlements to protect their fragile incomes and keep intact their future returns. The unorganized sector is a low wage-earning sector that includes women, children and other disadvantaged groups (like the tribal communities) in large numbers.

An array of work arrangements exist in the unorganized sector and these are usually pitted against the worker. There is an increasing trend to recruit workers though contractors and labour agents. The modes of payment are complex and wages are dictated by contractors – workers can get pushed into indentured work because of having received a substantial advance against which they will be employed. Several sectors (like brick-making or home-based manufacturing) do not respect daily

wage norms and therefore payments are abysmally low, even lower than the stipulated minimum wages. The fact that most workers in these sectors are migrants from another part of the country makes it difficult to enforce wage regulation and fair practices. Migrants tend to remain hidden from regulatory vigil – gated as they are by their contractors and agents.

Labour markets that have a high incidence of migrant workers witness poor collectivization and unionization among workers. In fact, migrant workers are a difficult constituency to bring together on common platforms and therefore instances of collective action among them remain rare. Given the difficulties inherent in organizing migrant workers, trade unions and civil society organizations have also remained detached from this vast, vulnerable category of workforce.

What are the hurdles in organizing migrant workers in labour markets?

Firstly, seasonal employment of workers in a number of sectors means that there is constant flux in their numbers and presence. For example, agriculture labour is highly seasonal and workers return to their homes soon after agriculture operations are completed. Similarly construction, brick kiln and processing work is highly season-sensitive and therefore the window of opportunity for collectivizing workers remains small.

Secondly, migrant workers in a number of labour markets lead very gated and watched lives. For example, in small manufacturing units, shops, farms and mines, workers may be kept hidden from the public eye. They are provided shelter at the place of work and have restricted movement. The entry of outsiders is virtually impossible in some settings, thus making it difficult to reach workers in need of voicing their grievances or concerns.

Thirdly, migrant workers in alien settings far away from their native homes can be highly risk-averse and will therefore shirk attempts to bring them together. They lack confidence about receiving political or administrative support. They can also be prone to employer retaliation; they risk losing their jobs and wages, and they even risk their physical security. These keep the migrant workers away from collectivization.

Fourthly, migrant workers do not receive adequate attention from formal workers' organizations like trade unions. In India, the trade union movement has generally been confined to more formal work settings like registered factories and establishments and have neglected the vast informal sector. Workers from another part of the country are less likely to find patrons and champions even within the trade union movement. They are not seen as a stable constituency who can lend long-term credence to the power of the trade union.

The Aajeevika Bureau: A model of services for migrant workers

Aajeevika Bureau ("Aajeevika") is a non-governmental, non-profit initiative for providing services, support and security to rural, seasonal migrant workers and their families. Aajeevika is premised on the notion that rural-to-urban migration is an inevitable socio-economic reality in transition economies such as India. It was formed with the idea of transforming migration into a more positive opportunity by providing a host of services and solutions to migrant workers and their families. Aajeevika's services are intended to serve the more vulnerable segments of the migrant workforce such that they are able to improve their incomes, security and stability in both labour markets and their rural homes.

Migration Services and Solutions

Registration & Photo IDs

Skill Training and Placement

Rajasthan Shram Sarathi Association

Financial Services & Social Security

Legal Aid & Counselling

Collectivization & Advocacy

Family Support Programme

Destination Services

Aajeevika was established in 2005 and has, since then, grown from being a small, local organization to one that functions in several source and destination areas of western India, working with large numbers of migrants in a range of occupations and locations. Through a network of walk-in resource centers, called *Shramik Sahayata evam Sandarbha Kendra* (3SKs), Aajeevika offers registration, photo ID, skills training, job placement, legal aid, financial services and opportunities for collectivization to migrant workers.

A unique aspect of Aajeevika's work is its presence in both "source" and "destination" regions. Aajeevika runs centres in six high migration source areas of southern Rajasthan. It is also present in four heavy in-migration destinations of the neighbouring state of Gujarat and in Rajasthan. This spatial connection provides Aajeevika the advantage of keeping in continuous contact with migrant workers at the destination and with their families at the source. It helps in building understanding and working on multiple dimensions of migration.

Collectivizing migrant workers in unorganized labour markets: Three experiences

Aajeevika has developed unique forums for mobilizing migrant workers in the unorganized sector. The occupation-based collectives have proved to be effective platforms for such workers to come together and work jointly to find solutions to their common problems. Armed with knowledge regarding their rights, collectives frequently act as pressure groups in front of contractors and employers to facilitate efficient resolution of disputes. In several locations, collectives promoted by Aajeevika are making powerful representations to the government and local authorities for better services. Finally, the collectives are also serving as a vehicle for delivery of social security services and protection of its members.

To date, 34 workers' collectives have been promoted by Aajeevika and two registered trade unions have emerged as a result of demands for higher-order formalization by workers, having a total membership base of around 3,000. The largest number of collectives has been formed among construction workers followed by head-loaders and porters, hotel and restaurant workers and factory workers. A more recent collective has also emerged among migrant agriculture labour, a group that is considered particularly difficult to organize.

Construction workers union takes charge in Jaipur

The capital of Rajasthan – Jaipur – is the state's largest city with over 3 million people. Jaipur is Rajasthan's largest labour market, attracting migrants mainly from within Rajasthan in sectors such as construction, head-loading, rickshaw-pulling and hotels/restaurants. While there is no official number of migrant workers in the city,

Aajeevika has estimated the migrant, floating population in Jaipur at about 200,000. The largest numbers of Jaipur's migrants arrive from the neighbouring districts of Tonk, Sawaimadhopur, Dausa and Karauli. There is also a reasonable presence of workers from adjoining states like Madhya Pradesh and Uttar Pradesh.

Aajeevika started its work in Jaipur in the year 2008 with the idea of highlighting and addressing the issues of workers in the construction sector. In order to organize construction workers, Aajeevika identified a cluster of *nakas*[4] in Jaipur to build its community contact. The contact at *naka* helped the Aajeevika team understand the dynamics of the day labour market. This also became the starting point of increasing contact with workers in their residential clusters. The frequency of contact and visibility at *naka* in the morning and in the residential areas during the evening gave Aajeevika the opportunity to identify a cadre of petty contractors who in turn hired day labourers. These contractors had in fact previously worked as day labourers themselves and had fared better to slowly rise up the value chain. They understood the difficulties and vagaries of daily wage labourers but also had the perspective of an employer.

Over a period of two years, the core group of contractors came together frequently in meetings, leadership trainings and campaigns organized by Aajeevika's Jaipur team. In 2010, Aajeevika helped this group formalize its association as a registered trade union to serve the interest of migrant construction workers in Jaipur. The trade union is known as "Rajasthan Vishwakarma Nirman Majdoor Sangh" and it comprises a core committee of 14 members drawn from masonry, carpentry, electrician and marble-fitting work. There is strong social homogeneity in the group which is now semi-settled in Jaipur. Union functionaries took over the service functions of the Aajeevika centre in 2011 and have been reaching and providing direct service to over 3,000 construction workers.

Amongst the key activities undertaken by the union, the following are particularly noteworthy:

- Registration and photo ID for construction workers especially those who congregate at the morning *naka* across the city.
- Mediation in disputes between construction workers and their contractors/employers through fair documentation and dialogue with both sides.
- Assisting in finding jobs and placements for construction workers within Jaipur.
- Large scale enrolment of construction workers in state-run social security schemes for construction workers.

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4 The *naka* is a morning venue in which construction workers gather to be picked up for the day's work by contractors and builders. There is no assurance of being offered work and, typically, a construction worker waiting at the *naka* may not be able to find work for more than 15 days a month.

Union functionaries have maintained tight self-regulation on their own wages and work practices in relation to the workers that they hire on their own work site. This gives the union a powerful moral authority on other contractors and employers. The Jaipur union has become the largest construction workers' union in the state. Aajeevika maintains a close mentorship and supportive association; however, internal governance and decision-making is left to the union itself. In the construction labour market of Jaipur it is expected that the union will grow to have about 10,000 worker members and become a powerful lobby before construction companies, builders and the government.

Head-loaders' union in progress in Ahmedabad

Kalupur and Madhupura are two of the oldest markets located in the heart of the city of Ahmedabad in Gujarat. Run by traditional trading communities like the Sindhis and Shahs, these markets primarily trade in grains and spices. Hundreds of head-loaders, on whose shoulders these trading spaces run, hail from poorer pockets of the neighbouring state of Rajasthan such as Sirohi, Jalore and Pali. Other workers come from Uttar Pradesh and the northern parts of Gujarat. Working here for the last 25–30 years, many workers have migrated and settled with their families in residential neighbourhoods adjoining the market areas. Head-loaders would engage in different types of work, such as loading and unloading, weighing, pulling handcarts and driving lorries and trucks. As per Aajeevika's assessment, more than 2,000 people work as head-loaders in these two markets alone.

Aajeevika started working with the head-loaders of the Kalupur market in 2007. In the initial years, intensive rapport-building processes were carried out with this community by the Aajeevika team. It included linking workers to the core services of Aajeevika such as registration and insurance. Activities like health camps were also conducted on a regular basis with a view to catalyze the process of mobilization.

The Aajeevika team worked actively to promote an alternative model of collectivization by building the movement bottom-up. Workers were organized in smaller collectives, which were then brought together and formally registered as a union. Gradually, as mobilization grew stronger, we recognized that there was a need to work proactively with the old leadership, build their capacities and instill new energy and confidence in them. This leadership enjoyed a high degree of acceptance within the worker community, which helped to significantly increase the membership base of the collective.

In the Madhupura market, which did not have a history of collectivization, the team had to carefully choose workers with leadership potential and nurture them on

various fronts. Most leaders have responded positively by taking the initiative of organizing collective events on a regular basis. At present, the union has a membership base of 250 workers. High mobility of migrant groups is often cited as a constraint in organizing them; however, in the course of our work, we have learned that a large membership base, with a good mix of floating and semi-settled workers, can offer a solution. What is most crucial is to have a stable core, meaning a stable cadre of leaders. In the case of the Hamaal Union, the semi-permanent nature of the migration cycles of the leaders has contributed much-needed stability to the union.

Subsequent to these efforts, there have been many instances when workers from both markets have organized protests to demand fair wages. With the support of Aajeevika, successful negotiations were held with the Traders Association. Protests were strengthened when unfair terms were set and when there were attempts at manipulation by traders in the design of annual wage contracts. An incident in the Madhupura market, where a worker was falsely implicated and abused by the police, also proved to be a significant trigger for workers to come together and express their collective strength. The union is envisaged to be a pan-Ahmedabad entity and its mandate is set to grow.

Hotel and restaurant workers in Ahmedabad

Famed as a food paradise, the mega city of Ahmedabad is known for its diverse range of hotels, restaurants, dining halls, street food stalls and canteens. Over the past four decades, the city's hotel and restaurant sector has continued to receive migrant workers from Rajasthan in all possible niches – housekeeping, cooking, waiting tables and delivery. The presence of entrepreneurs from Rajasthan in this sector has facilitated the entry of unskilled migrants from Rajasthan in lower-end work. No estimates exist but it appears that almost 40,000 migrant workers work for a variety of hotel and hospitality-related establishments in Ahmedabad. This sector also has a section of (almost) invisible child labour working in kitchens and cleaning stations. While migrants from Rajasthan dominate this sector, there is also a small number of workers from Nepal, Uttar Pradesh and Odisha.

It is extremely difficult to meet hotel workers in their work space during the day. Their long duty hours also make small windows of contact very difficult. To address this issue, it was planned to promote a volunteer from among the group to act as a peer educator, animator and a link person to the Aajeevika centre. After some initial search and rapport-building, Aajeevika was able to identify a group of six experienced hotel workers – cooks, chefs, floor managers, housekeepers and drivers who worked in hotels and restaurants in Ahmedabad. These were senior and established salaried workers,

who were also informally charged with recruiting fresh workers to the hotels from their rural homes.

Over a period of two years, a collective of hotel workers was established under the leadership of these six senior workers. The collective is an informal, unregistered body, but it has a high degree of regularity in its meetings, interactions and events. It has a stable membership of about 200 workers in addition to a fair number of floating members.

Some of the notable initiatives of the hotel workers' collective are as follows:

- Assistance and mediation in cases related to workplace disputes between employers and staff;
- Identification and mobilization of hotel workers for enrolment in a training and certification programme managed by a reputable hotel management institute;
- Placement assistance and exchange between hotels/restaurants.

It has also been successful in bringing together hotel workers who have migrated to Ahmedabad from different parts of the country – and not just migrant workers from Rajasthan. The hotel workers' collective has taken principled stands on issues of child labour and forced work in the hotel sector. It is not yet a union but has growing clout in the hotel industry and immense potential for expansion into a full-scale workers' association at the city level.

Sustaining early success

The three experiences described above illustrate some early successes in collectivizing migrant workers in labour markets where precedence of building organizations has been thin across the country. What has worked in favor of bringing workers together in these difficult sectors?

- A stable and credible core of leaders has been the strongest determinant of the success of workers'

collectives. Aajeevika has focused on identifying contractors/labour, recruiting agents/senior workers as leaders from within the community as they have excellent contacts among the workers, are wedged between employers and workers, and are likely to have sympathy with workers' issues because of their own past. However, it is important to identify leaders who have a good, positive reputation and are known to have a fair record in their own work.

- Creating opportunities for coming together in meetings, workshops and reflection sessions to analyse work-related issues has also been an effective strategy. Aajeevika has put a lot of focus on instituting discipline among members of collectives in terms of meeting on a monthly basis and organizing periodic capacity-building workshops. This has led to greater awareness of where gaps lie and how concerns are not limited to a person but to a larger group. It has helped create a sense of shared responsibility which has also catalyzed the emergence of leadership in several cases.
- Using a cadre of volunteers in outreach and mobilization, especially since the window of contact and rapport-building with migrant workers is small.
- Identifying real issues around which the collective can be mobilized. It is unlikely that they would be applying their collective will to issues of urban governance improvement. Engaging workers for such issues is unlikely to get the desired response. Access to decent, regular employment and social security is more central to the lives of migrant workers in a city and this has been pursued strategically.

Challenges, however, remain in seeing how sustainable these organizations will be and how much of a role they will have in the labour market as intermediaries, collective bargainers and advocacy agents.

European cities: From integration to diversity policies

Ayse Özbabacan[1]

Currently some 47 million foreign-born residents live in the European Union (EU), representing 9.4 per cent of the EU's total population of 501 million people. This figure will continue to increase and play a significant role in the size, structure and composition of the population in most EU Member States. Thanks to the growing share of migrants in the past years, many European cities have been able to stay the decline in their population caused by low birth rates and an ageing population. In many cities, the percentage of migrant children and youth under the age of 18 is up to 50 per cent or even higher.

