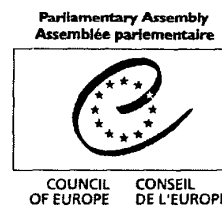


Parliamentary Assembly
Assemblée parlementaire



Doc. 10453
7 February 2005

Migration and integration: a challenge and an opportunity for Europe

Report
Committee on Migration, Refugees and Population
Rapporteur: Mr Jean-Guy Branger, France, Group of the European People's Party

Summary

Strong, steady growth can be noted in human mobility and Europe, which is viewed as an area of stability and prosperity, will continue in coming years to be immensely attractive to migrants from less-favoured countries and to asylum seekers fleeing wars, persecution and human rights violations.

In a multicultural, multi-ethnic Europe, which is increasingly a refuge for asylum seekers and a destination for immigrants, the most pressing challenge for governments is to guarantee that the fundamental values of our societies, such as human rights, democracy and the rule of law, will be shared by everyone living in Europe.

It is necessary to take up this challenge, in order to be able to benefit fully from the opportunities that immigration offers Europe in terms of the supply of labour, intellectual input and cultural diversity.

I. Draft resolution

1. Strong, steady growth can be noted in human mobility. Europe, which is viewed as an area of stability and prosperity, will continue in coming years to be immensely attractive to migrants from less-favoured countries and to asylum seekers fleeing wars, persecution and human rights violations.

2. In a multicultural, multi-ethnic Europe, which is increasingly a refuge for asylum seekers and a destination for immigrants, the most pressing challenge for governments is to guarantee that the fundamental values of our societies, such as the respect of human rights, democracy and the rule of law, will be shared by everyone living in Europe.

3. It is necessary to take up this challenge in order to be able to benefit fully from the opportunities that immigration offers Europe in terms of the supply of labour, intellectual input and cultural diversity.

4. The concept of integration aims at ensuring social cohesion through accommodation of diversity understood as a two-way process. On the one hand, immigrants have to accept basic values of European societies. On the other, host societies have to respect immigrants' dignity and distinct identity and to take it into account when elaborating domestic policies.

5. In accordance with its previous recommendations and resolutions, the Parliamentary Assembly reiterates the importance of implementing effective policies to ensure full integration of foreigners residing lawfully in Council of Europe member states as part of an overall strategy covering all aspects of migration, including labour migration and illegal migration, and the efforts to combat trafficking in human beings and to combat terrorism.

6. In this connection, the Assembly refers to its Recommendation 1625 (2003) on policies for the integration of immigrants in Council of Europe member states and in particular reasserts the principle that immigrants should be able to participate fully in the life of the host country, on the basis of equality of rights and opportunities in return for equality of obligations. Those obligations include showing respect for human rights and fundamental freedoms, as laid down in the European Convention on Human Rights, for the principle of equality between women and men and, generally, for the Constitution and laws of the host state.

7. Council of Europe member states must, for their part, ensure that, within their jurisdiction, immigrants are not discriminated against in terms of access to and protection of their rights, with a particular attention to certain sectors, such as education and employment.

8. The Assembly draws attention to the many activities pursued by the Council of Europe's intergovernmental committees, in particular the European Committee on Migration (CDMG), to devise and promote integration policies capable of meeting the current challenges.

9. In this connection, the Assembly calls on Council of Europe member states to:

i. make it one of their political priorities to agree a migration strategy, entailing an overall approach encompassing all aspects of migration, including its causes and consequences and the challenges it raises. In this context, it would be appropriate to:

a. emphasise the importance of co-development policies, with the aim of reducing poverty in the countries of origin, while giving them responsibility for managing development instruments and resources;

b. take steps to avoid migratory movements generated by the need for protection, through activities and means of pressure aimed at preventing conflicts and promoting respect for human rights in the countries of origin;

