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DEBATE ANSWERING THE CHALLENGES OF IMMIGRATION AND MULTICULTURALISM

**Kranjska Gora and Ljubljana
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THE CHALLENGES THAT IMMIGRATION PROCESSES BRING TO THE EU AND THE ADEQUATE POLICY RESPONSES

The challenges that immigration processes bring to the EU and the adequate policy responses

Overview

Source: Organization for Economic Cooperation and Development, can be accessed at: <http://www.oecdobserver.org/news/fullstory.php/aid/337/>, date of last access November 12 2010.

Immigration in the European Union: problem or solution?

The number of asylum seekers is rising sharply across the European Union. Given the EU's ageing population, is a return to selective immigration inevitable?

BEN HALL, CENTRE FOR EUROPEAN REFORM, LONDON

Europe's history has been shaped by migration. For centuries, merchants, craftsmen and intellectuals crossed the continent to practice their trades or start new lives. Millions emigrated from Europe, first to the colonies and later to the Americas and the Antipodes. Europe also has a long history of forced migration: from the expulsion of the Jews from Spain to the population shifts in southeast Europe caused by the many wars between the Russian, Austro-Hungarian and Ottoman empires.

Large-scale immigration into western Europe is more recent. From 1960 to 1973, the number of foreign workers in western Europe doubled from 3 to 6% of the workforce. It was highest in places like the UK and France, with relatively open access for citizens of their former colonies; in Germany, too, the number of foreigners (nearly half Turks) rose 4m in the 25 years after 1960, although they seldom became citizens. But primary immigration into Europe – driven by labour needs – all but ended with the oil crisis of 1973. The foreign-born population has continued to grow, not least because most countries still issue tens of thousands of residence permits each year for the purposes of family reunification (nearly 80% of the 58,700 people accepted for permanent settlement in the UK in 1997 were wives and children). EU countries also issue thousands of work permits each year. In Britain in 1997, nearly half of the 54,000 permits went to Americans and Japanese mainly in highly skilled jobs; elsewhere in Europe the permits often go to seasonal farm workers. But the proportion of foreign-born residents in the EU remains low, ranging from 9% in Austria, Belgium and Germany, to under 2% in Spain.

Since the late 1980s, the number of people applying for asylum has increased sharply. In 1984 there were only 104,000 applications in western Europe. This figure grew to 692,000 in 1992 and then declined during much of the 1990s. Numbers grew again to 350,000 in 1998 and about 400,000 in 1999, although this year they have begun to fall away. Thus asylum has become one of the principal means of immigration into the EU.

Why this sudden surge? The end of the Cold War lifted the lid on a number of small wars and ethnic conflicts around the world. In this type of warfare, the combatants – regular troops complimented by paramilitaries – often target civilian populations. Many people applying for asylum are ostensibly fleeing such “ethnic cleansing”, most notably in Bosnia in the early 1990s and Kosovo in the late 1990s. Also, with the end of communist rule many eastern Europeans believe that their aspirations for a better life can only be served in the west. With freer movement and cheaper travel, it is not surprising that many have tried to emigrate westward. The problem is that tens of thousands have tried to use the asylum process to do so, leading to a backlash, in some countries, against all types of migrants.

The top six countries from which British asylum-seekers came last year were China, Somalia, Sri Lanka, Yugoslavia, Poland and Afghanistan. But most of the world's refugees do not get to Europe. They remain in the region close to their countries, often in camps. Iran was housing some 1.9m refugees in 1998, mostly from Iraq and Afghanistan, and there are some 2m Afghan and Iraqi refugees in Pakistan.

But in some EU states, asylum has become a totemic issue. It overlaps with other emotional matters such as ethnicity and identity, revealing an illiberal streak in liberal democracies. But we should keep things in perspective. It may have been easier for migrants to enter the UK 100 years ago, but once there they were far more likely to face violence and had nothing like the legal and social protection of today's welfare states. None the less, resentment of “the other” can be exploited by demagogues, especially when there is no obvious gap in the job market for refugees to fill. Overall, refugees are only a small burden on taxpayers – but this may not be how it seems in areas of high refugee density (in Britain this means a few London boroughs or towns like Dover), where migrants share services such as schools, hospitals and housing with the poorest locals.

A PAN-EUROPEAN ISSUE

Most people think about the asylum issue in domestic terms, but it is pan-European. Across the continent, the policy issues and the debate are remarkably similar. Even Ireland, whose modern history is one of mass emigration, saw asylum applications leap from 39 in 1992 to more than 4,600 in 1998. Some countries have experienced much larger increases than others. Germany has consistently received more refugees than other EU countries – more than 60% of all those who applied for asylum in western Europe in 1992. Austria, Holland, Sweden and Switzerland have, at times during the last decade, received high numbers of refugees per head of their populations, while some of the larger states, especially France, Italy and Spain, have received relatively fewer. Britain is in the middle of the field. It had 17,000 applications in 1989 and 71,000 a decade on – more than Germany. The largest annual tally was 73,000 in 1991, under a Conservative government.

There are, of course, nuances in the tone of the debate and the policy framework in different states. But the stress everywhere has been on reducing the flow, while trying to distinguish genuine asylum-seekers from purely “economic” migrants. The Bonn government responded to the Balkan influx in the early 1990s – and to some attacks on refugees – by tightening its previously liberal asylum law. This introduced a “safe third country” rule: if a person has passed through a country which Germany deems safe, he or she cannot apply for asylum in Germany. Since Germany considers all neighbouring countries as safe, asylum-seekers who do not arrive by plane are likely to be rejected.

After these restrictions were introduced in 1993, the number of applications fell sharply, prompting other EU states to follow. In Holland, the numbers of asylum-seekers rose considerably after 1996. The Dutch authorities (like the British, see below) are experiencing difficulties in dealing quickly with applications. As in Britain, Dutch politicians talk of the “flood” of “bogus” refugees, although Dutch newspapers use more temperate language than the British tabloids.

The Dutch government has devised a new Aliens Act, due to come into effect next year. The law, which has been hotly debated, is designed to streamline the asylum procedure and reduce the average time for processing applications from 22 months to six. It will also give all asylum-seekers (who are eligible to stay) a more temporary status. Instead of giving full refugee status after the initial procedure, each case will be reviewed after three years, and only then approved or rejected.

In some countries, asylum is only one element in a wider debate about immigration and national identity. Jörg Haider’s far-right Freedom party exploited Austrians’ unease about immigrants and refugees to manoeuvre itself into the federal government.

In Italy, the biggest issues are what to do with the large number of illegal immigrants or clandestini already in the country, how to tackle the large-scale trafficking of migrants, particularly by speed-boat from Albania, and concern at the involvement of the mafia in the smuggling gangs. Silvio Berlusconi, leader of the right-wing Forza Italia, and Umberto Bossi, leader of the Lega Nord, successfully fought April’s regional elections on a stringent anti-immigration, anti-asylum platform.

But, for a number of reasons, Italy has tended to receive small numbers of asylum applications. Many refugees, particularly from Somalia and the former Yugoslavia, are given work permits on humanitarian grounds, which relieves them of the need to apply for asylum. Periodic amnesties for illegal immigrants means that they can regularise their situation rather than apply for refugee status. And many migrants use Italy as a port of entry, travelling on to Germany, Switzerland or Britain, where they enter clandestinely (often in lorries) or apply for asylum.

In France and Spain, which receive few asylum-seekers relative to the Netherlands, Britain and Germany, asylum has not been such a big issue. In France, the Front National, wracked by infighting, has lost its way. Government attempts to deport illegal immigrants – provoking hunger strikes and demonstrations – have subsided. Integrating existing immigrants and regularising the situation of the *sans papiers*, many of whom may have been resident in France for years, now dominates the debate on immigration.

It is obviously beyond the immediate power of the EU to eradicate the root causes of all migration. But over time, if the EU wants to reduce migratory pressure, it will have to provide more development aid, debt relief, and fair trade, and it will need to be better equipped to prevent conflict and keep the peace in trouble spots around the world. These objectives lie at the heart of the EU’s common foreign and security policy. (The EU’s resolute position in the Kosovo crisis no doubt owed much to a fear of a mass exodus of Kosovan refugees.)

COMPARING EUROPE AND THE US

But should European states even try to stop economic migration? Europe’s population is set to decline over the next 50 years. Italy will lose 28% of its population by 2050. In order to maintain its working age population, Italy would need to start importing more than 350,000 immigrants per year or, alternatively, keep its citizens working until they are 75.

The US (population 275m) has tended to take only small numbers of asylum-seekers – fewer than Europe, relative to its population. But it has a more liberal immigration regime. By the late 1990s, the US was taking in about 1m immigrants a year: 730,000 legal immigrants, 200,000 illegal aliens and about 100,000 refugees. About 70% of legal immigrants are admitted for the purposes of family reunification.

The in-flows of migrants during the 1980s and 1990s – the second great migration of the 20th century – has literally changed the face of America. In 1970 the US population was 5% Hispanic, 1% Asian and 12% black. A recent projection indicates that by 2050, it will be 26% Hispanic, 8% Asian and 14% black.

Immigration in the US is embraced more enthusiastically by the free market right than the trade union left, but it has brought real benefits. Immigrants contribute to innovation – witness the number of foreigners in Silicon Valley. And they do jobs that native workers refuse, such as sustaining Californian agriculture. But in his new book, *Heaven's Door*, Harvard economist George Borjas claims that the economic benefits brought by the latest 20-year wave of immigrants are more disputable. He points to the fall-off in skills relative to those who emigrated to the US in the 1950s and 1960s. He argues that America should admit only 500,000 immigrants per year, and select the most highly skilled. These are criteria which, he acknowledges, would have prevented him, a refugee from Cuba, from immigrating in the early 1960s.

Congress recently approved an extra 200,000 visas for skilled workers. European governments are taking similar steps. Germany wants 20,000 information technology workers from outside Europe, particularly software engineers from India (prompting the Christian Democrats to campaign on the slogan *Kinder statt Inder*, “children not Indians”). Britain, too, wants to recruit east European computer experts but is only too keen to turn away their less skilled compatriots.

No one knows what will happen to asylum trends – indeed, no one knows what is really happening now; one reputable estimate puts the number of illegal migrants smuggled into the EU each year as 400,000. The probability is that more small wars and the increasing urbanisation of the world's population will keep the asylum numbers high. But immediate attention in Europe is likely to shift back to more conventional labour-shortage recruitment. There will be no return to the open door policy of the 1960s (let alone the 19th century), but the EU economy will require an increase in selective primary immigration.

Source: Brady, Hugo. 2008. *EU migration policy: An A-Z*. London: Centre for European Reform. Section: 4–5, can be accessed at: www.cer.org.uk/pdf/briefing_813.pdf.

Europe is currently absorbing 2 million migrants each year – more as a proportion of its population than any other part of the world, including North America. This influx is altering the make-up of member-states' populations more than birth rates or death rates. Increased migration into Europe is part of a global trend. Cheaper travel and more information entice skilled and unskilled workers from poorer countries to rich ones. The UN predicts that, on current trends, the numbers of people migrating worldwide will increase by 40 per cent over the next 40 years. (Most immigration figures, especially projections, are by necessity a mixture of estimation and guesswork.)

Immigrants have become the subject of increasingly strident political debate in many European countries. The flow of workers into the UK and Ireland following the EU's 2004 enlargement was the largest inward migration ever recorded into either country over a two-year period. Spain's official immigrant population has risen by 400 per cent in ten years. And Italy worries about an estimated 100,000 Romanian immigrants, most of whom are thought to be without a job. In some places, robust growth and falling unemployment have helped to assuage concerns about the impact of immigration on local labour markets. But despite this – and economists' warnings that Europe will need ever more migrants in the years ahead – most polls show that migrants are seen as a problem, rather than as an opportunity.

The movement of people across borders is a phenomenon that recipient countries need to manage wisely. No country can address the challenges thrown up by migration in isolation. But whether, or how, multilateral organisations – like the UN, the G-8, or the international financial institutions – should get involved is not always clear. The EU's role is particularly interesting: it is seen as both the cause (through successive enlargements) and a possible alleviator of migratory pressures. Many Europeans would agree that a concerted EU effort to manage migration is not only desirable but also necessary in order to sustain the right to free movement of people, which is one of the fundamentals of the single market. Nicolas Sarkozy is one of these. The French leader wants to put migration policy at the centre of France's EU presidency in the second half of 2008. Sarkozy, who first gained political prominence as an interior minister, believes that the EU should at the very least speak with one voice when dealing with other countries on migration issues.

Despite years of discussion and initiatives, a real EU migration policy has proved elusive. This is because the

member-states cannot agree on clear political objectives (and thus, a legal mandate) for such a policy. Some countries think that a European migration policy would allow them to escape rigid national debates. Others want a pan-European migration policy so as to put pressure on countries outside the EU to take back more illegal entrants. For a few European federalists, a single migration policy is attractive almost by definition. It could advance the notion of the EU as a single state providing European citizenship, not just to the existing population but also to newcomers.

These different motivations complicate EU initiatives on migration. EU and national officials, for example, talk about the need to promote 'circular migration' and establish 'co-operation platforms' with African countries. But they struggle to clarify what these things will mean in practice, or how action at the European level would add value. Overall, the EU's response to public demand to 'do something' about migration has been to focus on policies aimed at immigrants' countries of origin. This is also a way to paper over disagreements at home: proposals from the European Commission to adopt uniform immigration procedures across the EU often end up gridlocked.

But even in the absence of a coherent policy, EU co-operation is facilitating an exchange of experience with, and ideas about, managing migration. The emerging consensus amongst member-states is that European countries manage migration best when they work with the migrant's country of origin on everything from border control to development issues; have well-advertised, easy to understand schemes for skilled migration; provide a clear and fair route to citizenship for newcomers; and use the right mixture of sticks and carrots to get illegal immigrants to leave. However, efforts to advance these aims at EU level are still in their infancy.

This briefing does not try to point the way forward for EU migration policy. Its aim is more modest. It is a guide for the perplexed. The intention is to help non-specialists make sense of the debate; to disentangle fact from myth; and to highlight the significance of migration to other areas of EU policy-making.

Immigration in Germany

Source: BBC, can be accessed at: <http://www.bbc.co.uk/news/world-europe-11532699>, date of last access November 12 2010.

Germany's charged immigration debate

By Stephen Evans

When German Chancellor Angela Merkel sat beside Recep Tayyip Erdogan as their two countries played each other at football earlier in the month, nothing could have seemed friendlier.

The Turkish prime minister's scarf even combined the colours of both teams, integrated nicely in the fabric.

Like our two peoples in the fabric of society, it seemed to say.

It is clearly not an image which Mrs Merkel finds convincing.

For her, the idea of the two cultures melding amicably has not happened.

This type of "multikulti" (as German sceptics call it disparagingly) has "utterly failed", as she put it in a speech on Saturday.

But the headline does not tell the whole story.

She added a softening caveat: "We should not be a country either which gives the impression to the outside world that those who don't speak German immediately or who were not raised speaking German are not welcome here. That would do great damage to our country.

"Companies will go elsewhere because they won't find the people to work here anymore."

In other words, her basic message is that integration has not worked - but it needs to. And immigrants have to accept that, in particular, they need to learn the language.

Treading carefully

This is far short of the harder line of Thilo Sarrazin, a central banker who caused a storm by saying: "A large number of Arabs and Turks have no productive function other than in the fruit and vegetable trade."

Mrs Merkel treads warily because she finds herself in a hard place. There is a strong view among Germans that immigration has harmed the country.

A study by the Friedrich Ebert Foundation indicated that nearly a third of respondents agreed that "foreigners come to abuse the welfare state" and that immigrants might "overrun" the country.

It is a minority - but a growing minority and one that the researchers say crosses party boundaries.

It is not a fringe view, but one that permeates the mainstream - which is, of course, the core of voters.

Mr Sarrazin, for example, is an official at the Bundesbank and a member of the opposition Social Democrats.

And within Mrs Merkel's conservative grouping, Horst Seehofer, the leader in Bavaria, said of integration that it was "obvious that immigrants from different cultures like Turkey and Arab countries, all in all, find it harder".

In the blunter pages of populist newspapers, the image is one of a country being taken over by an alien culture.

Europe's most popular newspaper, Bild, talks of the "insanity" of multiculturalism. It splashes pictures of a block of flats where the landlord insists that tenants conform to sharia law by not letting to anyone who has anything to do with alcohol and pork.

Opinion polls suggest many Germans agree with Bild. A recent one showed 55% thinking that Muslims were a burden on the economy.

On sufferance

There are about four million people of Turkish background in Germany, half of them full citizens.

Part of the difficulty might be in the way they were invited - to work but not to stay. Turkish migration to Germany stems from 31 October, 1961, when a labour recruitment agreement was signed between the two countries.

The agreement was tempered in 1964 when the "rotation clause" whereby workers could only stay for a certain time was ended, partly because German companies did not want to constantly retrain new workers.

But the impression remained that Turks were in Germany on sufferance.

There has been a change in attitudes - but it is hard to say how deep and wide it really goes.

Certainly, the highly successful national football team of players of mixed backgrounds was thought to be transformative - but attitudes on "race" run deep.

There was another image at that game where the Turkish prime minister sported the generous scarf.

When Mesut Ozil, the star of the German side, scored against the land of his heritage, he seemed almost embarrassed.

Born and bred in Germany to a Turkish family, he was not going to gloat. He was not going to rub it in to the half of the 70,000 crowd who supported Turkey.

"It was fantastic for me to score in this match", he said afterwards. "But I made the spontaneous decision not to overdo the celebrations."

Being reticent is acceptable for a footballer who talks with his feet - but for a politician seeking votes, loud talk matters more. Mrs Merkel knows that.

Source: The Economist, can be accessed at: http://www.economist.com/node/17469563?story_id=17469563, date of last access November 12 2010.

Nov 11th 2010 | BREMEN

Multikulturell? Wir?

How a fresh debate on multiculturalism in Germany clashes with the country's need for more immigrants

HOW well does Halime Cengiz fit into Germany? A "typical guest worker's child", she wears a hijab and spends much time at the Mevlana mosque in Gröpelingen, a Bremen neighbourhood with many immigrants. She has a German passport but "would never say I'm German" (or Turkish). She calls herself "a Bremer with Turkish roots". Yet she also speaks flawless German. Neither her marriage nor her veil was forced on her. Part of her mosque work is with churches, lowering barriers between Muslims and Christians. She urges parents to send their children to kindergarten to improve their German. The parents fret about their children becoming "too German", but Mrs Cengiz allays such fears. She may be a model migrant after all.

Good immigrants and bad, how many and of what kind are all worrying Germany just now. A book claiming that Muslim immigrants and the underclass were bringing about Germany's downfall by breeding too fast had a print run of over a million by the end of September (and cost its author, Thilo Sarrazin, his job on the Bundesbank board). Seeing its success, politicians abandoned political correctness. Further immigration from Turkey or Arabia is no longer welcome, said Horst Seehofer, Bavaria's premier and head of the Christian Social Union (CSU), the Bavarian arm of Angela Merkel's Christian Democratic Union. The CSU asked that immigrants embrace the *Leitkultur* (dominant culture). Even Mrs Merkel joined in. Multiculturalism—the idea that immigrants can recreate their culture in Germany—has "utterly failed," she said last month. New polls confirm Germans' hostility towards immigrants, especially Muslims.

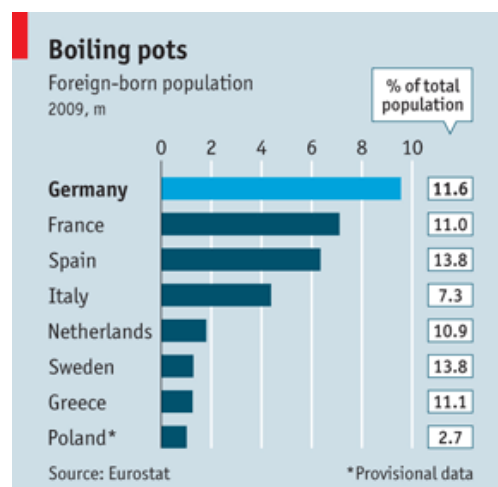
Awkwardly, Germany is bashing foreigners just when it needs them. The workforce is shrinking and growth is raising demand for skilled labour. Skills shortages cost the economy €15 billion (\$21 billion) last year, says Rainer Brüderle, the liberal economy minister. He wants to import qualified workers on a Canadian-style points system. Mr Seehofer is dubious. On November 3rd Mrs Merkel held an “integration summit” to talk about immigrants already in Germany. Next week the government will discuss immigration again. Even Germans who disagree with Mr Sarrazin praise him for drawing attention to a problem. Actually he may be making the situation worse.

Some 15m people in Germany have a “migration background” (ie, immigrants or their offspring), second only to America. Some 4m are ethnic Germans from the former communist block. But many others came as guest workers in the 1950s and 1960s, especially from Turkey. On indicators of social and economic health, these migrants lag. In Bremen, where more than half the young children are from migrant stock, they are less likely to go to kindergarten than native Germans. Just 8% of foreign teenagers are in vocational training, compared with 37% of Germans. In a city struggling to recover from a slump in shipbuilding, 16.4% of migrants were unemployed in 2008, against 7.5% of native Germans. More than 40% live below the poverty line, three times the rate for non-migrants.

It is no surprise that joining the German mainstream is hard for children of manual labourers who were once expected to return home. In big cities they crowd together and go to schools from which native German children have fled, making it harder to integrate, says Stefan Luft, a scholar at the University of Bremen. Turks are especially prone to living in a parallel world because there are so many of them. For too many immigrants the dole is an acceptable alternative to work. Islam can be an additional barrier, but only for Muslims who choose to make it one. One study estimated that 10-12% of Muslims have radical Islamist leanings, and a quarter of Muslim teenagers are hostile to Christians and Jews or to democracy.

Germany awoke to such problems a decade or more before Mr Sarrazin’s screed appeared. In 2000 it opened a pathway to citizenship. Since 2005 immigrants can be required to take “integration courses,” including 600 hours of instruction in German. Spouses from poorer countries must now acquire a smattering of German before arrival. That demand angered Turks, but it has been “vital”, says Erhard Heintze, Bremen’s integration commissioner. Children are routinely tested for language competence (in Bremen at 4½).

By some measures, indeed, Germany is in good shape. The unemployment gap between foreigners and natives is narrower than elsewhere. The social polarisation that Mr Luft identifies “is not nearly as bad as in France”. The federal government has now drafted a law, long overdue, to recognise foreign credentials. Some 300,000 underemployed immigrants could then return to the professions for which they were trained. Rather than importing imams from Turkey and elsewhere the government wants them to be trained at German universities, which will impart modern values alongside religion.



The debate provoked by Mr Sarrazin has unleashed a blast of cultural warfare. The third of Germans who think the country is overrun with foreigners feel vindicated, though there is no net immigration. The majority that want the practice of Islam curtailed invoke scholarly support. The Sarrazinites are raising the bar for judging integration a success. It would be nice if immigrants developed a sentimental attachment to the Fatherland and its Leitkultur, but is it necessary? “Speaking the language and having contacts with Germans is more important than feeling German,” says Ruud Koopmans of the Social Science Research Centre in Berlin.

In Bremen the ugly turn in the debate makes it harder to achieve even scaled-back integration. Co-operation with migrants has been “massively damaged,” says Mr Heintze. Mrs Cengiz says “many families are seriously thinking about going back to Turkey.” Germany’s president, Christian Wulff, tried to undo the damage by saying that Islam “belongs to Germany”. But he is outshouted.

Bremen, a city-state, wants a climate in which such pronouncements are too obvious to be worth making. In its schools migrants are the norm, not “a small group with special needs,” says Yasemin Karakasoglu of the University of Bremen. At the city’s request she is designing a new curriculum for training teachers, which may use a child’s mother tongue when necessary and also look for new ways to educate Muslim pupils about Germany’s crimes against Jews. Germans’ idea of what it is to be German will have to change too, she thinks. Bremers may be ready for this. Most Germans, it seems, are not.

The Blue Card

Source: EU Blue Card, can be accessed at: <http://www.europeanunionbluecard.com/>, date of last access November 12 2010.

The Blue Card Impasse

Three Options for EU Policy on Highly Qualified Immigrants

By Steffen Angenendt

In May 2009, after long and difficult negotiations, the EU Member States agreed on common rules to govern the immigration of highly qualified workers from outside the Union. Even before its entry into force, however, the Directive has become the target criticism. Many observers consider the program inadequate to meet the EU’s large and growing need for high-skilled workers. Analysis of the failure of the European Commission’s more far-reaching proposals reveals three ways out of the current deadlock. The options include promoting forms of cooperation on immigration policy that preserve national sovereignty, better utilizing domestic labor potential, and creating an EU education market to induce high-potential foreign nationals to study and remain in the EU.

The Directive on an EU-wide work permit for high-skilled non-EU citizens (“Blue Card”) has to be implemented by the Member States by 2011 (with the exception of Denmark, the UK, and Ireland which have not participated). The Directive allows highly qualified workers from third countries to work in the EU for an initial period of four years if they fulfill the following criteria: they have to possess a college diploma or have completed five years occupational training, enjoy a job contract or a job offer, and their gross income has to be at least 50 percent above the national average. Individual decisions as to whether a Blue Card will be issued are left to the Member State in question. This is also true when a Blue Card holder applies (at the earliest after 18 months) to work in another EU country.

The Blue Card is renewable and can lead to permanent residency after five years. Blue Card holders are granted the same social and labor rights as the citizens of the receiving country as well as the right to family reunification. From 2013, the Member States will keep statistics on the number of Blue Cards issued each year.

Original goals of the Commission

With these rules, the Member States signaled that they recognize the recruitment of high-skilled workers to be necessary, but that they are unwilling to establish a truly common EU policy. But precisely such a common policy was the objective of the original Commission proposal in 2007, as developed by then-European Commissioner for justice, Freedom and Security, Franco Frattini. While 55 percent of US immigrants are highly qualified, he argued, this is only true of 5 percent of immigrants to the EU. 85 percent of immigrants to the EU have only limited skills. According to Frattini, the main reason why the EU is so unattractive for high-skilled immigrants is the fragmented nature of the European labor market. If the EU was to compete with the United States for high-skilled immigrants, Frattini said, it would have to offer them access to an EU-wide labor market and create an immigration status that is valid across Europe with no temporal limitations, is granted through a straightforward application procedure and provides generous terms for family reunification.

Key components of this Commission proposal are missing from the Blue Card legislation. In particular, third-country nationals are not granted access to an EU-wide labor market. Looking back, two reasons are evident for the failure of the original proposal. An analysis of these reasons provides important insights that can be used in developing supplementary approaches to augment EU policy on high-skilled migration.

Concerns about national sovereignty

First and foremost, the Member States rejected the Commission proposals because they feared a loss of national sovereignty. Although immigration is a politically sensitive area of policy, such fears seem surprising. EU countries were and are largely in agreement regarding the potential economic and social

benefits of high-skilled migration. All of the Member States show a significant need for additional highly qualified workers (and one that is increasing in the face of demographic change). There is also general agreement that new labor market and training policies for domestic workers will not suffice to meet this need. High-skilled migrants are considered relatively unproblematic from the viewpoint of integration policy, meaning that arguments about the “limited absorption capacity” of Members have scarcely arisen. And according to findings of the Organization for Economic Cooperation and Development (OECD), nothing in this positive assessment of high-skilled immigration has changed-regardless of the financial and economic crisis.

The Member States’ concerns about EU cooperation only really make sense when looking at the ongoing structural differences between the countries. Despite the convergence processes in the EU economic area, the EU Members still differ widely in terms of production structure, degree of value added, structure of employment, and the level of government regulation. At the same time, the Member State governments place high priority on maintaining both their flexibility in determining labor-market policy and their ability to act independently in order to respond quickly to changes or downturns in the economy. Among the instruments of labor market policy used to this end are immigration regulations, in particular the right to decide which immigrants are granted entry to the country and its labor market. The Member States’ willingness to hand over authority to the EU in this key area of national sovereignty is extremely low.

Just how important it is to Member States to maintain national control over immigration is reflected in the fact that some governments began revising their national policies on the recruitment of high-skilled workers even while Blue Card negotiations were still underway. These divergent reforms tended to be on the cautious side (Germany), but some were more sweeping in scope (Sweden). Whether the revised national policies will contribute to increased high-skilled immigration over the coming years remains to be seen. The existing data suggest, however, that the total number of immigrants will not increase to the degree expected. The revised immigration regulations in Germany, for example, did not seem to be the cause for an increase in the number of high-skilled foreign immigrants-at only 151 in 2007 and still just 157 in 2008.

Hopes for domestic labor potential

The second reason for the limited success of the Commission proposal lies in an important concern of many Member States – the desire to better utilize the labor-market potential of residents of immigrant origin before encouraging increased immigration. In past decades, the EU Member States allowed a large number of immigrants to settle on their territories. Many of these newcomers are now integrated into the labor market and society, but a significant proportion is not. The reasons for their non-integration are manifold, ranging from inadequate government integration programs and a lack of strategic guidance to the immigrants’ own unclear ideas about their goals and the duration of their stay. These failures apply to many immigrant groups, not just the workers recruited under “guest worker” programs.

From a labor-market perspective, integration failures mean squandered potential. Tapping this potential is undoubtedly in the interest of all EU countries, especially in light of the growing lack of skilled labor and the high costs of non-integration. There is also a clear need for Member States to work with one another on these issues. After all, each has a stake in the others’ economic and social health. Yet the Commission’s proposal on high-skilled immigration did not provide a satisfactory response to this challenge. Until the entry into force of the Lisbon Treaty in 2009, the EU lacked a clear competence in the area of immigrant integration. The Commission proposal was thus aimed at the recruitment of new third-country nationals and ignored the vast potential that already exists within the EU and its Member States.

Options for action

Three possible courses of action present themselves as measures to supplement existing policy:

Find a form of cooperation that preserves national sovereignty: The Blue Card proposal was based on the assumption that the differences between the Member States would be detrimental to the EU’s attractiveness to high-skilled immigrants. This may be true, but given the Member States’ unwillingness to give up their idiosyncrasies and indeed the immutability of some of these differences (language, geography) it is worth asking whether the divergences between Members might not be turned to the advantage of the Union.

The reasons why workers migrate are diverse: they range from the economic demand in a specific sector to the language or geographic location of the receiving country or to historic connections between receiving country and country of origin. Most EU countries are able to compete with the “classic” immigration countries – the United States, Canada, and Australia – in at least some of these areas. So for EU Member States that share a similar need for high-skilled labor and are able to offer similar working and living conditions, it could make sense to work together to recruit foreign workers with the right profile.

Replacing its futile effort to emulate Australia and the US, the EU would make concerted use of the differences between its Members. Through targeted agreements with third countries – the EU’s Mobility

Partnership scheme, perhaps – groupings of Member States with similar points of attraction would woo high-skilled immigrants. They would club together to offer easy access to their own and to their partners' labor markets.

Better utilizing existing potential: There is no doubt that the integration of immigrants needs to be improved in all of the Member States. For some time now, the EU has been calling for discussion of 'best practices' in promoting integration, but so far, the Member States have not succeeded in agreeing on a common integration model. Without a robust agenda, integration policy is in danger of taking a back seat to migration control. Efforts to provide asylum seekers with access to the labor market, for example, are still viewed primarily as a hindrance to the management of irregular immigration.

Allowing the EU to make fuller use of its new integration policy mandate does not necessarily mean that the Union would interfere in sensitive cultural issues at the national level. Rather, the EU could concentrate on promoting labor market integration by providing support for education and training, while leaving cultural aspects of integration up to the Member States. This option would entail allocating increased resources to EU programs (particularly the Integration Fund) and to use them more intensively for the education and training of immigrants already living in the EU than has been done so far.

Attracting high-potential immigrants: With the Bologna Process and the Lisbon Agenda, the Member States have begun reforming and harmonizing their systems of higher education to make the EU more attractive to foreign students. The intention so far has not, however, been to create incentives for foreign graduates to remain in the EU after completion of their degrees. Here too the Member States are failing to utilize a potential labor source.

A third option could thus be for the EU-despite its limited remit in educational policy – to become more engaged in this policy field and help create a common educational market to attract and retain promising young students. Numerous questions would still have to be answered regarding tuition fees, labor market access after graduation, conditions for mobility within the EU, avoidance of brain drain, and other issues. If such an approach were designed intelligently, however, it could create advantages for everyone involved-countries of origin, destination countries, and the immigrants themselves-and better utilize the potentials of such "educational immigrants".

MINORITY RIGHTS IN EUROPE WITH SPECIAL EMPHASIS ON ROMA RIGHTS

Minority rights in Europe with emphasis on Roma rights

Overview

Source: European Alternatives, can be accessed at: <http://www.euroalter.com/2009/minority-rights-protection-in-the-eu-contradictions-and-problems/>, date of last access November 12 2010.

Minority Rights Protection in the EU: Contradictions and Problems

The European Union started being more active in the field of minority protection at the beginning of the 1990s, but still does not have a strong *acquis* with regard to these issues. The Treaties do not mandate the protection of minorities which are not even mentioned in them.

The problem of the lack of effective minority rights policy in the EU became apparent after the great political changes that took place in Europe in 1989, with ethnic conflicts in the former Yugoslavia and the start of the accession process of the former Communist countries in the EU.

This led the EU to impose minority rights protection as a condition of accession and to take new political measures to prevent discrimination and social exclusion of minorities.

Nevertheless, it is a fact that the formulation of EU minority rights policy remained vague and most of the times not legally binding. Member States have many different minority rights policies and have been often unable to agree on more general standards in this area.

Definition Problems

Not only the EU began dealing with this matter after 1989, but also the Council of Europe, the United Nations and the Organization for Security and Cooperation in Europe (OSCE). The first significant problem which arose through these organisations and which has not been solved yet by scholars is a definition problem. There is a wide palette of the most various definition options from which to choose for the term minority, and none of them can in any way be considered the legally binding definition. Thus, both in international as well as in EU law, consensus concerning the definition of a minority is absent and the paradoxical situation is that international law measures and policy instruments have been created in the absence of definitional clarity.