Urban communities especially have become more and more international and diverse in ethnic, cultural and religious terms. This development offers many opportunities to make cities attractive, innovative and competitive. At the same time, however, these opportunities and issues of diversity challenge cities and local authorities to develop appropriate and innovative policies for integrating diverse groups of migrants into the local community and ensure social cohesion.

As integration of immigrants takes place primarily at the local level, it is the cities and municipalities that have to pay the price for failing integration processes even though they are not in a position to regulate immigration flows themselves and depend on national and federal legislation in all immigration issues. Hence, local governments are important actors and play a crucial role in this process. This is why many cities already have considerable experience in integrating immigrants into a highly heterogeneous and culturally diverse urban society.

As a consequence, cities have developed integration and diversity-oriented policy concepts and strategies to be implemented as cross-sectoral issues on a daily basis in local life, in collaboration with other local and state departments, schools, welfare organizations and non-governmental organizations (NGOs). The strategies cover different fields of activities ranging from promotion of language acquisition to education of migrant children, intercultural and inter-religious dialogue, housing, integration in neighbourhoods, and intercultural opening up of the municipal administration. Moreover, in order to further develop their strategies, cities have established local and regional networks to strengthen exchange of information and good practices, which inevitably leads to more innovative ideas and the capacity to respond and learn from each other. Such networks include the European City Network for Local Integration Policies for Migrants (CLIP network), Intercultural Cities, and Cities of Migration network, to name but few.

Stuttgart is one these cities. As one of the founding members of the CLIP network, early in 2001, and with nearly 40 per cent of the population having a migration background, the city made integration policy a top priority. The City Council redrafted its municipal integration policy towards a resource approach and adopted a comprehensive integration policy concept in the form of a "Pact for Integration". This pact is a coalition of different partners (the public sector, businesses and civil society, including both native and migrant populations) who are strongly committed to integration and to making integration contribute to an intercultural and inclusive city society. Migrant populations are considered to be a benefit and a resource for the city as a whole, and all citizens living in Stuttgart are Stuttgarters regardless of their cultural and ethnic background.

New Stuttgarters introduce themselves in the book We are Stuttgart, published in 2006

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In order to promote participation and social and cultural integration, the city has committed itself to ensuring equal opportunities in key areas such as access to education, professional life, health care, housing, political participation, and access to municipal and state services. This structural integration is realized within the *intercultural opening up of the municipal administration process*: low-threshold measures and activities are designed to address the needs and interests of various migrant groups and focus on the quality of services. With regard to its in-house personnel policy, the municipality offers training to promote the intercultural competences of the municipal staff and the employment and recruitment of staff with a migrant background. This strategy is accompanied by a monitoring system to establish an empirically based analysis and thereby an instrument for steering policies.

The integration of migrants is also at the top of the agenda of EU Member States. However, integration or diversity policies have not been developed much in all European countries, partly due to the historical context of immigration and the lack of data and information on integration policies, and partly because of different integration concepts, for instance, the multicultural approach in the United Kingdom or the assimilation approach in France.

A prominent example of a governmental integration policy concept is the German Integration Summit of 2006, an initiative of the German Chancellor Angela Merkel. This summit brought together the Federal Government, the Länder (federal states), local authorities, migrants and their organizations, and various other institutions and social partners in order to prepare a joint strategy on integration and develop a National Integration Plan as an overall national concept for integration. The Plan formulated 400 measures to be implemented by the different government levels, businesses and social partners. Moreover, in 2006, Germany adopted the "Charter of Diversity", an initiative of the French Diversity Charter, signed by companies and local and state authorities to promote diversity within companies regardless of gender, race, nationality, ethnicity, religion or philosophy of life, disability, age and sexual orientation, and create a working environment free of prejudice. Another example is the "*Vielfalt als Chance*" (Diversity as an Opportunity) campaign of the Federal Government Commissioner for Migration, Refugees and Integration, to raise awareness among the general public of the economic potential of people with a migrant background and make better use of such potential. In this regard, some cities recently have started to develop a culture of welcoming migrant populations to further develop their diversity policies.

At the EU-level various measures and initiatives have also been established to support the integration work of European cities: that is, the Common Basic Principles for Immigrant Integration Policy; the European Commission's Communication on integration of migrants of 2005 to promote the economic, social and cultural integration of migrants; the publication of three handbooks on integration providing best practices for policymakers and practitioners; the EU website on integration of immigrants; and the European Agenda for the Integration of Third-Country Nationals 2011.

A new paradigm shift: From integration to diversity policies

Cities are places of diversity. The coexistence of diverse lifestyles is recognized as a feature of urban societies that are becoming more diverse in terms of culture, nationality, religion, gender and age, to name a few. With the emergence of new forms of migration, mobility, networking and social media across national borders, one can also observe a rapid change in the population structure and interactions between individuals and social groups in cities. As a result, modern urban societies become a sum of heterogeneous "minorities". As such, the existence of a sociocultural homogeneous "majority society", which is evoked in recurring debates on integration, as opposed to migrants known as the "cultural others" or strangers, is not valid anymore.

However, the opportunities for participation of subgroups provide different characteristics. Therefore, local authorities face the challenge of how to manage this diversity and find the intersection between various areas, and not only in relation to the growing migrant population.

In recent years, many cities have shifted their successful integration policy strategies towards diversity policies and diversity management. This has occurred partly because of initiatives of national integration policy, for example, in The Netherlands; or because of the demand of cities for the development of national integration policies, for example, in Germany and Austria. One aim of this particular route is, on the one hand, to celebrate the diversity of the urban community, and on the other hand, to strengthen the diversity and competence of modern public administration.

There are many examples to showcase this phenomenon. Toronto is one of the first cities building on an inclusive vision of society. With its "Diversity, Our Strength" motto, the city celebrates the cultural, economic and social successes of its diverse communities. European cities as well, such as Amsterdam ("The Power of A Diverse City"), Terrassa ("Managing Diversity and Living Together") and Vienna ("Wien ist Vielfalt" – Vienna is Diversity) have shifted from their integration policy approach to diversity as a benefit and cultural richness for the development of urban society.

The concept of diversity

The concept of diversity or diversity management is often associated with the private sector recognizing diversity as a strategic competitive advantage for businesses in an era of globalization. The term "diversity" or "diversity management" has also been increasingly used in Europe since the mid-1990s. For example, in its "European Year of Equal Opportunities 2007" programme, the European Commission defined diversity management as "understanding how people's differences and similarities can be mobilized for the benefit of the individual, organizations and society as a whole".

This definition has been adopted also at the municipal level, with a view to generating added value out of cultural difference. What is the added value of the concept of diversity? Whereas the term integration is associated with the inclusion of a person or group into the host society to ensure access to services and participation opportunities, the concept of diversity aims to promote the chances and potentials of a growing social and cultural pluralist society without neglecting the need to address the challenges it can pose.

According to a study on *Diversity and Equality in Jobs and Services* by the CLIP network, European cities develop their approach within a framework of anti-discrimination or equality, emphasizing the rights of migrants to be free from discrimination and to have equality of opportunity in jobs and services. Others give greater emphasis to a diversity management approach, stressing the benefits the city stands to gain from cultural pluralism. Cities that have developed policies in the area of diversity most recently have often done so within a broader policy of promoting the integration of migrants, and have included equality and diversity principles in their contracts when outsourcing services to external service providers.

Policy of diversity and diversity of policies

The policy of diversity is the sum of a diversity of policies that aim to integrate a growing, varying and diverse society and capitalize on its potentials and talents. However, to ensure social cohesion, it is of utmost importance to create a sense of belonging in society as a whole, so that all groups can identify with and adhere to the core values of the society in which they live. The feeling of belonging, however, depends to a large extent on the opportunities offered to the people as individuals and as members of social groups with regard to participation and social mobility. Therefore, it is the responsibility of the state to respond to the needs and potentials of an ethnic and culturally diverse society and to promote equality and inclusion of disadvantaged groups (e.g. women, migrants, the disabled and the elderly) and reduce structural discrimination. The

concept of diversity therefore states that all these subgroups have special competences and skills which have to be taken into account when shaping the urban community. For example, women in senior positions promote collaborative and efficient work and migrants as staff contribute to and promote the intercultural competences of an institution.

From integration to diversity policies

Regardless of which route cities take to promote an inclusive society, they are responsible for making integration work and for managing diversity. Policymaking and implementation of integration and diversity-related measures at the national level is crucial. Therefore, national authorities should be actively involved in the development of integration policies, providing support and general guidelines to ensure political legitimacy. Also, EU policies should more strongly involve local authorities when designing and framing EU programmes, and should actively facilitate the exchange of experiences between the local level and other governance levels.

Although many municipal diversity policy concepts may be strategically valuable, the experience of cities also shows that a targeted and spatial-oriented integration policy cannot replace a diversity policy. But such a policy should focus more strongly on the potentials and talents of migrants and the responsiveness of mainstream institutions and organizations to the challenges and advantages of a diverse society.

In this regard, it is important that statistics go beyond the basic demographic characteristics of migrants and present a wider range of socio-economic information on migrants and their descendants.

The management of diversity also calls for a need to look closer at the openness of a society and attitudes to diversity, and therefore to a need to develop new perspectives with regard to the terminology of diversity: Should we talk about diversity at the system or group level, namely among students, teachers and municipal staff? A closer look at these questions would give different answers. In this respect, municipalities should also develop an effective public communications strategy and look at how they can best raise awareness among their staff and the public of the rationale behind their diversity policies. This is a process that will take some time and some firm conviction by different actors to be achieved.

The city of Stuttgart, famous for its integration policy concept, has been successful in opening up different municipal departments (health, social affairs, personal office, foreigner's office, youth welfare) in the past 10 years. It is now progressing towards a diversity management policy. The responsiveness of the

institutions is a good basis for meeting the challenge of providing future services that reflect the diversity of society, and for using the full potential of that diversity to contribute to the development of an inclusive society.

Apprenticeship campaign
Deine Stadt – Deine Zukunft (Your City – Your Future)

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Additional Web resources:

- *Handbook on Integration for Policymakers and Practitioners*, http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=12892
- http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-11-034/EN/KS-SF-11-034-EN.PDF
- www.toronto.ca/diversity
- www.charta-der-vielfalt.de/
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Xenofobia y discriminación. Desafíos y políticas públicas en España

Nicolás Marugán Zalba[1]

Queda mucho por hacer para prevenir y eliminar la discriminación y la xenofobia que sufren a diario muchas personas en España que son víctimas del racismo, de la xenofobia o de formas conexas de intolerancia, y determinados discursos que están creciendo en España y en Europa no ayudan. Sin embargo, el trabajo realizado y la voluntad de mejorar el escenario son y han sido claros por parte de los poderes públicos y de la sociedad civil, entre otros actores.

Pretendo analizar a lo largo del artículo, varias de las medidas que se están implementando para afrontar los desafíos que tenemos en España, finalizando con la descripción de aquellas que deberíamos realizar, en el escenario actual.

En la declaración de la Conferencia Mundial contra el racismo, la discriminación racial, la xenofobia y las formas conexas de intolerancia que se celebró en 2001 en Durban, Sudáfrica,[2] se señala que "desde que en 1948 se aprobó y proclamó la Declaración Universal de Derechos Humanos, la comunidad internacional ha avanzado considerablemente en la lucha contra el racismo, otras formas de discriminación, la xenofobia y las formas conexas de intolerancia. Sin embargo, se observa con grave preocupación que un sinfín de seres humanos siguen siendo víctimas de violaciones de los derechos humanos, sufrimientos, desventajas y violencia por los motivos mencionados".

En Durban, también se declara que toda doctrina de superioridad racial es científicamente falsa, moralmente condenable, socialmente injusta y peligrosa y debe rechazarse; reconoce que la xenofobia contra los no nacionales, en particular los migrantes, los refugiados y los solicitantes de asilo, constituye una de las principales fuentes del racismo contemporáneo. Por otra parte, recalca que la pobreza, el subdesarrollo, la marginación, la exclusión social y las desigualdades económicas están estrechamente vinculados con el racismo, la xenofobia y la intolerancia.

La legislación española, tiene una voluntad clara de prevenir y reparar la discriminación. Así, la Constitución Española, en los artículos 1, 9, 10, 13 y 14 habla de la igualdad como un valor, un principio y un derecho, además de establecer un mandato a los poderes públicos de "remover los obstáculos que impidan o dificulten la plenitud de una igualdad o una libertad reales y efectivas" y señala que "la dignidad de la persona es fundamento del orden político y de la paz social", y que "las normas relativas a los derechos fundamentales y a las libertades que la Constitución reconoce se interpretarán de conformidad con la Declaración Universal de Derechos Humanos ".

Por su parte, el Código Penal español, en el artículo 22.4 señala como circunstancia agravante la comisión de los delitos, por entre otros motivos: "racistas, antisemitas u otra clase de discriminación, referente a la ideología, religión o creencias de la víctima, la etnia, raza o nación a la que pertenezca… " y en los artículos 314, 510, 511, 512 y 515.5 se castigan actos como discriminaciones en el empleo, la provocación a la discriminación, al odio o a la violencia contra grupos o asociaciones por motivos racistas, antisemitas…; denegaciones de prestaciones a las que se tenían derecho, … contra alguna persona por razón de, entre otros motivos, su pertenencia a una etnia, raza o nación…, y, a su vez, se señalan como punibles las asociaciones ilícitas, entre las que considera, las que promuevan la discriminación, el odio o la violencia contra personas, grupos o asociaciones por razón de … la pertenencia de sus miembros o alguno de ellos a una etnia, raza, o nación...

También debemos destacar la Ley 19/2007, de 11 de julio, contra la violencia, el racismo, la xenofobia y la intolerancia en el deporte, cuyo objetivo principal es erradicar la violencia en el deporte, además de prevenir, controlar y sancionar con rigor cualquier manifestación violenta en el ámbito de la actividad deportiva, muy especialmente cuando adquiere connotaciones de signo racista, xenófobo o intolerante.

Tiene también una especial relevancia, la recientemente aprobada *Estrategia Integral contra el racismo, la discriminación racial, la xenofobia y otras formas conexas de intolerancia*[3]. La Estrategia es un compromiso internacional de España, adquirido en el marco de la

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mencionada *Conferencia mundial de Durban contra el racismo, la discriminación racial, la xenofobia y otras formas conexas de Intolerancia de Naciones Unidas*.