- ii. ensure, in all their activities that may have implications for migration, including fighting terrorism, strict respect for human rights and fundamental freedoms, as laid down in the European Convention on Human Rights and the protocols thereto;
 - iii. offer opportunities for lawful immigration, with a view to employment, to a number of would-be emigrants on the basis of a selection founded on objective criteria which take account of labour market needs in the host country and its social system's capacity to guarantee a reasonable standard of living for these workers and their families;
 - iv. make a subsequent effort to foster knowledge of the fundamental values of the Council of Europe at all levels within society, in particular among immigrants, by:
 - a. holding courses on basic rights and responsibilities for newly arrived immigrants, free of charge;
 - b. including this type of instruction in optional or mandatory integration schemes for immigrants in those countries where such schemes exist;
 - c. where possible, organising this type of instruction in the countries of origin for would-be emigrants whose applications have been accepted;
 - v. promote campaigns for the distribution of reliable, clear information, not liable to be interpreted in a racist or xenophobic manner, on migration and on the culture, traditions and integration objectives of immigrants living within their borders;
 - vi. develop reliable instruments for measuring migratory movements at national level and co-operate in ensuring data comparability at an international level.
10. In addition, the Assembly invites the European Union to:
- i. pursue its efforts to establish a common asylum and migration policy;
 - ii. support the new member states' efforts to cope with illegal immigration and to endow them with legal and practical means of enhancing immigrants' integration;
 - iii. help raise European public awareness of the consequences of the accession of the new member states and of their citizens' rights with regard to freedom of movement.

II. Explanatory memorandum by Mr Jean-Guy Branger

"Immigrants are a living testimony to history and to the present." Emile Mallet, Sociologist

I. Introduction

1. The issues raised by immigration and integration represent a huge challenge that Europe must now take up. This is because human mobility is showing strong, steady growth. Europe, which is perceived as a stable, prosperous area, will continue in coming years to be extremely attractive to migrants from less fortunate countries. The Council of Europe has to take full part in debate on the integration process, as the challenge posed is consistent with fulfilment of its principal objectives.

2. The vast majority of people who have settled in Europe on a long-term basis have gradually become integrated in the population of the host country and aspire to live there peacefully, being aware of the advantages Europe has to offer in terms of respect for fundamental freedoms and human rights, employment and access to health care and, in the case of their children, to education. Yet most of the Council of Europe member states are now reconsidering the integration policies they have pursued to date, which have not succeeded fully satisfactorily in integrating immigrants lawfully resident on their territory and members of their families into the economic, social and political set-up of the country. This situation is reflected in the compartmentalisation of society and fosters feelings of intolerance and xenophobia.

3. While western Europe has taken in tens of millions of immigrants who came in search of freedom and the opportunity to prosper, it is now the destination of waves of migrants from areas where not only is there rampant poverty, but despotic governments or terrorist groups act in an arbitrary fashion or are guilty of persecution or violence. All that these prospective immigrants know about European civilisation is that it is materially successful; they are unaware of the rules underpinning our societies, which are based on the principles of equality and the universality of human rights. These migrants put our societies in a paradoxical situation, insofar as people come to Europe in search of protection against arbitrary rule and access to political, social and financial independence, whereas certain groups would like to impose rules governing "immigrant communities" that are at variance with the independence that goes hand-in-hand with equality and the universality of human rights.

4. It is all the more difficult to rise to the challenge as the second-generation and third-generation children of immigrants sometimes claim to adhere to "fundamentalist" groups, whereas their parents wanted themselves and their children to become integrated into the host society.

5. This challenge is having to be addressed in a difficult climate, in which there is a decline in the number of industrial jobs in Europe as a result of relocation and, at the same time, an influx of poorly-skilled immigrants who, precisely the because of their lack of skills, have problems in finding jobs. It has to be admitted that the difficulties experienced by certain immigrants are exploited, under the pretext of the strict enforcement of certain religious laws, for subversive political ends, which go so far as to include enlistment by terrorist groups, as is borne out by the attacks in the United States on 11 September 2001 and those in Madrid on 11 March 2004.

6. It must likewise be admitted that certain iniquitous religious leaders stir up feelings of hatred or even racism towards the host society or some sections of that society. This is leading to an unacceptable resurgence of the anti-Semitism that left its tragic mark on Europe's history. Our countries must not turn a blind eye to these challenges to their own values and must take a firm stand in response to those who call for ever-greater tolerance and who at the same time disseminate messages of hatred or even encourage terrorism. This firm stand must, however, be taken with due regard for the rules laid down in the European Convention on Human Rights and the constitutional safeguards in force in European countries.