The term minority can be mainly classified into religious, linguistic, ethnic and national minority. These categories often overlap with each other and cannot always be exactly separated.

A religious minority professes a religion which is different from the one practised by the majority of the population, while a linguistic minority is comprised of a group of people who use a language different from the official language of the state in which it lives, either in written as in oral form, and forms the main subcategory of cultural minorities. These types of minorities are relatively simple to identify.

However, differentiation between national and ethnic minorities is more problematic. "A minority is designated as national if it shares its cultural identity (culture, language) with a larger community that forms a national majority elsewhere, that is, one which makes up the majority of the population and forms its own nation state." National minorities in this sense are, for example, the Danes in Germany, the Hungarians in Romania, the Russians in Latvia, and so forth. In contrast to this, the term ethnic minority "refers to persons belonging to those ethnic communities which do not make up the majority of the population in any state and also do not form their own nation state anywhere", such as the Frisians in The Netherlands or the Bretons in France.

Another definition problem in international law is related to the difference between the concepts of "old" or "autochthonous" minorities and "new" minorities. The dispute concerns the question of whether only autochthonous minorities are to be considered minorities, and therefore to be protected by appropriate legal norms, or whether also the so-called new minorities, e.g. recent immigrants and guest workers, who do not possess the citizenship of the state which they live in should also be afforded international protection.

Minorities in Europe

According to Pan and Pfeil, over 300 minorities with over 100 million members may be counted in Europe, which means that every seventh citizen belongs to a minority. Every European state that has more than a million inhabitants features minority groups; only "mini-states" such as Luxembourg, Malta, San Marino and so forth do not have minorities.

Almost three quarters of European minorities reside in the EU, although two quarters only since the accession of Eastern countries to the Union in 2004.

In the 15 old EU-Member States the situation varies from state to state. The percentage of people belonging to minorities in these states varies from 1% in Germany, to 20% in Spain. Furthermore, Belgium, with its three language communities, has a minority segment of 90%. The number of minority groups is very

different in these states. Most states have between three and six groups, while in Italy there are twelve. Even France and Greece, which for the most part negate the presence of minorities on their territories, have seven. The 12 new States which became members of the EU in 2004 and 2007 have, except for Malta and Cyprus, at least four minority groups each, but most of them have ten. Some Eastern countries are relatively homogenous national states, such as Poland and Hungary, in which the percentage of people belonging to minorities is only 3-4%, but other states have a percentage of 10-20%, while Estonia and Latvia have 30-40%.

Minority Protection in the European Integration Process

Contrary to the Council of Europe, the European Union is much less engaged in the field of minority rights protection. The European integration process has primarily been an economic project at the beginning. For this reason, the need to transfer powers to the supranational realm of the European Community in order to intervene in political and cultural affairs of the Member States concerning their minorities has not been felt for long.

As already mentioned, only at the beginning of the 1990s did the EU become involved in the field of minority protection due to the prospective enlargement.

The wars in the former Yugoslavia and the EU's weak policy response raised the spectre of severe and spreading instability. Nevertheless, despite its lack of substantial minority rights regulation in the *acquis communautaire*, the EU became involved with other international organisations during the accession process in influencing minority policy in prospective of the new Member States.

The European Council held in Copenhagen in June 1993 decided that the countries of Central and Eastern Europe that had applied could become members of the EU through the fulfilment of certain conditions. The so-called "Copenhagen criteria" included a passage relevant to the issue of minorities: It was stipulated that all applicant states must achieve "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities."

It is noteworthy that all political accession criteria were transferred into EU primary law with the Treaty of Amsterdam with the only exception of the clause on minority protection. As a result, the protection of minorities was not granted binding force and a clear internal dimension. It remained an accession criterion and, therefore, relevant in the external EU policy only.

Although the Treaties do not contain norms which specifically protect minorities, primary law offers through Article 13 TEC on anti-discrimination policy a prominent competence base which is central for protecting minorities in the context of EU law. Using this legal basis, which is the most far reaching as regards the protection of minorities, the Union could develop more initiatives in its minority policy. In addition to discrimination based on nationality, which is forbidden by the old anti-discrimination clause in Article 12 TEC, the Amsterdam Treaty introduced through Article 13 TEC a provision for combating discrimination on the basis of eight further listed grounds: sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The problematic aspect of both articles is that they constitute what scholars call "negative minority rights". Through them, minorities are protected by the general principle of non-discrimination included in traditional international human rights law which prohibits any discrimination. The non-discrimination principle is the necessary basis of the protection of minority rights. However, scholars often argue that it is only a first step in the protection of minorities, but it is not sufficient in itself to deal with the question, since the equal treatment implied by the non-discrimination principle often leads to (or compels) assimilation.

Democracies need therefore a "positive" addition in the protection of minorities through specific measures called "affirmative actions". This means that a particular disadvantaged group of persons may be directly favoured through certain measures in order to eliminate the disproportion between the advantaged and the disadvantaged group. Typical examples of positive rights are the right to the use of one's native language in public life, the right to instruction of and in one's native language, the right to the establishment of separate organisations including political parties, and so on.

Through the Treaty of Lisbon the word "minorities" finally was inserted into a text of EU primary law. In fact, "the rights of persons belonging to minorities" was added in Article 1a as one of the values on which the Union is founded. Moreover, the EU Fundamental Rights Charter, which does not contain rights that specifically protect minority groups but again insists on the non-discrimination principle and encourages Member States to respect cultural, religious and linguistic diversity, becomes a legally binding part of EU primary law. This means that with the Treaty of Lisbon the protection of rights of persons belonging to minorities will finally not only be an EU accession criterion, but will also be a value on which the EU is founded and that is common to the Member States. However, how far this protection will go is left open, since the Lisbon Treaty does not provide the EU with an explicit competence in the area of minority rights, it

does not add any new policy area relevant to the protection of minorities and it does not oblige Member States to introduce affirmative actions in order to protect their minorities.

With the accession of the former Soviet countries, the EU has doubled the number of minority groups living on its territory and therefore absolutely needs to take this fact and the specific rights of these new EU citizens into account, which needs to be reflected into its policies.

Source:

Malloy, Tove H. 2005. *National Minority Rights in Europe*. Oxford: Oxford University Press.

Section: 26–32, can be accessed at: www.abe.com.pl/html/samples/b/0199274436.pdf, date of last access November 12 2010.

Who are Europe's National Minorities?

Answering the question of what is a national minority, or finding a scientific definition of a national minority has been fraught with controversy for decades. The problem of a definition in international law is a question of whether there can be found a universal definition of national minorities. Inasmuch as international law instruments must apply to a wide range of states, a definition would have to be broad and general. But that is an impossibility in contemporary circumstances where each national minority may be defined according to particular and diverse characteristics. Moreover, seeking a definition runs into the quandary of whether to use objective or subjective criteria. Objective criteria may result in discrimination; subjective criteria could lead to segregation. The view that national minorities are voluntary associations has also been suggested. Over the years, scholars outside the realm of law have volunteered definitions combining objective and subjective criteria; most recently Jennifer Jackson Preece has put forth a detailed definition which holds that a national minority is

a group numerically inferior to the rest of the population of a state, in a non-dominant position, well-defined and historically established on the territory of the state, whose members—being nationals of the state—possess ethnic, religious, linguistic or cultural characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion, or language.

As a working tool, this definition is helpful although I would suggest substituting 'citizens' for nationals inasmuch as the term national is misleading when discussing national minorities in relation to national majorities, and because at the European level national minority protection is viewed as a right of citizens. This latter issue is clearly seen in the codification of the term 'national' meaning citizenship, recently introduced in the Council of Europe's 1997 European Convention on Nationality, which has only exacerbated matters as members of national minorities are now demanding the right to dual citizenship. Will Kymlicka has suggested a shorthand version holding that national minorities are 'groups who formed functioning societies on their historical homelands prior to being incorporated into a larger state'. The problem of objective and/or subjective is clearly related to the issue of predetermination versus self-determination raised by Arendt Lijphart. Where self-determination allows national minorities to manifest themselves, predetermination requires a decision in advanced on the identity of national minorities. Although Lijphart is in favour of self-determination, he admits that a combination of the two may at times be the best solution.

However, the problem of a definition is not only a question of universal versus particular, it is also a problem of multi-contextualization, or the realization that national minorities are not static, closed homogeneous groups with clear distinct boundaries of identities. The individual member of a national minority belongs to different contexts and identifies with a number of groups at all times. The fact that a person belongs to a national minority may at times be the strongest membership tie, but other times different ties may dominate. This phenomenon of individual multi-identification makes for non-homogeneous groups of overlapping, interacting, internal negotiations of identities that cannot receive fair treatment in any definition. As identities change constantly, a definition may therefore be obsolete before it has been agreed upon. Certainly, it is not only national minorities that defy definition. Most national majorities would defy scientific definition too. In an age of intensified globalization, mobility, and migration, how would it be possible to define an American, a British, or a French national majority without doing injustice to some?

The drive in international law for a definition of a national minority seems entirely misguided unless the Montevideo Convention criteria which are used to define national majorities also pertain to national minorities. The Montevideo criterion which appears to eliminate national minorities from the potential of

recognition is territory. This is because according to the Montevideo Convention the right to recognition requires a national group to have a permanent population and a defined territory, meaning the holding of power over population and territory. International law seldom withholds the right of recognition from national groups that have power over their territory and their population. However, while national minorities do have 'populations', they seldom have power over defined territories. Thus, it would seem that the problem of a definition in international law is linked to the question of sovereign territory, not to the problem of defining populations. Hence, a national minority is not considered a national group unless it holds power over sovereign territory. Nevertheless, there are national minorities that hold power over sovereign-like territory who have not received recognition, except perhaps in the case of federated units, and it is still debated whether they have received international recognition. These national minorities fulfil the third Montevideo criterion because they often have collective autonomy in terms of self-government or self-administration. They do not however fulfil the fourth Montevideo criterion, the capacity to enter into relations with other states. Although this criterion may come under pressure in the integration of the EU where federal units are increasingly networking across the European Continent, the capacity to enter into relations with other states is of course linked to the issues of sovereign territory inasmuch as it is the centrally held power over territory which determines recognition. Power over sovereign territory thus seems to be the issue separating national minorities from being recognized in international law. The notion of power over sovereign territory will be discussed in detail in Chapter 7; suffice it to note that the notion is exclusionary not because of the value of sovereign territory but because of the sentiment of power which excludes some identities from the territory while not others. It would appear that the question of a scientific definition is fraught with problems. Yet, some might argue that it is still desirable to define national minorities scientifically, especially if we are to consider claims by national minorities for special status in international law. An approach that establishes who and where these groups exist in factual terms may therefore be more helpful.

Applying the method of elimination may be useful here. Thus, it has been argued that national minorities are not the religious and immigrant minority groups that exist in most multicultural states. On the contrary, national minorities are a specific type of minority; they are autochthonous. While not entirely uncontroversial, the term autochthonous refers to a minority that is native to a particular region, in this case certain regions of Europe that were once either independent or belonged to a neighbouring state. The autochthonous minority's present minority status is a result of incorporation into a larger political unit or the change of borders after major conflicts in modern times. Most notably this has happened after major bellicose conflicts, such as the Napoleonic Wars, World Wars I and II, but also after the break up of the USSR.

National minorities of autochthonous status in Europe are in essence the groups that have inadvertently found themselves 'on the wrong side of the border'. They include, but are not limited to, Hungarians in Slovakia, Romania, Slovenia, Serbia, and the Ukraine; Turks in Bulgaria and the Balkans; Albanians in Kosovo and Macedonia; Rusyns, Russians, Romanians, Slovaks, and Belarussians in the Ukraine; Moravians in the Czech Republic; German-speaking Austrians in northern Italy; Italians in southern Austria and Slovenia; Germans in southern Denmark; Danes in northern Germany, and Russians in the Baltic states. While the territorial criterion for the autochthonous status of most of these groups is usually quite clear, the criterion of time is less so. Whereas the Hungarians had been in the Danube basin for many centuries prior to the demise of the Austro-Hungarian Empire, the Russians in the Baltic states have migrated fairly recently. But they were migrating within the territory of their own state in much the same way as the Turkish people had migrated into Bulgaria and other parts of the Balkans. Hence, the elimination of empires resulted in national groups residing away from what became their 'nation-state' due to the change of borders within which they had at some point migrated. Autochthonous national minorities also include other 'old' minorities, such as the Bretons in France, the Basques and the Catalans in Spain, the Welsh, the Scots, and the Irish in the United Kingdom. In fact, these autochthonous national minorities might well be seen as autochthonous in a stronger sense inasmuch as they have been national groups attached to territory over an even longer period and some of which have held independence at one time. Except perhaps for the Scots, most of these national minorities did not choose to become minorities. Moreover, their members did not choose to belong to their respective minority. Certainly, the view that national minorities are voluntary associations is out of place here. A good description of the phenomenon of chance membership as opposed to voluntary membership is provided by Philip Allott when he argues that

We are born into societies. The first consequence of this fact is that we do not choose the societies we are born into. The second consequence is that we cannot know what we would have been, had we been born into other societies. The third consequence is that we enter at once into a relationship of mutual interaction with

societies, an interaction which we do not leave until we die. The fourth consequence is that our participation in every other society is conditioned by our participation in the societies into which we are born.

What unites the autochthonous national minorities above is that they have become national minorities by remaining on the land where not only they themselves were born but also their ancestors.

National minorities have erroneously been related to voluntary immigration or forced migration. While national in denomination, immigrants that live dispersed among majority populations, such as the Turkish immigrants in Germany and Scandinavia, the immigrants from the former colonies living in the United Kingdom, France, the Netherlands and Portugal, the Albanians in Italy, and the Africans in Italy and Spain are not considered autochthonous national minorities. These are usually referred to as 'new' minorities but are more correctly ethnic groups. They may have some of the exact same concerns as members of autochthonous national minorities but in contradistinction to these members of ethnic groups have decided to leave their national group and home territory usually for economic prosperity. The difference between an ethnic minority and a national minority is crucial here. Whereas an ethnic minority may be defined as a tribe, from the Greek word *ethnos* meaning tribe, and described as a group in which membership is based on long-standing association across generations, relationships of kinship, common culture, religious conformity, and at times common territorial attachments, a national minority is a group in which membership is based on territorial habitat in addition to a common national identity. National identity, as we shall see in Part II, is based on nationalism, meaning the sentiment and ideology of attachment to a nation, its interests and its territory. Like ethnic group membership, national membership also refers to common language, common customs and culture, but unlike the ethnic version, national membership is based not only on a strong consciousness of these sentiments but also on presence on previously recognized territory. It is important to note, however, that in the contemporary European discourse, territorial attachments rarely result in dispute over borders. Rather, it is nationalism and national identity which fuel democratic articulations in the discourse of national minority rights. While ethnic groups may still be closely tied to their kin and a national majority, arguably they are less tied to the territory of their citizenship or previous citizenship inasmuch as they have left it when they migrated voluntarily. In fact, ethnic minorities are often held together by a strong religious tie, such as the Muslim groups in the United Kingdom, France, and Germany, and this poses large problems of integration and accommodation in states that are otherwise mainly Christian. The questions of adaptation of Western law to Islamic law or vice versa will not be the focus of this book.

Three other types of minorities that often surface in the European discourse of national minority rights are the Roma and Sinti, the Sami, and the refugee groups. The Roma and Sinti groups have lived in Eastern Europe for centuries but with the opening up of borders after 1989 they began to migrate throughout Europe. They are by definition nomads, and a defining feature is precisely that they do not wish to hold power over territory. Nevertheless, most have today become citizens of a legally recognized state. Some of the new states in Central and Eastern Europe have decided to recognize Roma and Sinti as autochthonous national minorities thus recently causing problems of legal definition. For the present purpose the Roma and Sinti will not be considered autochthonous national minorities inasmuch as the problems that governments face in incorporating these groups are considerably different from the ones posed by national minorities. In my mind, the problem of integrating Roma and Sinti groups is largely an economic one akin to the problem of ending the exclusion of African Americans in North America. The Sami people who live in the northern parts of Scandinavia, in Norway, Sweden, and Finland, do have autochthonous characteristics, but they are considered indigenous groups rather than minorities. There is a debate in international law as to whether indigenous peoples are minorities or not. In my mind, both indigenous groups and national minorities are nations. But as the issue of indigenous peoples' self-determination is different from that of national minorities, given that indigenous peoples do not evidence strong 'nation-state' identities or specific sentiments of nationalism, I will exclude them from this discussion. Finally, refugees who have been forced to flee their national state and territory against their will and who sometimes settle in host-states virtually permanently are not considered autochthonous.

Ideally, any one of these groups mentioned needs specific public policies to address their grievances but these are public policies different from those pertaining to autochthonous national minorities. As we shall see, Roma, Sinti, and Sami, as well as refugees, differ from autochthonous national minorities inasmuch as their rights are not linked to the key components that define the structure of international law.

Roma rights

Source: European Roma Rights Center, can be accessed at: <http://www.errc.org/cikk.php?cikk=3573>, date of last access November 12 2010.

Factsheet: Roma Rights Record

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This factsheet highlights violations of the rights of Roma since the first EU Roma Summit meeting in 2008.

Violence against Roma: In cases brought by the ERRC in Croatia, Bulgaria and Macedonia, the European Court of Human Rights has confirmed that the state is obliged to investigate and prosecute persons who commit violence against Roma, whether they are private actors or state officials. Despite this, most perpetrators of violence against Roma in Europe act with impunity. Since 2008, in the Czech Republic, Hungary and Italy, anti-Romani violence has remained a serious and even an increasing problem; Roma in other countries have also been affected. In Hungary, the ERRC registered at least 48 violent attacks against Roma including 9 fatalities since 2008. According to ERRC research only one perpetrator has been found guilty to date (and is appealing). In the Czech Republic, at least 16 attacks against Roma were reported: most employed Molotov cocktails, but there were also several cases of mob violence and marches which resulted in anti-Romani aggression. In one attack, a two-year old girl almost died, suffering extensive burns during a fire bombing. Media reports and ERRC research indicate that perpetrators were identified in only six of these attacks. In November 2009, following the huge increase in violence against Roma in Italy, a mob of 200-300 people attacked and damaged Romani homes in Alba Adriatica. In April 2009, YouTube viewers could watch a group of Slovak police officers abuse and humiliate six young Romani boys in detention. The ERRC is monitoring 9 other cases of violence in Slovakia involving Romani victims, including shootings, group attacks and police violence. According to available information none of the identified perpetrators was sentenced to prison yet. In June 2009 in Northern Ireland (UK) a group of Romani families were subjected to a series of violent attacks on their homes in Belfast; the church in which they sought shelter was also attacked. In Turkey, around 1000 people attacked Romani neighbourhoods in Manisa's Selendi suburb in January 2010.

Freedom of movement: In July of 2010, France announced plans to evict Travellers and Roma from "illegal settlements" in France and to expel from the country Roma from other EU states. French authorities had expelled approximately 8,000 Roma as of September 2010; in 2009 roughly 10,000 Roma were expelled from France. In Italy, authorities declared a state of emergency to deal with Roma in 2008 and have aggressively evicted Roma from settlements ever since. Italy has publicly supported the French expulsions and expressed an interest in launching an expulsion program as well. Denmark summarily expelled 23 Roma back to Romania in July one day after they were detained. ERRC appeals against these deportation orders are pending. Sweden expelled 50 Roma to Romania in 2010. Germany paid more than 100 Roma to return to Romania in June 2009, and is returning Roma to Kosovo, many of whom fled to Germany during the war. Finland, amid public outcries about public security, threatened expulsions in 2010. In many cases, police action is concurrent with statements by public officials that Roma as an ethnic group are predisposed to crime and other antisocial behaviour.

Increasing activity of extremist political parties, politicians and policies: Since 2008, in many EU countries extremist political parties and politicians have sharpened their anti-Romani rhetoric and actions, creating a climate in which rights violations are more likely to occur with impunity. In Hungary, the Magyar Garda, a paramilitary organisation with an explicitly racist agenda, continues to operate openly despite a decision by the Supreme Court to ban it in 2009. That same year, Jobbik, an extremist party with an explicit anti-Romani platform, won four seats in European Parliament elections. In Italy, the Government has continued to use anti-Romani rhetoric to harden public opinion against Roma and Sinti while strengthening a state of emergency explicitly aimed at Roma and has moved aggressively to evict Roma from their homes and herd them into controlled camps. In Slovakia in 2010, the far-right Ludova Strana Nase Slovensko (People's Party Our Slovakia) has been increasingly active with rhetoric specifically referring to "Gypsy criminality." In November 2008, the Czech Workers Party (DS) organised a rally in Litvinov with 500 neo-Nazis and attempted to march on a Romani settlement before being stopped by police after violent clashes. In February 2010 the Romanian Foreign Minister made public statements suggesting that Roma are

genetically predisposed to criminality and media reported that the President defended the Minister. During the controversy over the summer concerning Roma in France, both Bulgarian Prime Minister Borisov and Romanian President Băsescu erroneously referred to the Roma as nomads who need to travel; President Băsescu went as far as to say "Nobody stops them from sending their children to school instead of begging". Systemic segregation of Romani children in education continues: The European Court of Human Rights reaffirmed that school segregation of Romani children (in schools for children with disabilities and in separate schools or classes in mainstream schools) constitutes illegal discrimination in its March 2010 judgment in the case *Oršuš and Others v Croatia* (dealing with separate classes based on alleged language deficiencies). Despite three unequivocal rulings by the Court since 2007, educational segregation of Romani children is systemic in many European countries: Bulgaria, the Czech Republic, Greece, Hungary, Romania and Slovakia are noteworthy, with credible reports of segregation in Macedonia, Northern Ireland (UK), Portugal and Spain. Romani children complete school at much lower rates than their non-Romani peers. The response of Governments has been wholly inadequate: In the Czech Republic, the Government has recognised the problem but its action plan contains no clear timeline or targets for addressing it. In Bulgaria, successful integration pilots exist but have not been incorporated into a scaled-up Government programme after more than a decade. In Slovakia, in 2010 the former Prime Minister suggested further segregation of Roma in boarding schools as the appropriate policy.

Widespread residential segregation plagues Roma: An October 2009 report of the European Union Agency for Fundamental Rights found that "segregation is still evident in many EU Member States, such as Bulgaria, the Czech Republic, Greece, Spain, France, Cyprus, Hungary, Italy, Lithuania, Poland, Portugal, Romania, Slovenia and Slovakia, sometimes as a result of deliberate government policy". In Italy, the placement of Roma and Sinti in "nomad camps" constitutes an official policy to segregate Roma and Sinti from the Italian majority. Roma living in segregated settlements may be more susceptible to violent racist attacks. Eviction without alternative accommodation violates human rights law. In February 2010 the European Committee of Social Rights found France in violation of the European Social Charter because of its practice of evictions of Travellers and other violations of the right to housing. Since 2008, evictions of Roma in violation of international law have continued in Bulgaria, France, Italy, Macedonia, Serbia and Slovakia. Italy has been particularly active; in Milan alone, authorities report having carried out over 100 evictions which effected more than 3,600 people (a portion of this group are repeatedly evicted persons) so far in 2010.

Trafficking in human beings: Low socio-economic status, low educational achievement and high levels of unemployment, compounded with high levels of discrimination and racism place Roma at an inordinately high risk of human trafficking. A 2010 US State Department report discusses the overrepresentation of Roma as victims of trafficking and their high vulnerability to sexual exploitation, forced labour and child begging in nearly half of European countries covered. ERRC research in Bulgaria, Hungary, the Czech Republic, Slovakia and Romania during early 2010 with police, NGOs and anti-trafficking experts found that Roma are perceived to represent 50- 80% of victims in Bulgaria, 40-80% in Hungary, 70% in Slovakia and up to 70% in parts of the Czech Republic.

Denial of access to health care and social assistance: Discrimination remains a barrier to health care and social assistance for Roma in many Member States. In 2009, the European Committee of Social Rights found Bulgaria in violation of the European Social Charter twice by failing to ensure that Roma have adequate access to the health care system and to social assistance, prompting the Government to amend the law on social assistance. In Kosovo, lead contamination of IDP camps housing Roma in Northern Mitrovica is considered one of the biggest medical crises in the region. Despite significant international and EU attention, Roma continue to live in the camps after more than 10 years, exposed to lead contamination which is reported to have resulted in dozens of deaths.

Coercive sterilisation of Romani women continues: In Hungary the ERRC has documented sporadic cases, most recently from 2008. Czech cases have also been reported as recent as 2007. In 2009, the Czech Government expressed regret to the victims of this practice and the Hungarian Government compensated one victim, but no government has adopted a comprehensive plan to compensate all victims or reformed health care law regarding consent, as required in Hungary. Although cases have been reported in Slovakia, there has been no government response.

Source: Peace Palace Library, can be accessed at: <http://peacepalacelibrary-weekly.blogspot.com/2010/09/roma-rights-in-european-union.html>, date of last access November 12 2010.

Monday, September 27, 2010

Roma Rights in the European Union.

Lately many European Union (EU) Member States experience high tensions with their Roma population. On July 28th 2010, French President Nicolas Sarkozy launched a new anti-crime initiative targeting the 'itinerant population' with a particular emphasis on the Roma community.[1] This decision caused much controversy within the Institutions of the European Union. On August 19th, the French government decided to begin to expel Roma, mainly from Romania and Bulgaria, as they were living illegally in the country. Foreign born Roma are often seen begging on the streets of French cities and many French people consider them a nuisance. The Roma issue gained importance for the European Union (EU) due to the accession of new Eastern European countries with large Roma populations. When Romania and Bulgaria joined the EU in 2007, it was determined that their citizens will enjoy full freedom of movement within the EU as of January 2014. The French government therefore, stated that the measures are in line with EU rules. [2]

The Roma make up the largest ethnic minority in the EU. They trace their origins to medieval India and settled in Europe as early as the 13th century. Historically, the Roma have been oppressed, enslaved, persecuted, expelled and subjected to ethnic cleansing during the Kosovo conflict in 1999.[3]

To a large extent, the European Human Rights platform is ill suited to effectively address the profound social, political and cultural challenges the Roma face. From the late 1990's to 2008, Roma applicants to the European Court of Human Rights (ECHR) argued that they were victims of racial discrimination with respect to one or more substantive Convention rights.

Year after year, case after case, the European Court of Human Rights consistently declined to find violations of article 14 of the European Convention of Human Rights. [4] As time progressed, the body of evidence documenting discrimination against the Roma accumulated in both applicants before the Court and in monitoring reports by the Council of Europe and the NGO community. It was not until 2008, that the Court ruled an incident of police brutality against a Roma victim racially motivated and breached article 14 of the ECHR in *Stoica versus Romania*. [5] Unfortunately, this decision did not lead to much improvement regarding the position of Roma in Europe. In July 2008, the Italian government began to fingerprint Roma adults as well as children as a government attempt to fight street crime. The Italian government stated that only Roma lacking valid identification papers would be fingerprinted and claimed the measure was designed to help Roma children who are often seen begging on the streets. [6] The European Parliament responded by adopting a resolution urging Italian authorities 'to refrain from collecting fingerprints from Roma, including minors as this would clearly constitute an act of direct discrimination based on race and ethnic origin. [7] Upon reviewing this policy, the European Commission, found that there was no evidence of intentional discrimination or of seeking data based on ethnic origin. Subsequently, the European Commission reversed the admonition by the European Parliament and approved the measure of the Italian government. [8]

Apart from this obvious lack of transparency, there also seems to exist a disparity in standards that are being applied to new member states and the old European Union establishment. The European Council has required that new prospective members ratify certain non- discrimination protocols such as the European Council Framework Convention on national minorities as a precondition to granting EU membership.[9] However, not all of the old EU members have ratified the instrument. Noteworthy is that France is not a signatory to this Convention.

According to a report by Álvaro Gil-Robles, the former Commissioner for Human Rights of the Council of Europe, there is a lack of political will in many places to address Roma problems. Furthermore, the report states that national authorities, particularly those in elected positions are often unwilling to implement measures under national programs for Roma inclusion because such programs are unpopular with their constituents. [10]

During the Roma Summit in 2008, José Manuel Barroso, President of the European Commission, pointed out that the Roma problem cannot be solved by the European Union alone. He emphasized that political will as

well as Roma involvement is essential to improve relations between the EU Member States and their Roma citizens. [11]

If the European Commission decides to take France to Court on the expulsion of Roma groups, it would most likely start a procedure claiming a breach of article 58 of the Lisbon Treaty which determines that Member States can only expel an individual when he or she poses a serious threat to society, not an entire community as part of a preventive anti-crime measure. [12]

As the Roma rights movement looks to the future, it is clear that legal instruments by themselves will not suffice in resolving the Roma problem. The challenge lies in finding arguments that can compel reforms outside of European courtrooms in parliaments, local governments and other centers of political power capable of translating judicial decisions into changes on the ground.[13]

Footnotes

[1] <http://www.euractiv.com/>

[2] <http://www.bbc.co.uk/>

[3] Roma Integration in Europe: why minority rights are failing, by I. Uzunova, Arizona Journal of International & Comparative law, Vol 27, No 1, 2010, p.298

[4] The struggle for Human Rights by J. Goldston in Human Rights Quarterly, 2010 Vol 32 (2)p.320/321

[5] The struggle for Human Rights by J. Goldston in Human Rights Quarterly, 2010, Vol 32 (2)

[6] Roma Integration in Europe: why minority rights are failing, by I. Uzunova, Arizona Journal of International & Comparative law, Vol 27, No 1, 2010, p.283

[7] Resolution on the Census of the Roma on the basis of Ethnicity in Italy, Parl. EUR.DOC. (B6-0348) (2008), available at <http://http://www.europarl.europa.eu/>

[8] Roma Integration in Europe: why minority rights are failing, by I. Uzunova, Arizona Journal of International & Comparative law, Vol 27, No 1, 2010, p.284

[9] Roma Integration in Europe: why minority rights are failing, by I. Uzunova, Arizona Journal of International & Comparative law, Vol 27, No 1, 2010, p.316

[10] Report by Mr Álvaro Gil-Robles, Commissioner for Human Rights On The Effective Respect Of Human Rights in France, 15th of February 2006, p. 86-89.

[11] <http://ec.europa.eu/>

[12] <http://www.rnw.nl/>

[13] The struggle for Human Rights by J. Goldston in Human Rights Quarterly, 2010 Vol 32 (2) p.311

Source: The Economist, can be accessed at: http://www.economist.com/node/16943841?story_id=16943841, date of last access November 12 2010.

Sep 2nd 2010 | BUDAPEST

Hard travelling

Scapegoated abroad and the victims of prejudice at home, eastern Europe's Roma are the problem no politician wants to solve

SLOVAKIA is in shock; France in uproar. The cause of both nations' turmoil is the Roma (gypsies), or, rather, what is being done to them. This week a gunman in the Slovak capital, Bratislava, killed seven people and injured 14, before shooting himself dead. Six of the victims were a Roma family, killed inside their apartment; they appear to have been deliberately targeted.

In France the expulsion of hundreds of Roma immigrants, whom Nicolas Sarkozy's government says were in the country illegally, has galvanised opposition from the pope, French churches, a UN committee and even several ministers in Mr Sarkozy's own government. Yet further tough legislation is promised.

Between them the Slovakian shootings and the expulsions from France highlight the difficulties faced by Europe's largest stateless minority. An ingrained underclass, Roma are the victims of prejudice, often violent,

at home in eastern Europe. Thousands have migrated westward to seek a better life, particularly as the expansion of the European Union has allowed them to take advantage of freedom-of-movement rules. Yet although conditions may be better in the west, the reception has rarely been friendly and politicians like President Sarkozy have ruthlessly exploited hostility towards the newcomers.

But the demagogic instincts of western leaders pale in comparison to the negligence of their eastern counterparts. Roma don't vote much. No government in eastern Europe with a substantial Roma minority has done much to deal with the discrimination they face or the hopeless poverty that keeps them excluded from the mainstream, says Rob Kushen of the Budapest-based European Roma Rights Centre.

One of the biggest problems is schooling: Roma children are routinely placed in institutions for the mentally handicapped. A new survey by Amnesty International says that in Slovakia, Roma make up less than 10% of the school-age population but 60% of pupils in special schools. Unsurprisingly, many leave school early, without the skills they need to compete in the job market. Instead they drift into collecting scrap metal, begging or petty crime.

Straightforward prejudice plays its part. This week an MEP from Jobbik, a far-right Hungarian party, called for the mass internment of Roma. Last year Hungarian police sought help from the FBI after a series of attacks on Roma settlements in which six people were killed, including a five-year-old boy, Robika Csorba, and his father, Robert. Gunmen firebombed their house and lay in wait as they fled, before opening fire. A few weeks later, six Roma teenagers arrested in the Slovak town of Kosice for allegedly stealing a purse were forced to strip naked, kiss and hit each other, as police filmed their humiliation. In western Europe Roma migrants have faced firebomb attacks in Italy, pogroms in Belfast and forcible evictions in Greece.

This year marks the halfway point of Europe's "Decade of Roma Inclusion", launched in 2005 at a riverside hotel in Budapest. Five years on, say activists, most Roma are still worse off than under communism, which, for all its faults, at least guaranteed work, housing and welfare, and stamped down on hate crimes. Today conditions in Roma settlements on the edges of town and villages rival Africa or India for their deprivation. Yet the Roma also suffer from problems of their own making. Ambitious youngsters are often held back by their intensely patriarchal and conservative societies. Girls are married off in their teens and boys put to work at an early age rather than study. Weary of the hostility they face from the outside world, Roma communities are prone to cut themselves off from society and its laws. Four years ago in Olaszliszka, northern Hungary, a driver who clipped a Romany girl with his car (she was unhurt) was dragged from the vehicle by a mob, many of them related to the girl, and beaten to death in front of his daughters.