Ha sido elaborada, consultando a la sociedad civil y a expertos de los diversos ministerios así como a expertos externos, y plantea 41 objetivos y 137 medidas en diversas materias, entre las que debemos destacar: el análisis de los sistemas de información y la acción jurídico penal sobre racismo, discriminación racial, xenofobia y otras formas conexas de intolerancia; el Impulso de la coordinación y cooperación institucional y con la sociedad civil; la prevención y protección integral a las víctimas de racismo, y xenofobia; medidas educativas; de empleo; salud; vivienda; medios de comunicación; internet; deporte y sensibilización.

La Estrategia se ha elaborado, en el marco de las políticas de integración de los inmigrantes, y en este contexto conviene señalar, al hablar de migración en España, que es un caso excepcional en la historia europea: el país recibió cinco millones de nuevos habitantes en menos de 10 años, hasta representar actualmente el 12 % de la población.

También debemos poner en valor, las actuaciones realizadas en España para analizar el escenario de la discriminación y la intolerancia. Así, debemos destacar diversos estudios como el estudio "*La percepción de la discriminación por el origen racial o étnico por parte de las potenciales víctimas de este tipo de discriminación: panel de discriminación*"[4] elaborado por el Consejo de Promoción de igualdad de trato*, el estudio "Convivencia social e intercultural en territorios de alta diversidad, basado en la encuesta 2010 sobre convivencia intercultural en el ámbito local*"[5] y los informes realizados anualmente durante los últimos ejercicios, de la "Evolución del racismo y la xenofobia en España" [6]realizados para el Observatorio Español del Racismo y la Xenofobia de la Secretaría General de Inmigración y Emigración, que analizan las encuestas "Actitudes hacia la inmigración" realizadas por el centro de investigaciones sociológicas (CIS), y describen la progresión de la sociedad española, de sus percepciones y actitudes hacia la inmigración, y nos pueden servir para analizar actitudes reacias o en ocasiones racistas y que puede incluir también un racismo sutil o xenofobia de baja intensidad.

Es importante analizar las actitudes en un escenario de crisis económica, y tal y como señala la autora, Mª Ángeles Cea D'Ancona[7], la fotografía es menos gris que la prevista. En el Informe de 2011, que analiza la encuesta realizada en 2010, con una muestra de cerca de 3.000 personas aleatoriamente seleccionadas en 275 municipios, se señala que en términos generales, el rechazo expreso a la inmigración (37% en 2010) se mantiene en niveles similares a los recogidos en las encuestas de 2007 (37%), 2008 (37%) y 2009 (36%). La tolerancia o actitud favorable a la inmigración, baja dos puntos en un año (33% en 2010 y 35% en 2009) y se interrumpe la tendencia ascendente que se iniciara a partir de 2005 (24%), 2007 (29%) y 2008 (33%), y la ambivalencia tampoco varía en proporción (30% en 2010, 29% en 2009, 30% en 2008 y 34% en 2007).

Del informe, hemos de destacar algunos aspectos preocupantes, en especial, los temas referidos al empleo, especialmente de jóvenes que están en situación de desempleo. Muchos de ellos han pasado de tener una actitud tolerante a tener una actitud ambivalente (estado de ánimo en el que coexisten dos emociones o sentimientos opuestos). Así, se observa en las respuestas a las afirmaciones de que "los inmigrantes quitan puestos de trabajo a los españoles" (46% en 2007, 58% en 2009, 63% en 2010) y "hacen que bajen los salarios" (69% en 2007, 73% en 2009, 76% en 2010).

También a la hora de hacer el diagnóstico, entendemos fundamental resaltar los aspectos positivos y en este sentido, el informe mencionado aprecia avances en positivo en la aceptación de la convivencia con inmigrantes. La relación laboral o de estudios continúa recabando la mayor aceptación (80% en 2010), así como "que un inmigrante sea su jefe en el trabajo" (73% en 2010). Por otra parte, prosigue el ascenso de las relaciones de amistad con inmigrantes (42% en 2010, 42% en 2009, 38% en 2007, 30% en 2004).

A su vez, en la elaboración del diagnóstico, debemos analizar las recomendaciones de organismos internacionales, como la **Comisión Europea contra el Racismo y la Intolerancia** del Consejo de Europa[8], el Comité para la Eliminación de la Discriminación Racial (CERD) de Naciones Unidas o la Agencia de Derechos Fundamentales de la Unión Europea, que reconocen que se han realizado progresos en una serie de ámbitos, pero señalan diversas cuestiones que siguen siendo motivo de preocupación.

[4] Consejo para la promoción de la igualdad de trato y no discriminación de las personas por el origin racial o étnico: Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas. www.igualdadynodiscriminacion.org.

[5] Obra Social "la Caixa". Informe Convivencia social e intercultural en territorios de alta diversidad, basado en la encuesta 2010 sobre convivencia intercultural en el ámbito local.

[6] Cea D'Ancona, MªÁ. y Vallés Martinez, M.S : Evolución del Racismo y la Xenofobia en España (Informe 2010) Madrid. Observatorio Español del Racismo y la Xenofobia. Ministerio de Trabajo e Inmigración.www.oberaxe.es.

[7] Cea D'Ancona, MªÁ:"Inmigración y Crisis económica. Impactos actuales y perspectivas de futuro". Anuario de la Inmigración en España. Barcelona: Fundació CIDOB 2010.

[8] ECRI, Comisión Europea contra el racismo y la intolerancia. (Cuarto informe sobre España). Disponible en la web: http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/spain/ESP-CBC-IV-2011-004-ESP.pdf.

Entre ellas destacan, la no existencia de datos sobre los actos de racismo. En este sentido, se han producido avances, mediante la colaboración entre el Ministerio del Interior y el Ministerio de Empleo y Seguridad Social, incorporándose una serie de modificaciones en el Sistema Estadístico de Criminalidad con la intención de registrar de forma precisa y fehaciente cualquier acto susceptible de ser calificado como racista o xenófobo. Asimismo, se ha firmado un convenio entre ambos Ministerios para la formación de funcionarios de la Seguridad Pública estatal que permita la aplicación de criterios objetivos para la detección y el registro en tiempo real de comportamientos, contrarios a la legalidad, con motivaciones racistas y xenófobas, a través de su incorporación directa al actual sistema de información de diligencias policiales iniciadas, concretándose todo ello en el presente año 2012 en el programa FIRIR, (Formación para la recogida de incidentes racistas).

En el programa FIRIR mencionado, en el que participa la Comisión Europea, a través del programa "Progress", durante el ejercicio 2012, se está dando formación y sensibilizando a los distintos cuerpos policiales de España en la importancia de recoger adecuadamente los casos de racismo y xenofobia en el sistema estadístico criminal, trabajando conjuntamente expertos de los distintos cuerpos policiales (Policía Nacional, Ertzaintza, Guardia Civil, Mossos d'esquadra y Policía foral de Navarra y Policías Locales), expertos de las Universidades y la fiscalía.

Las víctimas, por otra parte, deben ser el centro de nuestras actuaciones y en este sentido es fundamental, el trabajo del Consejo para la Promoción de la Igualdad de Trato y no Discriminación de las personas por origen racial o étnico. Una de las principales funciones del Consejo es la de prestar asistencia a las víctimas de discriminación[9], para lo que ha puesto en marcha una red de centros de asistencia.

Es preciso mencionar también el fundamental papel que juegan los medios de comunicación en un tema tan sensible como este, la importancia que pueden tener sus mensajes para crear o desmontar tópicos, prejuicios, estigmas o estereotipos. En este sentido, la Guía práctica

para los profesionales de los medios de comunicación[10], elabora recomendaciones, a los profesionales de los medios, a las empresas mediáticas y a los centros de formación de comunicadores e instituciones públicas, entre las que podemos destacar: "diversificar las fuentes e incluir las procedentes de las personas migrantes, evitar la generalización y simplificación de la inmigración, poniendo especial cuidado en el empleo de términos que pueden ser degradantes como por ejemplo ilegales, sin papeles, evitar la relación entre inmigración y delincuencia, favorecer la especialización de los y las profesionales, convertir la formación sobre diversidad de los profesionales en un elemento estándar del currículo…".

Los temas educativos son básicos y los organismos internacionales señalan la necesidad de garantizar el acceso y la permanencia en el sistema educativo en condiciones de igualdad, y si queremos invertir en la eliminación de prejuicios y estereotipos debemos pensar a largo plazo y profundizar en todas las medidas de formación del alumnado. La mencionada Estrategia contra el racismo, desarrollando en este ámbito el Plan estratégico de Ciudadanía e Integración[11], propone como medida la articulación de una estrategia de lucha contra el racismo en la escuela, desarrollando los programas educativos, apoyando la aplicación de los programas innovadores que desarrollen la pedagogía antirracista, promoviendo los derechos humanos en el entorno escolar y reduciendo la segregación y la concentración escolar, apoyando proyectos de mejora de la calidad de la enseñanza.

Por otra parte, la Agencia Europea de Derechos Fundamentales, conocida pos sus siglas en inglés FRA (Fundamental Rights Agency), señala que el empleo es el ámbito donde hay más discriminación en Europa. En este sentido debemos saber gestionar la diversidad y dar a conocer sus beneficios. La responsabilidad de los Estados es crucial, pero también lo es la del sector privado. El enriquecimiento tanto cultural como social y económico que tiene la diversidad, tiene que ir calando en nuestro país.

9   Consejo para la promoción de la igualdad de trato y no discriminación de las personas por el origen racial o étnico. Informe de resultados 2010. Red de centros de asistencia a víctimas de discriminación por origen racial o étnico. Disponible en la web: http://www.igualdadynodiscriminacion.org/ss/Satellite?c=CND_Publicacion_FA&cid=1244651382919&language=cas_ES&pagename=ConsejoNoDiscriminacion%2FCND_Publicacion_FA%2FCND_detalle&pid=1264005795831&title=Informe+2010+de+la+Red+de+centros+de+asistencia+a+v%C3%ADctimas+de+discriminaci%C3%B3n+por+origen+racial+o+%C3%A9tnico.

10   Sendín Gutiérrez J. C. y Izquierdo Iranzo, P.: Guía práctica para los profesionales de los medios de comunicación. Tratamiento mediático de la Inmigración. Ministerio de Trabajo y Asuntos Sociales. http://www.oberaxe.es/files/datos/47d1394b65cc8/GUIA%20MEDIOS%20ELECTRONICANIPO.pdf.

11   Ministerio de Trabajo e Inmigración: Plan Estratégico de Ciudadanía e Integración 2011/2014.

En el proyecto GESDI[12], que se ha llevado a cabo, con numerosas organizaciones españolas para analizar buenas prácticas en la gestión de la diversidad, en lo referido a minorías étnicas e inmigrantes, se ha constatado que hay organizaciones que ya son conscientes de los beneficios que comporta una buena gestión de la diversidad.

Son muchos como vemos los ámbitos donde hay que trabajar y en este sentido la mencionada *Estrategia* propone medidas de acción en aspectos de salud, vivienda o deporte entre otros temas, y podríamos señalar que las actuaciones de políticos, jueces, fiscales, funcionarios, medios de comunicación, policías, profesores, personal sanitario, empresarios y trabajadores, sociedad civil, sindicatos y asociaciones empresariales entre otros colectivos son esenciales, pero hay que entender el concepto de ciudadanía correctamente y reconocer, como decía Durban, que la lucha es tarea de todos.

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[12] Proyecto GESDI "Gestión de la diversidad". Proyecto cofinanciado, en el marco del Programa Progress Antidiscriminación, por la Comisión Europea y que pretende mejorar la igualdad de trato y gestión de la diversidad en el mundo laboral, reforzando la imagen positiva de la integración de los inmigrantes y minorías étnicas en el ámbito de las empresas y entornos profesionales. Más información: http://www.oberaxe.es/files/datos/4f016d0cf0f2a/GUIAGESDI.pdf. http://www.oberaxe.es/files/datos/4ef0856dcaa07/GESDIINGLES.pdf.

Muslim women in France

Frédérique Ast[1]

Many official observers, including the Human Rights Committee, the European Commission against Racism and Intolerance, and the Fundamental Rights Agency of the European Union, have sounded the alarm about the rise of religious intolerance in our "deconfessionalized" Western countries, in particular in the aftermath of 9/11. In its report dated April 2011, the French National Consultative Commission on Human Rights denounced an alarming "anti-Muslim sentiment" coming to the fore in France.

Even if this issue seems to affect all democratic Western countries, the French context is rather outstanding, especially because the Muslim population in France is considered to be the largest in Western Europe (5–6 million). Moreover, in contrast to other countries, the French Republic is founded on secularism, which has constitutional status in France. The exercise of religious freedom in the public space is directly linked to it. In 2004, by legislative action, the concept of secularism was extended to prohibit the wearing of "conspicuous" religious signs and dress in state schools. The European Court of Human Rights has accepted this legislative expansion of the notion of secularism, holding that it is not invalidated by the general prohibition of discrimination on the grounds of religion and conviction.

In this context, Muslim women often appear to bear the brunt of a certain public wariness. National debates related to the banning of conspicuous religious signs in state schools, or, more recently, of the full veil in the public space, have reinforced the stigmatization of Muslim women and, in some cases, have led to their exclusion in everyday life.

The situation of Muslim women wearing a headscarf in a secular country: Law and practice

As Dr Robert A. Kahn, Associate Professor of Law, stated, "the symbols [...] do not have meaning by themselves. Instead, it is up to the court to attribute meaning to them".[2] It becomes a problem when the mere fact of wearing a headscarf aims at categorizing Muslim women as "second-class women".

The European Court of Human Rights (ECtHR), as well as the Swiss and Turkish Constitutional Courts, have held that the headscarf may not be compatible with the principle of gender equality, despite the fact that the female claimants who tried to challenge headscarf bans were educated.[3] As teachers or students entering the medical profession, they were hindered from wearing a headscarf at work or at university. Among the variety of meanings of such a symbol, the ECtHR construed the headscarf as a symbol of the inferior position of women in Islam and supported the view that girls and women may be pressured into wearing it.

The sexist nature of the headscarf may be a reality in certain cases: some women may be forced to wear it even in Europe. In these cases, any form of cultural and religious relativism which could violate women's fundamental rights should clearly be prohibited. Nevertheless, gender equality and secularism should not turn into a concept that is used against Muslim women's empowerment.

In this respect, French case law has never found any contradiction between the wearing of a headscarf and the right of women not to be discriminated against. Moreover, the former French Anti-Discrimination and Equal Opportunities Commission (the HALDE, now merged into the French Defender of Rights) has repeatedly affirmed, in accordance with the Council of State's case law, that "wearing the veil is not, in itself, an act of pressure or proselytism".[4] The highest administrative court has also held that the veil is not, without more, incompatible with the principle of secularism, and that any question raised by wearing the veil must be decided case-by-case, based on the circumstances.