7. The Parliamentary Assembly of the Council of Europe has paid particularly close attention to the question of integrating immigrants, a field in which it has adopted, inter alia, Recommendation 712 (1973) on integration of migrant workers with the society of their host countries, Resolution 631 (1976) on

integration of migrants into society as regards education and cultural development, Recommendation 1206 (1993) on integration of migrants and community relations, Recommendation 1500 (2001) on participation of immigrants and foreign residents in political life in the Council of Europe member states and Recommendation 1596 (2003) on the situation of young migrants in Europe. The Rapporteur also wishes to mention Recommendation 1625 (2003) on policies for the integration of immigrants in Council of Europe member states, and in particular the principle that immigrants should be able to participate fully in the life of the host country's society on the basis of equality of rights and opportunities in return for equality of obligations.

2. Fundamental values of the Council of Europe

8. The fundamental values upheld by the Council of Europe are human rights, pluralist democracy, the rule of law, which takes precedence over force, and the promotion of the cultural diversity of Europe. This diversity is not a culture in itself, but a mosaic of different cultures.

9. Since 11 September 2001 it has been necessary to supplement these values with a political objective common to all member states: that of combating terrorism, which, having struck in other parts of the world before reaching our borders, made its full presence felt within Europe itself, with the bloody attack in Madrid in March 2004 (a repeat of the attacks in Paris in 1986, among others). The constant threat we face from terrorist groups is such that we cannot lower our guard in the near or foreseeable future: it is a key factor that must now be incorporated in our discussions on immigration and integration.

10. Fundamentalism can lead to terrorism, and we must take this into account in our own countries by ensuring that the groups concerned do not have a podium within our national borders that they can use to spread hate; at the same time, we must be careful that the, albeit necessary, measures taken do not undermine the Council of Europe's values by imposing unwarranted, disproportionate restrictions on immigrants' personal freedoms or by discriminating against them. Combating illegal immigration, and dismantling the human trafficking networks which are, unfortunately, all too common on European territory, are also priorities for the future. France, with the reform of its legislation early in 2004 at the instigation of Mr Nicolas Sarkozy, is one of the countries behind this approach.

3. Demographic context

3.1. Statistics¹

3.1.1. Population trends in the main regions of Europe from 1950 to 2050

11. Analyses for western Europe based on work by the United Nations dating from 2001 reveal the following situation: after a very steep population increase between 1950 and 1975, the pace of increase declines until 2010; the population then tends to stagnate until 2013, after which it begins to fall increasingly steeply until 2050.

12. In southern Europe there is a substantial increase until the 1990s, which then slows down until 2010, after which the population falls sharply, to return to the 1960 figure by 2050.

13. In northern Europe, the population increase is moderate but steady from the 1950s to the 2030s, and then declines very slightly until 2050.

14. In eastern Europe, excluding the Russian Federation, the situation is somewhat comparable to that in southern Europe, with an even more substantial rise in population until the 2000s, followed by a much faster, sharper fall, bringing the population in 2050 back to what it was in 1950.

15. The situation in the Russian Federation is even more dramatic: having shot up in the period up to the 1990s, the population falls particularly quickly and spectacularly up to 2050.

¹ Recent demographic developments in Europe, 2003, Council of Europe Publishing.

16. All these analysis are based on the likely hypothesis that the fertility rate will rise slightly but will never be sufficient to make good the difference between the number of births and the number of deaths, as the latter is, on average, increasingly high.

17. We can therefore expect a general decline in Europe's population, which it will not be possible to offset by fertility alone.

3.1.2. Fertility²

18. The annual fertility rate in Europe is particularly low, although there are many geographical disparities. Europe is having to cope with an ageing population, and hence a shrinking work force, matched by an increase in the retired population.

19. In France, births exceed deaths by a figure of some 250,000. Norway and the Netherlands also have significant excesses of births over deaths. The United Kingdom has a slight excess, while in Sweden there are equal numbers of births and deaths. In Italy, Spain, Portugal, Greece and Poland, there has been a small variation, resulting in the number of births being slightly lower than the number of deaths. In Germany and central Europe there are already more deaths than births: the situation is alarming in the Russian Federation.