In recent years, under the EU's rules on freedom of movement, a torrent of cheap workers from the east have found work in the west. But most Roma leave their homelands in search not of work but of freedom from destitution and persecution. Little wonder that France, egged on by Italy and others, has been keen to "Europeanise" the issue, urging Brussels to go to greater efforts to get the eastern countries to integrate their Roma. Yet now that those countries are safely inside the EU it is far harder than in the pre-accession years for Eurocrats to tell their governments what to do.

Europeans would be swift to condemn the plight of the Roma were they in any other part of the world. However, eastern European governments are unlikely suddenly to tackle a problem that dates back centuries just because Brussels tells them to. Perhaps self-interest may prove a more powerful motivator. Roma families are far larger than those of the mainstream population: the pool of deprivation is only going to grow. In addition, a recent World Bank study estimates the annual cost of the failure to integrate Roma in Bulgaria, Romania, Serbia and the Czech Republic at €5.7 billion (\$7.3 billion). As the report notes: "Bridging the education gap is the economically smart choice." If humanitarian arguments fail to carry the day, perhaps economics and demographics might.

NGO's AND CIVIL SOCIETY IN EUROPE

Young People, Volunteering and Democratic Engagement Academic Perspectives

Rachel Brooks, Brunel University

Executive Summary

Introduction

This presentation will provide an overview of recent academic research on young people's volunteering and their democratic engagement, focusing primarily on some of the main theoretical debates which have emerged from work in this area. Much of the scholarship in this field has been prompted, or at least informed, by the emphasis placed by the former Labour government on volunteering and community involvement, evidenced by various high-profile initiatives within compulsory and post-compulsory education as well as through community programmes and 'v', the youth volunteering charity. Volunteering perhaps occupies an even more central place within the policy programme of the current Conservative-Liberal Democrat government; however, the majority of the academic work cited in the presentation was published prior to the 2010 general election and so makes no reference to the 'Big Society' or proposals for a National Citizen Service.

Despite its high policy profile, youth volunteering remains a relatively under-researched area. Moreover, the extant academic literature has tended to focus on voluntary activity within an educational context (perhaps explained by the prominence of community involvement as a strand of the compulsory citizenship curriculum and the funding made available to universities to pursue community engagement work). Nevertheless, a variety of disciplinary perspectives have been brought to bear: from education, sociology, social policy, politics and geography. Some of the key themes from this literature are summarised below.

Relationship between volunteering and democratic engagement

It is argued by some scholars that volunteering can increase interest in and awareness of politics, by bringing young people into contact with political actors and political ideas, and by encouraging them to take responsibility for issues that affect them (White et al., 2000). However, others contend that voluntary activity, *per se*, should be understood as a form of democratic engagement and a participatory political act (e.g. Roker et al., 1999; Vronem, 2003). This position can be seen as part of a wider re-conceptualisation of young people's political participation, in response to concerns about political apathy amongst this age group. Loader (2007), for example, distinguishes between a pessimistic 'disaffected citizen' perspective and a more upbeat 'cultural displacement' discourse. The former emphasises young people's mistrust of politicians, disenchantment with political institutions, political apathy and more general disengagement from the public sphere, and suggests that these trends are likely to lead to the weakening of democratic citizenship. In contrast, the cultural displacement perspective is predicated upon the assumption that 'young people are not necessarily any less interested in politics than previous generations but rather that traditional political activity no longer appears appropriate to address the concerns associated with contemporary youth culture' (2007: 1-2). In this analysis, collective forms of political action are seen to have been replaced by more fluid and individualised forms of engagement and

expression, and volunteering (either individually or as part of a group) is often understood as synonymous with political participation.

Differential impact of volunteering

Empirical studies that have focussed on the effects of volunteering by young people have, in contrast to some of the arguments outlined above, emphasised the differential impact such activities can have on democratic engagement. Both Brooks (2007) and Holdsworth and Quinn (forthcoming) have pointed to the ways in which voluntary activities can often stimulate a more critical approach to society and to particular political issues but how, in other contexts and circumstances, they can act to entrench a much more conservative agenda. Holdsworth and Quinn's distinction between 'reproductive' and 'deconstructive' effects is instructive here:

Reproductive volunteering characterises volunteering activities that do not challenge but rather reproduce and re-enforce existing power relations and inequalities. Deconstructive volunteering allows for volunteering activities that reveal power structures and inequalities and thus potentially create the conditions of their own critique. (p.11)

Research indicates that a critical, deconstructive approach can often emerge as a result of developing greater empathy with and understanding of other people through the volunteering activity (Matthews et al., 2009) which may then encourage young people to challenge normative ideologies (Holdsworth and Quinn, *ibid.*) and develop a more questioning stance towards political debate and media discourse (Brooks, 2007; Read, 2010). However, as noted above, there is also evidence to suggest that volunteering can serve to perpetuate inequalities and *discourage* democratic engagement, through: a growth in cynicism if, for example, fora set up to give voice to young people are ignored (White et al., 2000); the reinforcement of normalising assumptions (Read, 2010; Holdsworth and Quinn, *ibid.*); recognition of only particular types of community involvement (Cunningham and Lavalette, 2004; Bennett, 2007); and an emphasis on instrumentalism and self-interest when some volunteering opportunities are advertised to young people (Heath, 2007; Brooks, 2009).

Understandings of citizenship

Youth volunteering has also been subject to critique from some academics for the ways in which it has contributed to a narrowing of understandings of citizenship. In particular, it has been argued that the emphasis on community involvement – apparent in the citizenship education curriculum as well as the promotion of youth volunteering – has tended to undermine a Marshallian form of social citizenship in favour of voluntarism (Hall and Williamson, 1999; Garmarnikow and Green, 2000). To some extent, these concerns have been borne out in empirical work on young people's attitudes to citizenship. The young people in Lister et al.'s (2005) research, for example, found it much more difficult to identify their rights than their responsibilities, with one of the most frequently mentioned responsibilities being to 'give back to the community'. Moreover, Lister et al. note that, over the three years of their research, understandings of citizenship that were predicated upon economic respectability and social participation became more common, while those that stressed universal status, a social contract and people's right to a voice became increasingly less common. The presentation will discuss these arguments in light of debates about reproductive and deconstructive volunteering outlined above.

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EXECUTIVE SUMMARY

Introduction

This Executive Summary contains the key findings of a Study on Volunteering in the EU contracted by the Education, Audiovisual and Culture Executive Agency (EACEA) to GHK and managed by the Directorate General for Education and Culture (DG EAC) of the European Commission. The aim of this study was to help the Commission consider ways in which the voluntary sector could be further promoted at EU level and the extent to which volunteering could help the EU in achieving its wider strategic objectives set out in for example the Social Agenda and the Lisbon Strategy.

The importance of volunteering has long been acknowledged by the EU. However, there is a lack of a systematic and structured EU approach towards volunteering. In addition, no research has ever covered the full spectrum of volunteering and volunteering in sport in all 27 EU Member States. Therefore, the objectives of this study were to:

- Reach a better understanding of the volunteering landscape in all 27 Member States, in terms of facts and figures, regulatory and institutional arrangements, the influence of EU policies, programmes and actions and concentrating on specific issues such as competition, procurement, taxation, job and service substitution;
- Identify trends, similarities and differences, opportunities and challenges;
- Help determine the scope of possible future policies and actions which could be more effectively implemented at the European level rather than at national or regional/local level;
- Raise awareness of the possible benefits of supporting volunteering; and
- Serve as an information source and provide a detailed picture of what is ongoing in volunteering in the entire EU to inform the European Year 2011¹.

The study also included sector specific analyses and recommendations focused on sport. Specific recommendations regarding volunteering in the sport sector can be found in section 5.2 and 5.4 of the final report.

It is important to stress that the aim of this study was not to define a uniform methodology for measuring volunteering in the EU, nor indeed to carry out empirical research on volunteering in the EU-27; rather this report aims to review what national studies, surveys, reports and key stakeholders stated about volunteering and volunteers in each individual EU Member State. While this report has collated and made use of a wide-range of sources to gather the most information possible on the level of volunteering in the EU, the discrepancies between different national surveys, studies and methods means that it has not been possible to provide a statistically accurate comparison across Europe. Therefore, the statistical analysis of the level and nature of volunteering should be seen as indicative only.

¹ European Year of Voluntary Activities promoting Active Citizenship.

Whilst national reports have made use of a wide-range of sources the extent to which each national report relies on primary and secondary data sources varies, depending on the availability of data and reports, the number of stakeholders that could be consulted and the specific context of each country.

Volunteering landscape in the EU

An analysis of the national surveys and reports on volunteering identified by key stakeholders in the Member States indicates that, there are around **92 to 94 million adults involved in volunteering in the EU**. This in turn implies that around **22% to 23%** of Europeans aged over 15 years are engaged in voluntary work. The national surveys tend to show lower levels of volunteering in comparison to some of the key European or international surveys².

There are clear differences in the level of volunteering between Member States. Whilst certain EU Member States have longstanding traditions in volunteering and well developed voluntary sectors, in others the voluntary sector is still emerging or poorly developed. The national studies on volunteering show that the level of volunteering is³:

- **Very high** in Austria, the Netherlands, Sweden and the UK as over 40% of adults in these countries are involved in carrying out voluntary activities.
- **High** in Denmark, Finland, Germany and Luxembourg where 30%-39% of adults are involved in volunteering.
- **Medium high** in Estonia, France and Latvia where 20%-29% of adults are engaged in voluntary activities.
- **Relatively low** in Belgium, Cyprus, Czech Republic, Ireland, Malta, Poland, Portugal, Slovakia, Romania, Slovenia and Spain as 10%-19% of adults carry out voluntary activities.
- **Low** in Bulgaria, Greece, Italy and Lithuania where less than 10% of adults are involved in voluntary activities.

It must be reiterated here that given the discrepancies in the national survey tools, these findings should be treated with caution, and be read in conjunction with section 3.1.3 of the main report, which compares these figures with those from recent, pan-European surveys into volunteering (European Values Study and Eurobarometer). In brief, the comparison suggests that:

- Sweden and the Netherlands are the only countries which feature very high levels of volunteering in national studies, as well as in the Eurobarometer and European Values Study. Other countries which have consistently been identified as having either high or very high levels of participation in volunteering are Denmark, Finland and Luxembourg.
- Other countries with relatively high levels of volunteering are Austria, the UK and Slovakia.

² National studies use different methodologies, target groups, forms of volunteering (informal vs formal), sample sizes, etc. For example, the Italian figures only include the number of volunteers in specific voluntary organisations and the Greek figures are based on estimates on the number of regular volunteers in the formal sphere in the absence of national surveys on volunteering. Therefore, these findings should be seen as indicative only.

³ The results of Hungarian studies show a high degree of variance (from 5.5% to 40%).

- Countries which have consistently been identified by national reports and the Eurobarometer and European Value Study as having low or relatively low levels of participation in volunteering are Bulgaria, Lithuania, Poland, Portugal, Romania and Spain.

Regarding volunteers in sport, the data gathered indicates that **volunteering in sport represents a significant share of the adult population in Finland (16%), Ireland (15%), the Netherlands (12-14%), Denmark (11%), Germany (10.9%) and Malta (9.2%)**. Conversely, in Estonia (1.1%), Greece (0.5%), Lithuania (0.1%), Latvia and Romania (less than 0.1%) volunteering in sport does not appear to be a common practice.

Trends in the level of volunteering over the past decade vary between Member States. Overall however, there has been a **general upward trend** in the number of volunteers active in the EU over the last ten years. Reasons to explain this trend include increased awareness of social and environmental concerns; recent public initiatives to promote volunteering; increasing numbers of voluntary organisations which in turn means that volunteers are being spread across an ever larger number of organisations; growing numbers of volunteers needed to support the delivery of public services; increasing number of individuals involved in project based or short-term volunteering as opposed to long-term volunteering; increased involvement of older people and the change in public perceptions, particularly in the New Member States.

Figure 1 – Trends in the number of volunteers in the EU over the past decade

Trend	Trend over the past decade (prior to the economic crisis)
Increase	Austria, Belgium, Czech Republic, Denmark, France, Greece, Italy, Luxembourg, Poland, Spain
Modest increase	Estonia, Finland, Germany, Hungary, Romania, Slovenia
Stable / fluctuation	Bulgaria, Ireland, Latvia, Lithuania, Malta, Netherlands, Sweden
Decrease	Slovakia
Unclear / No comparable information	Cyprus, Portugal, United Kingdom

Source: Based on information from national reports

Trends in the number of volunteers in sport in the past decade, according to national data, appear to be the following:

Figure 2 – Trends in the number of volunteers in sport in the EU over the past decade

Trend	Trend over the past decade (prior to the economic crisis)
Increase	Czech Republic, Denmark, Estonia, Finland, France, Ireland, Malta, the Netherlands, Spain
Stable / fluctuation	Cyprus, Sweden, the United Kingdom
Decrease	Austria, Bulgaria, Germany, Luxembourg, Latvia, Romania, Slovakia, Slovenia
Unclear / No comparable information	Belgium, Greece, Hungary, Italy, Lithuania, Poland, Portugal

Source: Based on information from national reports

Gender - In many countries a gender dimension is more apparent in specific sectors (e.g. sport, health, social and rescue services) and voluntary roles (e.g. managerial and operational roles) rather than in overall participation rates in volunteering. However, in general, most countries tend to have either a greater number of male volunteers than female (11 countries) or an equal participation between men and

women (9 countries). In many countries the dominance of male volunteers can be explained by the fact the sport sector attracts the highest number of volunteers and more men than women tend to volunteer in sport.

Age – In a number of EU countries the highest levels of volunteering are detected among adults aged 30 to 50 years. In a substantial number of countries the number of older people volunteering is increasing. This is the case in Austria, Belgium, Finland, France, Romania, Slovenia, Spain and Sweden. Young people make up the largest share of volunteers in many Eastern European countries and Spain.

Education levels – The national reports have illustrated that there is a clear, positive correlation between education levels and the tendency to volunteer.

Employment status – In the majority of EU countries employed individuals are the most active volunteers.

Sectors – In over half of EU countries, most volunteers are active in the sport and exercise sector. Volunteers in sport represent an important share of total volunteers in Denmark (31.5%), France (25%) and Malta (84%).⁴ The highest level of voluntary activity across Member States is undertaken in football. In addition to sport, the most commonly reported sectors in which volunteers are active include:

- Social, welfare and health activities;
- Religious organisations;
- Culture;
- Recreation and leisure; and
- Education, training and research.

Voluntary organisations – Overall, there have been very strong increases in the number of voluntary organisations over the past decade; some countries have seen up to two to four-fold increases in the number of registered voluntary organisations in the last decade, with individual annual increases reaching 15% in some cases. These include countries where organised, formal volunteering is an established tradition (i.e. in France and Germany), as well as in countries where formal volunteering is a more recent phenomena (i.e. Bulgaria, Estonia, Italy, Romania). However, it is important to remember that the level of detail on the number and sector of voluntary organisations depends on whether the country has a registry of voluntary organisations and whether such organisations are either obliged or incentivised to register. Even in countries which have such registries, it is difficult to provide accurate data on the number of active voluntary organisations as in many cases the registries include both inactive and active organisations.

Institutional framework

Only a small number of countries have in place a national strategy for volunteering. Even fewer countries have identified targets and where such indicators are in place, they tend to be qualitative rather than quantitative by nature. Only a small number of countries appear to have formal reporting and monitoring arrangements for volunteering in place. This is indicative of a lack of clear and consistent policy on volunteering at national level.

It is much easier to establish a national strategy on volunteering in countries where there is only one Ministry responsible for volunteering. In other cases, such a strategy would have to reflect the policy aims, objectives and goals of a wide range of different Ministerial departments. In such countries, the tendency is for the main Ministry responsible for volunteering to channel funding into key priority areas, such as youth volunteering or volunteer management.

The importance of volunteering in sport on the political agenda differs significantly between countries. Where it does feature on the agenda (in about ten Member States) it is often correlated to the existence of a sport/health policy. Member States have either integrated volunteering in sport in the general strategy on volunteering or in their general strategy on sport, rather than developing a separate strategy for volunteering in sport.

Legal framework

There is no uniform way of regulating volunteering, primarily because of the diverse nature of volunteering together with the complexity and diversity of the voluntary sector across Member States. By way of categorising the regulatory framework for volunteering, three key distinctions can be made between Member States:

- Member States where a legal framework specifically relating to volunteering is in place (Belgium, Cyprus, Czech Republic, Hungary, Italy, Latvia, Luxembourg, Malta, Poland, Portugal, Romania and Spain);
- Member States that do not have a legal framework but where volunteering is regulated by or implicit within other existing general laws (Austria, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Lithuania, Netherlands, Slovakia, Sweden and the UK); and
- Member States who are in the process of developing a legal framework for volunteering (Bulgaria and Slovenia).

In the majority of Member States there is no specific legal framework covering volunteering in sport. Some rights and benefits attributed to individual volunteers can be in some cases specific to volunteering in sport (e.g. requirements related to qualifications and background checks). Regarding sport organisations, whilst most Member States have applied VAT reductions and exemptions there are important divergences between the countries due to different interpretations of the scope of the exemption. There are concerns that the interpretation of some Member States is too wide and not in compliance with Community rules.

Economic dimension of volunteering

Funding of the voluntary sector – Levels of financial resources present significant challenges for the majority of voluntary organisations and agencies across the EU. The main source of funding for the voluntary sector in Europe is public funds. In some EU countries however, this trend is starting to change. The State's capacity to fund the social sector has been declining and non-governmental organisations began gradually taking over the provision of some social services. Simultaneously, the proportion of financial resources coming from the private sector has been marked by a steady growth. Public service delivery is increasingly driving the funding environment for the

⁴ Only some countries' studies indicated this proportion.

voluntary sector and contracts are therefore becoming a more important mechanism for the transfer of resources. As a consequence there will be a much greater emphasis on earned income as part of the funding mix of the voluntary sector in the future.

Regarding the sport sector, there are important differences in the sources of funding available to sport organisations. For Member States⁵ where such information was available, sport organisations mainly rely on:

- Membership fees (Finland, France, Germany, the Netherlands, Spain);
- Fundraising and donations (Estonia, Slovenia, Spain);
- Sponsorship (Slovenia);
- Public funding – state (Cyprus, France, Portugal);
- Public funding – regional and local authorities (Estonia);
- Other income (e.g. sales of tickets to sport events organised, bar and restaurant services, etc): Romania, Spain.

Economic value of volunteering – Estimating the economic value of volunteering is one of the key ways of evidencing the benefits of volunteering overall. In Member States where such calculations have been made there is usually no consensus on the estimation of the economic value of volunteering in the country. Estimates based on a harmonised methodology (replacement cost method) for all countries, indicate that the economic value of volunteering varies greatly, accounting for⁶:

- A tiny percentage of GDP in Slovakia, Poland and Greece (less than 0.1%);
- Below 1% of GDP in Bulgaria, Czech Republic, Italy, Hungary, Lithuania, Malta, Portugal, Romania and Slovenia;
- Between 1 and 2% of GDP in Belgium, France, Germany, Ireland, Luxembourg and Spain;
- More than 2% of GDP in the UK, Finland and Denmark; and
- A significant share in Austria, the Netherlands and Sweden (between 3 and 5%).

Estimates for 13 Member States indicate that the average contribution of volunteering in sport is estimated to correspond to 0.82% of GDP, ranging from less than 0.5% of GDP in Portugal, Czech Republic, Cyprus and Germany; between 0.5 and 1% of GDP in Austria, Ireland, Denmark, France, Slovenia, Finland and the Netherlands; and more than 1% of GDP in Sweden and the UK. Research further suggests that sport would become far less accessible without inputs from volunteers, as Member States would either have to substantially increase their financial contributions or organisations would have to increase their membership fees to a level which a large share of the population would not be able to afford. In the majority of countries, the average number of hours dedicated to volunteering in sport per week revolves around 4-5 hours.

Social and cultural dimension of volunteering

In addition to their economic benefits, voluntary activities have a variety of broader social impacts that deliver significant added benefits to volunteers, local communities,

⁵ When identical levels were reported, Member States have been mentioned more than once.

⁶ Such value could not be calculated for Cyprus, Estonia and Latvia because of missing data.

and society in general. Many of these impacts contribute directly to a number of key objectives set out in EU policies. Some of them are presented below.

Social inclusion and employment – Many voluntary activities and services involve the promotion of social cohesion, as well as social inclusion and integration, which are in turn often important elements of European social policy. Volunteer work provides important employment training and a pathway into the labour force. It enhances social solidarity, social capital, and quality of life in a society; it gives individuals a sense of self-satisfaction that they are making a contribution to the progress of society. As such, it contributes importantly to the promotion of ‘decent work,’ of work as a means of promoting human agency, dignity, and a feeling of self-satisfaction.

Education and Training – Volunteering can provide unemployed individuals with the experience needed to integrate into the labour market. Skills and competences gained through volunteering can be transferred into professional contexts. Many volunteers appreciate the opportunity that comes from volunteering to learn new skills, as well as practice existing competences. Volunteering is also seen as a useful way for young people to test out potential careers and therefore make an informed choice about future education and training pathways.

Active Citizenship – Volunteering leads to the direct involvement of citizens in local development, and therefore plays an important role in the fostering of civil society and democracy. The importance of youth volunteering for social inclusion and active citizenship has been evidenced in many Member States. For a majority of volunteers in sport, donating their time to a club is an opportunity to actively contribute to their community.

Sport – It is important to remember that volunteers and voluntary organisations often provide vital activities and services, which are used by members of the community. These can range from local sport clubs to transportation for the elderly or specific health care services, all of which have a significant impact on the lives and well-being of local people, as well as on the local environment. Sport clubs are one of the best examples, as the sport movement mainly relies on volunteers throughout Europe. In the majority of Member States the sport sector in particular relies heavily on volunteers (e.g. Austria 14% paid staff and 86% volunteers; France almost 80% volunteers; the Netherlands 13% paid staff and 87% volunteers). Voluntary engagement allows sport clubs to maintain low membership fees, thus removing financial barriers to participation.

Conclusions: main challenges and opportunities for volunteering

Main challenges

Engaging volunteers – Overall, the level of volunteering has increased in the great majority of EU countries over the past decade. The main difficulties seem to be related to the changes that are affecting the nature of voluntary engagement, as well as a mismatch between the needs of voluntary organisations and the aspirations of the new generations of volunteers, rather than a drop in the number of volunteers. Factors include the inadequate knowledge of the needs of organisations, the difficulty in matching volunteers with appropriate organisations, preference for short rather than long-term voluntary commitments, and increases in the number of voluntary organisations which means that volunteers are being spread across an ever larger number of organisations. In the sport sector, the fact that organisations are placing

high demands on the skills and qualifications of volunteering was sometimes seen as a deterrent for potential volunteers. Overall, both the sport sector and people's lifestyles are changing. Whilst demands on volunteers in the sport sector are becoming increasingly specific, requiring higher skills and more qualifications, volunteers appear to be less willing to commit to one organisation for long periods of time and take on decision-making responsibilities.

Professionalisation of the voluntary sector – The increasingly professional nature of staff employed in the voluntary sector means new challenges in terms of management of human resources within organisations engaging volunteers. Volunteers are also confronted with increasingly demanding tasks that require specific competences and skills, creating a tension between, on the one hand, increasing professionalisation and demands placed on volunteers and, on the other hand, the ability of volunteers to meet these demands and remain willing to do so in an unpaid fashion.

Legal and regulatory framework – The lack of a clear legal framework or clear rules is considered as being a key challenge for the development of volunteering in at least six countries. On the other hand the increasing legislative burden can impede volunteering by the accumulation of rules and laws applying to the voluntary sector. Stakeholders were therefore emphasising the risks of over-regulation of the sector. Finally, legal constraints that limit volunteering (e.g. limits on the number of hours of voluntary work that an unemployed person or somebody on early retirement can perform) can pose restrictions on recruitment among certain groups. The recent requirements in several Member States for volunteers in sport to have background checks, or to hold specific qualifications or a licence to work with young people, are adding an increased burden on both individual volunteers and sport organisations.

Lack of monitoring and information – The need for more accurate and detailed data on volunteering has been highlighted in all Member States. Information and data relating to volunteering are often unstructured and non-standardised even at national level. This clearly represents a major challenge in terms of accurately understanding volunteering within countries, in particular the impact of governmental support on volunteering in different European countries.

Sustainable funding – Findings indicate that funding issues are a key concern of the voluntary sector. In the past years, voluntary organisations have witnessed a considerable change in the relations between voluntary organisations and public authorities. Subsidies are being increasingly replaced by contracts, awarded through calls for tender, calls for projects and the outsourcing of public services. Local authorities seem to partly use public procurement as an 'umbrella' to avoid any risks of infringing rules that are unclear to them. Consequences include increased competition between voluntary organisations, application of rules that are designed for the business sector and the risk of driving away volunteers. For sport organisations, the opening up of gambling markets to competition raises important questions in terms of future funding and potential loss of income for the sport movement. In many Member States the income generated by lotteries is amongst the most important financing sources for the sport sector.

Risk of instrumentalisation of the voluntary sector – In some countries the sector is increasingly seen as an instrument for tackling problems or providing services that the state cannot provide anymore. These difficulties are expected to increase due to the economic crisis, which will increase the demand for these services. In the sport

sector some level of tension was identified between the state wishing to pursue specific social goals (and making this conditional in funding decisions), such as inclusion and integration, through the sport movement, and the sport movement considering that this may affect their autonomy.

Lack of recognition – Recognising voluntary activities and volunteering can play a big part in rewarding existing volunteers for their participation in voluntary activities and in attracting new volunteers. The validation of non-formal and informal learning (VNFIL) provides important opportunities to recognise the skills and competences of volunteers. Opportunities for VNFIL are limited in at least eight countries that have not fully established arrangements for VNFIL to date. A further seven countries are in the process of developing arrangements for VNFIL though their application to volunteering remains limited. Even in countries that have well established arrangements and policies in place for VNFIL there is evidence to suggest that it does not always apply to volunteering.

Perceptions and prejudices – This was identified as a key challenge in some former communist countries which are still struggling with stereotypes and negative connotations and where trust in civil society organisations is rather low.

Lack of a clear strategy and a fragmented political landscape – In countries that do not have a national strategy for volunteering, the policy aims and objectives for volunteering are implicit within a wide range of broad policy discourses. There is concern at national and EU level that the issue of volunteering is widely dispersed across a broad range of policy areas.

Main opportunities

Improving the legal environment for volunteering – The legal framework is only part of the social and institutional context that shapes volunteering in a country. It becomes particularly important when it creates obstacles and impedes volunteering, as the experiences of some EU countries show. Therefore, the countries of Central and Eastern Europe in particular have moved beyond publicly recognising volunteering to creating a legal environment that aims to promote volunteering. In addition, a number of countries have taken steps to review their legislation and address shortcomings. In some countries, such as Hungary and Luxembourg, these initiatives are clearly related to the preparation of the European Year 2011. In the sport sector, the existence of tax benefits and exemptions applying to volunteers and sport organisations appears to have a favourable influence on the share of volunteers.

Measures to support volunteers within organisations – The retention of volunteers is an important challenge faced by voluntary organisations. Many volunteers have raised the issue of a lack of leadership/coordination within voluntary activities. Some good practices have been highlighted as efforts to prevent the disengagement of volunteers, in particular the development of support roles within organisations. There is also evidence of many countries investing significant resources in education and training opportunities for volunteers.

Improving perceptions of volunteering – A number of successful campaigns have been run and have raised the status of volunteering, particularly in countries which lack a tradition of organised volunteering (e.g. Estonia). Measures have also been implemented by the voluntary sector itself to help raise awareness about the benefits

and opportunities of volunteering, such as the launch of 'the week of volunteering' and volunteer award ceremonies. In order to stimulate youth volunteering and address what is perceived as a disengagement of young people, campaigns have been launched to make youngsters aware of the positive sides of voluntary work (e.g. the Netherlands). In addition to campaigns and information tools, experience from Greece, France, the UK and other countries shows that major sport events can be a fantastic opportunity to raise awareness of volunteering. Popularity of the European Voluntary Service was highlighted as an important factor in several countries as having the potential to promote volunteering among young people.

Recognition of volunteers' skills and experience – Interesting practices are put in place in a number of Member States, many of which are influenced by the European agenda of the validation of non-formal and informal learning (VNFIL). A number of countries have recently established arrangements for VNFIL where no tradition of VNFIL existed.

Data collection and research – Evidence shows that there is a clear momentum towards improving knowledge and understanding of volunteering at national level, through the collection of reliable, regular and systematic data. These are encouraging developments towards an enhanced recognition of the social and economic value of volunteering. At organisation level, it seems that there is now a growing consensus among voluntary organisations that measuring the economic value of volunteering can bring substantial benefits in terms of recognition and visibility. Finally, the International Labour Organisation is currently developing the first-ever set of international guidelines for generating regular and reliable statistics on volunteering which will be comparable across countries and regions.

Sustainable funding – Accompanying measures to help voluntary organisations to adapt to the new funding environment, increasingly based on public procurement procedures, have been put in place in a limited number of Member States, such as the UK where the Learning and Skills Council provides one-to-one support on the tendering process of third sector organisations. The Agreement between the Swedish government and the third sector is also exemplary as it aims to ensure a growth in the diversity of providers and suppliers, clarifies the role of voluntary players in the social sphere and enables voluntary organisations to compete on equal terms. In many Member States the voluntary sector is calling for a modernisation of the relationship between the state and the sector, which should include a clarification of their 'funding' relationship. In the sport sector, evidence suggests that it is important, in particular for sport organisations at grass-root level, to have a diversified income, which includes membership fees, revenue from events and other activities, donations and fundraising, etc. In several Member States, there is increased focus on creating and accessing new ways of funding the sport sector.

Developing strategies for volunteering at national level – There are clear indications that volunteering is increasingly appearing on the national agenda, which has led certain countries to adopt (or plan to adopt) full-fledged strategies or policies on volunteering. This trend has clearly gathered momentum after the UN International Year of Volunteers (IYV) 2001 which has had a tremendous impact in some countries. When no strategy is being developed, volunteering is increasingly included in strategy documents and programmes in various policy areas such as employment, civil society and the care of elderly people.

Setting up volunteering infrastructure - Experience from Member States such as Germany shows how the setting up of an efficient, well structured infrastructure can drastically improve the environment for volunteering. Such networks and platforms are now being set up in countries where no such infrastructure existed, in particular in New Member States. These include volunteer centres to provide information, training and coordination services regionally for host organisations, developing databases and providing brokerage services between volunteers and organisations.

Corporate social responsibility and employer support of volunteering – Though there is no legal provision or specific support schemes for profit-making organisations in most countries, there have been reports on the increase of corporate volunteering, whereby companies encourage their employees to take part in volunteering as part of the drive toward corporate social responsibility (CSR). In many countries the notion of corporate volunteering is a relatively new concept for profit-making organisations.

Recommendations

Recommendations at EU level

Promoting legal and policy frameworks to support volunteering

A comparative study carried out by the European Centre for Not-for-Profit Law (ECNL)⁷ suggests that countries should, where necessary, revise laws or enact separate legislation in order to promote volunteerism, protect volunteers, and remove legal impediments. The EU could consider promoting guidelines for countries who wish to adopt legislation, treating aspects such as:

- How volunteering could be distinguished from other types of legally recognised or regulated relationships. The key issue here is that the role of volunteers should be to complement the work of paid staff, or add value, and not replace paid staff;
- How volunteers could be entitled to reimbursement of expenses;
- How volunteers could be protected while they are performing voluntary activity (e.g. insurance coverage);
- How to prevent volunteering having a negative effect on entitlement to unemployment and other social benefits;
- How additional support schemes (e.g. validation of experience) could be provided to volunteers; and
- How international volunteering could be facilitated.

Measuring the economic value of volunteering

At EU level, Eurostat could play a role in supporting the collection of statistics on volunteering, to comply with ILO and UNV recommendations on the measure of volunteering. As Eurostat collects data from National statistical institutes, which often do not have this information, it is therefore important that Eurostat asks national offices for this data to instigate a change. A related issue is considerations regarding how volunteering could be taken into account when measuring the social well-being of

⁷ European Center for Not-for-Profit Law (ECNL), Comparative Analysis of European Legal Systems and Practices Regarding Volunteering, Katerina Hadzi-Miceva

Member States, stemming from the Stiglitz report and developments regarding ways to measure social well-being alongside raw economic growth (GDP). The need for taking account of these 'social indicators' beyond GDP to measure the wealth of a society could be recognised by Eurostat and reflected in data collection at EU level.

Clearer EU rules concerning public procurement and the Services Directive

Research at national level has clearly shown the need for a clarification of the definition of Social Services of General Interest (SSGI) and the use of public procurement rules applying to services provided by voluntary organisations. The position of social services of general interest within Community law is still unclear. Given that this concept is much more recent than those of services of general interest and services of general economic interest, it was not established in primary law by the Lisbon Treaty and is therefore subject to lesser legal guarantees. In particular reviewing the status of implementation of the current legislation in all Member States would be helpful (e.g. to what extent the possibility of introducing social criteria is actually used in the different Member States. In Member States where this possibility is under-used, identify reasons why, and encourage Member States to take advantage of this possibility). Greater certainty should be introduced to avoid the consequences of litigation and over-caution by all parties. Finally, the EU should promote the recognition of the added value of the voluntary sector in the provision of SSGI.