Nevertheless, according to a survey conducted in 2010 by IFOP,[5] a French research and opinion poll institute, two thirds of French people oppose the wearing of Muslim headscarves in public. This figure has almost doubled over the last 20 years. The exclusion of veiled Muslim women in many areas of daily life is derived from misunderstandings relating to the scope of secularism, especially after the adoption of the 2004 law prohibiting

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[2] R. A. Kahn, *The Headscarf as Threat? A Comparison of German and American Legal Discourses* (2006). Available from http:// works.bepress.com/robert_kahn/1.
[3] ECHR 15 February 2001, Dahlab v. Switzerland, no. 42393/98 and ECHR 10 November 2005, *Sahin v. Turkey* (GC), no. 44774/98.
[4] Council of State 27 November 1996, *Mr and Ms Jeouit*, n° 172.686.
[5] IFOP, Regards croisés France/Allemagne sur l'Islam, 13 décembre 2010.

the wearing of conspicuous religious signs or dress in state schools. In practice, Muslim women in France may face situations where they are pressured or required to remove their headscarves by employers, public institutions or even private individuals. Such demands frequently arise in the field of employment, but they also concern access to various private services, ranging from vocational training to sports centres, driving lessons or housing. In many cases, such requests are against French law.

For example, on 8 October 2008, the Nancy Criminal Court of Appeal sentenced the owner of a rural bed-and-breakfast who had refused to rent a room to two veiled Muslim women to a two-month suspended prison sentence. The Court also awarded EUR 500 in damages to each victim.

In another case, a woman wearing a hijab was denied access to an English course taking place on the premises of a state high school where school pupils are prohibited to wear any ostentatious religious symbols. This woman, who had paid for training to improve her knowledge of English so she could get a degree in Islamic banking, was eventually prevented from attending the class. The public training centre, which depended directly on the Ministry of Education, justified the woman's exclusion on the basis of the maintenance of public order and the normal functioning of public service. It feared that the mere proximity of this woman would have a negative impact on the students prohibited from wearing religious symbols. Before the court, the lawyer for the Ministry of Education, also pleaded that, in any case, the claimant's training was purely hypothetical: she had discontinued her studies 10 years ago, was pregnant and her professional shift seemed incompatible with her family life. He also considered that her husband's revenues were sufficient to support the family.

On 5 November 2010, the Administrative Tribunal of Paris invalidated the exclusion of this veiled woman from a traineeship programme for adults administered in a state high school. The tribunal held that the 2004 legislation must be construed restrictively and cannot apply to a woman who is not a high school student. On 27 April 2009, a judge of the same court had already issued a preliminary injunction ordering the readmission of the trainee in question, noting furthermore that the exclusion of the claimant was not founded on her personal behaviour, since there was no evidence that she had done anything contrary to public order. The Ministry of Education did not appeal.

More surprisingly, religious discrimination also occurs in the context of acts of charity. In its Decision no. 2010-232 of 18 October 2010, the former Anti-Discrimination and Equal Opportunities Commission dealt with the complaint a veiled woman filed after a private association refused to give her food aid. The association argued that

its decision was based on the basis of secularism and that a "moral contract" with the association required its members not to wear any religious signs. The HALDE reminded the association that "no legislative, regulatory or judicial rule enshrines the necessity of neutrality of private places open to the public", and found that such a prohibition was unjustified and discriminatory. Following this analysis, the State Prosecutor sent an admonition to the association two months later.

Even within the political arena, cases have been reported. For example, during the last regional elections, the New Anti-Capitalist Party (NPA) included a veiled Muslim candidate in one of its lists. The feminist organization *Ni Putes Ni Soumises* (Neither Whores Nor Submissive) and the Arab Women's Solidarity Organization filed suit to prevent the prefect from registering the NPA list. On 23 February 2010, the Marseille administrative tribunal dismissed their action, stating that "such a decision did not seriously and obviously conflict with fundamental freedom, since these principles [secularism, gender equality, security and indivisibility of the Republic] must be reconciled with the individual freedom of the candidate and her right to stand for election". The Council of State upheld this judgement and stated that no constitutional norm, in particular secularism and gender equality, required the exclusion from an election of candidates choosing to disclose their religious beliefs.

The above-mentioned examples are far from being exhaustive but they give an idea of the exclusion suffered by veiled Muslim women in French society. They are still victims of stigmatization, especially since the emergence of debate concerning the compatibility of the burqa or niqab with the French Republic's underlying values, including non-discrimination.

The ongoing debate related to the blanket ban on the full veil in France

Addressing the assembled members of the two chambers of Parliament at the Palace of Versailles, President Sarkozy stated in mid-2009: "The problem of the burqa is not religious. It is an issue of women's freedom and dignity. The burqa is not a religious sign; it is a sign of subservience, a sign of debasement. I want to solemnly say that this is not to be welcomed on the territory of the French Republic! [...] I say to you; let us not be ashamed of our values, let us not be afraid of defending them".[6] Following this speech, the governing party launched a debate on the compatibility of the burqa with French values.

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[6] The full speech is available at www.elysee.fr/president/les-dossiers/etat/institutions/discours-devant-le-parlement-reuni-en-congres/discours-devant-le-parlement-reuni-encongres.8463.html.

On 26 January 2010, a French Parliamentary Commission (including members of the governing party and of the opposition), after having concluded that the burqa constituted a "symbol of subservience to men" and posed an "unacceptable" challenge to French values, issued a report recommending that the burqa be banned in certain public places such as schools, hospitals, public transport and government offices. However, it did not propose prohibiting the full face veil on the streets, or in shopping centres or other public venues.

The former French Prime Minister, Mr. François Fillon, then asked the Council of State to study legal solutions for prohibiting the wearing of the full veil. He indicated that he wanted the ban "to be as wide and effective as possible", which meant going beyond the recommendation of the Parliamentary Commission. The Council of State submitted its findings in a report dated 25 March 2010, expressing legal reservations about the possibility of a complete ban. It considered such a ban "fragile in light of the principle of non-discrimination" and felt that it could not be based on "any indisputable legal foundation". Secularism could not provide the basis for a general restriction on the expression of religious convictions in the public space, as the ECtHR had ruled on February 2010 in the case *Arslan and others v. Turkey* (no. 41135/98). The Council of State recalled that the secular principle concerns relations between public authorities and the various religions or persons who subscribe to them. It is only "directly binding on society or individuals in the case of specific demands made on certain public services (as in the case of educational institutions".[7]

Despite this unfavourable opinion of the Council of State, Parliament adopted Law no. 2010-1192 dated October 11, 2010, which completely prohibits the covering of one's face in a public space. Its rationale is principally based on the protection of public security and gender equality. As noted by the Constitutional Council, "Parliament felt that such practices are dangerous for public safety and security, and fail to comply with the minimum requirements for life in society. It also felt that those women who conceal their face, voluntarily or otherwise, are placed in a situation of exclusion and inferiority patently incompatible with constitutional principles of liberty and equality. In enacting the provisions we are asked to review, Parliament has completed and generalized rules which previously were reserved for ad hoc situations for the purpose of protecting public order".[8]

The Constitutional Council declared the first legislation in Europe banning the burqa compatible with the French Constitution of 1958. It refused the application of this legislation only in the case of places of worship open to the public. With its decision, the Constitutional Council seems to have validated an unprecedented interpretation of the concept of public order. Traditionally, public order was held to rest on three pillars: public security, public peace and public health. The criterion of public security permits the state to combat fraud. It can legitimately be used to prevent people from concealing their appearance, or even authorize demands that they reveal their identity. However, for this principle to apply, it would traditionally have to be shown, in concreto, that a particular security problem is associated with the full veil as such. However, no such security problem has ever arisen in relation to the 1,900 women who, according to the statistics of the Ministry of the Interior, were wearing the burqa or the niqab in France in 2010.[9] Moreover, when the criterion of public security is applied, the risk of a disturbance to public order normally should affect limited specific areas and/or occur during a specific period of time. In its ruling, the Constitutional Council referred for the first time to a "non-substantive" dimension of public security, relating to public decency, public order or dignity.

Without legitimizing a total ban on the wearing of the full veil, both the Council of State and the HALDE have held that, in specific circumstances, certain unfavourable conclusions can be drawn from a woman wearing the burqa, and certain restrictions on wearing the burqa are permissible in both cases, on the grounds of sexual equality. For example, in 2008 the Council of State ruled that the denial of French citizenship to a burqa-clad woman was justified, since she had "adopted a radical practice of her religion that [was] incompatible with the essential values of the French community, in particular with the principle of gender equality".[10]

The HALDE, for its part, received a request from the National Agency for the Reception of Foreigners and Migration to give its opinion on the legality of the prohibition of the burqa during compulsory language training courses for foreigners immigrating to France. In its response, the HALDE indicated that the requirements of public safety, and the protection of the rights and freedoms of others, were legitimate aims recognized by law, which could justify the prohibition of the full-

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7   Council of State, Study of possible legal grounds for banning the full veil, Report adopted by the Plenary General Assembly 25 March 2010, 50 p. Available from www.conseiletat.fr/cde/media/document/RAPPORT%20ETUDES/etude_voile_integral_anglais.pdf.

8   Constitutional Council 7 October 2010, DC no. 2010-613. Available from www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank/download/2010-613DC-en2010_613dc.pdf.

9   This official figure is reported by the Parliamentary Mission on the full veil in France: Information report, n° 2262, 26 January 2010. Available from www.assemblee-nationale.fr/13/dossiers/voile_integral.asp.

10 Council of State 27 June 2008, *Ms Mabchour*, no. 286798. See also the Versailles Court of Appeal, 27 June 2006, relating to a divorce case and taking into account excesses stemming from the practice of a religion, such as the obligation to wear the Islamic veil. Such excesses, if they make married life unendurable, may be grounds for divorce, the blame being ascribed to the person responsible for them, pursuant to Article 242 of the Civil Code.

face veil in the specific situation concerned. Given the fact that language training courses are free, and that attendance is compulsory for newcomers who do not have sufficient knowledge of the French language, the beneficiaries of these courses could legitimately be required to identify themselves. Furthermore, the HALDE indicated that "the burqa, beyond its religious scope, may be considered as conveying an idea of female submission and as violating the national values that govern France's integration process, in particular the principle of equality between men and women".[11]

A year after the entry into force of the law in France, even if the police stopped and checked 354 women, only 20 women were convicted to fines of up to EUR 150 each. None of them have been convicted to a citizenship class so far. This raises the question of the impact and efficiency of this legislation. Moreover, according to the European Commissioner of Human Rights, "prohibition of the burqa and the niqab would not liberate oppressed women, but might instead lead to their further alienation in European societies".[12] Mr. Thomas Hammerberg has thus called for an assessment of the genuine consequences of banning the burqa or the niqab in public institutions like hospitals or government offices. He fears that such a decision may only result in these women avoiding such places entirely.

At this stage, two cases should reach the highest judicial court in France, the Court of Cassation. The victims have also announced their willingness to bring their action before the ECtHR after they have exhausted all internal remedies, if need be. This litigation should give an opportunity to the Court of Strasburg to decide whether the overall prohibition provided for in the 2011 French Law, sanctioned by fines of EUR 150 or citizenship classes, or both, for any woman caught covering her face, can be considered as adequate and proportionate to properly safeguard protection of women's rights. It has to be borne in mind that in 2011, the Brussels magistrate's court in Belgium already quashed a EUR 200 fine imposed on a woman wearing the niqab, on the grounds that such a restriction, provided for by a municipal police regulation on individual freedom, was not proportionate to the legitimate goal of furthering public security.

Conclusion

As a result of the political, social, legal or even global media environment, Muslim women face growing marginalization in French society. They are reported to be targeted as the first victims of hostility, assault or even abuse. In 2012, out of 262 recorded acts of Islamophobia, 222 were reported to be against women.[13] Many surveys indicate low levels of rights awareness and knowledge about, or trust in, mechanisms for making complaints. This leads to the conclusion that many discriminatory incidents and criminal victimization experienced by Muslim women are never reported to any organization – whether state-run, including the police, or NGOs. Hence, campaigns to develop knowledge of non-discrimination laws and agencies and organizations that offer help and support in such cases should be improved.[14]

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[11] HALDE decision no. 2008–193, 15 September 2008.
[12] See his declaration dated 8 March 2010, www.coe.int/t/commissioner/Viewpoints/100308_en.asp.

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[13] Committee Against Islamophobia in France, 2012 Annual Report, www.islamophobie.net/sites/default/files/rapportENG2012.pdf.
[14] On this aspect and legal strategy to be addressed, see F. Ast and R. Spielhaus, Tackling double victimization of Muslim women in Europe: The intersectional response, *The Mediterranean Journal of Human Rights*, forthcoming.

Dealing with cultural diversity from a labour market perspective: Intercultural competencies for stakeholders

Daniel Weber[1]

As the education and training department of the German trade unions, the DGB Bildungswerk BUND is specialized in capacity-building for stakeholders in the labour market.[2] As Head of the Centre for Intercultural Competencies, the author works with a variety of persons and institutions who deal with the labour market integration of migrants and, in general, the labour market integration of all people in a culturally diverse community. One of the most important factors for labour market integration is that persons in key positions are competent in dealing with cultural diversity. However, there are many cases of discrimination and uncertainty among employees and employers on how to deal with cultural diversity – and not only in Germany. For this reason many German organizations try to establish a policy of *Interkulturelle Öffnung* (which is not a fixed technical term and is often interpreted in quite various ways by different organizations and companies. Roughly, it can be translated as "openness to migration and cultural diversity").[3] The DGB Bildungswerk BUND helps organizations to accomplish *Interkulturelle Öffnung* by developing an individual strategy, moderating the process and, last but not least, providing a wide range of education modules for intercultural education. One important sub-area of the labour market is public administration. Within the administration, the advisors at communal job centres form an especially critical group. The important role of these key persons in the transition from unemployment to qualification and labour is a crucial point for the labour market integration of migrants and their children. In this article, the author describes, from a practitioner's point of view:

1. Sustainable tools of *Interkulturelle Öffnung* for certain parts of the labour market and how tools at the structural and individual levels can be combined;

2. Possibilities of quality assurance (with reference to the results of the German Working Group on Quality in Intercultural Education);

3. Challenges and motivations of people (especially of advisors in job centres) to take part in these processes;

4. Recommendations.

Sustainable tools of Interkulturelle Öffnung

An effective strategy for opening up an organization to (cultural) diversity is always a combination of different tools. After the National Plan for Integration came into effect in 2007, German institutions, such as public administrations, private companies, non-governmental organizations (NGOs) and the media, made a commitment to support the process of integration and participation of migrants and their children in important parts of German society. One aspect is the so-called *Interkulturelle Öffnung*. Some of the institutions developed strategies on how to open up for cultural diversity. The successful strategies combine a mixture of change in organizational structures (e.g. appointing a representative for integration or finding new cooperation partners), new ways of recruiting employees (cultural diversity) and education (e.g. intercultural training). This has certain effects on products and services, internal and external communication, effectiveness, markets and target groups, and the labour market integration of migrants. Some tools can easily be transferred from a similar institution to another, and sometimes even to organizations in a completely different field of work. For example, a multilingual leaflet can be a tool for a public administration to inform citizens about its services, as well as for a bank to inform about its products. The point is that many German organizations have never thought of creating a multilingual leaflet before (and still do not). This example shows that successful strategies are not transferrable as a whole: a public administration's leaflet and a private bank's flyer can be completely different in content, style and design, depending on the goals and target group. And, of course, a leaflet is not an all-encompassing instrument to show openness to cultural diversity, although some (German) organizations do have this opinion.