20. At the same time, the populations of the United States and Canada are growing steadily.

3.1.3. Migration³

21. The 20th century saw an increase in migration, one reason being the growing number and increasing speed of means of communication. Unfortunately, however, the main explanation is the existence, firstly, of major world conflicts and, secondly, of local/regional conflicts nearer home.

22. Before the Second World War, Europe had more emigrants than immigrants. The trend was gradually reversed and, little by little, spread even to the southern European countries. The collapse of the Soviet Union did not lead to as great a population movement towards western Europe as had been feared in certain quarters, particularly in view of the enlargement of the European Union. On the other hand, the conflicts tearing central and west Africa apart, along with poverty and population growth rates that always exceed economic growth, however vigorous that may be, prompt thousands of men and women to try to emigrate to Europe.

23. It is worth taking a look at the percentage of immigrants in a number of countries between 1980 and 2000. In Belgium it was fairly stable, apart from a slight fall in the late 1980s, at 9% of the total population. In Germany, apart from a decline between 1992 and 1994, which was soon made good, it increased steadily, from 7.2 to about 8.3%. In Italy, which was for long time an emigration country, the proportion remained very low, even though it rose rapidly, from 0.3 to 2.8%, largely because of the arrival of an ever-growing number of illegal immigrants from Africa in Sicily and other Mediterranean islands, such as Lampedusa, or from Albania and the Balkans. It is particularly worth taking note of the situation in Switzerland, which is completely different, in that Switzerland is the only Council of Europe member state to have introduced and administered a genuine immigration policy, quantified according to its needs: the proportion of the population accounted for by immigrants rose from 14% in 1980 to over 19% in 1996; this was followed by a steady but as yet moderate fall to just over 18% of the total population.

² Figures from the *Institut National d'Etudes Démographiques* (French National Institute of Demographic Studies).

³ Population trends in Europe and their sensitivity to policy measures, Report by Mr Brunhart, Committee on Migration, Refugees and Population, Doc. 10182, 14 May 2004.

3.2. Excess of births over deaths and net migration

24. Net migration, or the difference over a given period between the number of emigrants and the number of immigrants, is a variable that is difficult to assess in many countries, because the figures used to establish it are often unreliable, particularly on account of illegal immigration, which is inherently difficult to quantify. The myth of "Fortress Europe" must be refuted, as is demonstrated by the report by Mr Thierry Mariani, French member of parliament. In the year 2000, 1.7 million people lawfully entered the 15-member European Union alone, while the number of new illegal immigrants is estimated at 500,000. The total figure of 2,200,000 people means that five times the population of Luxembourg, or a population equivalent to that of the city of Berlin, settled in Europe in one year. France took in some 200,000 new legal immigrants in 2002, while 150,000 people obtained French nationality and were therefore no longer counted as foreigners.

25. The actual figure is very often twice that indicated by the official statistics. Even if we were to double the latter, however, the result would not be sufficient to offset the general decline in fertility.

26. Can population trends be influenced? There is no certainty that it will be possible to bring about a resurgence of the birth rate, a very uncertain parameter, in all the member states. Moreover, the effects of any such resurgence would not be apparent until much later, since it is estimated that it takes 25 years for a demographic change of this kind to make itself felt. As for the decline in mortality and the increase in longevity, we can only welcome these trends and hope that they continue and are matched by an improvement in the quality of life in the extra years gained. Account has to be taken of decline in mortality, which is accompanied by ageing of the population, which places a heavy burden on national and European budgets.

27. This brings us to the European context of migration. Europe has to prepare itself to continue to receive new arrivals. This immigration may be desired and organised (selective immigration) or uncontrolled. The immigrants will have to be integrated, and it must be borne in mind that the previous generations were not always integrated easily or satisfactorily.

28. The experts all agree that immigration cannot be considered a miracle solution that will offset the effects of the ageing of the population and the falling birth rate, for immigrants themselves are ageing, and their average age is only slightly lower than that of the host population. There are those who contend that this means that ever-increasing immigration is necessary. Massive immigration might be more profitable in purely demographic terms and could attenuate the impact of the ageing of the population, but the benefits have to be set against the fact that the number of jobs, including those that are most accessible, is shrinking because industries are relocating outside Europe, and against the economic and social problems that massive immigration may cause, given that the integration process is inherently slow.