Networking to promote volunteering: encouraging research and exchange of good practices

The European Year 2011 will be an excellent opportunity to put volunteering on the agenda of Member States, raise awareness about volunteering, and promote exchange of good practices. There is a strong demand for sharing experience and identifying regulatory and policy frameworks that really work. The EU has a role to play in enhancing recognition, and encouraging Member States to avoid legislative barriers to volunteering. In the sport sector, the new EU competence for sport provided by the Lisbon Treaty will help the EU add value by supporting platforms of exchange and debate, providing legal clarity and co-financing various initiatives, taking account of the specific nature of sport, its structures based on voluntary activity and sport's social and educational functions.

Encourage recognition and validation of experience

Research has shown that the impact of EU policies in the field of VNFIL is important. Member States are following EU practice in this field as they continue to develop their own arrangements for VNFIL. The EU should disseminate good practices in the area of VNFIL, highlighting the need for its application to voluntary experience.

Recommendations to Member States

Adapting/improving legislation

In countries where there is nothing existing for volunteering, where there is a weak tradition or culture of volunteering, adopting legislation can support the development of volunteering. The establishment of a legal framework for undertaking voluntary work (that would resolve the uncertainty concerning volunteers' expenses, work conditions and insurance) would represent considerable opportunities for developing the voluntary sector. The law should ensure that volunteering is protected and promoted and that the legal requirements do not discourage volunteering. There is a need to be very clear

about the purpose of the legislation and the policy aims it tries to pursue, which need to be developed in partnership with voluntary organisations.

In other countries where a long-lasting tradition exists, it has been very important up to now not to regulate voluntary organisations and any attempt to formalise volunteering in law has always been abandoned. Avoiding over-regulation has emerged as a key concern on the voluntary sector's side.

Supporting volunteering among senior and young people

Given the demographic trend and the increasing share of elderly people in the population, the increasing involvement of senior people in the voluntary sector will be essential for the vitality of the voluntary sector and to address the needs of organisations in terms of voluntary work. The development of volunteering amongst the elderly will require a promotion of voluntary engagement at an early stage (i.e. before retirement age), as well as proper support structures to accompany this target group. Experience has shown that people rarely start volunteering when they enter retirement.

This relates to the importance of promoting volunteering among the active population but also among young people, through curricular and extracurricular education. The promotion of volunteering in the education system and its more systematic integration into the education pathway could increase young people's engagement.

Increasing recognition of volunteering

A key opportunity for volunteering is the strength of marketing, raising awareness and promoting positive images relating to volunteering. The benefits for individuals, organisations and communities need to be publicised and celebrated. Moreover, the public bodies should continue to finance awareness raising campaigns on the rights and responsibilities of volunteers. It is very important to provide volunteers with updated and accurate information.

Developing validation procedures applicable to volunteering

As countries continue to develop arrangements for the validation of non-formal and informal learning (VNFIL), raising awareness of the possibility to apply VNFIL to volunteering together with the appropriate level of resources to ensure VNFIL is carried out is essential. The recognition and valorisation of the time that volunteers dedicate to volunteering can be an important motivation factor, in particular among younger generations and as a bridge between volunteering and education.

Enhancing knowledge about volunteering and improving data collection

The efforts that have been made to measure volunteering have been sporadic and frequently uncoordinated, leaving Member States without up-to-date, reliable data on the scope of volunteering. This not only limits the understanding of volunteering but poses problems for the more general understanding of the labour market. The United Nations Handbook on Non-profit Institutions includes guidelines for national statistical offices to prepare regular 'satellite accounts' on the non-profit sector and volunteering as part of their official economic data gathering and reporting. Member States should therefore work towards integrating these accounts into their economic data gathering and reporting, as well as cooperating with the ILO initiative to integrate a measure of voluntary work into national Labour Force Surveys. Establishing Volunteering observatories could help assess the trends of the voluntary sector and collect both quantitative and qualitative data on volunteering.

Clarifying public procurement rules and ensuring sustainable funding

Member States should promote the adoption of adapted rules for the funding of voluntary organisations and accompany the change in the type of funding relationship between the state and the voluntary sector as contracts are becoming a more important mechanism for the transfer of resources. The adapted use of the public procurement rules (e.g. inclusion of social clauses⁸) should favour the implementation of public tenders respecting the specificity of voluntary organisations. The possibilities to include social, environmental, and ethical considerations are currently under-utilised. It would be helpful to highlight the importance of the complementarities between public services and services provided by these organisations – the voluntary sector should be seen as a resource to develop wellbeing in society rather than as a way of cutting costs. Member States could also set up support schemes/programmes to equip voluntary organisations with the practical tools to meet the challenges associated with public procurement.

Setting up volunteering infrastructures

Various actions could be taken to improve the infrastructure at national level, in Member States where it is poorly developed:

- Provide a central platform for information on volunteering where citizens can learn about opportunities and ways to get involved (and whom to contact);
- Further develop and strengthen networks at local, regional and federal levels, and enable the bundling of resources, exchange of best practice among actors, and the development of appropriate funding strategies;
- Use of service bureaus which could help with giving advice in technical, juridical and financial areas, ensuring good information provision on the opportunities for funding;
- Stimulating local volunteer brokers; and
- Promoting a discussion platform between voluntary organisations and the State.

Support corporate volunteering

Though the research suggests support for corporate volunteering is increasing, incentives should be provided to companies to encourage greater opportunities for corporate volunteering. Member States should provide the regulatory environment that encourages this type of initiative (e.g. tax relief) and ensure the infrastructure is in place to encourage partnerships with the voluntary sector.

Recommendations to organisations engaging volunteers

Better management of volunteering resources

Changes in demography and the labour force suggest that in many Member States large reservoirs of potential volunteers remain 'untapped' for the expansion of the voluntary sector. Findings suggest that the main challenge for the sector is not the

⁸ In relation to procuring social and welfare services from voluntary sector organisations, Directive 2004/18/CE contains several dispositions stating that contracting authorities can impose conditions in order to promote social issues (so-called 'social clauses'), as long as those conditions respect the EU laws and are not directly or indirectly discriminatory. These social clauses may be intended to favour on-site vocational training, the employment of people experiencing particular difficulties in achieving integration into the workplace, the fight against unemployment and protection of the environment.

decline in the number of volunteers but rather increased competition between organisations, changes in the way people volunteer, and a mismatch between the expectations of today's volunteers and what hosting organisations can offer. Voluntary organisations should set up volunteer policies to provide a more favourable environment for volunteers. Professionalisation of human resource management practices is therefore needed, to improve the recruitment, training and retention of volunteers. In particular, the specific needs of the various groups involved (elderly, young people, etc.) must be better taken into account.

Encourage use of accreditation/validation tools

Organisations engaging volunteers should be more involved in the implementation of procedures and arrangements for VNFIL and support their volunteers in using tools such as Portfolios/Volunteer Passports or Cards. This could be done for instance by identifying key competences required for each position, or by undertaking a review of the competences and resources needed in the organisation and a mapping of the competences and skills available. This is particularly relevant when seeking to engage young people, who are increasingly aware of the importance of the skills they can gain through volunteering.

Providing adequate training to volunteers

Additionally, voluntary organisations, with the financial and administrative support of the public sector, should ensure that volunteers' training is consistently done on a structured and regular basis. As volunteering is getting more popular, volunteers' demands are increasing in terms of experience, training and support. Host organisations should pay close attention to the way they meet these expectations.

Increasing transparency/image of the voluntary sector

Voluntary organisations should ensure that budgets and expenditures are circulated to the stakeholders in order to allow for constructive criticism and transparency. Especially in former communist countries where trust in civil society organisations is still rather low and where the media have focused on scandals, corruption, and fraudulent activities of a few NGOs, organisations engaging volunteers should pay attention to the image they convey.

Coordination of the voluntary sector

It would be useful to build bridges between different organisations that work on related issues in order to avoid duplication and promote mutual learning and project development. The role played by voluntary organisations in influencing social policy makers is pivotal for the needs of vulnerable groups to be adequately addressed. In countries where coordination of the voluntary sector is weak, it is therefore crucial that organisations make a conscious effort to create a platform for communication, best practice exchange and for prioritising together the needs to be inserted in the social agenda of the country/regions/provinces.

Specific recommendations regarding volunteering in sport are presented in Table 5-3 Recommendations to EU institutions, to Member States and to the sport movement p. 274.

Volunteering and Social Development

**A Background Paper for Discussion at an Expert Group Meeting
New York, November 29-30, 1999**



United Nations Volunteers

Introduction

1. At the Copenhagen World Summit on Social Development in 1995 some 117 countries pledged to implement ten commitments to alleviate poverty, promote full-employment and secure social integration. The General Assembly Special Session to be held in Geneva from 26 to 30 June 2000 will evaluate progress in the implementation of the Copenhagen Declaration and Programme of Action and recommend further action to help achieve these goals.

2. Although volunteering was not specifically mentioned in Copenhagen reference was made to the important role played by voluntary and community organizations in social and economic advance. At the first Preparatory Committee of the General Assembly Special Session held in May 1999 the Government of Japan proposed that the importance of volunteering for social development be addressed in Geneva. United Nations Volunteers (UNV) was called upon to report on this matter and to make proposals on how governments could best support volunteering.

3. To help with this task, UNV commissioned the Institute for Volunteering Research, a specialist research and consultancy agency in the UK, to prepare a background paper and facilitate an expert group meeting in New York with a view to producing a final paper for submission to the United Nations Secretariat for the Geneva Special Session in January 2000.

4. This paper is divided into the following sections. Section 1 sets out the parameters for the discussion by looking at the meaning and definition of volunteering. Section 2 examines the different ways in which volunteering manifests itself in different regional and national contexts - from self-help and participation to more formal forms of service provision. Section 3 examines the benefits of volunteering, both for the volunteer and for society at large, drawing in particular on the concept of social capital. The fourth section focuses on some current issues in volunteering, including the role of the state and the business sector in promoting its development and the impact of globalization; while the fifth and final section assesses what action governments can take to encourage volunteering.

5. As requested by the Preparatory Committee the report focuses on the role of volunteering in promoting social integration. However, in line with the Copenhagen Declaration and Programme of Action which recognized the inter-relationship between the three priority areas, the paper also addresses the impact of volunteering on poverty alleviation and full employment.

6. The paper has been written by the Director of the Institute for Volunteering Research, Dr Justin Davis Smith. It is based on a thorough review of the literature and discussions with experts at the United Nations, the World Bank, and various voluntary and community organizations in different parts of the world. The author is grateful for the many helpful ideas, references and contacts freely given, although responsibility for the paper rests with him alone.

Section 1: Meanings and Definitions

7. Volunteering means different things to different people. A recent study (Cnaan et al, 1998) found widespread differences between countries in public perceptions of what constitutes a voluntary activity. In some countries giving blood was seen as volunteering, in others being involved in a political party or trade union was counted. For some people the defining characteristic of volunteering was the absence of financial reward; for others lack of coercion was the main identifier. Volunteering takes on different forms and meanings in different settings. It is strongly influenced by the history, politics, religion and culture of a region. What may be seen as volunteering in one country may be dismissed as low paid or labour intensive work (or even forced labour) in another. And yet despite the wide variety of understandings it is possible to identify some core characteristics of what constitutes a voluntary activity. In fact it is essential that we do so. Without some shared understanding of the common elements of volunteering the term would be meaningless and would make redundant attempts by government to promote it. Although it is clearly not possible to come up with a hard and fast definition of volunteering that will take into account the variety of contexts in which it operates, we can construct a broad conceptual framework which will allow for significant differences in interpretation within clearly delineated boundaries.

8. There are five key elements to this framework. First the notion of reward. Some definitions argue that only purely altruistic behavior should be counted as volunteering. Others contend that there is no such thing as pure altruism and that all volunteering contains an element of exchange and reciprocity. Thus some definitions would allow for volunteers to be rewarded in some way, either non-materially through the provision of training or accreditation, or materially through the reimbursement of expenses or the payment of an honorarium. The key cut-off point in drawing the distinction between volunteering and paid employment is that the volunteer should not be undertaking the activity primarily for financial gain and that any financial reimbursement should be less than the value of the work provided.

9. The second element concerns the notion of free-will. Most definitions concede that volunteering and compulsion are incompatible. Thus schemes which run counter to the ILO Conventions on forced labour would clearly not qualify as volunteering. But as with the notion of reward there are Grey areas. How should we view school community service schemes which encourage, and sometimes require, students to get involved in voluntary work?; Food for Work programmes, where there is an explicit exchange between community involvement and food assistance?; or citizen service schemes which offer people a community service alternative to military service? The broad conceptual framework accepts that it may be difficult to uphold the pure notion of free will in any volunteering interaction - people's motivation to volunteer will perhaps always include a mix of reasons including peer pressure and social obligation - but it would draw the boundary around any overt attempt by government to force people to participate.

10. The third element relates to the nature of the benefit. To differentiate volunteering from a purely voluntary leisure activity requires there to be a beneficiary other than (or in addition to) the volunteer. But where the line should be drawn is open to question. Some would argue that the beneficiary has to be a stranger to the volunteer; others would allow for neighbors to be included, and even friends and extended relations. Still others would include the notion of self-help or mutual aid where the dividing line between personal and third party benefit is especially blurred. Whilst allowing for a variety of

interpretations the broad conceptual framework demands that there be an identifiable beneficiary or group of beneficiaries (which might include such abstract notions as the environment or society itself) other than (or in addition to) the volunteer's immediate family or friends. This would allow for self-help and mutual aid to be included but would rule out caring for dependent relatives.

11. Fourthly the issue of organizational setting. Some definitions insist that volunteering be carried out through a formal, non-profit or voluntary organization of some sort. Others keep to the organizational requirement but include activity undertaken within the public or corporate sector. Others relax the organizational requirement and accept activities carried out informally, either on a one-to-one basis such as helping out a neighbor, or in isolation through such civic minded activities as picking up litter. The broad framework put forward here allows for both formal (organized) and informal (one-to-one) volunteering to be included and for volunteering carried out in the public and corporate sectors.

12. The final element is the level of commitment. Some definitions allow for one-off voluntary activities to be included; others demand a certain level of commitment and exclude occasional acts. The broad conceptual framework enables us to encompass a range of different levels of activity from high commitment to sporadic involvement, although it seems fair to assume that most volunteering would carry with it some degree of sustained commitment.

13. Given the differing interpretations of what constitutes a voluntary activity it is not surprising that there is disagreement over terms. Some people favor the term volunteering, others voluntary activity, voluntary work or voluntary action. In some countries distinctions are drawn between more traditional forms of charitable activity and more modern forms of citizen involvement and participation. Whilst recognizing that different terms often have very different meanings in different settings this paper will use volunteering and voluntary activity as interchangeable terms to describe the broad range of activities which fall within the broad conceptual framework outlined above. Similar terminological difficulties arise in relation to the organizations through which most volunteering takes place. Voluntary organizations, community groups, civil society organizations, third sector associations, non-governmental and non-profit organizations - are all terms which are used to describe the rich variety of organizational structures which occupy the space outside the state and the market. As with the terms to describe individual voluntary activity all have subtle (or not so subtle) differences of meaning. But for the purpose of this paper we will choose the term voluntary and community organizations to encompass this wide variety of organizational form.

Section 2: A Typology of Volunteering

14. Having developed a framework which allows us to make sense of the vast array of different types of activities which cluster under the banner of volunteering, it is necessary to give some concrete examples of how such activity manifests itself in practice. It is possible to identify at least four different types of volunteer activity, delineated according to a final outcome or final purpose criterion - mutual aid or self-help; philanthropy or service to others; participation; and advocacy or campaigning. Each of these types occurs in all parts of the world. However, the form each type takes and the balance or mix between different types differs markedly from country to country. Factors influencing

the nature of volunteering will include the economic, social and political make up of the country and its stage of development. As a broad rule of thumb the less economically developed the country the less formal its volunteering structures are likely to be, and the greater the emphasis on informal support systems and networks of mutual aid and self-help. In contrast industrialized countries typically will exhibit more formal volunteering structures with a greater emphasis on philanthropic forms of activity. This is not to imply that the developed world is richer in volunteering than the developing world. Rather that the form volunteering takes is conditioned by the society in which it is based. Of course there are parts of the world where volunteering is stronger than others - in certain countries the political system works against the free association and participation of its citizens. But even in countries most hostile to its development volunteering can be found. The four categories of volunteering are not mutually exclusive. There is clear overlap between them. So, for example, volunteers involved with a philanthropic or service delivery agency may also very well be involved in advocacy and campaigning. Likewise, mutual aid may benefit others apart from members.

15. Religion would appear to have a particular influence on volunteering. In a study encompassing Brazil, Ghana, Egypt, India and Thailand, chosen to represent the great religions of Christianity, African religions, Islam, Hinduism and Buddhism, Salamon and Anheier (1999) have argued that the size and shape of the voluntary and community sector and the practice of volunteering in each country has been greatly influenced by the dominant religion. Whilst all the religions have charity as a main tenet of their faith differing attitudes towards the state, individualism and institutions has led to very different patterns of voluntary action. Those countries with a Judeo-Christian tradition would appear to be most associated with the development of voluntary associations and formal philanthropic voluntary activity, whilst those with a Buddhist and Islamic tradition are more associated with informal forms of voluntary action.

Mutual Aid or Self-Help

16. The first type of volunteering in this four-fold typology is mutual aid or self-help. Anthropologists have noted the existence of mutual associations (or sodalities from the Latin word *sodalis* meaning close friend) as far back as the neolithic period and the role of mutual aid associations in primitive cultures has been well documented. In many parts of the world today mutual aid provides the main system of social and economic support for a majority of the population. From the small informal kinship and clan groupings to the more formal rotating credit associations and welfare groups, volunteering as an expression of self-help or mutual aid plays a primary role in the welfare of communities. In Kenya, for example, the tradition of Harambee plays a vital role in the provision of health, water and educational facilities. In Senegal mutual aid is organized around Mbootaay groups (meaning to nurture), while in Java such activity goes under the name of Arisan. In Mexico there is a thriving mutual aid tradition of Confianza and in the Gulf States the practice of Murfazaa is long-established. Self-help also plays an important role in countries of the industrialized North, particularly in the health and social welfare field, where numerous organizations have been established to provide support and assistance to those in need, often organized around a particular disease or illness.

In West and Central Africa there is a tradition of Tontine. This is a self-help group of citizens established to provide a rotating credit system for members. Each member makes a regular financial contribution and each has a turn in drawing from the funds. Women take a leading role as members and fund-managers.

In Slovakia the Multiple Sclerosis Slovak Union is a voluntary self-help organization which developed out of a grassroots initiative in 1990. It brings together citizens affected with multiple sclerosis and their families, as well as other people willing to provide assistance. In addition to providing a range of practical support to members, the Union campaigns and advocates on behalf of people with multiple sclerosis. It receives some state funding and is one of the most active and visible expressions of self-help in Slovakia.

Philanthropy or Service to Others

17. The second type of volunteering is philanthropy or service to others. Perhaps more a feature of developed societies (especially in its organized form), philanthropic volunteering can nevertheless be found in all regions of the world. It is distinguished from self-help activity in that the primary recipient of the volunteering is not the member of the group him or herself, but an external third party, although most people would acknowledge that there is an element of self-interest in such philanthropic activity. Much of this type of volunteering takes place within voluntary or community organizations, although in certain countries there is a strong tradition of volunteering within the public sector and a growing interest in volunteering in the corporate sector. In some countries sophisticated networks have been established to recruit and place volunteers with the most appropriate organization. These include both national and local volunteer centers, which have been established with support from government. There is also a long-standing tradition of volunteers being sent from one country to another to offer developmental and humanitarian assistance, both North to South and South to South and, to a far lesser extent, South to North.

Over the past five years more than 3,500 United Nations Volunteers have been involved in critical regions of the world in democratization, peace-building, human rights, rehabilitation and humanitarian relief. For example, in Guatemala, 114 UN Volunteers, originating from more than 25 countries and including volunteers of indigenous origin, have been helping verify respect for the Peace Accords signed in December 1996; while in Peru, 11 National UN Volunteers have been assisting the process of decentralization of the Ombud's office to five regional areas so that these vital services can be within the reach of more people throughout the country.

Participation

18. The third type of volunteering can perhaps best be described as participation. It refers to the role played by individuals in the governance process, from representation on government consultation bodies to user-involvement in local development projects. As a form of volunteering it is found in all countries, although it is most developed in advanced democracies and those countries with a strong tradition of civic society.

Participation was recognized as an essential component of good governance at the Copenhagen Summit and has become the watchword of development in recent years, although there is a forceful critique which argues that much of what has passed for participation has been little more than token involvement and a means of legitimizing outsiders decisions.

Advocacy or Campaigning

19. The fourth type of volunteering is advocacy or campaigning, be it lobbying government for a change in legislation affecting the rights of disabled people or pushing for a worldwide ban on landmines. Volunteers have paved the way for the introduction of new welfare services in the field of HIV and AIDS, have raised public consciousness about abuses of human rights and environmental destruction, and have been active in the women's movement and in democracy campaigns in many parts of the world. Some campaigns are very localized others are global in their reach. The anti-landmine campaign, for example, is estimated to have involved more than 300 million volunteers from over 100 countries. By its very nature such campaigning activity has the capacity to bring volunteers into conflict with the state. Some governments have sought to clamp down on these activities. Others have accepted that volunteering has a legitimate role to play in campaigning for change and acting as a check on the executive.

In the 1990s in Brazil the Citizens' Action Against Hunger and For Life campaign was launched by leaders of various civic groups. There was a massive public response and within three months over 3,000 volunteer committees had been set up across the country to look for ways of combating hunger and poverty. It is estimated that an astonishing 38% of the Brazilian population participated directly in the campaign, either through making a donation or by volunteering.

In Maharashtra in India in 1998 a group of concerned citizens came together to form an action campaign to save children's lives in Melghat. The group called itself Melghat Mitra (Friends of Melghat) determined to prevent the death of children in seven villages caused by malnourishment during the monsoon period. A number of daily newspapers published the appeal, resulting in a response from over 3,000 people, who made donations of money and time. Two hundred volunteers agreed to give 10 days of their time to the project over a period of 92 days. Having achieved these goals Melghat Mitra are now tackling the long-term development needs of the villages.

Section 3: The Benefits of Volunteering

20. Why should governments be interested in promoting volunteering? Especially when some voluntary activity can be seen as a challenge to the authority of the state. There are two major benefits of volunteering. First, an economic one: volunteering makes an important economic contribution to society. Activities undertaken by volunteers would otherwise have to be funded by the state or by private capital. Volunteering adds to the overall economic output of a country and reduces the burden on government spending.

But volunteering has a second and perhaps more important benefit. Volunteering helps in the building of strong and cohesive communities. It fosters trust between citizens and helps develop norms of solidarity and reciprocity which are essential to stable communities. Moreover, by helping to build this 'social capital' volunteering also plays a role in economic regeneration.

The Economic Benefits of Volunteering

21. Although volunteering undoubtedly makes an important economic contribution we know very little about the scale of its impact. Volunteering is excluded from the United Nations System of National Accounts and few governments have attempted to collect systematic data on either the extent of voluntary activity or its economic value. The few studies which have been carried out point to the magnitude of its contribution. For example, a survey of volunteering in the UK in 1997 suggested that half the adult population took part in voluntary work, contributing a notional £40 billion to the economy (Davis Smith, 1998); while a recent survey in Canada suggested that over five million adults volunteered, adding some \$16 billion to Gross Domestic Product. Two large cross-national surveys in recent years also point to the importance of volunteering. A survey in eight European countries in 1994 found an average participation rate in volunteering across the continent of 23% (Gaskin and Davis Smith, 1995); while the 22-nation study reported on by the Johns Hopkins Institute in 1998 found volunteer involvement running at an average of 28%, equivalent to almost 10.5 million full-time employees (Salamon and Anheier, 1998).

22. The failure of governments to measure the contribution of volunteering to the Gross Domestic Product is a sign of the low status in which it is held. Volunteering remains a marginal and invisible activity. In this respect it has a good deal in common with household work. The women's movement has long argued for a value to be placed on the contribution made (mainly by women) in the domestic economy as an important first step in the legitimization of such work. So long as women's household work remains invisible in economic terms, it is argued, governments will continue to ignore it. The same is surely true of volunteering. In the absence of regular, reliable information on its extent and contribution, governments will continue to overlook its importance and fail to take account of the volunteering dimension when developing policy.

23. Attempts are being made to fill this information void. A joint study between the Johns Hopkins University and the United Nations Development Programme (UNDP) is developing a framework for measuring the economic contribution of voluntary and community organizations (including the value of volunteering) for use in Satellite accounting; while the UNDP aims to include measures of governance and participation in its 2001 Human Development Report. CIVICUS, the world alliance for citizen participation, is meanwhile developing its own civil society index, which includes a measure of the level of involvement in the making and implementing of public policy.

Social Capital

24. Participation has long been seen as an essential element of good governance and effective development. Numerous studies have attested to the link between user involvement and the success of water, sanitation and environmental projects in many

different parts of the world (See, for example, Kahkonen, 1999). The UNDP Poverty Report for 1998 concluded that: 'UNDP's experience suggests that community anti-poverty programmes should be firmly based on "social mobilization" (UNDP, 1998). Poor people may be relatively powerless as individuals, but not when they mobilize themselves together in communities'.

South Asian Poverty Alleviation Programme (SAPAP) Pilot programme started in 1996 supporting the poverty reduction efforts of 6 countries: Bangladesh, India, Maldives, Nepal, Pakistan and Sri Lanka. Since the start of the programme around 80,000 households have formed themselves into 3,500 community organizations which have helped launch thousands of individual and family income-earning activities and built up numerous community assets from irrigation systems to roads.

25. Volunteering also has a contribution to make as part of the development of social capital. By building trust and reciprocity between citizens volunteering contributes both to a more cohesive, stable society and to a more economically prosperous one. In his classic study of regional government in Italy Robert Putnam (1993) concludes that differences in performance between regions can be accounted for largely by differences in levels of social capital. This he defined as 'features of social organization, such as trust, norms and networks, that can improve the efficiency of society by facilitating coordinated actions'. One of Putnam's key measures of social capital was participation in voluntary associations, or horizontal 'networks of civic engagement'.

26. Several recent studies have pointed to a link between social capital and economic advance in developing countries. Anirudh Krishna and Norman Uphoff (1999), for example, found a positive relationship between levels of social capital (as measured by informal networks and mutual support) and village performance with a watershed conservation and development programme in India; while Deepa Narayan (1997) found a link between involvement in voluntary associations and household welfare in Tanzania. Just how social capital performs this function is not clear from the literature but three main ways have been suggested: by facilitating the sharing of information among members of groups; by increasing cooperation; and by facilitating collective decision making.

In her study in Tanzania Narayan looked for evidence of social capital by measuring involvement in associations and trust in institutions amongst 750 households. The village chosen for the study was found to be rich in voluntary and community groups, ranging from rotating credit associations and burial societies to clubs for youth and elders. Involvement was high, with over 70% of the population belonging to at least one group and an average membership of 1.5 groups per person. By matching up data on associational involvement and household income the study concluded that there is a positive link between social capital and household welfare.

27. Social capital also appears to have a role to play in building social cohesion. In a separate study Narayan (1999) draws a distinction between 'bonding' social capital developed within groups and 'bridging' social capital arising from the interaction between

groups. For social capital to contribute to social integration there needs to be not only high levels of associational activity but a dense network of cross-cutting ties among groups. The point is powerfully illustrated by Ashutosh Varshney (1998) in a study of communal riots in India. In seeking to explain why some towns with a mix of Hindu and Muslim populations remain free from conflict while others with a similar population profile erupt into ethnic violence, Varshney looks at the role played by voluntary associations and informal community networks in building social capital. He concludes that those areas with low levels of communal strife are characterized not simply by high levels of associational activity but by high levels of cross-cutting engagement between the Hindu and Muslim populations.

28. Governments have a role to play in investing in social capital, in supporting the voluntary and community organizations which nurture it. As Christiaan Grootaert (1999) has concluded in a paper looking at the link between social capital and household welfare in Indonesia: 'The promotion of social interaction among poor farmers may need to complement the provision of seeds and fertilizer. A well functioning parent-teacher association may be a necessary complement to building schools and training teachers'. Or as Robert Putnam (1993) has put it: 'For political stability, for government effectiveness, and even for economic progress social capital may be even more important than physical or human capital'.

Benefits to the Volunteer

29. Volunteering also brings benefits to the volunteer. In parts of the world mutual support provides the essentials of life - food, clean water, health care, education. Volunteering is bound into the very fabric of life and is indivisible from the struggle for survival. In other parts of the world volunteering serves a very different function. Here volunteering is much more a life-style choice. People can choose whether or not to spend part of their free-time in a voluntary activity. Many millions do so and attest to the benefits of participation. Volunteering enables people to meet new friends; learn new skills; gain in confidence and self-respect. Perhaps above all, volunteering brings personal satisfaction. In one study in the UK volunteering was identified as the second greatest source of joy behind dancing (Argyle, 1996).

30. Volunteering brings particular benefits to those suffering from social exclusion. For people with disabilities participating in volunteering can aid social integration and challenge negative stereotypes of disabled people as passive recipients of care. For unemployed people volunteering can improve employability by providing essential work-experience and opportunities for skills development and training. For young people volunteering offers opportunities for self-development and risk-taking and provides a valuable grounding in the practice of citizenship. For older people volunteering has a positive contribution to make to the process of 'active ageing' by helping the newly retired adjust to life without the structure of the workplace, by providing opportunities for life-long learning and by improving physical and mental well-being. In addition to age specific benefits, volunteering can help to ease tensions between age groups and foster notions of intergenerational solidarity through such mentoring initiatives as Foster Grandparent schemes.

31. And yet in many countries there is an inverse relationship between volunteering and social exclusion. The most marginalized groups in society are the least likely to

participate. The barriers to participation are well documented: poverty, unemployment, youth alienation; poor organizational practice. One should be wary of trying to foist volunteering on those at the margins of society. For many people the search for paid employment and the daily struggle for survival leaves little time or energy for voluntary work. There is a forceful critique of volunteering, particularly in the developing world, which dismisses volunteering as a 'tax' on the poor, in particular on poor women, already shouldering much of the burden of family care and (increasingly) of economic survival. But there is an alternative viewpoint. By shifting the focus away from service to others and emphasizing the personal benefits of involvement – broadening of networks, acquiring of skills and experience, help with finding paid employment - volunteering can be seen as a powerful *resource acquisition strategy* for those suffering from economic and social disadvantage. For volunteering to contribute most effectively to social integration it is essential that opportunities for greater involvement are opened up to people from excluded groups.

Section 4: Issues and Challenges for Volunteering

Globalization

32. Volunteering is coming under pressure from the forces of globalization. In the countries of the industrialized North there is concern that volunteering is in decline, fuelled by a reduction in religious attachment, the break-up of traditional communities, and an increase in individualism. In the developing world concern has been expressed that economic retrenchment and cuts in public services are placing an intolerable burden on volunteers in community groups and mutual aid associations. In many countries the entry of more women into the paid labour market threatens to reduce the availability of volunteers, particularly in the care field (although most studies suggest men and women volunteer at roughly equal levels); while a decline in civic involvement among young people has raised fears for the future of volunteering and focused attention on the need to educate young people in the values of citizenship.

33. Not all trends, however, are working against volunteering. The ageing of the population common to many parts of the world is increasing the burden on volunteer care services but it is also opening up new opportunities for voluntary work among the new and increasingly active Third Age. Although developments in communication technology run the risk of reducing social interaction still further, they also open up new opportunities for voluntary activity. The Internet has proved to be a powerful resource for community and campaigning groups in the spread of ideas and the mobilization of recruits. As the 1999 Human Development Report commented: 'Socially excluded and minority groups have created cybercommunities to find strength in on-line unity and fight the silence on abuses of their rights' (UNDP, 1999). And the spread of global information technology opens up new opportunities for home-based involvement in volunteering for groups such as the disabled who were previously excluded from participation.

34. Other new forms of volunteering are taking shape. One of the most interesting is service credit, or time-dollar schemes, in which people who take part in voluntary activity are 'paid' in time donated by other volunteers. There are now over 200 such schemes in the United States and the idea is attracting attention in many other countries, including Japan, Sweden, the United Kingdom and Germany. Many of the schemes are highly

sophisticated with a central computer system registering every 'time dollar' earned and spent and providing participants with regular accounts. Advocates for such schemes point to their value in building social capital and in challenging traditional stereotypes of volunteering as charity by the explicit emphasis on exchange and reciprocity. Governments can support the development of such schemes by exempting them from taxation and by enabling participants to use their 'time credits' to purchase services such as health care or continuing education. The AmeriCorps programme of voluntary service in the United States already allows for the use of 'time dollars' to pay off student loans.

In Washington DC the law firm Holland and Knight developed a time dollar project under its pro bono programme. Legal services were provided to a local community on a range of issues, from unfreezing grant money and closing crack houses to keeping open the neighborhood school. In total they had billed the equivalent of \$230,000 in time dollars. The bill was paid off by the voluntary work of the local residents who took part in a range of activities including providing a night escort service for older people and tutoring for school children.

Relations with the State

35. Theories of market or government failure suggest that volunteers will step in to fill any gaps left by the withdrawal of business or the state. This has raised the concern that governments might be tempted to cut back on public spending in the knowledge that volunteers will pick up the pieces. Volunteers have long played a role in developing new services in response to human need - the hospice movement and the development of services for those with HIV and AIDS - being two recent examples. But there is little evidence to support the notion that volunteering will thrive in the absence of the state. Indeed the opposite appears to be the case. Volunteering benefits from a healthy public sector. Rather than substituting for public services volunteering complements and feeds off them. As Robert Putnam has concluded: 'Social capital works through and with State's and markets, not in place of them'.

36. Volunteering is a cost effective way of providing a range of social and welfare services. But it is not cost free. To flourish it requires an effective infrastructure, both at national and local level, to help mobilize support and match volunteers to appropriate organizations and tasks. Governments have a role to play in funding this infrastructure. Following the Great Hanshin/Awaji Earthquake in Japan in 1995, when over one million volunteers flocked to the Kobe region to help with the relief operation, the Japanese Government embarked upon a series of measures to build on the explosion of public interest in volunteering, including a strengthening of the infrastructure and a new legislative framework.