With a labour market perspective on sustainable tools, some possibilities to differentiate can be identified: by sector (private/public), region (city/rural, east/west, north/south), migration history, and resources (time and money). It makes a difference whether a small private company in the Ruhr area with nearly 50 per

cent of its employees having a migration background and one person responsible for human resources wants to improve its management of cultural diversity, or whether a public administration (e.g. the city council of a bigger city) wishes to do so. In the first case, we developed strategies which are closely linked to the existing potential of employees. Together with employers' organizations (e.g. the Westdeutscher Handwerkskammertag), we developed for employers and employees small education modules on intercultural education, language training and technical skill training to fit their special needs. In the latter case (public administration), the crucial point is to organize communication between different management levels, and between staff, *Personalrat* (staff council) and different levels of management in different parts of the administration. The following are some successful examples:

1. Setting up working groups with diverse members (i.e. diverse in all facets of the term). This has been done successfully in the county of Lippe.

2. Appointing one responsible person who has his/her own budget ("*Integrationsbeauftragter*") and who is directly linked to the mayor or head of the district authority (this is the case, for example, in the city of Stuttgart).

3. Establishing different (open) working groups for specific fields of action for establishing *Interkulturelle Öffnung* (this has been successfully done, for example, in the city of Bottrop). Also a combination of all three means is possible and is already common practice in some German administrations. The aim is often to formulate a vision and develop a strategy with small first projects. To make this process sustainable, administrations have to keep in mind that every level and section has to be involved. Successful *Interkulturelle Öffnung* is neither a top-down nor a bottom-up process – it is a process of dialogue in which everybody is on par with each other.

One key tool of *Interkulturelle Öffnung* is intercultural training. The first task of this training is to improve the competencies of staff (e.g. staff of a public administration) in dealing with diversity. After completing high-quality intercultural training, employees can work more efficiently; they are less stressed out, more sensitive and more effective. The second task is the recognition of the potential of cultural diversity. This can lead to better services for migrants and more openness to culturally diverse applicants. The third task is linked to the sustainable process of communication: intercultural training is a big reservoir of linking points, ideas, blind spots and needs. There should always be feedback from the training group on how to change structures, possibilities for further education, services and working conditions.

There are many examples where the open (and unusual) learning environment of intercultural training leads to small or big organizational changes. These changes include more time for clients with special needs, more information for staff about local NGOs, more translators, differently arranged offices and differently designed entrance areas, specific seminars on how to translate "officialese" German to "normal" German, and more team meetings. Intercultural training can help the administration concretize a strategy for change.

Possibilities of quality assurance for intercultural education

Intercultural training is a core element of *Interkulturelle Öffnung*. But there are no established standards for intercultural training – at least not in Germany. There is no reliable certificate for trainers or institutions; there is no generally accepted curriculum; and there is no independent institution which provides an overview of quality characteristics. Therefore a working group consisting of members of different institutions has spent five years in regular discussions and meetings to identify valuable characteristics.[4] The two big challenges to moderate this group were to establish an atmosphere of trust and cooperation and find common factors for quality within the diverse field of intercultural education. The (provisional) result can be used as a guideline for institutions (and persons) that are looking for high-quality intercultural training.

In a diverse society in which immigration is a normality, intercultural education would help people develop skills, abilities and knowledge in dealing with culture and migration. There are at least two kinds of intercultural education: preparing people who are planning to move to a specific country and preparing people in a country for (cultural) diversity. The working group discussed the latter, because it is more relevant to *Interkulturelle Öffnung* and labour market integration. What was found is that one key element of quality is the orientation on specific goals. There is a need to identify educational objectives for the participants – otherwise the process could lead to unintended effects.

Besides the possible goals of intercultural training and seminars, content, general framework, methods, competencies of trainers, and evaluation and sustainability are all categories for quality. In summary, there are at least five key factors for good intercultural education:

1. Pick the right goals (e.g. one objective could be for every participant to receive feedback on his/her existing behaviour).

4   The results of the working group can be found at: www.pro-qualifizierung.de/data/publikationen_datei_1295614002.pdf.

2. Establish a fixed curriculum and choose relevant topics (e.g. migration, culture, integration, communication, participation).

3. Create a professional learning environment with regard to the special needs of the participants and trainers.

4. Combine several methods such as role play, discussions, short inputs and simulations.

5. Find trainers who can work in a goal-oriented manner, prove their own intercultural competencies and use methods for evaluation (internal or external) and sustainability (like feedback and reporting).

There are several good practices in intercultural training. One example is the basic training which the DGB Bildungswerk BUND has implemented with the staff of the job centre in Düsseldorf. The entire staff was trained for two days and, after a one-month break, another two days. Considered to be a good practice by different national institutions, the training was adapted to the special requirements of other institutions, and repeated with other job centres and employment agencies.[5]

Challenges and motivations of people

Dealing more openly with (cultural) diversity is not simply a technical issue. There are several challenges:

Negative approaches by the staff because of prejudices, majority-group behaviour or even racist views, lack of information ("What is intercultural training?"), lack of an obvious connection to the "core issues" of the institution or company, lack of resources (time and money), heterogeneity of motivations and conditions, and the danger of creating an "alibi activity" (e.g. two hours of training accompanied by lots of public relations with no effect whatsoever).

To successfully deal with these challenges, consultants and organizations have to analyse who has which kind of interest and motivation to join (a part of) the process of *Interkulturelle Öffnung*, especially intercultural training. For the institution and the process of *Interkulturelle Öffnung* as a whole there is a variety of potential positive effects which can be tied to existing motivations: products and services are closer to the needs of the target groups/citizens; recruitment of good and motivated staff works more efficiently; the staff work more efficiently, effectively and with less stress; communication within the organization improves; new cooperation partners can be found; and more know-how can be developed in important fields such as migration, equal treatment and non-discrimination of colleagues, customers and citizens. At the individual level, the motivation to actively join intercultural training can be analysed as well and may be linked to the aspects already mentioned at the structural level.

One example shows how this analysis might work: Human resources departments often complain that employees either do not want to take part in optional intercultural training or are unmotivated participants in compulsory training. As mentioned before the DGB Bildungswerk BUND (and other organizations) identified public administration, especially different kinds of employment agencies, as important stakeholders for *Interkulturelle Öffnung* from a labour market viewpoint. Public administrations, on the one hand, offer essential services for migrants; on the other hand, they are one of the biggest employers in Germany. Employment agencies, such as the Job Centre, connect people who are looking for work and employers. They offer a wide range of counselling, further education and active measures. The advisors at these agencies work under strict guidelines. Given the enormous pressure (advisors have to work efficiently and effectively) and the wide range of potential conflicts with clients, there is often a big necessity for competencies in dealing with (cultural) diversity. Because the staff is itself diverse, motivations to join intercultural training are diverse as well:

- Some are highly motivated to learn more about the cultural background of their clients and are curious about the content of the training.
- Some take it for granted that everyone should participate in training because their institution made commitments at the national level, while others react to data and quotas – the reality of high migrant quotas is a motivation to deal with this subjectively newly recognized group.
- Some are driven by the specific needs of some of their clients (e.g. translators), legal issues, and special cultural requirements.
- Some are highly motivated because of personal backgrounds and/or experiences (e.g. their own migration history, migrants in their family or working as an expatriate in the past).
- Some rate equality and non-discrimination very highly and see the training as part of anti-racism programmes.
- Some are simply obliged to participate in the training by their team managers and want to prevent negative consequences.
- Some see intercultural competencies as part of their professional education as advisors, and are highly motivated to get a certificate.
- Many want to share their uncertainties regarding specific situations in their daily work and some of them want to learn how to deal with such uncertainties.
- Some want to work more productively in an intercultural team.

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[5] A short description can be found on the website www.kumulus-plus.de/fileadmin/pdf/doku/aub_broschure_fak_web.pdf (p.64).

- Some want to learn how to act against accusations of racism from clients.
- Some want to learn how to recognize the potentials and resources of their clients.

Knowing about these factors of motivation implies that all of them should be addressed.

Recommendations

Successful and sustainable *Interkulturelle Öffnung* needs a combination of tools at the structural and individual levels. The strategy should bring into focus the normality of cultural diversity within a country and the components of equality and non-discrimination. It should also put special emphasis on issues connected to the labour market. The process should be based on fair dialogue within the organization and with other organizations and individuals.

As an instrument for managing cultural diversity, intercultural training should be goal-oriented. It should use a variety of methods as well as a dynamic, flexible and differentiated concept of culture. Intercultural training should be useful at the specific workplace of the participants and be focused on advantages for them; it should also have positive effects on participants' career and salary. Basic training should be followed by individual or group coaching and short deepening and follow-up training or seminars, accompanied by printed or online information.

The specific motivations of decision makers and (potential) participants in intercultural training should be taken seriously. The effects of training should be monitored regularly – for example, via monitoring statistics and a monitoring group.

Cultural diversity should not be the only focus of an organization. Other diversity components are equally important and strategies have to be synchronized. Social backgrounds, working conditions and structural discrimination should also be targeted.

Schools as a vehicle for promoting inclusion: Lessons learned from the Pathways to Parental Leadership implemented by the Immigrant Council of Ireland (2008–2011)

Fidèle Mutwarasibo[1]

Introduction

The Pathways to Parental Leadership project was funded by the European Programme for Integration and Migration (EPIM), an initiative of the Network of European Foundations (see details in EPIM, 2011). The Immigrant Council of Ireland was the lead partner in this project that involved a number of local and transnational partners. With a developmental bottom-up approach, the main aim of the project was to develop, test and publish a toolkit aimed at promoting migrant parents' involvement in the school life of their children. The school is a unique setting when it comes to integration of migrants in the community. It is not only a centre for learning; it also has the potential to help foster interactions between children, teachers, parents and the wider community. The school can also help link migrants with local businesses, local service providers and community-based organizations, among others. The project implementation involved a number of phases and a number of stakeholders. Furthermore, the toolkit has been acknowledged as an important tool in promoting integration in Ireland and beyond.

Rationale for the initiative

The importance of educational integration is widely recognized both by academics and policymakers in Europe and further afield. The pivotal role of migrant parents in this endeavour is also acknowledged (e.g. Heckmann, 2008). From a policy perspective, the Common Basic Principles for Immigrant Integration Policy[2] in the European Union, adopted by the Justice and Home Affairs Council in November 2004, are the foundation of EU initiatives in the field of integration. The importance of educational integration is embedded in the fifth common principle which states that: "efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society". It is within this context that the EU's education ministers met and discussed migrant children's education in 2009. In their conclusion, they recognized the need for "partnerships with local communities, including families of pupils with a migrant background and migrant associations, thereby contributing to the development of schools as learning communities".[3] Furthermore the conclusions of the Fourth Ministerial Conference on Immigrant Integration, held in Zaragoza during the Spanish EU presidency, stated that the "active involvement of parents in their children's schooling is of crucial importance, starting with early childhood and basic schooling".[4] Partnerships with migrant parents and migrant associations to promote educational integration are also seen as a central component in the Irish Intercultural education strategy.[5] The "Pathways to Parental Leadership" project was underpinned by the need to promote educational integration, on the one hand, and participation of migrant parents, on the other hand. This explains why it was funded under the Migrant Voice strand of EPIM.

Implementation

Two advisory structures were set up to support the Immigrant Council of Ireland (ICI) in the implementation of the project: a National Advisory Committee and a Transnational Steering Committee. The advisory committee met four times a year during the three-year implementation period of the project. Membership of the advisory committee included: academics; a representative of the Irish Teachers Organisation; a representative of the National Parent Council – primary; practitioners; representatives of faith-based organizations; representatives of non-governmental organizations (NGOs) and migrant networks; teachers; a representative of the Reception and Integration Agency and the Department of Education and Skills; a representative of the Schools Cultural Mediation Project; a representative of the Advisory Council for English Language Schools and the National Qualifications Authority of Ireland; representatives of the youth sector and migrant parents. The transnational committee included: Professor Jan Kampmann, Department of

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[2] For details, visit: www.enaro.eu/dsip/download/eu-Common-Basic-Principles.pdf.

[3] Council of European Union, Conclusions on the education of children with a migrant background, 2078th Education, Youth and Culture Council Meeting, November, 2009 Brussels.

[4] Fourth European Ministerial Conference on Integration as a Driver for Development and Social Cohesion, which took place on 15–16 April 2010 in Zaragoza, http://register.consilium.europa.eu/pdf/en/10/st09/st09248.en10.pdf.

[5] Department of Education and Skills and Office of the Minister for Integration, Intercultural Education Strategy, 2010–2015 (2010). Available from www.education.ie/servlet/blobservlet/mig_intercultural_education_strategy.pdf.

Psychology and Education Studies, Roskilde University, Denmark; Dr Susanne Schwalgin, Netzwerk Migration in Europa, Germany; Dr Isabel Estrada Carvalhais, Department of International Relations and Public Administration, University of Minho, Portugal; Catriona Browne and Shagufta Ahmed, Battlefield Primary School, Glasgow, Scotland; Professor Antonio Pruano, Faculty of Education, University of Murcia, Spain; Sarah Gree Di Giglio, Senza Confine, Italy; Professor Mary Hickman, Institute for the Study of European Transformation, London Metropolitan University, United Kingdom; and Dr Dympna Devine, School of Education, University College Ireland. The transnational committee met once a year during the three-year implementation period of the project and its members were invited to the official launch of the toolkit in September 2011.