4. Migration context

4.1. Historical background

29. It should first be noted that, although instruments for measuring migration exist, the figures produced are often inaccurate, either because of a lack of political will or because the resources needed to use them are lacking. This is the case in the most highly developed countries. The situation is even more complicated in countries where facilities for monitoring migration are not yet properly established, as in some of the new EU member states.

30. Immigration takes very different forms, depending on the country concerned, its geographical location and its history.

31. After taking in immigrant labour, after the Second World War, from its eastern and southern regions and then from North Africa and the former colonies, Europe is now taking in migrants from countries where there is great social deprivation, from war zones and from areas ruled by despots.

32. Germany, for instance, took in 12 million refugees of German origin after 1945, and 3 million East Germans between 1949 in 1961. Thereafter, the bulk of immigration came from Portugal, Greece and the former Yugoslavia. This was followed by substantial Turkish immigration, currently estimated at nearly 3 million people.

33. The Netherlands took in 300,000 returning emigrants from Indonesia, 200,000 from Surinam and 80,000 from the Dutch West Indies as a result of decolonisation. This was followed by substantial immigration from Morocco.

34. Italy, having long been a source of emigration, gradually became an immigration country⁴, particularly after the dismantlement of Soviet Union. A period of "Muslim" integration was followed by non-Muslim integration from Romania and Ukraine. There are now some 2,300,000 immigrants with residence permits. This figure does not cover minors, for whom there are no records. The very high number of lawful immigrants is the result of the fact that numerous immigrants have had their situation regularised. The latest round of regularisation, which took place in 2003, saw between 600,000 and 700,000 illegal immigrants regularised. The figures reveal a demographic change in the immigrant population: men have brought their wives to Italy, thereby reuniting their families. Muslim women, however, are not likely to work, in accordance with their cultural traditions.

35. Britain experienced large-scale immigration following decolonisation, and in the 1990s became a preferred destination for asylum-seekers. This was because conditions of admission to the country were relatively attractive compared with some other European states, in particular loose border controls, the fact that new arrivals did not need to produce certain administrative documents and the complete freedom of expression prevailing there. This situation became a sticking point with France regarding illegal immigration. Illegal immigrants wishing to enter Britain transited via France, in the hope of slipping across the Channel, but were usually caught and found themselves blocked in northern France, where they were housed in increasingly overcrowded reception centres, including the regrettably well-known Sangatte camp. Living conditions in Sangatte were very poor, and inmates had no chance of remaining in France unless they were granted asylum (but that meant satisfying the conditions). Yet settling in Britain inspired such great hope that illegal immigrants continued to be drawn in large numbers to northern France, at the risk of being consigned to these squalid camps and subsequently expelled. The situation was resolved only when Britain agreed to review the status of these would-be immigrants and to change its asylum and immigration conditions. The most recent statistics show a plunge in applications for asylum in Britain in 2003, with 61,050 cases registered compared with 103,100 in 2002⁵.

36. France's strong tradition of taking in immigrants and asylum-seekers is based on the prospect of their obtaining full citizenship. In 2002 France took in some 200,000 new arrivals, who came to stay, while 150,000 immigrants already settled in France were able to become naturalised and obtain all the rights available to French citizens. In the case of France, the immigration figures must be interpreted in the light of two specific legal features: *jus soli*, whereby nationality is acquired by virtue of birth on French territory, and the ease with which French nationality may be obtained. Thus, although the figure for the population of foreign nationality settled in France seems to have been stable for the last 50 years, at about 10% of the population, or some 5 million people, account must be taken of the 120,000 naturalisations that take place every year (the equivalent of the population of a city such as Rouen or Dijon) and the fact that French nationality is automatically granted to children born in France of foreign parents. Demographers have been able to establish that one French person in four has at least one grandparent of foreign extraction. If France had legislation comparable to that of the states that apply *jus sanguinis*, the figure for the proportion of immigrants settled in France would doubtless have to be doubled. Indeed, an earlier report presented to the Assembly stated that France accounted for 75% of immigrants of North African origin settled in Europe⁶. Quite apart from this steady immigration from its former colonies in North and

⁴ Colloquy organised by the housing association Sonacotra on integration models, the issues involved and prospects in this respect, France, 18 June 2004, contribution by Enrico Pugliese.