37. In a number of countries governments have adopted or supported specific programmes and campaigns to promote volunteering. Examples include the Give Five campaign in the United States, the Imagine Campaign in Canada, the Active Community Initiative in the United Kingdom, the MIRA programme in Mexico and the National Volunteer Development Scheme in Nepal.

In Mexico in 1994 the Centro Mexicano para la Filantropia launched the MIRA programme (translated as 'look out for others') to increase the number of donors and volunteers. A key goal was to increase public awareness about philanthropy and project a more positive image of volunteering and giving. Links were made with the national media and business and a 'Friends of MIRA' group of well-known figures from the world of TV, sport and business was established to champion the cause. Recognition was given to active 'MIRA Citizens' who gave at least one hour of volunteer time per week or 1% of their income.

38. As well as supporting volunteering governments should give it space to breathe. They should avoid the temptation to try and take it over for their own ends. Volunteering as an essential element of good governance and civic society requires a separation from the state. Whilst volunteering brings significant benefits to society in terms of social integration and economic advance it also serves the vital function of safeguarding citizen liberty from an over-powerful executive. Volunteering can thus come into conflict with the state. But if governments are to reap the benefits from volunteering they must also be prepared to live with the potential for confrontation. In the United Kingdom the Labour Government has recently signed a Compact with voluntary and community organizations which recognizes the essential independence of the sector and of the right of volunteers to advocate for change (Home Office, 1998); while in Canada the government and the voluntary sector has come together in a series of 'Joint Tables' to produce a strategy for developing and strengthening voluntary agencies and volunteering (Government of Canada/Voluntary Sector Joint Initiative, 1999).

Relations with the Market

39. Studies have demonstrated a link between volunteering and employability. For those in search of paid employment volunteering can boost self-confidence, provide access to workplace networks and provide an opportunity for the development of specific marketable skills. Volunteering can also lead to the creation of new jobs by developing services which are later taken over by the state and turned into paid jobs. For example, the innovative response from volunteers worldwide to the HIV/AIDS epidemic has led to the creation of thousands of jobs in the public and private health sectors.

40. In recent years the private sector has begun to take an interest in volunteering. Both as part of a broader community investment strategy and as a means of staff development, businesses have been developing schemes to support their staff in voluntary activities in the community. Such schemes take on a variety of forms. Some employers provide time-off with pay for their staff to volunteer; others provide financial support or assistance in kind (for example, transportation or photocopying facilities) to facilitate community involvement. Some employers organize a company volunteering scheme; others prefer to recognize and support existing staff involvement. Whatever the precise model, evidence suggests that employer-supported volunteering increases staff skills and morale and enhances the standing of business within the local community.

In 1981 the Osaka Gas Company Ltd, the main gas supplier in the Kansai region of Japan, launched an employer-supported volunteering programme under the name of 'Chiisa na Tomoshihi' or 'Tiny lamplight'. The company promoted the scheme through newsletters and posters and new recruits were introduced to the scheme as part of their induction. Two leave systems were devised: one allowing staff to take from one to 12 months off as 'voluntary service leave', and a second allowing for up to 10 days of 'community service leave'. After a slow start, with just 400 staff involved in its first year of operation the scheme expanded rapidly, so that by 1994 a staggering 13,500 employees were involved as volunteers. The scheme has since been expanded to encompass both retired staff and the families of employees.

Section 5: Government Support for Volunteering

41. Given the diversity of volunteering it is not possible to put forward universal models for its development. What works in one country may not work in another with very different cultures and traditions. Volunteering is a product of its environment and a government scheme for promoting volunteering in the United Kingdom or United States will probably not be appropriate for Latin America or Southern Africa. This is not, however, to say that lessons can not be learned and practice exchanged. Countries in the industrial North may well hold lessons for the countries of the South keen to develop more institutionalized forms of volunteering. Similarly, models of mutual aid and community development originating in the developing world may well hold lessons for the developed world. Government support for volunteering can take several forms: recognition; facilitation; promotion; and special measures.

Recognition

42. At the most basic level governments can support volunteering by raising its visibility and recognizing its contribution. Including volunteering in the national accounts would highlight its contribution to the economy and help ensure that a volunteering perspective is built into the policy making process. Understanding more about the level and nature of volunteering is also crucial to the development process. If social capital is vital to economic advance and social integration then it is important that governments know more about the source of this capital - the voluntary and community groups which foster social interaction - so they can invest in its development. Without an up-to-date map of the volunteering terrain it is not possible to target resources effectively.

Recommendation 1: Governments should collect systematic data on the extent of volunteering and its economic and social impact.

Facilitation

43. Governments can facilitate volunteering by establishing an enabling legal and fiscal framework for voluntary and community organizations. Governments can also facilitate volunteering by providing direct financial support to help build the capacity of voluntary and community organizations and ensure that volunteers are provided with appropriate training and support. More particularly governments can support volunteering by providing financial support for the development of an effective volunteering infrastructure, especially at local level.

Recommendation 2: Governments should establish an enabling legislative and fiscal framework to enable voluntary and community organizations to flourish.

Recommendation 3: Governments should provide financial support to help build an effective volunteering infrastructure.

44. Governments should be aware of the impact of broader public policy on volunteering, both positive and negative. Some policies, not specifically focused on volunteering, can enhance the capacity of people to contribute in their communities. Similarly, some policies may unwittingly work against volunteering. For example, in some countries social security legislation works against the involvement of unemployed people in volunteering, despite an otherwise favorable policy climate.

Recommendation 4: Governments should 'proof' all new legislation with a view to enhancing the positive, and minimizing the negative, impact on volunteering.

45. Governments can encourage the private sector to support volunteering by developing public/private partnerships and by offering tax incentives for schemes which encourage private sector employees to get involved in the community. Governments as major employers in their own right can take a lead in establishing employer-supported volunteering schemes.

Recommendation 5: Governments should look for ways of encouraging employer-supported volunteering, both in the private and public sectors.

46. The media offers opportunities to government to promote a positive image of volunteering and encourage more people to get involved, especially those from socially excluded groups. New technology also offers opportunities to raise awareness of volunteering and improve access routes into volunteering.

Recommendation 6: Governments should explore the potential of the media and new technology to raise awareness, promote a more positive image, and improve access routes into volunteering.

Promotion

47. Governments can support volunteering by increasing citizen participation in all aspects of public administration, from planning and policy making to service delivery, monitoring and evaluation. The record to-date has not been good. The 1998 Social Watch report concluded that performance by governments in encouraging participation since Copenhagen had on the whole been 'paltry' (Social Watch, 1998).

Recommendation 7: Governments should seek to increase citizen participation in all aspects of public administration as an essential element of good governance.

48. Whilst much volunteering takes place in the voluntary and community sector there is a strong tradition in some countries of public sector volunteering. Governments can support volunteering by looking at ways of involving volunteers in innovative ways in the public sector to complement the work of paid staff. They should avoid the temptation to substitute volunteers for paid staff as this would undermine public support for volunteering.

Recommendation 8: Governments should look to involve more volunteers in the public sector as a complement to the work of paid staff.

49. With concern in many parts of the world about declining levels of civic engagement among young people some governments are exploring ways of using schools to teach the values and benefits of volunteering. In a number of countries service learning is becoming accepted as an important element of the school curriculum; while universities are beginning to look at ways of encouraging and accrediting student voluntary activity.

Recommendation 9: Governments should explore the potential of working with the education and youth system to teach the values of citizenship and participation to young people.

Special Measures

50. Governments can be pro-active in promoting volunteering. In some countries volunteers have been given tax exemptions, or some kind of citizen credit, to use to pay off student loans or purchase health care.

Recommendation 10: Governments should explore ways of offering incentives for people to play an active role in their communities, through ideas such as citizen credits.

51. In some countries governments have developed an overall strategy for promoting volunteering. Such strategies have been most effective where they have been developed in partnership with key stakeholders from the voluntary and community and business sectors. At the heart of the strategy should be an acceptance of the independence of volunteering and a recognition that while much can be done by the state to promote and encourage increased participation, volunteering should be allowed space to develop in its own unique and varied way.

Recommendation 11: Governments should consider developing an integrated strategy to promote volunteering in partnership with the voluntary and community and business sectors. Such a strategy, while recognizing the important role to be played by government in support and promotion, should reassert the essential independence of volunteering.

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The Role of NGOs in the New Social Europe

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Demands of new actors and policy measures

What are the future prospects for and welfare-policy potential of NGOs in the European Community? To answer this question I will highlight some of the dilemmas, tensions and paradoxes we face.

Politicians and planners in the European Union and the member states are now examining existing welfare policies to ascertain whether more appropriate and up-to-date programmes, organisation and provision of welfare can be designed. Uncertainty about the effects of existing welfare-policy measures and the perceived need to reform or restructure the Western European welfare states, have prompted the belief that alternative welfare-policy strategies are needed (Esping Andersen et al 2002, Ferrera & Hemerijck 2003, Pierson 1996). It is a growing concern that Western European welfare states are now facing greater challenges than key decision makers can handle through existing welfare-policy programmes, regulations and steering mechanisms. For several reasons more people now require support or assistance from the welfare state during phases of transition, for instance connected to a more demanding working life, divorce or single parenthood. At the same time, a growing proportion of the population in many countries is slipping into permanent economic inactivity and becoming long-term benefit recipients, for example due to disabilities or age through early retirement or through the general ageing of the population. Thus a larger segment of the population appears to be under the genuine risk of vulnerability and unpredictability.

Because of this uncertainty and the trend towards an overloading of the public services and cash-benefit schemes, both the EU and national governments are now experimenting with supplementary and alternative welfare-policy strategies to design more sustainable schemes for social protection. One area of focus is the possibility of mobilising new actors, stimulating alternative welfare producers and finding innovative measures. This means not least the possibility of strengthening the involvement of NGOs.

NGOs: voluntary organisations vs. self-organisation

To provide a background for our discussion about the roles different types of NGOs may play in combating poverty I will differentiate between two types of NGOs: To simplify somewhat, we can distinguish between voluntary organisations and self-organisation.

By *voluntary organisations* I refer to organised activities geared to meet the needs of others. This is associated with traditional “help to self-help”. The voluntary

organisations may be motivated by “charity” or “solidarity” with others considered to be in need of help. The organisations may further involvement and participation from the local community, be associated with a more vibrant civil society, provide alternative and complementary services to those provided by the state. They may represent a corrective to the public authorities, provide alternative information and expertise, and function as a reminder of the insufficiencies and failures of the welfare state. That is, they may play the role as a “watch dog”. Some people would also argue in favour of outsourcing of public services to NGOs to limit the extent of public services, the areas of activities where there the public authorities have an operative responsibility, or reduce the number of employees in public offices. Others have considered this to be incompatible with the efforts to maintain and develop universal services, available to everyone, independent of personal economic standing, or at odds with public responsibility for the assistance services and accountability for public spending.

By self-organisation I refer to activities geared to one’s own situation and one’s own needs. Self-organised activities among traditionally disadvantaged or vulnerable sections of the population, the socially excluded or marginalised citizens, are run by and for others in a similar situation. Self-organisation refers to a variety of forms of “external” activities, addressing the government and greater society, as well as “internal” activities, to develop services for or mobilise other people in a similar situation.

Self-organised activities imply by definition a certain degree of autonomy on behalf of those concerned. A central concern has often been to demand the moral right to represent one’s own interest and needs and be recognised as full citizens. The emerging self-organised initiatives, and their outside supporters, have emphasised demands for a public voice, empowerment, self-control, and being recognised as partners in the deliberation and implementation of policy measures. Self-organisation may vary from local activities dependent on a few persons to well-established and nation-wide organisations, but have in common that the disadvantaged in different ways attempt to gain control over their own lives through collective efforts.

Professional help vs. self-help activities

Self-organisation is sometimes established in opposition to or as an alternative to professional help and charities that have been accused of paternalism or up-holding demeaning public images of the users or target groups of the welfare state services. But the self-organised activities may in certain cases even be initiated by or involve participation from non-professional outside supporters or professional helpers. Obviously this will be moderated versions of the ideal-typical self-organisation.

In certain areas there can be interest conflicts between employees in the first-line services and the users of the services. The professional role may have the character of both providing help and exercising control functions, for instance connected to evaluation of progress in health treatment, evaluation of the needs for technical aids or examination of the financial situation of social security claimants. Such ambiguities in some professional roles may very well hamper collaboration and a focus on common interests between the professional helpers and participants in the self-organised activities (Merton et al 1983).

In such cases support and initiatives to self-help organisations, well-intended encouragements or offers of financial aid, and so on, can be considered as unreasonable and undesirable interferences. In some cases such attempts at contact, expression of interest and sympathy from the professions will – just or not – be perceived as attempts at control and surveillance or paternalistic guidance. This illustrates that self-organisation sometimes involve extremely vulnerable social processes.

Self-organisation and participatory democracy

Why should local, national and supernational authorities provide moral and financial support to organisations of and by the disadvantaged, the socially excluded or people vulnerable to negative discrimination?

There are two crucial reasons that explain why self-help initiatives established and run by users of the welfare state services and the socially excluded are important:

- 1) First, people with the same background, identity or experience may in certain contexts be better conversation partners and advocates than professional helpers.
- 2) Second, the initiatives can be a means to increase the self-confidence of the participants.

Ideally, self-help contributes to empowerment of the participants. In the next instance the public authorities will face more self-confident and demanding help and assistance claimants. At the same time, the government gains more articulated and systematic feedback from the users of public services. Participation in self-organised activities and self-help groups may provide opportunities to attain a larger degree of dignity and pride, and contribute to less shame and stigmatisation for the participants and others in a similar situation.

It seems, however, illusionary to assume that one will relieve the public authorities of service provisions by giving more emphasis on self-organisation. One should not hold out expectations of saving money for the public authorities if they provide financial support to self-organised activities. It appears to be more reasonable to conceive self-help activity as a supplement and a corrective to what is considered as deficiencies or shortcomings in the public services, as perceived by the users of the public services.

It is not given that the staff in the public services and the participants in the self-organised activities will have the same problem understanding. In such cases employees in the public sector may perceive of the participants as difficult or unmanageable “clients” or “patients”. Nevertheless, the self-organised activities can have a value in itself.

First, their self-help initiatives may represent the first efforts to articulate one's own interests and serve as a point of departure for developing a dialogue between the professions and the beneficiaries of the services and assistance schemes, and possibly over time also develop a common problem understanding. We could also argue that placing too large an emphasis on consensus and avoidance of conflicts could be counter-productive. Open, limited and substantial conflicts between social security

claimants and the public authorities can help us to give greater attention to how the welfare-policy measures and services are experienced and perceived by the recipients or users. This in turn can lead to the development of more targeted and effective policy measures by the public authorities.

Second, increased self-organisation can be considered a vitalisation of and contribution to an improved participatory or deliberative democracy. Some disadvantaged sections of the population may have little confidence in the public authorities or certain professions, or have little interest in traditional party politics and bureaucratic work methods. When in spite of such features they seek to represent their own interests, we may see the organisations as contributors to the development and reinforcement of democracy as an institution. If the beneficiaries of the help and assistance services are given real opportunities to have more equal and symmetric participation, there will be fewer reasons to perceive the government as a counterpart one has the moral right to resist. In this way it will most likely be easier to obtain more committed and independent initiatives from the users and recipients of the services.

New opportunities in the European Union

To a certain degree I would argue that several Member States could learn something from the European Commission in this regard.

During the last 10-15 years, the Directorate General (DG) for Employment and Social Affairs of the European Commission has provided significant financial support to different user organisations, other voluntary associations and non-governmental organisations (“Social NGOs”). Fairly intensive systems for contact and consultations with representatives and participants have been established in trans-national forums such as the European Anti-Poverty Network, the European Disability Forum and the Platform of European Social NGOs. It appears as if the European Commission in this regard has gone further than many of the member states. Through extensive subsidies and formalised contact, the Commission has contributed to easing the work performed by the user organisations to advocate the interests and views of their members.

By facilitating users’ associations, the Commission has probably given the EU greater legitimacy among the user groups, possibly also in the general population. At the same time, the Commission may have obtained allies with high legitimacy in the struggles with those members more reluctant to introduce new and more demanding standards, or to set more ambitious objectives for services and benefits.

In the next instance, the associations that have in this way been facilitated and constituted on the European level have performed extensive campaigns and lobbying within and towards the EU system. Not infrequently national NGOs have side-stepped the national public authorities and approached the Commission and the European Parliament directly to pursue their agenda. By working for new directives and recommendations from the Commission, they have been able to improve their opportunities to amend the national legislation and policy, and case law in the next instance.

This amounts to significant on-going processes of political structuring of the European political system. It is, however, not a zero sum game between the Member States and the EU as the target of interest-group activity. The relative increase in “lobbying” of and formal contact with the EU institutions does not imply a concomitant move away from interest intermediation on national level. Still much of the EU policy will have to be implemented at national level and be followed up by national actors. In this sense the function of the European NGOs, contact and dialogue with the EU institutions do not replace but adds a dimension to the work carried out by the national NGOs. The member states are also expected to involve the social partners and the target groups in the preparation and dissemination of the national action plans on employment and social inclusion.

There is reason to believe that the extent to which interest organisations achieve financial support, and whether there are opportunities for consultations and cooperation between the public authorities and the organisations in the member states varies considerably. In certain cases there is possibly less systematic contact between the public authorities and interest organisations on the member-state than the EU level. Some organisations may have greater influence on the EU level than on the member-state level. Different from popular belief this could in some countries lead to a larger democratic deficit and less holistic contact between the public authorities and the citizens on the national rather than the European level.

I would therefore like to invite the participants in this workshop to share their experience with and opinions about the relationship between NGOs, local and national public authorities in their country as well as their experience with the EU.

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Belgium

EU

28 October 1999

European Commission et NGOs: genesis of new relations?

The European Commission has taken the initiative to draw up, within an inter-departmental group, a communications document aimed at reinforcing relations with NGOs.

A first consultation for this document took place in Brussels on 30 September, attended by approximately twenty representatives of the Commission and 40 representatives from various nongovernmental organisations (from the Human Rights, development, humanitarian, environment, social and consumer sectors). FIDH participated in this meeting.

Through the initiative, the Commission is aiming to implement a democratic process in European institutions and reinforce its credibility with the population of the European Union. Indeed, the complexity of European institutions and their procedures, as well as the technicality of documents adopted, seems to widen the gap between European institutions and the people living in Europe. A sign of this was the low turnout at the last European elections.

The document drawn up by the Commission is in three parts: an introduction describing relations as they currently stand between the Commission and the NGOs, as well as the advantages in these two bodies cooperating more closely; a chapter on dialogue and consultation with NGOs; and finally a section on the Commission's financing of NGOs.

The working document developed by the Commission does not have an official status yet, as it still needs to be approved by the commissioners. We can however already summarise its main points.

According to the planned document, **there are many reasons for cooperation between the Commission and NGOs**, mainly as a result of the key role NGOs play in reinforcing participative democracy. NGOs are one of the channels through which citizens can express their opinions and influence decision-making processes. As NGOs are generally also present in the field, they have access to marginalised, excluded or disadvantaged people. They represent a counterbalance to the activities of other interest groups. By influencing political decisions and taking part in their implementation, NGOs help to reinforce the legitimacy of these decisions in the eyes of the public. Finally, NGOs have specialist knowledge which can enlighten European decision - makers.

However, **the current mechanisms for consultation between the Commission and NGOs** are totally lacking in consistency: the type and degree of consultation varies considerably from one area to the next and from one field to another. Furthermore, the Commission faces some difficulties nowadays in knowing which NGOs to contact, due to the lack of a clear definition at European level of what an NGO is, and the lack of criteria for representativity.

In its working document, the Commission suggests the idea of NGOs having consultative status with the European Commission. It also suggests that treaties include clauses on civil dialogue. This means that during the next review of Treaties, specific clause requiring European institutions to consult NGOs when developing their policies.

Finally, this working document deals with **the issue of financing NGOs**, outlining all the difficulties within the framework of the current system. However, the document is not exhaustive in terms of the difficulties detailed, nor does it outline actual solutions, but merely states that proposals will be prepared after the first consultation with NGOs (the meeting of 30 September).

The FIDH welcomes the Commission's intention to reinforce and systemise its dialogue with NGOs. It feels that the meeting of 30 September proves the Commission's willingness to effectively implement such a policy. This meeting offered NGOs the opportunity to voice some of their concerns.

The only way to close the gap between European institutions and the general public is a real exchange of information and in-depth consultation. The danger is that the Commission will be satisfied with merely formal consultation that does not take into consideration the proposals and demands of NGOs. This danger is increased by the fact that the Commission could be tempted to use a so-called consultation with the general public to try to legitimise its own decisions. This risk was stressed on numerous occasions during the meeting of 30 September. NGOs value their independence and want to avoid being used as tools.

They want assurances that their views will be taken into consideration. Their involvement cannot be a mere formality or be used to legitimise European policies.

The Commission has expressed its wish to finish drafting the communications document on reinforcing relations with NGOs as soon as possible. NGOs have expressed their opinion that an in-depth consultation with the sector should not be rushed. NGOs themselves have thousands if not hundreds of thousands of members and they must be allowed time to consult with them. It is just this democratic way of working which makes them legitimate and the Commission must therefore respect the NGOs internal procedures. The Commission seems to have listened to the NGOs on this point. European Commission et NGOs: genesis of new relations?

Finally, the issue was raised regarding the role of NGOs in European institution/NGO relations where NGOs are based outside of the European Union. This questions concerns not only countries of Eastern and Central Europe, but also countries of the South.

FIDH and several other Human Rights organisations that took part in the Brussels consultation produced a short working document on 30 September to fuel discussion on relations between the European Union and NGOs active in the field of Human Rights. This document, which aims to raise issues for consideration, proposes the creation of a liaison structure to ensure interaction between European institutions and Human Rights NGOs. It is proposed that **the liaison structure operate independently of individual relations between specific NGOs and European institutions**. This structure would not represent members, but would facilitate exchange between European institutions and Human Rights NGOs.

This document also recommends **a system of accreditation of NGOs by the European Union**. Such a mechanism would allow Union institutions to systemise NGO consultation and information. This would also help ensure that the NGOs consulted by European institutions are truly representative, transparent and independent. It seems that a regrettable tendency has developed recently: European institutions claim to be consulting the general public when in actual fact they are approaching a few select NGOs, and doing so without any consistency or objective criteria, and without any guarantees of how representative the NGOs are.

Consultation with NGOs regarding the communication should not end with the meeting of 30 September. The FIDH is planning to follow closely, the work carried out in this field, as it considers it to be fundamental to the future functioning of European institutions. The Commission seems to be at a turning point in its relationship with NGOs. We need to ensure that it decides to go in the right direction, and there will be equality between the parties engaged in the dialogue.

Isabelle Brachet

<http://www.fidh.org/European-Commission-et-NGOs-genesis-of-new>

FUTURE DEVELOPMENT OF THE EUROPEAN SOCIAL MODEL

Overview

Source: European Trade Union Confederation, can be accessed at: <http://www.etuc.org/a/2771/>, date of last access November 12 2010.

European Union Member States share a common vision of how society should be organised, which is different from other parts of the world. This has come to be known as the European Social Model. The European Trade Union Confederation (ETUC) believes that although there are many improvements to be made, and the EU is a long way from achieving an ideal society, defending and strengthening the European Social Model is vital to the welfare of people not only in Europe but also globally.

The origins of Social Europe

In the wake of the Second World War, European leaders looked for a framework through which to heal the conflicts between nations that have characterised the history of this continent. From six founding countries, the European Union has grown into 27 Member States with a unique system for decision-making and cooperation. The Treaty establishing the European Community (TEC) set down fundamental social objectives:

► *promotion of employment, improved living and working conditions ... proper social protection, dialogue between management and labour; the development of human resources with a view to lasting high employment and the combating of exclusion.*

The EU Charter of Fundamental Rights includes chapters on freedoms, equality and solidarity, articulating rights to fair and just working conditions, social security and social assistance, equality between men and women, and trade union rights such as collective bargaining and strike action, among others. The EU has brought not only a half century of peace but also economic and social progress. The central, underlying principle is one of solidarity and cohesion: that economic growth must serve to boost overall social wellbeing, and not take place at the expense of any section of society.

Ireland, for example - formerly one of the poorest countries in Europe - has benefited from EU support to become a dynamic and successful economy, even though it has failed to pass on this prosperity to all its citizens. Similar growth expansion is now visible in some of the newer EU Member States in eastern Europe. Sustainable economic and social development also implies respect for the environment, and the wise use of natural resources.

Characteristics of the European Social Model

Social Europe's overarching objective must be to create a more equal society: ending poverty and poverty wages, guaranteeing fundamental human rights, essential services and an income that enables every individual to live in dignity. The ETUC has identified five main elements:

- *fundamental social rights*, including freedom of association, the right to strike, protection against unjustified dismissal, fair working conditions, equality and non-discrimination;
- *social protection*, delivered through highly developed universal systems, and wealth redistribution measures such as minimum income or progressive taxation;
- *social dialogue*, with the right to conclude collective agreements, to workers' representation and consultation, and national and European Works Councils;
- social and employment regulation, covering, for example, health and safety, limits on working time, holidays, job protection and equal opportunities;
- state responsibility for *full employment*, for providing *services of general interest*, and for economic and social cohesion.

Why is the Social Model under attack?

Globalisation is intensifying competition for markets around the world. At the same time, in recent years, EU growth rates have not lived up to expectations. This has brought claims that in a more competitive environment, Europe can no longer afford the 'luxury' of strong welfare measures. The EU must cut spending on social protection and ease regulation for business if it is to compete with developing economies like China and India, it is argued.

The ETUC, in response, has warned EU leaders against imposing economic reform at the expense of workers' rights and living conditions. Fears that the European Social Model was under threat helped raise public suspicion of the EU, leading up to the rejection of the European Constitution in France and the Netherlands in 2005.

One social model or several?

Much debate in academic and political circles has focused on whether it is possible to talk of a single European Social Model, or whether there are actually five different models, offering divergent approaches, for example, to job security and social welfare.

The ETUC believes that while there may be some variations in implementation, common core values and principles underlie Europe's evolution. The EU is built on the principle of social partnership: a compromise between different interests in society to the benefit of all.

In adopting the social *acquis* - the body of European social policy legislation - all 25 EU Member States sign up to the same framework of rules. This is crucial for progress towards further European integration. The EU is aiming to achieve higher growth and prosperity through a single internal market for goods and services, but in this case it must also recognise the emergence of a single labour market, requiring regulation to establish a level playing field for all. Otherwise, this is the recipe for a 'race to the bottom', with workers paying the price of increased competition through declining standards and working conditions, and firms competing by lowering working conditions instead of by investing in innovation and knowledge.

The EU's social legislation creates an important safety net of minimum standards, preventing a downward spiral of social dumping.

It is true that some Member States, and in particular the Nordic countries, have been more successful in achieving high growth and low unemployment. The EU needs to learn from examples of 'best practice' and examine whether systems such as 'flexicurity' - whereby greater mobility between jobs is accompanied by active welfare measures - can be adapted more broadly.

Social Europe = the answer to globalisation

Social Europe should offer a framework for helping people to come to terms with change and its consequences.

In this context, the ETUC welcomed the European Commission's proposal for a Globalisation Adjustment Fund (GAF), to support workers hit by major industrial restructuring. However, the ETUC also insists that the GAF should be implemented in close consultation with the social partners in order to avoid overlap and confusion with existing adjustment measures, notably those specified through collective bargaining practice.

Workers who face redundancy need to know well in advance, to give them time to retrain or find another job. Sweden sets one of the longest notification periods in the EU (6 months after 4 years' tenure) and also has one of the highest employment rates in the world. Research proves that with more advance warning, people find new jobs more easily. EU information and consultation legislation and European Works Councils (EWCs) should keep workers in touch with developments in their workplace.

Adequate benefit systems enable workers to respond constructively to change, rather than trying to resist it.

High social standards benefit economic performance

European workers are already among the most productive in the world, and this is true in Member States with strong social protection policies. German labour productivity per hour is close to the US average, and France and Belgium are not far behind.

In a recent World Bank survey, 11 EU nations were among the top 30 most competitive countries in the world, with the Nordic and Baltic countries showing especially strongly. Denmark led the list, with the greatest economic prosperity, the highest employment rate and investment in social protection in the EU, unemployment at just 5%, and 80% of the workforce in trade union membership. It is not surprising, therefore, that the EU-25 is also the largest global trading block and has been increasing its share of world exports. Over the last five years, exports to China have gone up by 87%.

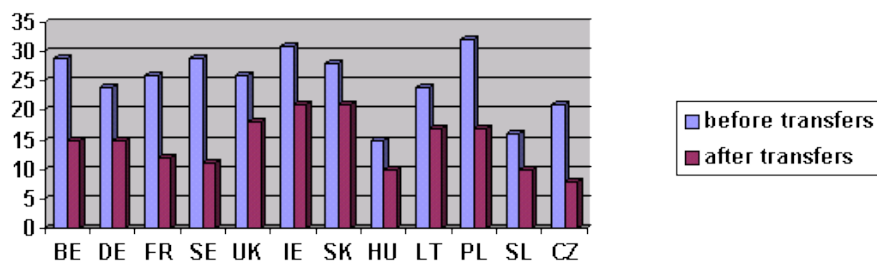
Companies that involve employees in reforming work organisation reap the benefits in innovation and production performance. In Germany, manufacturing firms that modernised won a 8-30% labour productivity advantage over competitors.

Measures to enable people with family responsibilities, especially women, to play a full role in the labour market, make economic sense as well as improving the quality of people's lives. Some 56% of graduates from EU universities are now female, so it is important to enable them to use their knowledge and skills in the labour market.

Redistribution of wealth

Active policies to fight poverty and redistribute wealth contribute to higher levels of equality in Europe than elsewhere in the world (see figure below). Under an unregulated free market, 30% of the population would be at risk of poverty (OECD estimate). Social transfers bring this figure down to 10-15%, whereas in the USA it remains around 20-25%.

Poverty risk before and after social transfers



Figures tell the story
Although the USA has a reputation for high social mobility, enabling poorer people to become better off, the facts point to a different picture. For example, 40% of the sons from poorest families in the USA remain in this poverty trap, compared with 25-

30% in EU countries. The number of people living in poverty in the United States is rising by some 1 million per annum.

The value of knowledge

Europe can never hope to compete with developing economies like China through cutting wages and lowering working conditions - the pay gap is too vast. So the EU must focus on what it does best as a high-skill, knowledge-based economy. This means investing in research and innovation, creating more high-quality jobs, and ensuring workers have the skills to fill them. Lifelong learning is a vital ingredient. In 2002, the European social partners agreed a framework of actions for developing lifelong learning.

A changing society

Better healthcare and social protection have helped Europe to achieve one of its goals in prolonging individual lifespans. But this brings with it the challenges of an ageing society, with an estimated 24 million more workers over 55 by 2030. The EU must find ways to enable older people to stay in work if they so choose, and to enable them to live in comfort and dignity after retirement. Europe also needs to guarantee security to migrant and mobile workers, who are increasingly vital to the EU economy.

Social dialogue: a productive factor

Far from holding back economic growth, social dialogue boosts innovation and productivity, improving workers' morale and giving them more control over the tasks they perform.

Dialogue between the social partners at European level, information and consultation between management and workforce, and EWCs in cross-border companies are important aspects of the European Social Model. Policy-makers need to understand that workers' rights help to create a skilled and innovative workforce.

A global responsibility

The European Social Model is an example for the rest of the world of a society based on social justice and solidarity, where economic and social advancement take equal priority, and where decent work and social protection combat poverty and social exclusion. That is why the success of Social Europe is so important not only for European citizens, but also for developing just and fair political systems in other countries.

Source: Eurofound, can be accessed at: <http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/EUROPEANSOCIALMODEL.htm>, date of last access November 12 2010.

The Commission's 1994 White Paper on social policy (COM (94) 333) described a 'European social model' in terms of values that include democracy and individual rights, free collective bargaining, the market economy, equal opportunities for all, and social protection and solidarity. The model is based on the conviction that economic progress and social progress are inseparable: 'Competitiveness and solidarity have both been taken into account in building a successful Europe for the future.'

The EC Treaty, the Charter of Fundamental Rights of the European Union and European labour law established the foundation of legitimacy for the European social model. The EC Treaty contains the legal framework for the European social dialogue in the Social Chapter (Articles 138-139 EC). The Treaty's employment title embodies the 'open method of coordination' for the European Employment Strategy. The EU Charter, by enshrining the fundamental rights of association, information and consultation, and collective bargaining and action, anchors the role of the social partners in EU social policy, and ascribes legitimacy to collective bargaining and collective action, and to information and consultation at the level of the enterprise. Finally, European labour law established a general framework for improving information and consultation rights, representing a crucial dimension of the European social model (Council Directive 2002/14).

The European Commission reiterated its commitment to the European social model with the launch of its new Social Agenda in 2005, the same year it undertook a mid-term review of the Lisbon Strategy. The Social Agenda, which runs until 2010, states that it is committed to modernisation of the European social model. This entails emphasising two integral aspects of the Lisbon Strategy: 1. Economic growth and employment; 2. Social cohesion and poverty.

The European social model is considered to be unique in its dual focus on economic and social principles. For example, in a Communication on 'Employment and social policies: A framework for investing in quality' (COM (2001) 313), the Commission contrasts the 'European social model' of public social spending with the 'US model', which relies on private expenditure, highlighting the fact that 40% of the US population lacks access to primary health care, although per capita expenditure as a proportion of GDP is higher in the US than in Europe. The Commission goes on to emphasise that it is not only the existence of jobs but also the characteristics of employment that are important to the European social model.