The main purpose of the advisory committee was to support the ICI in the day-to-day implementation of the project, whereas the transnational committee's role was to provide strategic expertise and to share learning from other jurisdictions. There was also, from the onset, the expectation that the transnational committee would help disseminate information on the project and transfer innovation to other jurisdictions. By the same token, it was expected that members of the advisory committee would help spread the news about the project across Ireland and encourage other schools to use the material and tools developed by the project. To a large extent, these expectations were met, judging by the interest in the project in Ireland and Europe.

Considering the complexities of school governance in Ireland, it was decided to have four primary schools and one secondary school representing the various strands of managerial bodies in the Irish education system. Although primary and secondary school education in Ireland is, by and large, publicly funded, the management on the ground is dominated by institutions linked to the Roman Catholic Church in the case of primary schools. In 2007, the Roman Catholic Church was managing 2,899 schools out of the 3,158 primary schools (91%). With regard to secondary schools, during the same year, the Catholic Church managed 365 out of the 731 secondary schools in the country. The other main bodies involved in managing secondary schools were interdenominational structures, which were running 336 secondary schools between them. Some providers involved in school management in Ireland include: the Church of Ireland, the Methodist Church, the Presbyterian Church, the Quakers, and the Jewish and Muslim communities.

The project was rolled out in various parts of Dublin. The primary schools involved in the project were: Holy Rosary National School and Mater Dei (Roman Catholic); Castaheany Educate Together National School (Multidenominational) and St George's Church of Ireland National School. The secondary school involved was Castleknock Community School (Multidenominational).

In terms of demographics of the schools involved in the project, in 2008, migrants accounted for 84 per cent of the school population in Castaheany. The figure was 80 per cent for St George's, 40 per cent for Mater Dei, 33.3 per cent for Holy Rosary and 10 per cent for Castleknock Community School.

The first phase of the project consisted of undertaking a research project to establish a baseline on what was happening in participating schools in terms of parents' involvement in general and the involvement of migrant parents more specifically. The principals of all schools involved, along with four teachers, were interviewed individually. Likewise, three English language support teachers, one school–home liaison teacher, one volunteer English language teacher and a resource teacher were interviewed. After concluding the personal interviews with teachers and school principals, the ICI, in collaboration with Holy Rosary and Castaheany National School, organized two workshops with migrant parents to discuss and explore how to recruit and run personal interviews with migrant parents. These workshops were followed by interviews with 25 migrant parents (seven fathers and 18 mothers) with children attending the five schools involved in the project. The interviews focused on how parents were engaging with the system and teachers and their general views on how schools and the community in general were dealing with the changing demographics in Ireland. The interviews with the teachers and parents also explored opportunities for engagement and participation by parents, in general, and migrants, in particular. The research also looked at the opportunities for (migrant) parents' involvement in the development of school policies and procedures within the constraints of limitations stemming from the way school structures in Ireland are set. The outcomes of the research formed a basis for the work on the first draft of the toolkit in the second phase of the project implemented during the 2009–2010 academic year.

The report from the research and lessons learned from international best practices helped in shaping the first draft of the toolkit. The initial toolkit included information on the welcoming process, information on facilitating family–school partnerships, and ideas on promoting migrant parents' involvement in decision-making processes. One of the interesting outcomes of the project was the fact that all the stakeholders agreed that the material developed was useful to all parents, in general, and newcomer parents, in particular, as well as parents from socially disadvantaged areas who often do not engage with schools effectively. Therefore, what started as a migrant project in the end became a mainstream one. After inputs from the advisory and transnational committees, the draft toolkit was refined and piloted in the five participating schools during the 2010–2011 academic year. The lessons learned from the pilot phase, coupled with further contributions from the committees, helped in finalizing the toolkit launched in

September 2001 (Immigrant Council of Ireland, 2001). The toolkit has two main sections. "The Welcoming Process" covers welcoming attitudes, welcoming procedures and materials, and welcoming late arrivals. The section on "Facilitating Family–School Partnerships" covers encouraging parental involvement at home, improving home–school communication, parent–teacher meetings, school as a social outlet, encouraging active participation in school, building and sustaining partnerships, and fostering parental involvement.

Looking to the future

News about the project has spread across Ireland and beyond. A number of organizations across Ireland have asked the ICI to share lessons learned from the project. These organizations include: the English Language Support Teachers' Association,[6] Educate Together,[7] the Joint Managerial Body,[8] and the Professional Development Service for Teachers (PDST). The ICI has also delivered a number of presentations on the project in various locations in Ireland over the last three years. Inspired by the project, one of the schools participating in the project, Castleknock Community School, successfully applied for a grant through Fingal County Council (one of the four local authorities in Dublin) to run their "Pathways to Migrant Involvement" project. The project was aimed at training migrant parents' from their school community to help them acquire the skills to serve on the teacher–parent committee and the school board of management. The school ran the programme in 2011. The tools developed by the "Pathways to Parental Leadership" project were also adapted by the Monaghan Education Centre for the centre's migrant parents' workshop in 2011. Furthermore, PDST asked for copies of the toolkit to use in their professional development session for teachers. One of the highlights in terms of acknowledgement and recognition of the project was a mention in a speech by the Secretary General of the Department of Education and Skills at a seminar hosted by the department to mark the first year of the Intercultural Education Strategy. In her speech, the Secretary General summed up the added value of the project in these words: "[it] is a very helpful toolkit which primary and post-primary schools can use to foster immigrant parental involvement in their children's school lives in order to enhance their educational outcomes, to strengthen the voice of migrants in the community and to promote local integration" (Mc Manus, 2011: 10–11). The ICI successfully applied for a grant to the Integration Office of Dublin City Council for a follow-up initiative entitled "Ambassadors for Change".[9] The new project is aimed at recruiting and training young mentors from a migrant background who are willing to volunteer their time and inspire migrant children in a number of secondary schools in Dublin. The overall objective of the project is to promote good educational outcomes for migrant children and their successful integration in the community in a wider context.

In the European context, in September 2010, a representative of the ICI delivered a presentation on the project at the final conference of "Feel Like a Migrant"[10] in London. In June 2011, the ICI was invited to talk about the project at a seminar on "Education for Inclusion: Strategies to Reduce Immigrant Marginalisation" in Europe and the United States, hosted by the European Policy Centre in Brussels. Following the publication and launch of the toolkit, which was covered by local and national print, radio and online media, the ICI was invited to give a presentation on the project at a seminar entitled "Living Together: Combining Diversity and Freedom in 21st Century Europe", hosted by the Council of Europe in Strasbourg in November 2011.

The project has demonstrated both the importance of involvement and participation. It has also strengthened the case for the vital role of schools in promoting local integration. The positive unintended consequence of the project was the mainstreaming elements that emerged during project implementation. The fact that the project inspired a number of stakeholders to develop follow-up initiatives suggests that the project was relevant and timely. The project is unique in its developmental bottom-up approach coupled with the use of relevant local and national expertise during its implementation. Furthermore, the fact that the project has been discussed in Ireland and in the wider European context strengthens the case for promoting initiatives that can be transferred to other jurisdictions and contexts. Integration is, and should be, a two-way process, and it is every stakeholder's business. The onus should not be on the migrant to integrate, but rather on working together to identify barriers and deal with them. On the other hand, we need to identify opportunities for promoting integration, particularly educational integration. Education has ramifications for other dimensions of the integration process.

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[6] See details at: www.elsta.ie.
[7] See details at: www.educatetogether.ie.
[8] See details on: www.jmb.ie.
[9] See details on: www.immigrantcouncil.ie/media/press-releases/524-immigrant-council-launches-mentoring-programme-for-young-people-from-migrant-backgrounds.

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[10] For details, see: http://www.flam-project.eu/index.php?id=5.

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The effects of xenophobia on the integration of migrants in South Africa: An NGO perspective

Sicel'mpilo Shange-Buthane[1]

Introduction

South Africa has a long history of migration. The country has been receiving migrant labour from the Southern African Development Community (SADC) for many years. Many of the migrant workers came to work in the mines in Johannesburg and would later return home after completing their contracts. To this day, South Africa continues to receive many migrants and refugees both from the SADC region and beyond. Currently, South Africa is said to be hosting approximately 3 million foreigners.[2] This figure includes both documented and undocumented non-nationals. The number of refugees is put at 57,899 whilst asylum-seekers are recorded at 171,702. Many foreign nationals have experienced some form of xenophobia in South Africa and this has effectively affected how this group integrates into the broader South African society. This opinion piece highlights the effects of xenophobia on non-nationals and how this hinders their full integration into their host communities in the country and thus curtails their contribution to the development of South Africa.

The domestic context

South Africa attained democracy in 1994 after years of oppression and discrimination of the black majority by successive apartheid governments. Millions of black Africans were for the first time allowed to vote in their homeland. Many promises of a better life for all were made in the months leading up to the first general election held in April 1994 and during successive elections. These promises of a better life were to be realized through the progressive realization of the rights enshrined in the country's constitution, which has been hailed internationally as one of the most progressive constitutions. However, these remain but an aspiration for many South Africans. There is a great divide between the rich and poor and skilled and unskilled workers in the country. This is the context within which non-nationals arrive or live in South Africa and they also fit between these demographics wherein there are those who are highly skilled and those who are low-skilled.

History of xenophobia in South Africa

Xenophobia is not a new phenomenon in the country, nor is South Africa the only country that is grappling with xenophobia. A number of organizations working with foreign nationals have documented attacks on this group from as far back as 1994. This is not to say that there might not have been attacks on foreign nationals prior to this date. There had been incidences of attacks on foreign nationals in different areas. However, the 1998 incident where two Senegalese and a Mozambican were thrown out of a moving train seems to have galvanized more action around addressing xenophobia in the country. Since this incident, xenophobic attacks have continued, however, not much attention has been paid on the issue particularly by state and government authorities. Civil society organizations and the Chapter Nine institutions (particularly, the South African Human Rights Commission) have raised concerns around this issue.

The rise in the number of xenophobic attacks and concerns for the safety and well-being of non-nationals prompted the National Consortium on Refugee Affairs (NCRA, now called CoRMSA), the South African Human Rights Commission (SAHRC), the United Nations High Commissioner for Refugees (UNHCR) and other organizations to launch a campaign called Roll Back Xenophobia (RBX). The campaign was launched in 1998 with the aim of raising awareness about the presence of foreign nationals in the country. This campaign used various methods to address the issue of xenophobia, including public awareness in community radio, programmes on television, school programmes and seminars where refugee issues were discussed. The campaign was targeted at various audiences, including state and non-state actors.

Incidences of xenophobia have continued to be reported since then and it seems the country is nowhere close to addressing this situation. The rise in unemployment and the government's inability to deliver services to the people have led to an increase in the number of protest actions in the country. These are service delivery protests that often take place in predominantly poorer areas of South Africa. These service delivery protests more often than not result in attacks on foreign nationals, either directly or through the looting and destruction of their properties. These attacks have resulted in deaths in some instances. Whilst it has been noted that xenophobic

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[2] L.B. Landau and V. Gindrey, *Migration and Population Trends: Gauteng Province 1996–2055* (2008).

attacks have taken place predominantly in townships and/or informal settlements, negative feelings about foreign nationals are said to transcend race, class and gender.

This situation is compounded by the emergence of self-imposed leaders in other communities. These gangs of leaders often take advantage of weaknesses within the current local government structures and use this opportunity to assert their authority in communities, often on the premise that first, they are better than legitimately elected local councillors, and second, that they will help the community to get rid of foreigners. As noted, "...where the violence happened [in 2008], there was an absence of official, institutionalized leadership that could represent the full diversity of the community".[3]

It should, however, be noted that xenophobia does not only happen at the community level among ordinary members of the community. Xenophobia can further be perpetuated by officials in various government departments or institutions. These officials often either deny access to services to non-nationals because of the fact that they are not South African, claiming that they are taking resources aimed at South Africans, or they make derogatory statements towards non-nationals.

It is not uncommon to find law enforcement officers asking for bribes from foreign nationals. There have also been reports of corruption at the Department of Home Affairs, where foreign nationals are either asked or offer to pay bribes to officials in order to get the services that they need.[4] This is reportedly happening at offices dealing with asylum claims and general immigration offices.

Foreign nationals, however, are not the sole victims of xenophobia or xenophobic sentiments. It is important to highlight that, at times, non-nationals can also contribute towards xenophobia in their host countries. In the case of South Africa, it is not unusual to find foreign nationals discussing how South Africans are lazy, uneducated and diseased. These sentiments are often expressed in the presence of South Africans who often do not take kindly to them. This on its own can lead to a serious case of xenophobia. It is thus important that both the host population and those being hosted respect the rights and dignity of others.

The height of xenophobia

These incidences of xenophobia have often been on a small scale, often targeting individuals and/or non-nationals who own and/or rent shops in townships. These *spaza* shops[5] are often situated in townships. Owners of spaza shops often fall victim to crime and, at times, are indeed targeted because they are foreign nationals. Many have lost their lives because of the robberies at their shops. However, the events of May 2008 shocked not only South Africa, but the rest of the world as well. The xenophobic attacks that took place over a few days in early May 2008 resulted in the deaths of 62 people, both non-citizens and citizens; the displacement of hundreds of thousands of people; and millions in lost revenue. Thousands of non-nationals chose to return to the hardships they had fled in their home countries rather than die in a foreign land. The attacks posed serious concerns about the integration of migrants in the country.

Many of those who were displaced did not return to the places from which they were originally displaced for fear of further attacks. Many had to re-establish themselves in other areas of South Africa. However, living in constant fear of the possibility of being attacked makes it very difficult for migrants to properly integrate into mainstream society.

What has been done thus far?

Since these attacks, there have been a number of initiatives put in place to address xenophobia. Firstly, there was suddenly recognition and acknowledgement from all quarters that xenophobia does exist and that it is dangerous. Of particular note is that various government departments have "adopted the promotion of social cohesion as part of their core mandates".[6] After the 2008 attacks, cabinet established the Inter-Ministerial Committee headed by the Minister of Police to deal with cases of xenophobia. The main challenge with this structure is that it is only active when there is a prominent case of xenophobia. Otherwise it remains invisible. Various government departments have come up with social cohesion programmes to address xenophobia. These include the Departments of Social Development and Home Affairs and the local government.

Other initiatives include the joint work being conducted by various organizations. These include peace-

3   J.P. Misago et al. *Towards tolerance, law and dignity: Addressing violence against foreign nationals in South Africa* (Arcadia, International Organization for Migration, 2009), p. 38.