⁵ Home Office, February 2004.

⁶ Report by Mr Jean-Pierre Worms.

West Africa, France is one of the main destinations of asylum-seekers not only from Africa but also from the Balkans, Central Asia and the Far East. France took in numerous asylum-seekers fleeing Vietnam after the Communist victory, the "boat people", whose quiet but outstanding success is a tribute to their courage and, at the same time, shows that communities with different cultures can live together harmoniously. There was then a rush of asylum-seekers from all the zones where there was conflict and poverty, from the Congo to Pakistan, not to mention the "bogus" asylum-seekers who migrate for economic reasons.

4.2. Recent state of migration⁷

37. Germany absorbs a massive number of non-EU immigrants, the great majority from Turkey. France also attracts twice as many non-EU as EU immigrants, unlike Luxembourg and Ireland. Germany is still attracting more Turks, Poles and Italians. France takes in large numbers of Algerians and Moroccans. Finland is gradually becoming an immigration country. There is also considerably intra-EU movement between France, Germany and the United Kingdom.

38. As Europe enlarges, its borders are pushed further back, and what was previously extra-Community immigration is now becoming an intra-EU migration flow; at the same time, countries from Poland to Cyprus now lie along the borders of eastern and southern Europe will henceforth be facing a new type of immigration from eastern Europe, Asia Minor, and even the Far East and Africa.

4.3. Causes of migration

39. Having taken in tens of millions of immigrants arriving in Europe in search of freedom and possible access to prosperity, the Old Continent is now the destination of migrants from areas afflicted not only by economic deprivation but also by arbitrary government or indeed persecution and violence by dictatorships and/or terrorist groups. The only thing such prospective emigrants know about European civilisation is its apparent material success: they know nothing of the rules governing the functioning of our societies, drawing on the principle of equality and universal individual rights. Even more seriously, many of them have no desire to share such principles, which some go about defying or even combating.

40. The causes of migration may be broken down into three main trends:

i. demographic factors: differential population growth; high fertility rates, combined with high mortality rates, often compounded with one of the factors mentioned below, result in a migration flow which is vital for survival (the case of much of Asia, for instance, and Africa, with average birth rates of 7 surviving children per family, as in Nigeria);

ii. economic factors: underdevelopment, which happens when population growth exceeds economic growth, even where the latter is robust: this applies to immigration from the third world, with immigrants aspiring to a degree of prosperity inaccessible to them in their countries of origin;

iii. political factors: war, insecurity, oppression and ethnic and religious persecution.

41. More and more emergency situations are due to famines, epidemics, tribal conflicts or terrorism. The most tragic problem, tragic because it should actually be the easiest to solve, is that of famines, given that they are often combined with other factors. The situation is exacerbated by the corruption of elites or warlords, who block the distribution of food aid, which is nevertheless widely available, or prevent it from reaching the actual famine victims.

⁷ Proceedings of the Colloquy "Migrants changing the face of Europe", 10 and 11 October 2003, *Institut de Géopolitique des Populations*, l'Harmattan publishers, 2004.

4.4. *The economic and social consequences of migration in host societies*

42. The European context is difficult in that not only is industrial employment in decline, particularly owing to relocations, but also there is a huge influx of immigrants who have difficulty entering the labour market because they lack the requisite skills.

43. Nevertheless, the consequences vary greatly depending on the host country and the immigrant population.

44. As a general rule, unemployment rates among non-EU immigrant populations are much higher than among the indigenous populations, and this even applies to immigrants who have obtained their host country's nationality. Unfortunately, all too often severe discrimination in employment matters can be noted, although European legislation seeks to counter such practices.⁸ However, discrimination is sometimes difficult to prove, since employers rarely admit to it and cite other reasons for failing to recruit people of foreign origin. In some countries, particularly France, pressure groups are taking steps to test recruitment practices using "anonymised" CVs, which initially show neither the name, the place of birth nor a photograph of job applicants but merely state their qualifications and occupational experience, to assess the role which "gut reactions" on purely racial or ethnic grounds play in foreigners' recruitment difficulties. To overcome the ever-present problem of unemployment among immigrant populations it is also essential to bear in mind the vital importance of education: mastery of the host country's language and obtaining training, if possible in keeping with labour market demand, are prerequisites if the problems posed by an under-qualified labour force are to be avoided. This is naturally a message which can be conveyed more easily and more effectively to school children.