A further defining feature of the European social model, when contrasted with that of the US, is the important role attributed to organisations of workers (trade unions) and employers in Europe. Although a report from the European Foundation in 2004 points to a steady decline in union membership across the European Union, it shows that the weighted average union density in EU Member States remains comparatively high at around 29%. This contrasts with trade union density of 13% in the US and of 20% in Japan. The US figure is lower than any EU country with the exception of France.

The European social model is also characterised by a high coverage rate of collective agreements. In the EU, it is on average four times higher than in the US and three times the level in Japan. The higher collective bargaining coverage in EU Member States is directly related to the prominence of multi-employer collective bargaining in Europe, and collective agreements may cover all workers and employers in a sector or country. Three forms of collective bargaining are prevalent in EU Member States. The most familiar is collective bargaining between an employer association and a union at sectoral level. However, processes at national and intersectoral level and at the workplace are equally important. It is the existence of all three levels that defines the specific character of the European social model in the field of industrial relations. Another key aspect of the European social model concerns employee involvement, which is underpinned by national and European legislation. For example, the 2002 Directive on information and consultation provides all European citizens with access to company-level representation, while the 1994 European works council Directive offers employees similar rights but at a supranational level.

Changes

Source: BBC, can be accessed at: <http://www.bbc.co.uk/news/10374354>, date of last access November 12 2010.

Europe's social model set to change

By Dominic Hughes

There are four flights of stairs to the attic flat of Francois Chandelle, a young Belgian freelance film director. It seems like the typical struggling artist's garret - only once inside it is very much the 21st century version.

Armed with a laptop and some editing software, Francois is busy building a career.

He is putting the finishing touches to a short film he has made for the United Nations refugee agency UNHCR. It is another project to add to his impressive show-reel of work.

Helpful assistance

But at this early stage it is hard for Francois to predict when the phone will ring with an offer of a job.

So on the days he does not work he can claim a small amount of money from the Belgian state.

It is a vital safety net for when times get tough.

"I'm a working person," Mr Chandelle says.

"But I receive a little pot of money that helps sustain me through the months when I don't have that much work.

"It's a really big help. It keeps you balanced in a way."

There are other benefits Mr Chandelle could claim.

He could apply for free training courses, including language lessons. He gets reduced fares on public transport and even cheap entry to museums.

The European social model - or the Belgian version at least - also includes a largely free education at school and university and heavily subsidised health care.

Belgians pay a price for their system - taxes are high and people may not be willing to pay so much tax if the services they value are cut.

Economist Marc Stocker from the Brussels-based lobby group Business Europe admits the European social model is an asset.

"Now it needs to be reformed," he says.

"What the business community calls for is a reform of social systems in order to make sure they are in tune with the challenges of tomorrow; demographic ageing, increasing competition globally and the need to adapt or change."

'Banks to blame'

Standing on a busy Brussels shopping street on a weekday lunchtime and there is not much sign of an economic crisis.

The nearby office blocks have emptied and the street is crowded with workers browsing, lunching and gossiping.

But Belgium does have a growing debt problem.

The country has the third largest debt-to-national-output ratio in Europe, after Greece and Italy.

And as the pressure grows on public finances, so too do the calls for reforms to Europe's social model.

That could mean the lunchtime shoppers have to work for longer before they retire and with less government support.

But there are those who say the burden of change should not be borne by the workers.

Rather, it is the banks and financial institutions that should carry the can for getting us into this mess in the first place.

"The crisis was caused by the banks and the financial markets," says Ronald Janssen of the European Trade Union Confederation.

"It is governments that have stepped in and, using the European social model, saved the economy and thereby saved the banks from total collapse.

"And now it's the same banks and the same financial markets that are telling the governments, 'Now you have saved us, present the bill to workers and to ordinary citizens'. And that's a model that can't work."

Back in his attic flat, Mr Chandelle finishes his editing.

The kind of help he has been given by the Belgian state may not exist for much longer.

Across Europe, governments are facing tough choices.

Source: The Brussels Journal, can be accessed at: <http://www.brusselsjournal.com/node/933/print>, date of last access November 12 2010.

Created 2006-03-23

Europe's Ailing Social Model: Facts & Fairy-Tales

By Martin De Vlieghe

On 23 and 24 March the European Council is meeting to discuss the future of Europe's social model. The very essence of the welfare state is at stake. Europe's present social model is unable to tackle the modern challenges of globalization, and has left Europe with gigantic problems: an unsurmountable public debt, a rapidly ageing population, 19 million unemployed, and an overall youth unemployment rate of 18%. The unemployment figures may easily be doubled to account for hidden unemployment. The untold reality is that Europe's real unemployment stands at the level of the 1932 Depression.

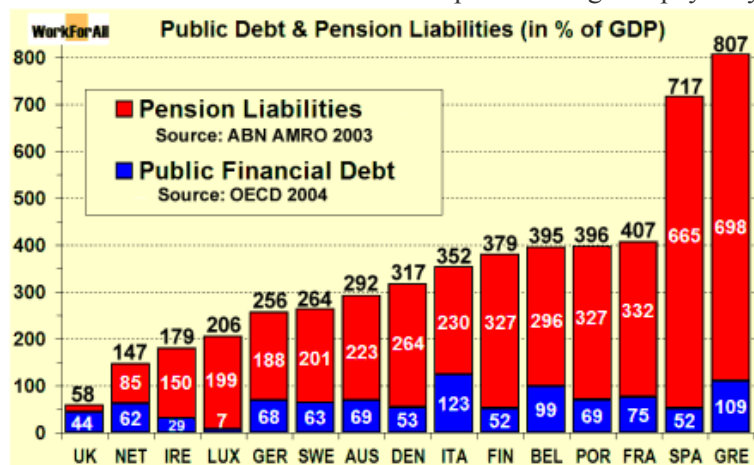
A man-made Disaster

Europe's social disaster is unfolding while the rest of the world is booming at its fastest rate in three decades. 2004 and 2005 were record years for China and India, which have double-digit growth rates, and for the USA, which fully enjoys the benefits of globalization. The world's economy is booming at an average rate of over 4%, but Europe's growth has stagnated at an inflated 1.5%.

Why is Europe performing so poorly? Europe's deficient performance is incompatible with its huge potential as the world's largest single consumer market. Its slow growth contradicts its unequalled industrial productivity and infrastructure, its outstanding education level and labour ethics, its favourable climate, "fair business" morality, and not in the least its tremendous potential provided by the opening of the iron curtain. Obviously Europe's fairy-tale is not materializing. Nor are the inflated expectations prognosticated by Europe's political elite at the launch of the Common Currency and the Lisbon Agenda.

Deficit Spending & Threatening Debt Crisis

The reality of Europe's ailing economy contrasts sharply with its economic potential and with the massive resources employed to cure its ailing growth. The whole arsenal of Keynesian remedies has now been tried and has failed one by one. Massive deficit spending throughout the eighties and nineties has left Europe with a public debt unequalled in history. The size of Europe's monumental public debt is only surpassed by the hidden liabilities accumulated in Europe's shortsighted pay-as-you-go public pension schemes.



Unfunded pension liabilities now average some 285% of GDP, more than 4 times the officially published public debt figures. Total public liabilities now exceed assets in most EU countries, and are causing runaway debt service. Richard Disney calculates that if social policies are kept unchanged, tax hikes of as much as 5 to 15 percentage points will be necessary over the next couple of decades merely to avoid the rate of indebtedness increasing any further.

Unfortunately, this will just kill growth completely. Europe's present social model is unsustainable because it is based on robbery of future generations. Keeping the system in place would jeopardize the next generation's future with an unbearable and uncompressible tax burden, and would seriously add to the risk of a total collapse of Europe. Moreover these expansionary social policies have not worked so far. In spite of the largest debt buildup in history Europe's growth has remained weak anyway. Europe's social model is built largely on credit to be paid back by its own children.

ECB Money Printing & Runaway Asset Inflation

The ECB's expansionary monetary policy has failed as well. M3 money growth has been exceeding the real economic growth rate by an average 5% ever since the Euro was launched. Real Euro interest rates have been negative for several years now. The only obvious effect has been run-away asset inflation and an unprecedented speculative bubble. Today Europe's bond prices have reached historical highs, and Euro-stocks' earning ratios are at historical lows. Prices of building plots in Belgium have doubled and even tripled in some areas. In Brussels apartment prices rose by 50% over the last 12 months, driving many native Belgians out of their hometown because living in Brussels has progressively become an exclusivity affordable only for Europe's privileged bureaucrats.

Obviously the Keynesian expansionary strategies are not working and the ECB's money printing is only making things worse. Present policies are leading to an Argentinean-style debt crisis. The challenges of globalization and Europe's rapidly ageing population call for an urgent fundamental policy change. The 19 million unemployed (that is the official figure, but 38 million is closer to the truth) no longer believe Europe's "social" fairy tales and can no longer wait.

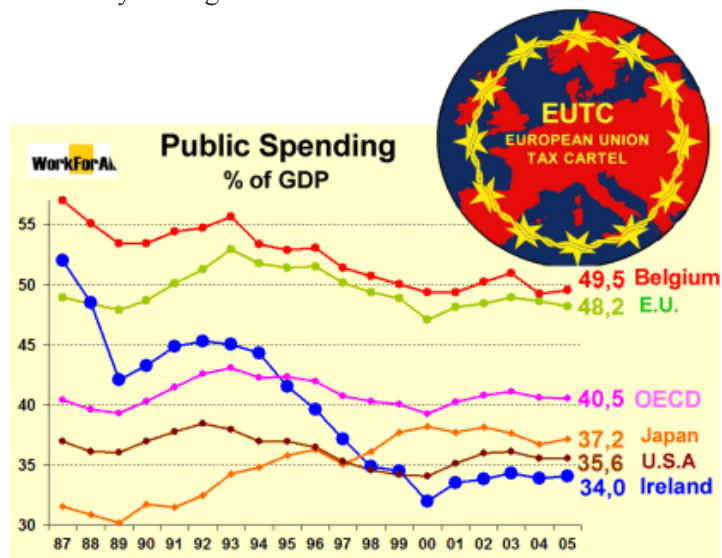
Faked Public Debate

In an effort to keep the dancing on the Titanic going, Europe's catastrophic situation is systematically hidden from public opinion. Official unemployment data, debt figures, and poor growth performance are systematically and grossly underestimated. Thus the public debate and the whole democratic decision making process is being falsified by lies and wishful thinking. Even the best policy makers are making the wrong diagnosis based on the wrong statistics, and as a consequence prescribe the wrong remedies. Having accumulated such monumental debt through years of over-consumption, Europe can indeed no longer blame its ailing growth on slow consumer sales. It is the supply side that is failing. Policies aimed at boosting Europe's economy should therefore no longer be aimed at stimulating consumption but at stimulating the defaulting creation of wealth.

Bureaucracy & A Crippling Tax Burden

Europe's production is failing because of bureaucracy and a paralytic tax burden. The reality on Europe's work floor is that the workforce is demotivated, and that Europe's personnel and managers are increasingly

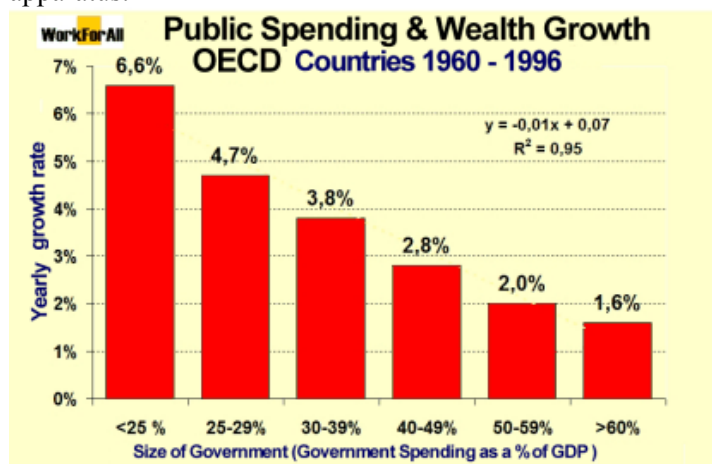
rebellling against the persistent confiscation of over 50% of the fruit of their labour. The excessive tax burden leaves Europe's workforce too little to lead the standard of living they earn. Businesses are deprived of the resources needed to finance their innovative projects and to compete in the global markets, if foreign entities have not yet bought their assets.



Europe's well-intentioned model is not working because it does not pay to work after the taxman has taken his share. Europe is not innovating because it does not pay to innovate after the huge costs of complying with all the prescriptions, limitations and restrictions in all Europe's overabundant licences and autorisations. Demoralization is the real cause of Europe's stagnation. Europe's workforce is tired of being incessantly hindered in its task of producing wealth. Demoralization is the reason why ever more engineers, scientists and entrepreneurs flee Europe's tax misery. Paradoxically, the Old Europe of the West must now learn from the New Europe of the East, where after years of disastrous socialism, low and simple flat taxes are being introduced, luring investors from all over the world.

Scientific Evidence

In his research into the causes of growth differences between OECD economies the American economist James Gwartney irrefutably demonstrated the direct relation between tax burden and economic growth. The higher the level of taxation, the lower the growth rate. The explanation is as logical as it is simple. The higher the tax level, the lower the incentives to make productive contributions to society. The higher the fiscal burden, the more resources flow from the productive sector to the ever more inefficient government apparatus.



Gwartney's findings provide the final explanation why continental European economies, such as Belgium, no longer grow. The Belgian tax burden is 20% above the optimal tax level burden as calculated by Primo Pevcin. It is 9 %-points above the OECD average and 15 %-points higher than the tax level in the US and Japan.

WorkForAll's empirical study analyzing 25 plausible causes of economic growth in a comprehensive regression arrives at the same conclusions. The best way to spur growth is by reducing the tax burden and Europe's languishing government sector, and by shifting taxes from income to consumption.

Adapting Europe's Tax Structure for Globalization

With an excess proportion of direct taxes, Europe's tax structure is totally unadapted to globalization. Direct taxes on profits, wages and capital increase the cost of domestic production, and in doing so have exactly the opposite effect of import duties. Direct taxes roughly double the cost of Europe's domestic production, making Europe's produce uncompetitive both in the home market and in global markets. Just as import duties cause protectionist distortions in world trade, direct taxes do the same, but in the absurd opposite sense. Globalisation therefore necessitates more urgently than ever a shift of the tax burden from production to consumption.

It is, indeed, a direct result of the trade distortions caused by direct taxation that is causing Western Europe to losing ever more rapidly its semi labour-intensive sectors to countries where productivity is lower than in Western Europe. This relocation from countries with high productivity to low productivity countries is a pure waste. It is not only disastrous for Western Europe's employment. It is also harming worldwide development as Europe's highly productive production apparatus and infrastructure are left idle. With Europe's potential not being used to capacity, the direct-tax distortions are leading to less than optimal global labour division and wealth creation.

The success-story of the Irish alternative

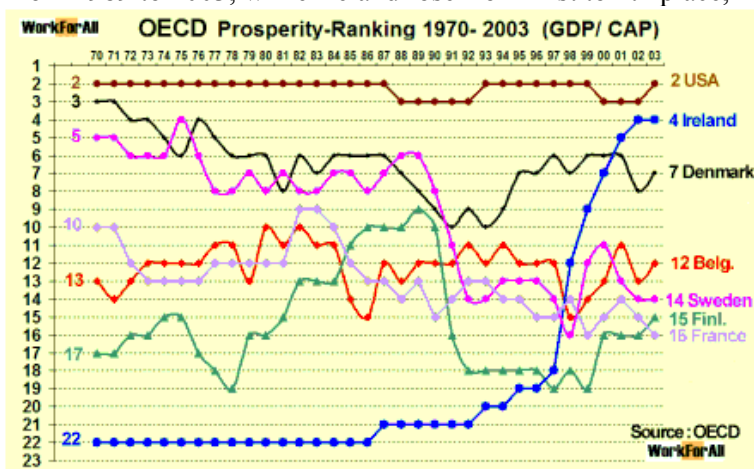
Europe will only be able to maintain its prosperity and generous social system if it succeeds in generating a growth rate of 4 to 5% over the next couple of decades. This is not impossible. Ireland has shown us how to do it. The Irish economy has been booming at an annual growth rate of over 5.6% for over 20 years now. In barely 18 years Ireland has made the unbelievable jump from the 22nd to the 4th place in the OECD prosperity ranking.

Ireland thanks its success to its clear-cut different tax policy. With 33%, the Irish overall tax burden is the most moderate of Europe. Ireland also has a unique fair-flat-tax structure, which fairly and evenly spreads the weight of the tax burden over profits, labour and consumption. This unique tax structure is the key to Ireland's success. Contrary to the rest of Europe's demoralizing tax structure, the Irish tax model provides a positive stimulus to participation, saving, investment and enterprise: the crucial factors which the rest of Europe lacks.

For 20 years now, the Irish social model has proven its effectiveness not only in creating wealth and jobs, but also in providing Irish authorities with ample resources for their wide range of cultural, environmental and social initiatives, as well as for the costs of ageing. The unequalled Irish success story proves that their alternative policies are reliable and realistically feasible within the current European framework.

Scandinavian Myths

Despite the overwhelming success of the Irish alternative, adepts of large state interference continue to plead in favor of a Scandinavian model. Nonetheless the outdated Scandinavian policies have proved to be particularly inefficient. The Scandinavian countries have gone through a long period of steady decline with poor growth and job creation. In 1970, Sweden's level of prosperity was one quarter above Belgium's. By 2003 Sweden had fallen to 14th place from 5th in the prosperity index, two places behind Belgium. According to OECD figures, Denmark was the 3rd most prosperous economy in the world in 1970, immediately after Switzerland and the United States. In 2003, Denmark was 7th. Finland did badly as well. From 1989 to 2003, while Ireland rose from 21st to 4th place, Finland fell from 9th to 15th place.



Together with Italy, the Scandinavian countries are the worst performing economies in the entire European Union. Rather than taking them as an example, Europe's politicians should shun the Scandinavian big-government recipes. If there is anything to be learnt from the Scandinavian experience it is that Scandinavia

succeeds in making a more efficient use of public resources, through investment and innovation. Nevertheless even their most restrictive unemployment policies will never result in higher growth so long as they keep their Keynesian policies and excessive government in place. The best proof of the failure of the Scandinavian model may be that the Scandinavian countries themselves are increasingly abandoning it.

EU Tax Harmonization

Europe's many high-tax and very-high-tax regimes view Ireland's success with envy. They fear that less greedy and more efficient governments will develop Irish style reconstruction initiatives. Such a trend could lead to "tax competition" which would force them to improve their own public efficiency. In contradiction of all EU-Treaties guaranteeing full autonomy in fiscal affairs to the member-states, Europe's high-tax regimes are now trying to prevent Irish-type reconstruction initiatives from developing in other countries. Fearing competition from less greedy and more efficient governments they are trying to impose their high-tax-regimes on other EU-members through a new directive.

In the same sneaky way as the EU's devastating savings directive was introduced, a tax-base harmonization scheme is now being proposed, obviously as a first step toward imposing a back-door harmonization for corporate tax rates also. Despite the severity of Europe's high-tax disaster Europe's high-tax-regimes obviously still refuse to see the unsustainability of their high-spending high-debt high-tax policies. These Keynesian policies have failed.

Curing the symptoms no longer helps. It is time to tackle the real and ultimate cause of Europe's stagnation, namely the total discouragement of Europe's work force. It is time to free Europe from its bureaucracy and its crippling tax burden. Failing this Europe will continue to lag behind ever further and its current relative impoverishment will soon turn into absolute pauperization, ultimately resulting not only in economic, but also in cultural and moral decline. If the economy is sick, it is because democracy is ill as well.

Source: International Labour Organisation, can be accessed at: http://www.ilo.org/wow/Featuredbook/lang-en/WCMS_082052/index.htm, date of last access November 12 2010.

2007

Can the European social model survive? Is flexicurity the answer?

The search for a better combination of flexibility and security is a major challenge within the European Union, and not only in the accession countries. Two major new studies from the ILO look at different aspects of employment and working conditions.

Unemployment, growing competition and the shift of the EU from 10 to 27 Member States have had a deep impact on employment and working conditions in the European Union, says The evolving world of work in the enlarged EU: Progress and vulnerability.¹ Based on case studies from Bulgaria, Croatia, the Czech Republic, Denmark, France, Germany, Hungary, Poland, Romania, Spain, Sweden and the United Kingdom, the study provides timely information on social policy and labour market trends in the EU enlargement process and how these may affect workers and their families.

"On the one hand, labour market innovations such as a greater diversity in employment contracts and working time arrangements facilitate labour market entry and exit . . . on the other, they entail new risks, particularly for women, immigrants, younger and older people," says Daniel Vaughan- Whitehead, a senior ILO expert on working conditions and one of the editors of the study.

According to the study, employment creation in Europe is occurring mainly in less regulated sectors, such as retail, personal services and so on, which affect mainly young workers. According to Vaughan-Whitehead, "problems are most acute for this age group which represents our future".

The study presents information on trends in all important elements of the world of work in the enlarged EU-27: employment contracts, working time and work intensity, wages, training, health and safety, social dialogue and workers' participation, and work-family balance.

"It does this from an original perspective, through a series of case studies like the one on Ivan (see sidebar) and other self-employed and employed people in EU countries. That highlights what practices are put in place at enterprise level, and how different working and employment conditions are combined and interact at local level," explains Vaughan-Whitehead.

At the same time the study tries to identify those vulnerable workers who often represent the myriads of "working poor" in a country. It also offers a valuable analysis of those workers who may be exposed to more than one risk. "This approach well suits the new Lisbon target of the European Union of creating 'more and better jobs' and the EU contributions to the implementation of the ILO's Decent Work Agenda in the world,"

says Vaughan- Whitehead.

The study calls on policy-makers, as well as economic and social actors, to pay more attention to the vulnerability of workers, working conditions and employment quality – that is, not only wages or working time but other issues such as reconciliation of work and family life.

Central and South-Eastern Europe: Positive trends, persisting problems and new challenges

Balancing flexibility and security has both an economic and a social rationale, according to Sandrine Cazes and Alena Nesporova, authors of *Flexcurity: A relevant approach in Central and Eastern Europe*.² Although economic growth has accelerated in Central and South-Eastern Europe since 2000, it has not adequately translated into employment creation. Youth unemployment has also worsened and protection at the workplace has decreased. The study argues that an approach combining flexibility and security is the most relevant for the region and suggests appropriate reforms of economic, labour market and social policies.

In the 1990s the difficult transition process in Central and South-Eastern Europe was marked by massive job destruction and only a limited creation of new jobs. Things have moved on now to a stabilization and liberalization phase. Labour market patterns in the new and the old Member States of the European Union (EU) are converging. Flexible forms of employment, in particular fixed-term contracts, are increasing.

Employment protection legislation has been further liberalized to reach OECD levels, while protection of workers through collective bargaining has weakened as a result of declining unionization and the decreasing coverage by collective agreements. This lower level of job security has only partially been counterbalanced by increasing employment and income security through better access to job mediation, retraining and other programmes promoting re-employment of laid-off workers and longer-paid unemployment benefits.

Jobless growth and labour migration

Although economic growth has accelerated in the region and unemployment has declined, employment has increased in only five of the Central and South-Eastern European countries and even there only modestly, so one can speak of “job-less growth” across the region. Employment levels remain below the levels of the old EU Member States. The fall in unemployment has fed inactivity rather than employment. Another important factor reducing the impact of unemployment has been labour migration, which has accelerated since the enlargement of the EU in 2004.

The most worrying labour market situation until recently was in Poland, where the unemployment rate reached almost 20 per cent in 2002-03 despite good economic performance. Employment in Poland was on the decline until 2004 and started rising only in 2005. The last two years have at last recorded a significant reduction in unemployment, but with labour migration estimated to include well over one million Poles. Who is most at risk?

There has been a decline of labour turnover since 2000 in all countries for which data exist, and a slight lengthening of average job tenures. But there is also increasing labour market segmentation – a higher share of workers staying more than ten years or less than one year with the same employer. The first group are mostly workers of prime age and with higher skills enjoying full-time contracts without limit of time; the second, younger or older workers, typically less skilled, who are trapped in temporary jobs.

The highest barriers to labour market entry or re-entry are faced by young persons, older workers, ethnic minorities, low-skilled workers, women returning from maternity leave and persons with health problems. Many are pushed to use the less and less generous social welfare schemes and a number of them are also involved in informal work to make ends meet.

Gender differences persist across the region. However, there has been a slight tendency towards this gap closing in the case of labour market participation, while the opposite has been observed for employment since 2000. The unemployment situation has also improved more for men than for women. In terms of employment, men have benefited slightly more than women from economic growth.

Many countries have tried to increase the attractiveness of work by increasing the basic minimum wage as compared with unemployment and social benefits. Income protection against risks of enterprise insolvency and bankruptcy has been ensured by establishing wage guarantee funds in an increasing number of countries in the region.

Win-win strategies

The study finds important implications for economic and social policies in Central and South-Eastern Europe. Addressing jobless growth is the most important challenge for employment policy in the region. It is up to the government together with the social partners and representatives of vulnerable social groups and jobless persons to determine their country's employment and social development. Through dialogue, they must decide whether the country will remain driven by predominantly economic goals, or whether it will shape its economic and social policy in line with the EU Lisbon Strategy and the ILO Decent Work Agenda towards a triple objective of full and decent employment, higher labour productivity, and social cohesion and

inclusion. This book suggests how this can be achieved through a “flexicurity” approach combining a more flexible labour market with stimulation to a secure move towards new, more productive, jobs and protection against a fall into protracted unemployment and poverty. It provides an answer to the dilemma of how to maintain and improve competitiveness while it makes at the same time full use of the potential of social policy as a productive factor. However, there is no one-size-fits-all flexicurity model, and different combinations of flexibility and security can be of service to both employers and workers in different national contexts. Although the balance can be delicate, the pursuit of win-win strategies for both employers and workers lies at the heart of this concept.

COMMON EUROPEAN CITIZENSHIP IN RELATION TO THE IDEA OF MULTICULTURALISM

Common European citizenship in relation to the idea of multiculturalism

Addressing cultural differences resulting from immigration: A comparison between French and Swedish public policies. Source: Sens Public –International Web Journal: (<http://www.sens-public.org/spip.php?article772>) Last accessed on 15. 11. 2010.

Sweden is considered by French scholars as a representative of the European model of multiculturalism along with the Netherlands and Great-Britain. The Swedish “immigrant policy” was commonly depicted as the by-product of liberal pluralism supported by popular social movements (*folkrörelser*) at the heart of the Swedish political culture¹. It has therefore been argued that Swedish multiculturalism stood in opposition to the alleged French tradition of universalism in which the state is meant to “guarantee the unity of a common political space which ensures the integration of all individuals irrespective of their social, religious, regional or national background through abstraction and formal equality”².

Policies aiming at handling the otherness of the other are therefore thought to stem from opposite traditions in France and in Sweden³. The French model is thought to emphasize the right of individuals at the expense of the communities whereas the Swedish model is depicted as granting rights to communities rather than to individuals. This distinction is appealing at first sight since it provides an insight into the global frame of reference for Swedish and French policies handling the otherness of the other. It nevertheless requires further qualification since it fails to explain similarities between immigration and integration policies in the two countries as well as the increasing convergence that has occurred since the 1980s.

The alleged multicultural stance in Sweden can be questioned as its immigration policy has been multi-facetted from its very onset⁴. The contradictions between the official rhetoric and social practices in Sweden had yet to be underlined since:

“Nordic countries are not witnessing the constitution of organized ethnic minorities as in Great-Britain. Beyond the affirmation of respect towards cultural identities, we observe a strong pressure to align on the values of the host society which calls forth the French integration policy”⁵.

Even though this statement reflects a French-centered understanding of cultural diversity, it highlights the peculiarity of Sweden’s approach towards multiculturalism. Conversely, French immigration policy has often departed from its alleged universalist stance as it sought to ease the return of foreign workers to their homeland⁶. The polarizing effect of comparisons drawn between France and Sweden on immigration matters may have obscured the issue. The European legislation as well as the disillusion with the results of immigration have caused policies to converge. This article aims therefore at questioning the underlying statement that France and Sweden have contradictory, if not conflicting, values on matters of immigration.

Swedish “migrants’ policy” and the lure of multiculturalism

Sweden used to be a country of emigration as roughly 1 300 000 Swedes left the country between 1860 and 1920⁷. It became a country of immigration at the end of World War II as it resorted to foreign workforce originating from Finland, Yugoslavia, Turkey and Greece to support its economic growth. The first programs directed towards foreigners were launched in Sweden in the mid-1960s with support to immigrant organizations and financial assistance delivered to cultural activities promoting immigrants’ original culture. They were devised to engage foreign communities in Swedish social life in accordance with the global frame of reference of Swedish policies of this time⁸. Some communities were already strongly organized such as the Finnish and Estonian communities. They could even enjoy the support of foreign actors such as the Finnish government which was

seeking to preserve the linguistic and cultural heritage of its nationals. In 1968, the adoption of the first policy designed to address the needs of immigrants in Sweden (*invandrarpolitiken*) did not however retain multiculturalism as an objective. The government opted for a middle-of-the-road stance cautiously avoiding referring to “assimilation” or “integration” to characterize its “immigrants’ policy”. Beyond the official rhetoric, the practice relied on various programs inspired by diverging principles⁹. Some programs were clearly driven by multiculturalism and relied upon structured immigrant groups whereas some were inspired by universalism and targeted individuals.

In 1975, proponents of multiculturalism sitting at the immigration investigation committee managed to influence the content of the Swedish “immigrant policy”. Special rights were granted to minorities residing in Sweden as the new constitution stated “the right of ethnic, linguistic and religious minorities to preserve and develop their own cultural and religious life”¹⁰. These new principles were introduced in a bill on immigration policy passed the same year. As a result, Swedish immigrant policy came to rely upon three pillars: equality, freedom of choice and cooperation between Swedes and foreigners. The newly acknowledged freedom of choice embodied *par excellence* the multicultural society that was thought to arise as it stated that:

“Members of linguistic minorities residing in Sweden should be granted the opportunity to decide themselves to which extent they want to preserve and develop their original cultural and linguistic identity. This implies that the various immigrant groups should receive economic support in order to develop their cultural activity¹¹”.

The Parliament therefore decided to subsidize cultural activities related to immigrants’ original culture and to enrol teachers in order to deliver lectures in immigrants’ mother tongue.

The rights of migrants were even expanded in 1975 as local electoral rights were granted to foreigners able to prove a three-year residency. Multiculturalism was officially advocated as the main objective of the “immigration policy” from 1975 to 1985 even though Swedish experts were aware of contradictions between its underlying principles. It was obvious that equality and freedom of choice would prove contradictory in some cases. Multiculturalism could indeed induce a competition between various communities where each would seek public resources at the expense of others contradicting the principle of equality. Even though the constitution acknowledged the rights of foreigners as part of a community, it also granted rights to foreigners as individuals since it stated that a foreign national equates a Swedish citizen in most matters¹².

Swedish “immigrants’ policy” at bay: the challenge of mass immigration

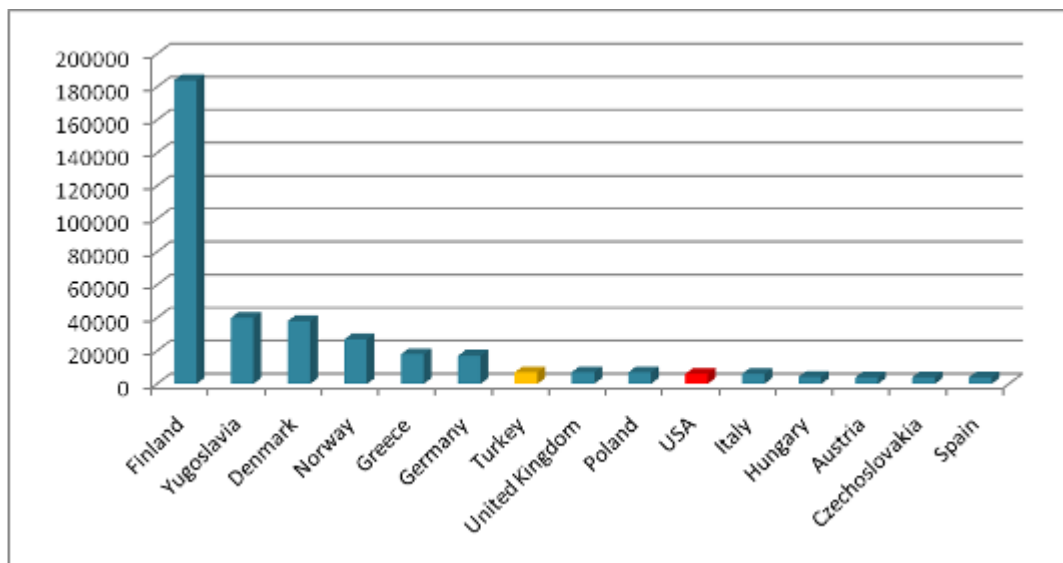
Labor market restrictions for foreigners were introduced in Sweden in 1968 at the same time as the first programs for migrants. From 1972 onwards, work permit applications were so scrutinized that access to the Swedish labor market was de facto reserved to nationals of Nordic council member states¹³. These restrictions were however challenged by the generous asylum policy led by the Swedish government from the late 1970s to the early 1990s. The contradiction between these two policies was surmounted only with the introduction of an immigration policy (*immigrationspolitik*) in December 1996. This policy hence aimed at improving the consistency of rules applied to foreigners in Sweden with regards to their entrance, their stay and their possible return to their homeland.