4   See for example : Consortium for Refugees and Migrants in South Africa, *Protecting Refugees, Asylum-seekers and Immigrants in South Africa* (Johannesburg, 2009), pp. 7 and 32; Forced Migration Studies Programme, *National Survey of the Refugee Reception Status Determination System in South Africa* (Wits University, February 2009);   J. Klaaren and J. Ramji, Inside illegality: Migration policing in South Africa after apartheid, Africa Today, Vol. 48, No. 3, *Evaluating South African Immigration Policy after Apartheid*, Autumn 2001; and D. Vigneswaran, *Barriers to Asylum: The Marabastad Refugee Reception Office*, Migrants Rights Monitoring Programme Reports, 2008, pp. 1–29.

5   Spaza shops are informal shops usually operating from a domestic setting in mostly African areas in South Africa.

6   Consortium for Refugees and Migrants in South Africa, Protecting Refugees, Asylum-seekers and Immigrants in South Africa during 2010 (Johannesburg, CoRMSA, April 2011), p. 67.

building initiatives at the community level, community dialogues, and public awareness campaigns promoting peaceful coexistence and highlighting the rights and responsibilities of non-nationals. There is also the One Movement started and run by IOM. UNHCR also established a rapid response team to address xenophobic attacks in communities. This initiative is in collaboration with the South African Police Services (SAPS). According to the 2011 statistical report from this UNHCR initiative, "there are three serious xenophobic incidents per week, 99 deaths per year and about 1,000 persons displaced permanently or temporarily per annum".[7]

In 2009, following the May 2008 xenophobic attacks, CoRMSA formally requested the South African Human Rights Commission (SAHRC) to conduct an investigation into the role played by each government department in addressing the situation of those affected and displaced by violence. This investigation culminated with the SAHRC issuing a report highlighting what each government department had done and making recommendations on what could be improved. CoRMSA asked for this investigation to ensure that there was accountability on this issue.

In 2010, CoRMSA made recommendations to the Inter-Ministerial Committee set up to deal with xenophobia on how this phenomenon can be addressed. These recommendations include: the need to strengthen the ability to detect and respond to threats or outbreaks of xenophobic violence; the need for political leaders to publicly condemn all threats or outbreaks of xenophobic violence; the need to strengthen conflict resolution and prevention mechanisms at the community level; the need to strengthen access to justice for victims of xenophobic violence; the need to strengthen disaster management systems; and assistance to displaced persons.[8] Despite the above-mentioned measures, gaps in addressing xenophobia still remain.

Impact of xenophobia on the integration of migrants in South Africa

As mentioned above, South Africa has a long history of labour migration. Thousands of migrants from the region who work in various sectors have found homes in South Africa's mainly black communities. However, some have traditionally been housed in hostels which are mainly occupied by men, as women were initially not allowed in these areas.

Many migrants access the same services as nationals, including primary health care, education, employment and others. Access to housing is a challenge for non-nationals, particularly those in the lower income levels. These migrants also live side by side with nationals in informal settlements. Others have either rented or bought government-subsidized houses from South Africans. This practice has been a source of many a conflict within communities, with nationals accusing migrants of stealing their houses. This conflict has major implications for the integration of migrants in these communities.

Migrants in communities that are characterized by high levels of tension often live in fear for their lives. This often results in migrants moving from one informal settlement to another in search of a more stable environment. This then has effects on their long-term establishment.

Access to basic education is guaranteed for everyone in the South African constitution. However, many migrants, refugees and asylum-seeking children face major challenges in accessing education. This is often made worse if either they or their parents do not have legal documents. Not having access to education has negative effects in the long-term integration of these children both in the host country and in the country of origin.

In terms of socio-economic integration for those migrants and refugees who are particularly vulnerable, there have been some positive developments. Over the years, the government has gradually extended access to social assistance in the form of social grants to refugees and migrants. However, this positive development was brought about by sustained advocacy and lobbying work by civil society organizations through strategies such as litigation, submissions and broader lobbying strategies, among others. Currently, permanent residents qualify for social assistance; in April 2012, the government extended access to all social grants to qualified refugees in the country. This step will go a long way in ensuring that these groups are capable of being self-sufficient and self-reliant, and thus facilitate better integration in the host country.

Restrictive immigration policies feed sentiments that migrants are not welcome in the country. The situation is currently getting worse with the ongoing immigration review being undertaken by the government. We have noted a shift from a human rights focus to a security paradigm which threatens to take away fundamental rights, particularly those of refugees and asylum-seekers. This situation is compounded by the release in March by the African National Congress of *Peace and Stability*, a discussion document which proposes quite drastic measures in dealing with immigration in the country. These restrictions make it difficult for migrants to integrate effectively.

[7]   A. Munyaneza, *Violence against Foreign Nationals: Response and Prevention Achievements* (February 2012), p. 4.
[8]   CoRMSA, Taking Action on Threats of Xenophobic Violence: Recommendations for the Inter-Ministerial Committee (11 June 2010).

What are some of the gaps in addressing xenophobia and thus challenges to integration?

There have many initiatives set up to deal with the issue of xenophobia in the country. These include community dialogues, public talks, media engagement, government-led initiatives and many more. However, gaps still remain and need to be addressed. One of the main issues that need to be addressed if the country is really to be effective in addressing xenophobia is to develop a coordinated plan to deal with this issue. The lack of coordination renders good work ineffective as it is often repetitive and has no impact at the end of the day.

Issues of justice and accountability remain largely unaddressed. The main problem with regard to addressing xenophobia is the issue of impunity for the perpetrators of this violence. In many instances where xenophobic incidents have happened, those responsible are either never apprehended or are released a short while after being arrested. The main reason cited for their release is that there is often not enough evidence to prosecute their cases. However, in some cases, victims are forced to withdraw charges against perpetrators as a condition for their return to the community. These have made it difficult to hold people accountable for inciting violence and destroying property in xenophobic incidents.

The fact that perpetrators enjoy so much impunity actually has negative effects for integration in the country. Migrants who have been violated lose trust in the justice system and thus prefer not to report their cases. This impunity also has negative consequences for victims of sexual and gender-based violence (SGBV). Aware that they cannot trust law enforcement officers, victims of SGBV often choose not to report their cases or seek assistance from civil society organizations that offer psychosocial support. Many non-nationals choose to live in places that are predominantly occupied by other non-nationals. This on its own limits the proper integration of non-nationals within the country.

The lack of coordination among government departments results in contradicting policies and legislative frameworks which, at times, frustrates attempts by many migrants to integrate. For instance, asylum-seekers and refugees are allowed to seek and take up employment. However, other professional bodies and government departments prohibit the employment of asylum-seekers, making it extremely difficult, if not impossible, for the affected asylum-seekers and refugees to secure employment in particular fields, for instance. These exclusions could contribute to fuelling xenophobia as asylum-seekers might be deemed unwelcome.

In order to address the continued xenophobia being experienced in communities and thus affecting the long-term integration of migrants, CoRMSA has recently conducted training on conflict resolution for religious leaders from all over the country. Religious leaders were chosen because of their authority and influence in communities, and the fact that these religious leaders are based in such communities, as it makes it much easier for them to respond to issues on the ground.

Conclusion

The effective integration of migrants into society requires a multipronged approach. This can be achieved by ensuring that the constitutional rights of migrants are respected both in law and in practice. Collaboration between state and non-state actors is important both for guidance and support. For instance, CoRMSA serves in the steering committee chaired by the Department of Justice and Constitutional Development and set up to develop a National Action Plan to address racism, racial intolerance, xenophobia and related intolerance; this ensures that issues directly affecting migrants and their potential to fully integrate are incorporated in the plan. The collaboration initiated between UNHCR and SAPS has prevented loss of life and destruction of property through regular engagement and sharing of information – and thus speedy responses where incidents of and/or xenophobia have been noted. Still, the government has to do more to ensure a secure and equal environment that would promote effective integration of migrants and ensure their access to livelihoods.

Transatlantic public opinion on immigration: Important lessons for policymakers

Hamutal Bernstein[1]

Since 2008, the German Marshall Fund has been conducting *Transatlantic Trends: Immigration* (TTI), a public opinion survey focused on immigration and integration attitudes and policy preferences on both sides of the Atlantic. Supported by the Barrow Cadbury Trust, the Compagnia di San Paolo, and Fundación BBVA, TTI has measured opinion in the United States, the United Kingdom, France, Germany, Italy and Spain, as well as the Netherlands, Canada and Poland.

The TTI survey is the richest and most comprehensive measure of transatlantic public opinion on immigration and integration issues, and it serves as a valuable tool for policymakers working on many policy areas related to diversity and migration. Learning more about the views of the public can assist policymakers in strategizing about how to approach and frame policy change for their constituents, as well as provide them with added perspective by learning about similar dynamics and attitudes in other countries. This article will discuss the key findings of the most recent TTI collected in the fall of 2011, highlighting relevant lessons for policymakers and reflecting on the long-term takeaways from the survey now evident after four years of data collection.

2011 Transatlantic Trends: Key findings

In 2011, immigration and integration continued to be matters of intense policy discussion in both the United States and Europe. One of the most important developments in international affairs, the so-called Arab Spring, had a direct impact on immigration dynamics and movements mostly within, but also out of, North Africa and the Middle East. This led to intense policy discussions about burden-sharing and border security. Disagreements within Europe about the responsibility for dealing with migrants in the context of continuing economic crisis resulted in further avid debates about the free movement area. On the other side of the Atlantic, Americans debated the appropriate role of states and localities in immigration enforcement, as well as the possibilities of streamlining deportation procedures and providing legalization to illegal immigrants.

Views on all of these pressing policy issues were captured by the TTI survey this year, which included special sections on high-skilled immigration and the impact of the Arab Spring, in addition to capturing trend data on the public's general stances on immigration and immigrants. The survey also asked about a range of specific policy decisions and tradeoffs, such as appropriate measures regarding undocumented migration, forced migration, temporary migration schemes and others.

Some notable key findings of TTI 2011 include:

GENERAL PERCEPTIONS

- *Stability in public opinion*. Basic public stances on immigration have surprisingly not changed notably in the last year, even in Europe where the perceived threat of movement resulting from the Arab Spring was a controversial political issue and where populist parties rose in popularity.

GOVERNMENT PERFORMANCE

- *Views of government performance are poor*. There was high disapproval of government management of immigration, with 68 per cent of European and 73 per cent of American respondents believing that their governments are doing a "poor" or "very poor" job. The rate of disapproval increased between 2010 and 2011 in all countries except the United States and Germany.

THE ARAB SPRING AND BURDEN-SHARING

- *Dealing with the Arab Spring*. Europeans in general were very open to helping countries in North Africa and the Middle East in the aftermath of the Arab Spring with either trade (84% in support) or development aid (79%), though they were wary of opening their labour markets to migrants from the region (47%) and preferred that migrants who were admitted stayed only temporarily.
- *Support for burden-sharing*. Eighty per cent of European respondents supported European burden-sharing to cope with the migrant flows coming from the region.
- *Growing support for a European Union authority*. Support for a European Union role in setting national-level immigration numbers increased to 42 per cent this year, though the Southern

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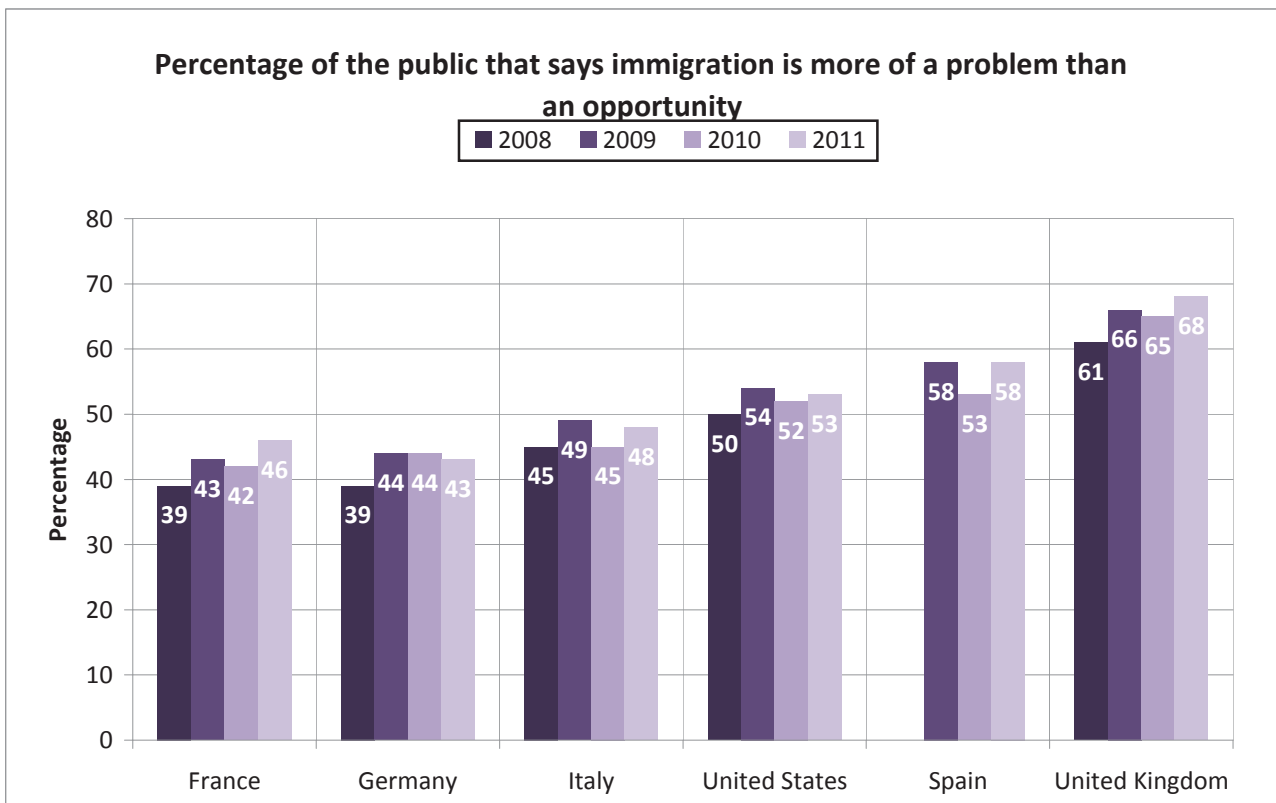
European countries still showed far greater interest than other parts of Europe.
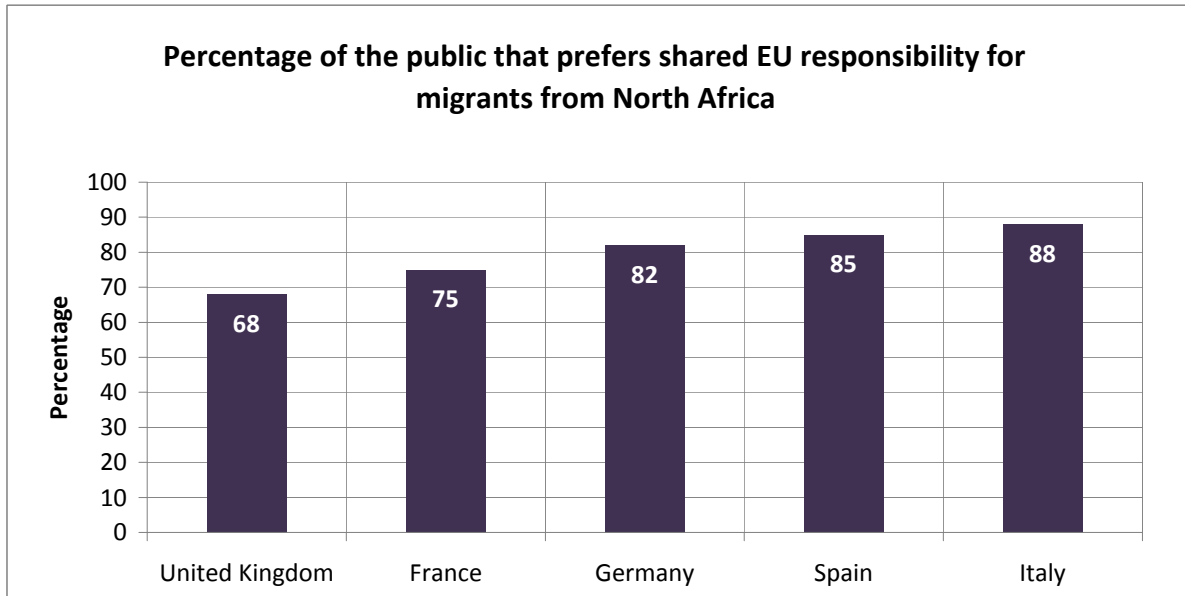
ECONOMIC CONCERNS