45. Family reunion of immigrants from Muslim regions raises the same problems throughout Europe, as integration of women in the labour market and, more generally, in community life collides with tradition, which can also curb the integration of children, particularly girls. Fortunately, increasing numbers of Maghrebi women, for instance, are militating for reconciling loyalty to their original culture in the private sphere with the exercise of all their civic rights. Such efforts can succeed provided that the host State ensures that the universal rights secured for all persons present in the territory of the 46 member States of the Council of Europe under the European Convention on Human Rights take precedence over the influence of those who presume to regiment the immigrant "communities". As for immigration from eastern Europe, in Italy, for example, this mainly involves female immigrants, thus fitting in with a specifically Italian social, economic and cultural reality: most of these women work as cleaners, and especially as home helps. The Italian State has washed its hands of family and old-age policy: Italian families are becoming smaller and smaller, and family assistance is being farmed out to private companies to meet social needs.

46. In most European immigration areas female labour centres on local unskilled service activities, at least for the first-generation immigrants. However, many young women of immigrant origin have achieved excellent school results followed by brilliant professional careers, provided that their cultural traditions do not bar them from the educational and training courses that provide the best qualifications.

47. We must also consider the social costs of immigration. This is a tricky matter because we must avoid lapsing into caricature and prejudice. Admittedly we do have to combat illegal immigration, beginning by prosecuting the people-smugglers who take advantage of prospective travellers to Europe, showing utter disregard for the very lives of their passengers: no one can forget the 56 Chinese people who died of suffocation in a lorry on their way to Great Britain, the Africans who die while attempting to reach Spain across the Straits of Gibraltar, or the very recent case of the makeshift boats that left a few dozen survivors washed up on the southern shores of Italy, several dozen having drowned during a crossing that had cost them several thousand Euros, etc. Illegal work must also be discouraged, as it jeopardises the unprotected immigrants and distorts the labour market in the host countries.

⁸ Cf. Directive 2000/43/EC implementing the principle of equal treatment in employment matters.

48. Although we must also combat the occasional abuses of the system, with some individuals attempting to live solely from social welfare without making any contribution to the host country's economy, once we have secured effective measures against illegal immigration and have successfully prosecuted the abuses noted, the funds expended on behalf of immigrants must be regarded as an investment which will eventually benefit all the host communities.

49. This applies in particular to educational and medical expenditure. Not only will well-educated, healthy people "integrate" more easily into the national host communities, but also they will considerably enrich them. Another major side-effect is that they will less easily fall prey to the advocates of fundamentalism and rejection of Western standards, whose hate-filled words are fuelled by frustration. So the individual States must take account of these realities and plan the corresponding expenditure, including social welfare spending.

50. Alongside the economic and social consequences of migration, there also arises the central question of immigrant integration in the host societies.

5. Integration in the host communities

5.1. Possible conceptions of integration

51. A variety of conceptions of integration coexist within Europe. We must also look beyond our borders for other possible definitions of integration.

52. A range of different policies have been implemented throughout Europe, and all these policies have shown their limits. Although we should bear in mind all the different approaches and possibly use them as a basis for our investigations, they cannot simply be transposed as they stand.

53. We must fight shy of any attempt to standardise integration, and instead try to reconcile the various approaches to immigration depending on the traditions and legislation in force in the host States. The main distinction to be drawn is between assimilation of immigrants and communalism or multiculturalism.

54. Assimilation - which is inconsistent with the values of the Council of Europe - confines cultural or religious differences to the private sphere and shuns any consideration of "ethnic origins". Individuals must blend into the national community. All members of society must share the same social blueprint and common values. They must accept the same laws and enjoy the same rights in accordance with the principles of equality and universality. The optimum indicator for assimilation is where the assimilated individuals' specificities are pushed into the background as a token of their renunciation of certain elements of their original culture and of their integration into a specific community of individuals.