In application of asylum policy (*flyktningspolitik*) 30,000 to 50,000 asylum seekers came each year to Sweden whereas 10,000 to 30,000 came back to their homeland. Sweden was left each year with a net balance of 20,000 immigrants coming from various parts of the world. Iranians, Iraqis, Chileans, Argentineans, Peruvians, Kurds from Turkey and Eritreans from Somalia, to name but a few, formed new immigrant groups less structured than the previous ones. As a result, the pattern of immigrants was completely transformed as shown in charts 1 and 2.

In 1975, immigrants came mostly from European countries with a vast majority coming from Finland. Turkey was then the only non-western country whose nationals immigrated to Sweden yet it had than 10,000 nationals residing there. More than 30 years later, Swedish society shows more diversity due

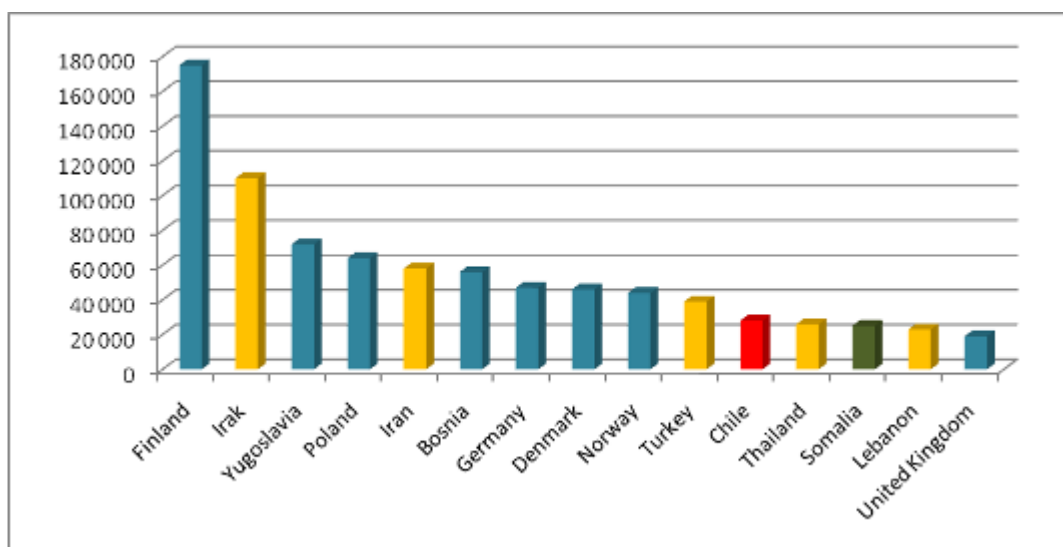
to immigration from the Middle-East, Latin America, Africa and South-East Asia as the number of foreign-born denizens increased by 400,000 from 1970 to 1995.

Chart 1: Origins of the largest immigrant groups residing in Sweden in 1975



Source: Statistika central byrån

Chart 2: Origins of the largest immigrant groups residing in Sweden in 2008



Source: Statistika central byrån

As soon as 1985, the Committee on immigrant policy stated that immigration would never turn Sweden into a multicultural country as multiculturalism would only result in the addition of groups with different cultures and languages¹⁴. The celebration of cultural diversity in the 1970s was indeed partly based on the firm conviction that immigrants would return to their homeland. The “immigrant policy” was therefore thought to ease the return of immigrants by maintaining as strong links as possible with their original culture. As the number of returns turned out to be fewer than expected, one notices a drift in the Swedish stance towards a conception of cultural diversity more in line with the French integration policy. “Freedom of choice” was for instance reformulated in the late 1980s into “respect for the identity and integrity of the individual as well as opportunities to develop one’s

own cultural heritage within the framework of those basic norms which in Swedish society apply to human coexistence”¹⁵.

The late 1990s witnessed two main evolutions in the Swedish approach towards cultural diversity. First of all, the traditional “immigrant policy” was replaced by an “integration policy” in 1998. The latter aimed at “dealing with opportunities to get into a wider unity without hurting one’s cultural and ethnic identity. Certain adaptation should however always take place when meeting other people”¹⁶. The debate on cultural diversity also evolved since Sweden ratified in 1999 the Framework convention for the protection of national minorities. The Swedish Parliament recognized five national minorities: Jews, Roma, Sami, Swedish Finns and Tornedalians. These minorities were hence granted special rights that immigrant groups were not eligible to. This decision has therefore drawn a line between groups whose diversity has to be protected and those whose diversity has to be accommodated. The difference is even more striking since Swedish Finns were the main proponents of the “freedom of choice” that characterized the “immigrant policy” from 1975 to 1985. Yet, Sweden had not totally departed from its multiculturalism as there were still 83 042 pupils who followed lectures in their parents’ mother tongue during the 2006-2007 academic year¹⁷. The figure is even more striking when compared to the 73 436 French pupils of foreign descent who followed these lectures during the 2004-2005 academic year¹⁸. Furthermore, the Swedish government elevated 2006 as the year of cultural diversity in an attempt to value immigrants’ cultural heritage though it did not prove to be a conclusive experiment¹⁹. Some authors have even suggested that the celebration of cultural diversity had reinforced the perception of an insurmountable otherness between Swedes and non Swedes. In this view, Swedishness has not yet incorporated the new components resulting from immigration²⁰. Such an analysis seems to be confirmed by the fact that Sweden is displaying the highest density of foreigners in the most disadvantaged suburban zones among western countries²¹. This phenomenon is even consolidating as the share of foreigners or Swedes of foreign descent is growing bigger within given suburban zones (*invandrartätområde*). For instance, the share of migrants has risen from 85.4% in 2007 to 89.3% in the city of Rinkeby²².

From immigration to integration policy in France

The colonial legacy has left its imprint into the French immigration policy as migration flows have been influenced by legal and informal ties binding the former metropole and its ex-colonies. Most notably, the Evian agreements, which opened the way to Algerian independence, contained a clause allowing freedom of movement between the two countries. This clause was not removed until 1968 as part of a new protocol on “free movement, employment and residence of Algerian nationals in France”. As demonstrations of “French Muslims from Algeria” in favor of Algerian independence grew in number from 1950 onwards French civil servants came to perceive North African as “a problem, a risk or a threat”²³. Jérôme Valluy underlines that “this ideological transformation of policemen as well as prefectural and ministerial bureaucracies was reinforced in the 1960s as decolonization led colonial civil servants to hold new positions in the metropole”²⁴. Hence “combined security and social policies targeting French Muslims from Algeria – who later became Algerians - [...] laid the ground for supervision policies of immigrant population”²⁵.

It wasn’t until 1968 that immigrants emerged as a social issue in French politics²⁶. Immigration policy was first aimed at strengthening immigrants’ original culture since it was thought to divert workers from union or political engagement. On July 3rd 1974, the French government decided to suspend immigration for workers and their family. Immigrants already living in France were offered a choice between total assimilation and continued cultural entrenchment under the new immigration policy led from 1974 to 1977. This new set of rules and norms applied to foreign residents was aiming at strengthening the original culture of migrants in order to ease their return to their home country.

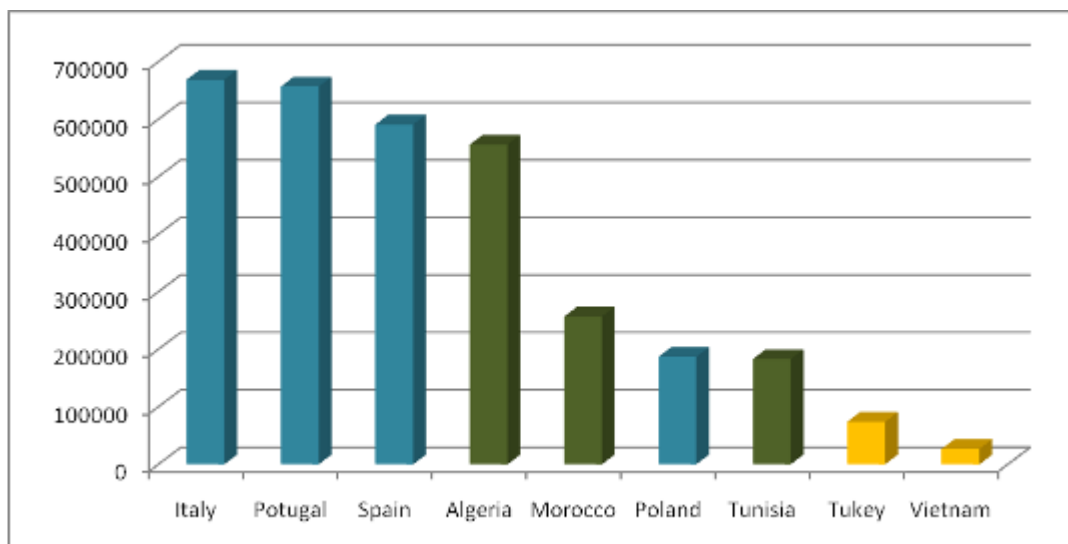
“When autonomy of migrants and increased dependency on home countries were in balance; social policies tended to promote dependency. Besides granting satisfaction to home countries and leaving the door open for a potential return, this option was meant to cement social peace as it diverted migrants from political or union claims ‘à la française’²⁷”.

In this respect some French institutional settings were offering common features with contemporary Swedish policies.

The state even departed from its tradition of secularism, established in 1905, by subsidizing the development of Islam in workers' dormitories²⁸. The French educational system has even hosted foreign teachers in order to provide lectures to immigrants' sons in the original language of their parents as part of bilateral conventions concluded with Portugal, Algeria, Spain, Italy, Morocco, Tunisia, Turkey or Yugoslavia. These ELCO (*enseignement en langue et culture d'origine*) programmes were at first reflecting the underlying conviction that immigrant workers should leave sooner or later with their family. However, these programmes have been challenged by the settlement of immigrants and are witnessing a continuing decrease of its participants.

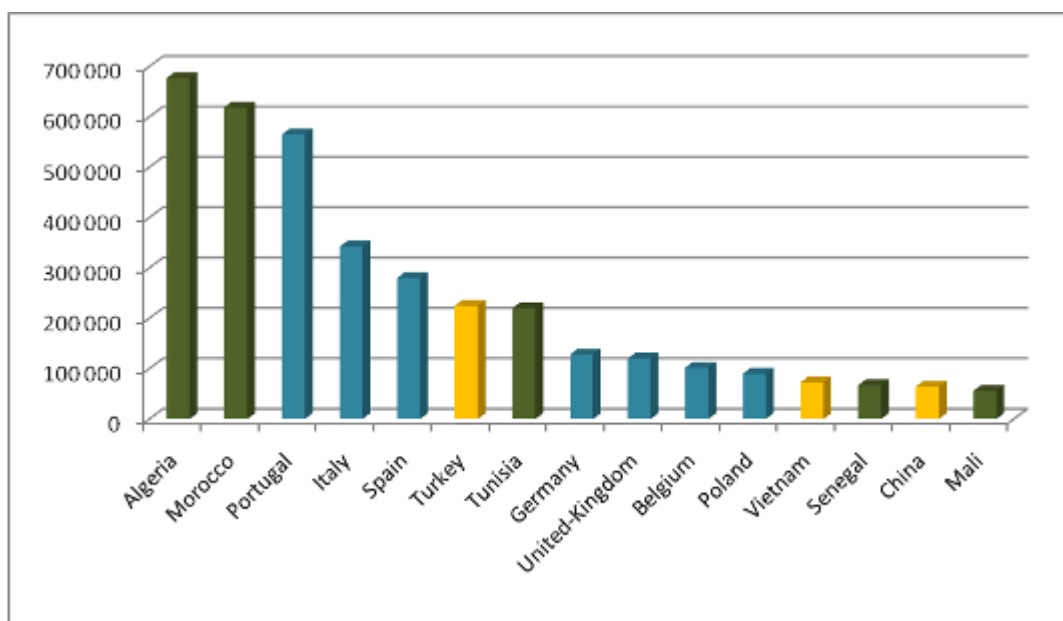
A political consensus on the need to address the situation of immigrants had to be achieved prior to the adoption of an integration policy. Such a consensus was reached in July 1984, as a new bill drew a line among immigrants between insiders and outsiders. Immigrants regularly admitted in France were granted equal rights with French nationals except the right to vote. Irregular immigrants were deprived of any legal status and protection. Integration policy was hence formulated as the immigration policy became obsolete due to the "zero immigration" objective.

Chart 3: Origins of the largest immigrant groups residing in France in 1975



Source: Institut national de la statistique et des études économiques

Chart 4: Origins of the largest immigrant groups in France in 2005



Source: Institut national de la statistique et des études économiques

Cultural diversity as a social issue: the need for anti-discrimination measures

Both France and Sweden were initially reluctant to introduce anti-discrimination measures. The political elite of the two countries was convinced to meet the highest standards for promoting integration. Hence the Swedish government expressed in 1973 its confidence in the lack of racial or nationalist prejudices among Swedish population and decided to discard anti-discrimination measures²⁹. The commission on discrimination set up in Sweden in 1978 suggested however that a bill should be drafted to combat ethnic discrimination at work. Given the traditional reluctance of the legislator to intervene into the matters for which social partners hold the main responsibility, the proposal was unlikely to succeed. Rather than legal dispositions, a new ombudsman was created in 1986 to deal with discrimination at work. However the ombudsman against ethnic discrimination did not enjoy a power similar to that of the ombudsman for gender equality. The legislator accepted therefore to take actions to prevent ethnic discrimination at work in 1992. Yet, the new law was criticized for failing to offer appropriate protection against discrimination since the burden of proof relied upon the contestant. Ethnic discrimination and racism stirred public attention with extreme right wing movements' growing momentum. These movements also known as "white power" (*vitmakt*) were highlighted as two immigrants from Somalia were beaten up and a mosque burned down in the town of Trollhättan in 1993. Swedish society was even confronted to the effect of the hatred of the other with the slaying of an Ivory Coastian in Klippan in 1995. As a result indirect ethnic discrimination was acknowledged with a new bill passed in 1999. European legislation spurred the progress of anti-discrimination measures in Sweden in the 2000s.

Anti-discrimination proved to be an equally sensitive issue in France. The country which prides itself in human rights leadership could not easily accept that its treatment of immigrants was not ideal. Furthermore, public authorities could not resort to some form of affirmative action in order to address the issues of integration since they refused to set up policies on the basis of origins. Territoriality was the only acceptable basis to build a policy on in accordance with the French Universalist political culture³⁰. For instance, special help in education was provided to immigrant communities through territoriality. Extra funding for education was therefore delivered to schools located in areas where immigrants accounted for about 30 percent of the local population (*zones d'éducation prioritaires*).

The first advisory body on integration, named *Haut conseil à l'intégration*, was founded in 1989 in order to give recommendations for the integration policy. However the turning point for French policies related to the otherness of the other occurred in 1998 as the *Haut conseil à*

l'intégration suggested that the struggle against discrimination should become the cornerstone of French integration policy. The consultative body claimed in 1995 that “liberty implies that each person is free to choose his/her behavior as long as (s)he follows the rules of social life and respects the laws of the Republic”³¹. It also pointed out that discrimination was based on ethnic basis, paving the way for a better acknowledgment of immigrants’ origins by French society. French integration policy therefore departed strongly from its initial Universalist stance. A ban on indirect discrimination at work was introduced in French law in 2001 in the wake of the EC anti-discrimination law. In 2005, a new authority called *Haute autorité de lutte contre les discriminations et pour l’égalité* was created to combat ethnic discrimination following the example of the ombudsman against ethnic discrimination.

Uncertainties surrounding migrants integration in France and Sweden

From the 1950s to the 1970s, migrants were mostly integrated through their work in France and were often deprived of the opportunity to socialize as they were relegated into workers dormitories. These dormitories were created for Algerian migrants in 1956 in order to prevent the National Liberation Front from getting a grip on this community. The creation of workers dormitories was consistent with a conception of public intervention “combining the allocation of social resources and the maintenance of public order notably through identification, localization and control of communities perceived as a problem”³². Housing in workers dormitories was later extended to all African communities making it more difficult for them to integrate as they were concentrated in zones of urban relegation. The economic crisis that hit France in the 1970s had a deep impact on migrants as they fell prey to mass unemployment. From 1979 onwards, migrants contributed up to 42% of job losses in the industry³³. Most of them postponed their return as they were eligible to unemployment benefits and as the prospects for employment in their homeland became uncertain. From 1974 onwards, they have also benefited from family reunion which offered a strong incentive to settle down. Immigrants were relegated into the outskirts of French main cities as a result of dysfunctions of the French public housing system. They became exposed to social isolation, unemployment and underperforming at school.

The situation in Sweden was differing from the French case in various respects. Migrants originating from a country outside the Nordic Council were experiencing greater linguistic difficulties as they were not conversant with the Swedish language. The early setting up of programs designed to teach Swedish to foreigners (*svenska för invandrare*) provided only a partial answer to the isolation issue of migrants. Furthermore, only one third of foreigners established in Sweden had migrated for economic reasons and was inserted into Swedish society through work. A vast part of foreign communities was even more marginalized since they were relegated in suburban zones as already mentioned.

Social relegation of migrants witnessed in these two countries has led society to question the process of integration. Some political entrepreneurs have built their political career on the stigmatization of migrants. The *Front National* in France has managed to take roots in the French political scene advocating the return of migrants and their descents to their “homeland”. *Ny demokrati* however failed in Sweden to gain votes on the migrants issue after its breakthrough during the 1991 parliamentary elections. It hence plunged from 6.7% of votes in 1991 to 1.2% in 1994. *Sverigedemokraterna* have successfully reintroduced this topic into Swedish politics as they are likely to enter the *Riksdag* after the 2010 parliamentary elections³⁴. This new actor into the forum of Swedish policies on the otherness of the other could pave the way for future evolutions of rules and norms applied to migrants.

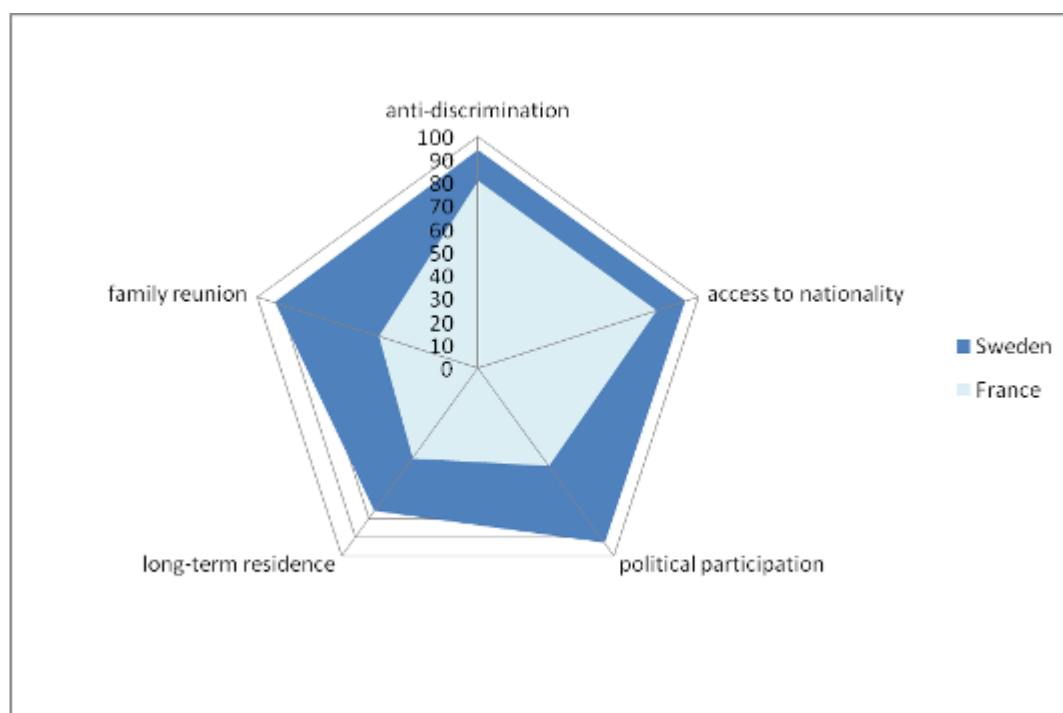
CONCLUSION

Principled pragmatism has driven the evolution of attitudes towards cultural diversity in both France and Sweden. Differences between the institutional settings of the two countries and the matter of otherness proved not to be as marked as their official rhetoric. Swedish officials have hence abandoned the idea of putting foreign communities at the heart of the decision making process on the matter of integration. Migrants’ associations felt disconcerted towards this new integration policy that

appears a bit fuzzy³⁵. On the opposite, French political leaders have tried to leave more space to the expression of the otherness in a society that contended with regional identities. As a result, French and Swedish institutional settings have initiated a convergence, increased by common EC legislation. Each country has yet retained some of its distinctive features inherited from previous institutional settings as well as social representations. This could explain how Sweden manages to outperform France at the MIPEX index.

However the two societies are experiencing a common impatience towards the integration process. The public debate over the ban of burqa and niqab in France in 2009 reflected this impatience. It appeared in Sweden with the conviction that a part of migrant communities cannot manage to integrate³⁶. It is however difficult for scholars to draw conclusions on this matter since integration is “a process that can only be assessed with hindsight in order to tell whether it succeeded or failed”³⁷. Integration is therefore a process that involves society as a whole over a long period of time.

Chart 5: Integration in France and Sweden compared



Source: Migrant Integration Policy Index, 2007.

Swedish integration policies 'a failure'

Source: The Local <http://www.thelocal.se/22244/20090923/> Last Accessed on 15. 11. 2010.

According to a fresh report from Statistics Sweden (SCB), the number of inhabitants with foreign backgrounds has escalated in all of the country's most immigrant-dense areas over the past ten years. Employment has increased to some extent in many city districts, and the number of individuals reliant upon government benefits has decreased to an equal degree. By far the greatest change, however, relates to the concentration of inhabitants with a foreign background, which has increased dramatically in most of the 38 city districts. "What the statistics show is that our migration and integration policies have totally failed," said Anders Lago, the Social Democratic mayor of Södertälje, to the TT news agency.

For 38 the districts deemed to have a high concentration of immigrants, from Malmö's Rosengård in the south to Hertsön in Luleå in the north, municipalities have signed special development agreements with the Swedish government. The goal of the agreements is to improve coordination between the state and the various municipalities and to increase cooperation between administrative authorities and the

private and non-profit sectors within each district. In order to follow the development process, the government has also requested Statistics Sweden with tracking developments in all 38 districts. The initial results of the agency's investigation, presented on Wednesday, paint a dismal picture of how well Sweden has succeeded in promoting a diverse society over the past ten years, with the concentration of foreign born increasing in most of the districts surveyed. "In practice, more of these areas are functioning like huge refugee reception centres. They become a passage way for asylum seekers and refugees, which makes it clear that this is a very, very, serious problem for society," said Lago. In Ronna, a district of Södertälje, south of Stockholm, for instance, the concentration of inhabitants with a foreign background has increased from 66 to 84 percent in ten years. In Linköping's Skäggtorp neighbourhood in central Sweden, the concentration has increased from 22 to 49 percent. In nine of the 38 districts, more than 80 percent of inhabitants have a foreign background. The most densely populated immigrant district was Hjällbo in Gothenburg, with a concentration of 90 percent. Sweden's Minister for Integration, Nyamko Sabuni, however, refused to see the increased concentration of immigrants in city districts as an indication of the success or failure of Sweden's integration politics. "The purpose of integration politics is not to spread people out. We don't see it as a problem that many individuals with a foreign background live in areas with a high concentration of immigrants. The problem is that many people with an immigrant background are unemployed. The purpose of integration politics is to support people so they can establish themselves in the job market," she told the TT news agency "The statistics show that employment is on the rise and the need for economic support is decreasing, which is encouraging." The agency's statistics also contained data on a number of positive developments, including a marked increase in the number of gainfully employed individuals in most city districts. Both Andersberg in Halmstad and Hjällbo in Gothenburg witnessed a 19 percent increase between 1997 and 2007. In 2007, almost half the population of both districts was employed. Similarly, during the same period, the number of working individuals in Rosengård rose from 19.9 to 34.2 percent, while employment figures for the entire country oscillated between 72 and 78 percent. In most districts, the proportion of inhabitants receiving government benefits dropped by as much as six percent between 2004 and 2007. Despite this reduction, in areas such as Rosengård almost 26 percent of the population retained some form of economic support in the year 2007.

Immigrants to face English language test

Source: Chris Greenwood, Press Association (<http://www.independent.co.uk/news/uk/home-news/immigrants-to-face-english-language-test-1995248.html>) Lat accessed 15. 11 2010.

Immigrants coming to Britain to marry or join their partner will soon be asked to take an English language test first, the Government announced today. All non-European migrants will have to demonstrate basic communication skills that enable them to deal with everyday life before receiving a visa. The measure, due to come into force this autumn, will apply to spouses and unmarried couples who are already in Britain as well as overseas applicants. Anyone wishing to come to Britain must first demonstrate they can speak English at the same level required for skilled workers admitted under the points-based system. The introduction of an English language test was one of four key elements of the Conservatives' election manifesto. Prime Minister David Cameron said he wanted to promote the integration of newcomers into British society. But his deputy Nick Clegg questioned similar policies under Labour and highlighted how Britons may struggle abroad if other nations implemented tests. Home Secretary Theresa May said: "I believe being able to speak English should be a pre-requisite for anyone who wants to settle here." The new English requirement for spouses will help promote integration, remove cultural barriers and protect public services. "It is a privilege to come to the UK and that is why I am committed to raising the bar for migrants and ensuring that those who benefit from being in Britain contribute to our society." This is only the first step. We are currently reviewing English language requirements across the visa system with a view to tightening the rules further in the future. "Today's announcement is one of a wide range of measures the new Government is taking to ensure that immigration is properly controlled for the benefit of the UK, alongside a limit on work visas and an effective system for regulating the students who come here." The prospect of English language tests for migrants heading for Britain was raised several times by the previous

administration. In 2002, the then home secretary David Blunkett announced proposals for tests on language and the ways of British life. Citizenship tests were introduced but English tests for foreign spouses failed to win backing and were quietly shelved. The new plans mean a spouse coming from outside Europe must provide evidence they have passed an English language test by an approved provider. Visa applicants in these circumstances must already meet a range of criteria before being allowed to enter the UK under current rules. All applicants must show their marriage or partnership is genuine and that they can support themselves financially. Whether people are married in the UK or overseas, the non-UK partner must apply for a two-year settlement visa to come and live in the UK as a spouse. At the end of the two years they can apply to the UK Border Agency for indefinite leave to remain. Last year some 38,000 visas for spouses were granted and a further 21,000 people were granted indefinite leave to remain. The move is likely to have a particular impact on Britain's Indian, Pakistani and Bangladeshi communities, who make up a large proportion of these figures. Isabella Sankey, of Liberty, labelled the news "disgraceful" and said some people may be unfairly penalised. She said: "While a good command of English is clearly beneficial for someone settling in the UK with their partner or spouse, making this a prerequisite to entering the country is disgraceful."

"What happens to the happily married British citizen with a non English-speaking spouse who returns from abroad to care for elderly parents?" Surely a common-sense approach would acknowledge how much easier it is to learn English once in the UK."

June 14, 2007

Immigrants to face exam on being French

Source: Charles Bremner, The Sunday Times

(<http://www.timesonline.co.uk/tol/news/world/europe/article1929265.ece>) Last accessed on 15. 11. 2010.

Foreigners who want to join their families in France will soon have to pass a test on the French language and national values before leaving their home countries under the first move by President Sarkozy to curb immigration. Rights groups and the Socialist opposition have denounced the draft law, which will go to Parliament next month, as populist and xenophobic. It aims to tighten curbs on family reunification that were imposed by Mr Sarkozy when he was Interior Minister before his election to the presidency. These included an integration test for applicants for long-term residence permits.

The Bill, which is being vetted this week by the Council of State, is the first from the new Ministry of Immigration, Integration and National Identity, headed by Brice Hortefeux. The link between national identity and immigration caused a storm and unsettled some of Mr Sarkozy's party colleagues when it was proposed this year. Would-be immigrants will now be "tested in their country of residence on the degree of their knowledge of the language and values of the Republic," the draft says. A two-month training course will be provided in some countries.

It was also announced that families who receive relatives must sign a "host contract" in which they undertake to ensure the integration of children into French society. Failure may be punished by the suspension of child allowances, which are generous in France. Host families must also prove that they have the income to support arriving relatives. The Socialists said that the planned law would breach the rights of immigrant workers to lead normal family lives. "This law is a politically motivated, populist ploy based on stigmatising immigrants and their families," Faouzi Lamdaoui, the Socialists' immigration spokesman, said.

The language and values tests have not yet been defined but they are likely to resemble a new Initial Diploma in the French language, which new resident foreigners have been obliged to obtain in France since this spring. They must be able to read instructions, tell the time, interpret public signs, discuss

prices in a shop, explain a health problem or make an appointment. In a move similar to steps in Britain, the Netherlands and elsewhere, would-be citizens are also to be tested on history and “republican values” such as “social solidarity” and fraternity.

Family ties with residents account for about 90 per cent of the 100,000 annual legal immigrants to France from outside the European Union. Most are from former French colonies in black and northern Africa, but the numbers from Asia are increasing. One of Mr Sarkozy’s projects – attacked on the Left as unFrench – is to promote selective immigration by well-qualified people from outside the EU. His plans to curb immigration and oblige non-European families to adopt a French way of life helped him to siphon votes away from Jean-Marie Le Pen, the far Right leader. Mr Le Pen’s National Front was routed in last Sunday’s first round of parliamentary elections, which saw a landslide towards Mr Sarkozy’s Union for a Popular Movement. Throughout the spring presidential campaign, Mr Sarkozy pinned blame for crime and social breakdown on ghetto-like estates on the failure of immigrant families from the Muslim and black African states to embrace French values. “If some people are annoyed by being in France, they they should not hesitate to leave a country that they do not like,” he said. His harsh language caused the desertion from the last Government of Azouz Begag, the Minister for Equal Opportunities. Mr Begag joined the centrist opposition of François Bayrou and wrote a book attacking Mr Sarkozy. Its title, *The Sheep in the Bath*, was an allusion to his attacks on immigrant customs such as the home slaughter of sacrificial sheep by some Muslim families. Mr Begag, who is of Algerian origin, deplored yesterday the failure of nonwhite French candidates to reach the parliamentary run-off this Sunday. “The French people are not quite ready to vote for candidates that they consider foreigners,” Mr Begag said.

GENDER EQUALITY IN THE PUBLIC SPHERE

Gender equality in the public sphere and cross-sectional discrimination

Differential impact of electoral systems on female political representation

Source: European Parliament

(http://www.europarl.europa.eu/workingpapers/femm/w10/4_en.htm) Last accessed 15. 11. 2010.

Quotas and Affirmative Action to increase female participation in political life

"On a strictly interim basis, affirmative action measures may be taken. Wherever the measure chosen is a quota system, it is proposed that the quota should not target women, but that, in the spirit of equity, it may be established that neither sex may occupy a proportion of seats inferior to a given percentage."

Extract from IPU Plan of Action (Inter-Parliamentary Union, 1997:61).

Quotas have been used selectively in some E.U. member states, and are regarded as **temporary measures** to compensate for the **inequality of women's representation in public life**. Two types of quotas exist that are aimed at increasing female political participation, both at elections and in senior posts within government or public administration. These are either:

- Quotas created through **national legislation**, or
- Quotas created by **political parties**

Quotas created through national legislation aim to influence the **result of an election**; namely to guarantee that a certain number or percentage of seats are given to women. Quotas that are established through political parties aim to **affect candidature**; this is achieved through ensuring that a specified number of candidates are women or that neither sex numbers over a certain level on the electoral list

Criticisms of Quotas: Where affirmative action plans in the form of quotas have been introduced, noticeable results have been achieved in terms of **an increase in women successfully standing for election** (and holding office at senior levels of government). Nevertheless, the use of quotas remains **controversial**.

Criticisms of quotas include:

- the fairness of such mechanisms
- whether it is merely tokenism
- the establishment of a hierarchy between those M.P.s that were elected "on merit" through all stages of the election process, and those female M.P.s that were elected using a reserved seat
- if it is sufficient alone to affect female representation or if other specific measures are needed to strengthen it

Opponents of quotas argue that they are **discriminatory, interventionist and fundamentally undemocratic**. Many countries (including Italy, the United Kingdom and France) have rejected the use of quotas at a national level with the argument that it is essentially **at odds with the precept of equality between both sexes which has been enshrined either in their constitution or national legislation**. Quotas aimed at increasing the number of women in political life have been criticised for being **discriminatory against other under represented groups in society**: if women are represented through quotas, why shouldn't other groups be similarly represented? Moreover, it has been claimed that passing a constitutional amendment would be a **permanent** rather than **atemporary measure** to compensate for the lack of women in elective bodies. *"Yes, the quota system has facilitated women's access, not only in parties applying quotas but also in other parties. Quotas, once established, are not questioned but introducing exact quotas can create turbulence: throwing out well established politicians for the benefit of less experienced women can be felt unfair."*

Excerpt from Sweden on the appraisal of the quota system, quoted in Inter-Parliamentary Union (1997:75).

Quotas also attract criticism for being **tokenistic**, claiming that **individual competence and political commitment should be the basis for selection** rather than the need to **ensure a certain number of women** are represented in parliament. In the **United Kingdom**, women hold **28% of publicly appointed posts**, a figure achieved **without the use of quotas**. The British government has stated that using quotas would **undermine women's efforts to demonstrate their abilities on merit**. There is also a danger that quotas lead to a **hierarchy** within M.P.s themselves, between those who were elected **without the help of quotas** (and experiencing all the stages of the election process) being somehow **superior** to those who did **use quotas**. This **reinforces** the already **disadvantaged place women hold in public life**. Finally, **quotas cannot be seen as being a complete solution to female under representation in public life**. The use of quotas has to be **accompanied by other measures**, such as the **placement of women in high rankings on electoral roles**. This is shown by the example of the **Belgian Socialist Party**, who, despite the application of a one third quota to the electoral role, have fewer than a third of their elected candidates as women because the **quota does not affect the places of female candidates on the party list**, and they are often near the bottom (Inter-Parliamentary Union, 1997:75). **Belgium**, the **only country with a legislative quota**, is only **11th** in the E.U. for women parliamentarians. Other measures needed include **heightened publicity** to encourage more women to stand (so **increasing the range of candidates and competency** from which to select), placing more women in **visible political positions** and having more **family friendly work practices** within parliaments.