- *Different views on the economic effects of immigration.* A strong majority of respondents in all surveyed countries agreed that immigrants fill jobs for which there are shortages of workers. Except in the United States and the United Kingdom, publics generally did not agree that immigrants take jobs away from native workers. Publics on both sides of the Atlantic were split on the effect of immigrants on wage levels, as well as whether they produce jobs by creating new businesses.
- *Preference for highly educated immigrants.* Majorities everywhere (63% of American respondents and 62% of European respondents) supported increasing admissions of highly educated immigrants. On the other hand, when asked to which type of immigrant the government should give preference – a highly educated immigrant with no job offer or a lower-educated immigrant with a job offer – majorities or pluralities in all countries preferred the lower-educated worker with a job offer.

INTEGRATION, CITIZENSHIP AND BELONGING

- *Optimism about the state of immigrant integration.* Publics on both sides of the Atlantic were optimistic about the success of immigrant integration, and even more positive about the integration of the "second generation". Sixty-five per cent of European and 74 per cent of American respondents said that the children of immigrants are well or very well integrated. However, many Europeans still viewed Muslim immigrants as less well integrated than immigrants in general, particularly in Spain, where only 29 per cent of respondents thought that Muslim immigrants are integrating well, compared to 62 per cent of respondents regarding immigrants in general. In all countries but France, however, the children of Muslim immigrants were seen as better integrated than their parents. Fifty-five per cent of European and 68 per cent of American respondents agreed that the children of Muslim immigrants born in the country are well or very well integrated.
- *US policy debates.* A majority of the US public (53%) supported the provision of citizenship to all individuals born on US territory regardless of parents' immigration status. They were even more strongly supportive (65%) of the provisions of the DREAM Act, which would legalize illegal immigrant youth who enter college or the military.

Percentage of the public that says immigration is more of a problem than an opportunity
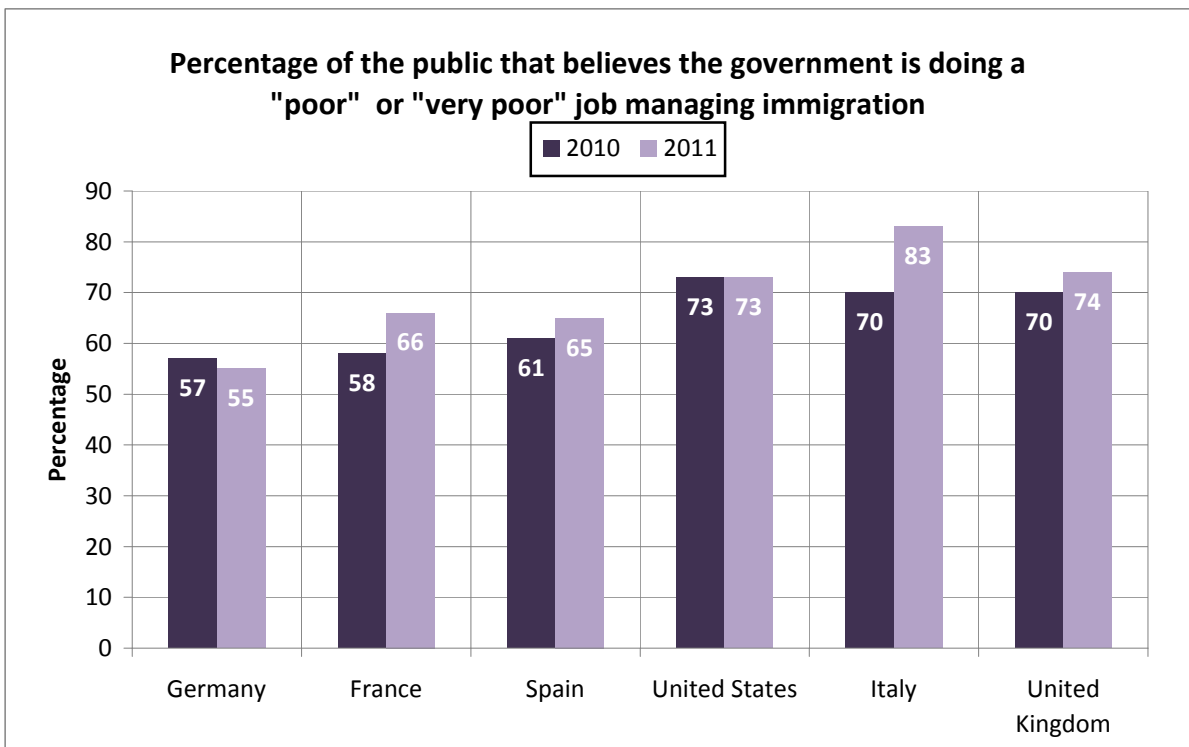
■ 2008 ■ 2009 ■ 2010 ■ 2011

Source: Transatlantic Trends: Immigration Survey 2008–2011.
Note: The question was: "Some people say that immigration is more of a problem for [COUNTRY]. Others see it as more of an opportunity for [COUNTRY]. Which comes closer to your point of view?"

Percentage of the public that prefers shared EU responsibility for migrants from North Africa

Source: Transatlantic Trends: Immigration survey 2011.
Note: The question was: "And still thinking about developments in North Africa, should the primary responsibility for incoming migrants be shared by all countries in the EU, or should it be borne by the country where they first arrived?"

Percentage of the public that believes the government is doing a "poor" or "very poor" job managing immigration

Source: Transatlantic Trends: Immigration Survey 2010–2011.
Note: The question was: "Thinking about the steps that have been taken to manage immigration, would you say that the government has been doing a very good job, a good job, a poor job, or a very poor job?"

Lessons for policymakers

The collection of data over several years permits the possibility of analysing change over time in public opinion, both within countries and more generally across the transatlantic public. Sharing the TTI results with high-level policymakers and a wide range of stakeholders over the last five years has revealed a number of notable general trends that should inform policymaking and decision-making. Understanding a clear picture of public opinion on immigration debates provides useful corrective information to policymakers on the views of their own nationals, and also provides them with valuable perspective on how their nationals compare to others in countries dealing with similar challenges and opportunities. A number of themes have emerged as the TTI project has developed and identified key trends.

a) Stability in public opinion on immigration in times of heated debate and economic crisis

Contrary to what might be commonly expected, one of the key overall insights is that public opinion on immigration and integration is quite stable over time. TTI shows that public opinion on many issues has not changed significantly from year to year, despite times of economic crisis, unstable labour markets and austerity, as well as the continuing salience of immigration policy debates in many countries and often very bold immigration-skeptic rhetoric and policies.

This stability is exemplified by the case of Germany, where the publication of a book by Thilo Sarrazin, *Deutschland schafft sich ab* ("Germany abolishes itself"), sparked a very heated public debate over integration in 2010 that lasted for many months. In the bestseller, the author decried the influence of immigration on Germany and criticized the non-integration of immigrants in German society. For TTI in 2010, GMF was in a fortunate situation to be able to measure public opinion in Germany twice that year: once in September during the general fieldwork, just days before the book was pre-released; and then a second time in Germany in November, after the heated public debate surrounding the publication. Dr Claudia Diehl and Jan-Philip Steinmann of the University of Göttingen found in a TTI Focus Paper that German public opinion was not affected by the extremely public and contentious debate over Muslim integration elicited by the book. They used the 2009, 2010 and 2011 results to show that even though higher-educated Germans did temporarily show a rise in skepticism about Muslim immigrants in the aftermath of the Sarrazin debate, these changes were not permanent and did not change public opinion in the long-term.

b) The power of facts to change views and improve poor public awareness of immigration realities

TTI has shown that the public regularly overestimates the size of the immigrant population. When asked what portion of their population was born abroad, the average estimate is between 50 per cent and 300 per cent greater than the actual share of the population that is foreign-born. For example, in 2011, the average response among British respondents was that 31.8 per cent of the population was born abroad; this contrasts with the actual 11.3 per cent of the population that is foreign-born. There are also high percentages of the public that believe there are "too many" immigrants, rather than "a lot but not too many," or "not many". However, it was found through an experiment in the 2010 survey that those respondents who were first told how many foreign-born there actually were in the country were less likely to say there were "too many" immigrants. Among respondents in France, the United States, the United Kingdom and Italy, there was a 20 percentage point drop among those who were informed about the official population statistic. This highlights the need for greater education of the public about the actual realities of immigration demographics, as well as the possibilities for changing attitudes through greater information and education.

c) Age matters and the possibility for opinion change over time

Another finding, analysed in-depth in a TTI Focus Paper commissioned to Dr Robert Ford of the University of Manchester, highlights the deep polarization of the public over immigration issues. Dr Ford finds that in the United Kingdom, more strongly than in other polled countries, the strongest dividing line is age. Older people tend to be more pessimistic and negative about immigration than their younger counterparts, who have grown up with diversity and tend to have a more open attitude.

This pattern suggests that, in several decades, public opinion trends may look very different than they do today, with younger cohorts who have grown up in diverse contexts tending to be more open to inclusive immigration and integration policies, and less sceptical about the benefits of immigration. This will require further empirical research and analysis.

d) Gap between public opinion and public discourse

Another clear insight revealed by the TTI survey is the relative openness of many in the European and North American public to inclusive immigration policies. These stances contrast with the general wisdom about the views of the public, and the extreme rhetoric that has

come to categorize debates and media coverage in many countries. Far-right parties in many European countries, from the Danish People's Party to the Front National in France, or the rising Golden Dawn in Greece, have tended to move centrist discussions about immigration further to the right. And yet the findings of TTI show that the public is often more open to immigrants than politicians suggest.

For example, the 2011 results showed that:

- Seventy-two per cent of European and 82 per cent of American respondents were not worried about legal immigration.
- Seventy-three per cent of European and 68 per cent of American respondents agreed that immigrants help to fill jobs where there are shortages of workers.
- Sixty-one per cent of European and 62 per cent of American respondents preferred permanent to temporary legal immigration.
- Fifty-eight per cent of European and 64 per cent of American respondents supported letting people enter their countries if they were coming in order to avoid poverty.
- Sixty-one per cent of European respondents agreed that they should let in immigrants from North Africa to come and live temporarily in their countries.

In many ways, therefore, the public does seem quite optimistic about immigration and the benefits it can provide to national economies and societies. Expectations among policymakers that the public would prefer temporary to permanent migration, or that they would be entirely against the entrance of disadvantaged migrants, should be updated to take into account actual stated preferences and public opinion. TTI provides that valuable information. Gauging and measuring public opinion on these often heated debates, and asking the questions in measured ways that do not predispose the respondent to choose one particular response or the other, are useful initiatives that can be used to more accurately understand public sentiment on important issues of public affairs.

e) Country differences and areas for further research

In addition to some general trends and tendencies highlighted here, TTI has also highlighted key country differences that are persistent over time. In general, the public in the United Kingdom have consistently expressed the most pessimistic views towards immigration and immigrants, while Canadians (surveyed through 2010) consistently have shown the most positive views.

Many interesting country differences, such as the higher concern about native job displacement in the United States and the United Kingdom versus continental Europe, or the lower optimism about the success of Muslim immigrant integration in France and Germany as opposed to other countries surveyed, all require further analysis and in-depth research.

Although general trends across the transatlantic public are useful to note, it is also important to analyse differences between countries and regions, as well as differences by individual-level traits and demographic and political lines, such as political ideology, age, education and other factors. Further research is planned to explore these dynamics, and some of these issues have been analysed in the TTI Focus Paper series, the first editions of which were published in mid-2012. GMF is enthusiastic for researchers around the world to use the publicly available datasets to explore many of these empirical questions.

Conclusion

Collecting an accurate and timely view of public opinion on current issues being debated and discussed in policy circles provides extremely valuable perspective and information to policymakers as they weigh options, consider strategies and seek to implement decisions about migration and integration policy.

A transatlantic view is important, as so many common challenges are being confronted in the United States, Canada and the many European countries with varying immigration-receiving experience. Relatively new receivers such as Spain and Italy, only immigrant destinations since the 1990s, can benefit from comparing their perspectives to those of more traditional receivers such as France, Germany, the United Kingdom and the Netherlands, as well as the traditional settler states of the United States and Canada.

Each country's debates tend toward myopia, with the complex range of issues – border protection, admissions, citizenship, and more generally the fundamental issues of belonging, inclusion and exclusion – often being seen through strictly national lenses and caught up in country-specific institutions, histories and cultures. *Transatlantic Trends: Immigration* provides a consistent comparative frame, truly allowing stakeholders to understand their own situation in relation to that of other countries facing similar policy debates and challenges. Both the public and policymakers benefit from opening up their perspective and viewing these issues through a more global and comparative lens.