While quotas remain controversial, they are frequently **debated** within the legislatures of the member states. Although they have often been rejected as a way of correcting the gender imbalance within parliaments, such debate is useful in that it publicly **highlights the existence of such inequality** and asks for **practical solutions** to this persisting problem. When quotas have been adopted, there has also been a "**snowball**" effect as other parties realise that the selection or appointment of more women (either with or without quotas) is a way to **broaden their electoral appeal**.

Quotas created through national legislation

Quotas established by law uniformly affect all political parties in that country. Of all the E.U. member states, only **Belgium** has a national law which has established a quota for women in political representation. This law, passed on 24 May 1994, specifies that there should be a statutory quota of **25% female candidatures on party lists** in every election (this figure is to increase to 33.3% from 1999 onwards). If the **quota is not fulfilled**, then the law specifies that positions on the list which are legally reserved for women but not occupied by female candidates **will remain blank**. Therefore, if not enough women are put on the list, then the number of candidates will be reduced in equal measure. The success of this measure was shown in the 1994 local elections, when the number of female candidates elected to the local councils **increased by half** to 20% of the total (it had previously been around 10%). Apart from Belgium, both **France** and **Italy** have attempted to establish quotas through national legislation. In 1982, **France** passed a law establishing a quota of **25% female candidatures on party lists for municipal elections**. However, this was legally challenged, and in September 1982, the Constitutional Council ruled that such legislation was **incompatible with the principle of equality** and therefore **unconstitutional**. In **Italy**, two electoral laws were implemented in 1993; the first law stated that on party lists, **neither sex could be represented by more than 75% of all candidates**. The second law established that male and female candidates would appear **alternately on party lists** (known as the "**zipper system**"). However, in 1995, the Constitutional Court declared the laws **unconstitutional** on the basis of **violating equal treatment legislation**. In addition to national legislation controlling electoral practice, other quota systems exist for candidates appointed to committees or advisory bodies in an attempt to promote more women in public life generally. An example of this is **Finland**, where a 1987 law specifies that women and men must sit on consultative councils, committees and other decision-making bodies **in as**

equal a manner as possible. This law was amended in 1995, stipulating that **at least 40% of one sex** (either male or female) must be represented. As a result of this law, the number of women on such decision-making bodies has **risen from 25% in 1980 to 48% in 1996.** In **Denmark**, the Parliament passed a law in 1985 also stating that **all public committees must have a gender-balanced composition**; the law stated that any organisations represented on a committee had to **nominate both a woman and a man for each position**, and it would then be up to the minister responsible to select among the candidates in a manner that would achieve a gender-balance. This has resulted in an **increase of female representation** on public committees, rising from **12% to 37%**. In 1991, the Danish Parliament subsequently decided that **all government institutions and state bodies should have affirmative action plans** (including the establishment of targets for women in high-ranking positions). In the light of the Beijing Platform for Action, it is hoped that other member state governments will follow this policy.

Quotas created by political parties

Nine of the member states have a system of quotas applied at party level. In Table 6, these are examined by country and party. The Nordic countries have especially used quotas successfully over a longer period of time than other member states. For example, the **Danish People's Socialist Party** introduced quotas in the **early 1970s**, specifying that **either sex** had to be represented with **at least 40% of electoral candidates**. The effects of quotas can clearly be seen in the consistently higher numbers of women in the parliaments of these countries over time. Another example of the use of quotas by parties is the **Social Democratic Party of Germany**, which established the use of quotas for both **electoral office** (33%) and **internal party structure** (40%). This has resulted in an increase of women elected to 33.7%, and an increase in women at senior levels of the party hierarchy. However, quotas applied by parties can be **overridden by national judiciaries**. In the **United Kingdom**, the **Labour Party's introduction of all-female shortlists for 50% of vacant and winnable seats** was **overturned by an Industrial Tribunal** in January 1996, which ruled in favour of rejected male candidates that the policy was **against the "Sex Discrimination Act"** of 1975. The result has been that the selection process from all-female shortlists was suspended, and the Party announced that the policy would not be continued after the next election. Instead of using a strict quota system with a fixed percentage of female candidates (or a minimum number of candidates of either sex), some parties are now establishing **through custom or unofficial rules, methods of selecting candidates that is almost identical to applying a quota**. The clearest example of this is in **Norway** (although not a member state), where **all political parties aim to include 50% of women in their party lists**, despite many not having an established quota system.

The use of **quotas alone is not sufficient to ensure high levels of female political representation** (refer to above note about Belgium): often other forms of **affirmative action** is needed, especially concerning **party lists** (see Table 7). In **Sweden**, the **KDS party** has an **informal agreement to apply the "zipper system"** (alternating the sexes on the party list). The zipper system is very popular in Sweden, with **five parties using it to achieve a gender balance**. Its success can be seen in the high level of female parliamentarians returned over elections of the past 15 years. With the decline of female membership of political parties in the E.U. since the 1980s (from an already low level), it is likely that quota systems will increasingly be adopted by parties as a way of attracting more women, both as voters and potential candidates.

BA faces legal action over worker's crucifix ban

Source: David Smith, The Observer
(<http://www.guardian.co.uk/business/2006/oct/15/theairlineindustry.religion>) Last accessed on 15. 11. 2010.

British Airways is facing legal action and calls for a boycott by Christians after it ruled an employee could not display a crucifix the size of a five pence piece on her necklace.

Nadia Eweida, a check-in worker at Heathrow, plans to sue the airline for religious discrimination. BA ruled that Eweida's display of a cross on her necklace breached uniform rules. The airline said items such as hijabs and bangles could be worn 'as it is not practical for staff to conceal them beneath their uniforms'.

Eweida, 55, claims she was, in effect, 'forced' to take unpaid leave after refusing to remove the Christian symbol. Her case is being supported by the Transport and General Workers Union. Conservative MP Ann Widdecombe told Sky News last night that Christians should boycott BA in protest.

Eweida said: 'I was forced to take unpaid leave because I have refused to remove my cross or put it under my cravat. A cross is a cross, when you explain the reason is your belief in the Lord Jesus Christ. That's the end of it. Muslims wear their hijabs.'

Eweida, from Twickenham, said she had just undergone training on respecting and understanding other people's beliefs with BA when she was asked to remove the crucifix. She said she sought permission to wear it from management, but was refused. After a meeting with her managers in September, she was told in a letter: 'You have been sent home because you have failed to comply with a reasonable request. You were asked to cover up or remove your cross and chain which you refused to do. British Airways uniform standards stipulate that adornments of any kind are not to be worn with the uniform.'

A BA spokeswoman emphasised yesterday that Eweida has not been suspended from work, but chose to take unpaid leave. She said that the matter remained under investigation and an appeal was due to be heard this week.

She added: 'British Airways does recognise that uniformed employees may wish to wear jewellery including religious symbols. Our uniform policy states that these items can be worn, underneath the uniform. There is no ban. This rule applies for all jewellery and religious symbols on chains and is not specific to the Christian cross.'

The controversy over Muslim women wearing veils escalated last night after the government's race minister demanded the sacking of a Muslim teaching assistant who insisted on the garment.

Phil Woolas said that Aishah Azmi, 24, was 'denying the right of children to a full education', and had put herself in a position where she could not do her job.

He said: 'She cannot teach a classroom of children wearing a veil. You cannot have a teacher who wears a veil simply because there are men in the room.'

Azmi is planning to sue for emotional distress after she was suspended by Headfield Church of England junior school in Dewsbury, West Yorkshire. Education officials claim that she refused to

take off her veil despite complaints from children that they found it difficult to understand her because they could not see her lips move.

But Azmi insisted yesterday that she had always been willing to remove the veil in front of children, although she would not do so while male colleagues were present. Azmi, who has been suspended on full pay since February, has taken her employer, Kirklees Council, to a tribunal for discriminating against her religious beliefs. A decision is expected in the next fortnight.

Ken Livingstone, the mayor of London, intervened in the controversy yesterday: 'Getting Muslim women to give up the veil, which I suspect is something most people would like to see in the long term - including myself - is not going to be done by old white male politicians telling them to do it,' he said. 'It will be change from within the Muslim community.'

Religious symbols in the public space: In search of a European answer

Source: Isabelle Rorive, Cardozo Law review(<http://www.cardozolawreview.com/content/30-6/RORIVE.30-6.pdf>) Last accessed on 15. 11. 2010.

RELIGION IN THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Article Nine of the European Convention on Human Rights is the key provision guaranteeing the freedom of thought, conscience, and religion in the member States of the Council of Europe:¹⁸

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others. Embracing a religion or a philosophical belief is a salient aspect of one's identity and is intrinsically linked to one's belonging to a particular community. At the same time, religious freedom is part of the promotion of democratic pluralism in a society. The ECtHR had stressed that freedom of religion and belief is a right of paramount importance in these two respects. In the landmark case *Kokkinakis v. Greece*,¹⁹ it stated:

As enshrined in Article 9 . . . freedom of thought, conscience and religion is one of the foundations of a "democratic society" within the meaning of the Convention. It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it.²⁰ Since 1993, the Court has repeated this statement many times.²¹ It is, however, worth keeping in mind that until 1992 and despite numerous complaints based on Article Nine, the Court did not issue a single judgment where the right to religious freedom was given a full and proper consideration. For more than thirty years, these applications were deemed inadmissible as "manifestly ill-founded." Since then, and as Julie Ringelheim remarkably pointed out, a substantial evolution has occurred in the case law of the European Court of Human Rights that indicates "an increasing attempt at going beyond casuistry and building a consistent vision of religious freedom and of its implications for the relations between state and religions in a democratic society, valid across Europe."²² She further suggests that "alongside the core value of pluralism, three major principles have progressively emerged in the ECtHR's jurisprudence: the right to autonomy of religious communities *vis-à-vis* the state; an obligation of neutrality for the state; and the necessity of the secularity of the legal order."²³ One feature of Article Nine that is traditionally highlighted is the distinction drawn between two aspects of religious freedom. On the one hand, the internal dimension of the right to freedom of religion, "which is sometimes called the *forum internum*,"²⁴

is absolute in the sense that the right to have or not to have a religion as well as the right to change religion cannot be subject to any restriction whatsoever. Nobody should be forced to subscribe to a vision of the world or to have to give it up. To make it obligatory for elected parliamentary representatives to take an oath swearing on the Gospels to perform their duties properly is contrary to this principle.²⁵ On the other hand, the external dimension religion may be subject to limitation in accordance with the standard test set forth in paragraph 2 of Article 9 ECHR. Despite the apparent clear-cut line between the respective areas of the *forum internum* and the *forum externum*, Strasbourg institutions have been struggling to apply the distinction in a consistent manner.²⁶ The point at which an action by the State is so intrusive that it does not merely interfere with the right to manifest a religious creed, but is in breach of the right to have a religion is uneasy to define. In addition, “[t]he emphasis given in the case law to the primacy of internal or belief-based systems as the core meaning of religion is also not necessarily consonant with the way in which many religions would define themselves.” Unlike the wording of the US Constitution, the European Convention on Human Rights makes it clear that religious freedom extends to manifestations of beliefs (i.e., actions) and is not limited to beliefs.²⁸ However, as repeated in a long line of cases, the term “practice” in Article 9(1) ECHR does not “cover each act which is motivated or influenced by a religion or belief.”²⁹ The criteria provided by Strasbourg case law have swung from “normal and recognised manifestations” of the religion or belief³⁰ to manifestations required by the religion or belief without any strong consistency.³¹ As to the issue of religious symbols, the current approach of the European Court of Human Rights is either to assume altogether an interference with the religious freedom without any further discussion³² or to adopt a subjective approach, taking into account the applicant’s belief to obey a strict religious injunction while wearing a specific garment (Islamic headscarf or Sikh turban). In this line, the Grand Chamber endorsed the findings of the Chamber in the *Leyla Sahin* case according to which “[t]he applicant said that, by wearing the headscarf, she was obeying a religious precept and thereby manifesting her desire to comply strictly with the duties imposed by the Islamic faith. Accordingly, her decision to wear the headscarf *may be regarded* as motivated or inspired by a religion or belief and, without deciding whether such decisions are in every case taken to fulfill a religious duty, the Court proceeds on the assumption that the regulations in issue, which placed restrictions of place and manner on the right to wear the Islamic headscarf in universities, constituted an interference with the applicant’s right to manifest her religion.”³³ In a subsequent instance, relying on its finding in the *Leyla Sahin* case, the Court reiterated that “wearing the headscar *may be regarded* as ‘motivated or inspired by a religion or religious belief.’”³⁴ On this point, the UN Human Rights Committee has promoted a more assertive position. In a case involving a student whose wearing the headscarf in a state university of Uzbekistan led to her expulsion, it stated “that the freedom to manifest one’s religion encompasses the right to wear clothes or attire in public which is in conformity with the individual’s faith or religion.”³⁵ The fact that it seems established today³⁶ that banning religious headgear amounts to interference with religious freedom does not obviously imply that it is outlawed *per se*. The right to manifest a religion can be subject to limitations providing the respect of the conditions set forth in Article 9(2) ECHR: legal prescription, pursuance of a legitimate aim (the interests of public safety, the protection of public order, health or morals, or the protection of the rights and freedoms of others) and necessity in a democratic society. Such a limitation clause is similar to those used with respect to other European Convention on Human Rights provisions such as freedom of speech,³⁷ freedom of assembly³⁸ or the right to privacy.³⁹ In the large majority of cases, the issue actually depends on whether the interference with the fundamental freedom is necessary in a democratic society. According to the Court in a landmark case concerned with free speech, necessity is “not synonymous with ‘indispensable’ . . . neither has it the flexibility of such expressions as ‘admissible’ . . . ‘ordinary’ . . . ‘useful’ . . . ‘reasonable’ . . . or ‘desirable’ . . . Nevertheless, it is for the national authorities to make the initial assessment of the reality of the pressing social need implied by the notion of ‘necessity’ in this context.”⁴⁰ This last statement is of tremendous importance to understand the nature of the

Court's control: it is subsidiary and allows for a national margin of appreciation whose application makes it difficult to develop a coherent model of State-religions relations.

CONCLUSION

Opinions may reasonably differ in a democratic society, when questions concerning the relationship between State and religions are at stake, when the place of religions in the public space is discussed. A uniform solution throughout Europe might neither be achievable nor desirable. What is coming out of the current case law of the European Court of Human Rights, however, is a significant tension between the principles put forward and the way they are applied. In the *Leyla Sahin* case, the Court emphasized once again the State's role as the neutral and impartial organizer of the exercise of various religions, faiths and beliefs, and stated that this role is conducive to public order, religious harmony and tolerance in a democratic society. It also considers that the State's duty of neutrality and impartiality is *incompatible with any power on the State's part to assess the legitimacy of religious beliefs or the ways in which those beliefs are expressed* and that it requires the State to ensure mutual tolerance between opposing groups.¹⁵⁷

How does this fit with the Court's position that the Islamic headscarf is a "powerful external symbol" which is not easily reconcilable "with the message of tolerance, respect for others and, above all, equality and non-discrimination?"¹⁵⁸ Is this stance part of the "[p]luralism, tolerance and broadmindedness" which are described as "hallmarks of a democratic society."¹⁵⁹ In the name of gender equality, can the Court give its support to the expulsion of an adult woman from a university? So far, referring to the national margin of appreciation is the only answer that the European Court of Human Rights has been giving when the issue of banning religious symbols from the public space is at stake. This is not the lack of positioning but rather a highly political one, and it could well be the only tenable position in the Court's opinion. But it can not be made explicit today as the Court has double standards and is hiding the truth from itself when it buys into prejudices. The pending cases related to the expulsion of Sikh schoolboys, which are challenging the French Act of 2004's prohibition of contentious religious signs in public schools might be an opportunity for the Court to deepen its reasoning of the *Leyla Sahin* case and to let go of the stereotypes it has perpetuated with respect to the Islamic headscarf cases. Some answers could also come from the European Union through anti-discrimination law. For the last decade EU law has certainly been the driving force toward a more effective implementation of the principle of equal treatment in Europe.¹⁶⁰ In comparison, the system of the Convention on Human Rights looks like a poor bargain. When considering the European Court of Human Rights' approach towards the anti-discrimination provision of the Convention, it is striking to note that there are very few cases in which the Court of Strasbourg has declared that a member State was in breach of its obligations in this respect.¹⁶¹ The Court has practiced a "contempt" approach in the case law concerning discrimination cases, an approach which is slightly open to further developments with the influence of the EU. The time has certainly come for the Court to get down to developing a consistent and strategic approach in this respect.

VALUE CONSENSUS ON MULTI- CULTURAL HERITAGE OF EUROPE

Value consensus on multi-cultural heritage of Europe

France's Polygamy Problem

Source:DW-Worlde.de Deutsche Welle (<http://www.dw-world.de/dw/article/0,,1664241,00.html>)
Last accessed on 15. 11. 2010.

The government argues that living in polygamy prevents immigrants from becoming integrated into French society and that it goes against the principles of gender equality enshrined in the constitution. Polygamy was made illegal in France in 1993. Those who still live in polygamy have either been doing so since before the law was passed or they married abroad. Though polygamy isn't very common in the northern Paris suburb of Cergy, most people in the African community there seem to know at least one polygamous family, usually with roots in Mali. "I'm against polygamy, even though I'm African," explained Kofi Jumeau, who, along with his 43 brothers and sisters, could speak from first-hand experience. "My father had between nine and 11 wives. And unfortunately it really hurt us kids, because there was no family cohesion. It was really bad for us." The French authorities employ a strategy they call "de-cohabitation" to reduce the numbers of polygamous households. It involves social workers helping second and third wives move into separate apartments with their children, breaking up the polygamous arrangement.

A personal issue

Mamalea Bapuwa is an intercultural mediator at the Association of African Women, one of the groups that helps women want to leave polygamous homes.

"It's a question of choice," she explained. "We can't push people in this direction. Once a woman has made up her mind and has decided she wants to de-cohabitate, she comes to see us."

The government offers women large, subsidized apartments to encourage them to leave polygamous families. They may also receive the 10-year-residence permits issued to other foreign residents. Polygamous families are only eligible for permits that must be renewed every year, which can make it difficult to find a job or travel internationally. Fatima Camara, 39, is a mother of five and the second wife in a polygamous marriage. She was living in Mali with her family when her cousin came to visit from France in 1987. He was already married, but Camara's family told her to marry him anyway, as is the custom in many Muslim communities in Mali. "I couldn't really say no to my parents. So I said, that I would agree to whatever they decided. We went ahead with the marriage," Camara, who lives in Cergy, said.

She said that things worked out wonderfully until her children became older. But three adults and 10 children in a three-room apartment grew increasingly more difficult to handle. Camara finally moved into a six-room apartment she was assigned in the spring of 2004. But she continues to live in semi-polygamy; her husband and the children belonging to his first wife come over every day. And she's happy with the set-up. "I like living in a polygamous family. We aren't alone. We can discuss our problems. There are a lot of things I like," she said. The French government, however, wants Camara to go a step further -- to divorce her husband. Only then, would she receive a 10-year residence permit. But Camara would rather be forced to renew her permit every year. She says she loves her husband and wants to stay married to him. There are no official national statistics on the number of polygamous families who have been separated. But a government agency that oversees housing in the Paris region says that of the roughly 500 families known to be living in polygamy in the area, only 81 women have moved out in the past five years, and 24 of them have divorced their husbands. Many more polygamous families are thought to be living in the shadows.

Taking action

Parliamentarian Chantal Brunel has taken up the issue and would like the government to be more aggressive in dealing with it. "I think we have to send a strong message to other countries and to foreigners who live here and don't respect the laws on our soil. Polygamy is completely illegal in France, and yet it exists." Brunel sponsored legislation last year calling for state tutors to manage the welfare benefits of polygamous families. Though the bill didn't pass, she did manage to draw attention to the issue of polygamy and continued to lobby her colleagues for more action in tackling it. There's now a growing sense that France's current policy isn't working, and that the country needs to take a tougher stance if it wants polygamy to become a thing of the past.

Muslim husbands with more than one wife to get extra benefits as ministers recognise polygamy

Source: James, Slack, Mail online (<http://www.dailymail.co.uk/news/article-512043/Muslim-husbands-wife-extra-benefits-ministers-recognise-polygamy.html?printingPage=true>) Last accessed on 15.11.2010.

Husbands living in a "harem" with multiple wives have been cleared to claim state benefits for all their different partners. A Muslim man with four spouses - which is permitted under Islamic law - could receive £10,000 a year in income support alone. He could also be entitled to more generous housing and council tax benefit, to reflect the fact his household needs a bigger property. Extra benefits: Muslim men with multiple wives can claim more for income support. Ministers have decided that, even though bigamy is a crime in Britain, polygamous marriages can be recognised formally by the state - provided they took place overseas, in countries where they are legal. The outcome will chiefly benefit Muslim men with more than one wife. Ministers estimate that up to a thousand polygamous partnerships exist in Britain, although they admit there is no exact record. Potentially, the benefits bill for income support could reach £10m. New guidelines on income support from the Department for Work and Pensions (DWP) state: "Where there is a valid polygamous marriage the claimant and one spouse will be paid the couple rate (£92.80). "The amount payable for each additional spouse is presently £33.65." Income support for all of the wives may be paid directly into the husband's bank account, if the family so choose. Chris Grayling, the shadow work and pensions secretary, said that the decision was "completely unjustifiable". He added: "You are not allowed to have multiple marriages in the UK, so to have a situation where the benefits system is treating people in different ways is totally unacceptable and will serve to undermine confidence in the system. "This sets a precedent that will lead to more demands for the culture of other countries to be reflected in UK law and the benefits system." Mr Grayling also accused the Government of trying to keep the ruling quiet because the topic is so controversial. Corin Taylor, research director for the Taxpayers' Alliance, said: "British taxpayers are paying a record amount of tax so the Government has a duty to make sure that every penny is spent properly. "Polygamy is not something which British law allows and therefore British taxpayers should not have to pay for extra benefits for second or third wives. "If other countries sanction polygamy that is fine but the British taxpayer should not have to fund it." Ministers launched a review of the benefit rules for polygamous marriages in November 2006, after it emerged that some families had benefited financially. The review concluded in December last year with agreement that the extra benefits should continue to be paid. But the decision was not publicly announced. Four departments - the Treasury, the DWP, HM Revenue and Customs, and the Home Office - were involved in the review, which concluded that recognising multiple marriages conducted overseas was 'the best possible' option. In Britain, bigamy is punishable by up to seven years in prison. Islamic law permits men to have up to four wives at any one time - known as a harem - provided the husband spends equal amounts of time and money on each of them. The DWP believes

the number of people in polygamous marriages entering Britain has fallen since the 1988 Immigration Act, which makes it harder to bring more than one wife to the UK. But, while a married man cannot obtain a spouse visa to bring a second wife into Britain, some multiple partners may be able to enter the country via other legal routes such as tourist visas, student visas or work permits. Officials have also identified a potential loophole by which a man can divorce his wife under British law while continuing to live with her as his spouse under Islamic law, and obtain a spouse visa for a foreign woman who he can legally marry. Immigration rules say entry clearance may not be withheld from a second wife where the husband has divorced his previous wife, and the divorce is thought to be one of convenience.

This is so, even if the husband is still living with the previous wife and to issue the entry clearance would lead to the formation of a polygamous household. Muslim couples are only married in the eyes of the British state if they undergo a register office wedding as well as a Nikah, or religious ceremony. Muslim groups say it is quite common for men here to undergo more than one Nikah with different wives. This does not count as bigamy since only the first marriage is legally recognised. A DWP spokesman said: "There are fewer than 1,000 polygamous marriages in the UK and only a small percentage of these are claiming social security benefit." "We recently reviewed the rules regarding benefit payments to customers in a polygamous marriage, which conclude that the rules in place since 1987 provide the necessary safeguards to ensure there is no financial advantage for claimants in a valid polygamous marriage."

Westerners Welcome Harems

Source: Daniel Pipes, Jerusalem Post (<http://www.danielpipes.org/6022/westerners-welcome-harems>)
Last accessed 15. 11. 2010.

A Scottish judge recently bent the law to benefit a polygamous household. The case involved a Muslim male who drove 64 miles per hour in a 30 mph zone – usually grounds for an automatic loss of one's driving license. The defendant's lawyer explained his client's need to speed: "He has one wife in Motherwell and another in Glasgow and sleeps with one one night and stays with the other the next on an alternate basis. Without his driving licence he would be unable to do this on a regular basis." Sympathetic to the polygamist's plight, the judge permitted him to retain his license.

Monogamy, this ruling suggests, long a foundation of Western civilization, is silently eroding under the challenge of Islamic law. Should current trends continue, polygamy could soon be commonplace.

Since the 1950s, Muslim populations have grown in Western Europe and North America via immigration and conversion; with their presence has grown the Islamic form of *polygyny* (one man married to more than one woman). Estimates find 2,000 or more British polygamous men, 14,000 or 15,000-20,000 harems in Italy, 30,000 harems in France, and 50,000-100,000 polygamists in the United States.

Some imams openly acknowledge conducting polygamous marriage ceremonies: Khalil Chami reports that he is asked almost weekly to conduct such ceremonies in Sydney. Aly Hindy reports having "blessed" more than 30 such nuptials in Toronto.

Social acceptance is also growing. Academics justify it, while politicians blithely meet with polygamists or declare that Westerners should "find a way to live with it" and journalists describe

polygamy with empathy, sympathy, and compassion. Islamists argue polygamy's virtues and call for its official recognition.

Polygamy has made key legal advances in 2008. (For fuller details, see my blog, "Harems Accepted in the West.") At least six Western jurisdictions now permit harems on the condition that these were contracted in jurisdictions where polygamy is legal, including India and Muslim-majority countries from Indonesia to Saudi Arabia to Morocco.

- *United Kingdom*: Bigamy is punishable by up to seven years in jail but the law recognizes harems already formed in polygamy-tolerant countries. The Department of Work and Pensions pays couples up to £92.80 (US\$140) a week in social benefits, and each multiculturally-named "additional spouse" receives £33.65. The Treasury states that "Where a man and a woman are married under a law which permits polygamy, and either of them has an additional spouse, the Tax Credits (Polygamous Marriages) Regulations 2003 allow them to claim tax credits as a polygamous unit." Additionally, harems may be eligible for additional housing benefits to reflect their need for larger properties.
- *The Netherlands*: The Dutch justice minister, Ernst Hirsch Ballin, has announced that polygamous Muslim marriages should not be dealt with through the legal system but via dialogue.
- *Belgium*: The Constitutional Court took steps to ease the reunification of harems formed outside the country.
- *Italy*: A court in Bologna allowed a Muslim male immigrant to bring the mothers of his two children into the country on the grounds that the polygamous marriages had been legally contracted.
- *Australia*: The *Australian* newspaper reports "it is illegal to enter into a polygamous marriage. But the federal government, like Britain, recognises relationships that have been legally recognised overseas, including polygamous marriages. This allows second wives and children to claim welfare and benefits."
- *Ontario, Canada*: Canadian law calls for polygamy to be punished by a prison term but the Ontario Family Law Act accepts "a marriage that is actually or potentially polygamous, if it was celebrated in a jurisdiction whose system of law recognizes it as valid."

Thus, for the cost of two airplane tickets, Muslims potentially can evade Western laws. (One wonders when Mormons will also wake to this gambit.) Rare countries (such as Ireland) still reject harems; generally, as David Rusin of Islamist Watch notes, "governments tend to look the other way as the conjugal mores of seventh-century Arabia ... take root in our backyards."

At a time when Western marriage norms are already under challenge, Muslims are testing legal loopholes and even seeking taxpayer support for multiple brides. This development has vast significance: just as the concept of one man, one woman marriage has shaped the West's economic, cultural, and political development, the advance of Islamic law (Shari'a) will profoundly change life as we know it.

No faith in our courts

Source: Hirsch, The Guardian (<http://www.guardian.co.uk/commentisfree/belief/2010/nov/05/faith-courts-muslims-christians-jews>) Last accessed on 15. 11. 2010.

It caused little controversy when the act committed by Roshonara Choudhry was described as "evil" by Mr Justice Cooke at the Old Bailey this week. Indeed, the press reported approvingly the judge's comments that the 21-year old woman – jailed for life for the attempted murder of the MP Stephen Timms – was "an intelligent young lady but one who has absorbed immoral ideas and wrong patterns of thinking and attitudes".

There is nothing unusual about judges making statements of this nature about defendants found guilty of disturbing crimes. But what was undoubtedly controversial – not least since Choudhry was radicalised by al-Qaida's Anwar al-Awlaki, currently wanted for the UK cargo bomb plot – were the remarks made by Cooke about her Islamic faith, contrasted with the Christian faith of her victim. "I understand that [Timms] brings to bear his own faith which upholds very different values to those which appear to have driven this defendant," Cooke said. "Those values are those upon which the common law of this country was founded and include respect and love for one's neighbour, for the foreigner in the land, and for those who consider themselves enemies, all as part of one's love of God."

For a judge to assert the superiority of the Christian faith and its cosy relationship with the common law is inflammatory enough. But it comes after a series of incidents that have appeared to pitch religious communities against the courts.

Earlier this year Lord Carey, a former archbishop of Canterbury, called for specialist courts to deal with Christian cases. This followed a case where Gary McFarlane, a Christian, was dismissed from his counselling job for refusing to give relationship advice to a same-sex couple. Carey made written submissions to the court that heard McFarlane's appeal, in support of a permanent panel of judges with a "proven sensitivity and understanding of religious issues".

And this summer there were numerous complaints from pro-Israeli Jewish people after comments by George Bathurst-Norman, in a case where activists who had damaged a Brighton arms factory they accused of supplying the Israeli military were acquitted. Referring to Gaza as "hell on earth", the judge appeared to express personal views on Israel's conduct in Gaza, speaking of "horrific scenes, scenes of devastation to civilian population, scenes which one would rather have hoped to have disappeared with the Nazi regimes of the last war". Bathurst-Norman was subject to rare disciplinary action.

But if religious communities are to have specialist courts, as Lord Carey would want, what about minority-ethnic communities – badly under-represented in the judiciary – women and other groups affected by the various strands of discrimination? Either the legal system is premised on the notion that the court system can function fairly for all, or it ceases to function at all.

These are sensitive times for the courts – under mounting pressure for their own lack of diversity, and facing a torrent of civil cases based on new equality legislation that further protects against religious discrimination, plus criminal cases with allegations of radicalisation and terrorist offences.

Sharia courts have already offered one – albeit partial – alternative for Muslims seeking judgment by members of their own community. Christians seem to be following suit by demanding their own specialist panels. Casual comments associating Christianity with – in Timms's case at least – the innocent victim, and Islam with evil, are not likely to add moderation to the debate.

Religious courts already in use

Source: Nick Tarry, BBC News (http://news.bbc.co.uk/2/hi/uk_news/7233040.stm) Last accessed on 15. 11. 2010.

The Archbishop of Canterbury has caused a furore with his comment that it "seems unavoidable" that parts of Islamic Sharia law will be adopted in the UK.

For many non-Muslims, the idea of a religious court holding power over British citizens seems totally alien to our mainly-secular culture.

But not to all non-Muslims. It has often been remarked on how similar Muslims and Jews are in many of their traditions, such as food laws, burial rites and language, and this case could prove no exception. Jewish courts are in daily use in Britain, and have been for centuries.

British Jews, particularly the orthodox, will frequently turn to their own religious courts, the Beth Din, to resolve civil disputes, covering issues as diverse as business and divorce.

"There's no compulsion", the registrar of the London Beth Din, David Frei, said. "We can't drag people in off the streets."

“ We can't drag people in off the streets ”

David Frei
Registrar, The London Beth Din

Both sides in a dispute must be Jewish, obviously, and must have agreed to have their case heard by the Beth Din. Once that has happened, its eventual decision is binding. English law states that any third party can be agreed by two sides to arbitrate in a dispute, and in this case the institutional third party is the Beth Din.

The Beth Din also takes care of a multitude of Jewish community affairs, many of which never give rise to any dispute: the dates of the Sabbath, kosher certification of caterers and bakers, medical ethics for Jewish patients and religious conversions. But it is in the areas of divorce and litigation that the Beth Din acts as a court in the western sense.

Divorce, in Jewish law, takes place when a document called a Get, written out by a scribe in Aramaic and ancient Hebrew, is handed by the husband to the wife. It is not legal the other way round, but that does not mean that men have it all their own way.

Both sides must agree, and the wife has to accept the document if she wishes the divorce to proceed. This need not always be in person, and a court official can stand in for the husband as a legal proxy in particularly fraught cases.

JEWISH COURTS

The Beth Din hears only civil disputes

The court can only act if both sides agree

Both parties to the dispute must be Jewish

Jewish litigation is more varied, but a typical dispute might relate to a partnership, a Jewish school, a Jewish charity or a transaction between two businessmen.

The court can hear cases concerning quite large companies, but they must always be privately owned, in that both parties must be Jewish in order to accept the authority of the Beth Din.

The service provided by the Beth Din is best described as binding civil arbitration, and they do not seek to replace the state's civil courts.

"If one side does not accept the authority of the Beth Din, concerning divorce or any dispute, we cannot act", David Frei clarifies.

"And in the case of divorce, the parties must still obtain a civil divorce alongside the religious one."

All criminal matters are reserved for the UK's state courts, and there is no appetite for change.