55. Conversely, under communalism, which we have never been accurately defined, the specific immigrant community becomes, to some minds, a value at least as important as the universal values of freedom and equality; others would define it as a socio-political project aimed at subjecting the members of a specified group to a set of rules deemed to be specific to this group⁹.

56. According to its Latin origin, the concept of integration means "bringing a part into a whole". It is one of the essential functions of the social system, ensuring the co-ordination of the various sections of society with a view to guaranteeing the proper functioning of the whole system. For instance, we call a society well integrated if it has a high level of social cohesion, and an individual is deemed to be well integrated if he or she shares the values and norms of the society to which he or she belongs. By definition, integration involves all the interactions between the members of society, giving rise to a feeling of identification with the group and its values.

⁹ Pierre-André Taguieff.

57. In France, the Higher Council for Integration, set up in 1990, describes integration not as a medium term between assimilation and mere insertion but as a specific process prompting active participation in national society by a variety of different elements, while at the same time accepting the continuation of cultural, social and moral specificities and holding that the whole is enriched by such diversity and complexity. Instead of negating differences, a proper integration policy takes account of them without exalting them, and emphasises the similarities and convergences in order, with equality of rights and obligations, to establish solidarity among the different ethnic and cultural components of society and to enable everyone, whatever his or her origin, to live in this society, whose rules he or she has accepted and of which he or she has become a component part¹⁰.

58. The United Kingdom has been seen as a laboratory for testing integration issues. During the post-war period, when the decolonisation process was providing an effective stimulus to immigration, the country was at first determined to assimilate these newcomers, granting them all civic, social and political rights on their entry into the national territory. Subsequently, after the first race riots broke out in the 1960s, the British Government noted that formal assimilation was not having the desired effect: it lacked a social strand, a real access to work. The UK definition of integration, as laid down in 1966, highlighted cultural diversity and equality of opportunity in a climate of mutual tolerance. The UK abandoned assimilation in favour of a new "Race Relations" concept: equal opportunities for all, against a background of cultural diversity and mutual tolerance, thus ushering in the multicultural era in Britain. For about a decade now, and more acutely since the turn of the millennium, this model has been under renewed scrutiny, the finger being pointed at the lack of values shared by all and of any real common feeling of "Britishness". This has been compounded since 2001 with the problems of combating terrorism. Large numbers of Muslim immigrants have been arriving in the country, giving rise to questions concerning their allegiance: with police action against terrorist plots and subversive "sermons" by certain "religious" leaders and the rise of populism and xenophobia, the United Kingdom is casting around for a fresh approach in integration policy.

59. The German priority has been integration through the labour market, involving the trade unions and works councils. So there is a high level of unionisation, which makes for good working conditions: the unionisation rate for German nationals is 36%, with 50% for Turks living in Germany and 43% for other foreigners. Changes to the nationality law, which now combines the *jus sanguinis* tradition with some elements of *jus loci*, should encourage access by Turks, in particular, to German nationality, thus improving their chances of integration.

60. Italy is apparently attempting to integrate its immigrants, although this attempt is unlikely to succeed in the long term: it periodically regularises a number of illegal immigrants, but stops short of forcing employers to re-recruit legally their former undeclared workers, thus promoting unemployment and maintaining the moonlighting mindset. Italy advocates the right to difference rather than assimilation.

61. Moving on beyond the borders of Europe, we might take a look at the American and Canadian models¹¹. They conduct an active and intensive policy in favour of a high level of immigration. The new arrivals find it difficult to adapt because of their origins: language, culture, religion and wide socio-economic discrepancies, reaching both ends of the spectrum (low standard of education and resources for some, and high qualifications and wealth for others).

62. In 1971 Canada adopted an official multiculturalist policy. Training is provided in the official languages, the courses initially being confined to the workers themselves but subsequently being extended to their spouses and children. The State funds various aid agencies and runs reception programmes in order to provide immigrants with day-to-day support. However, aid policy still centres primarily on language assistance. Immigrants are entitled to integration assistance after one year's

¹⁰ *Haut Conseil à l'Intégration, L'intégration à la française* (The French Approach to Integration), UGE 10-18, Paris, 1993, pp. 34 and 35.

¹¹ Colloquy organised by the SONACOTRA (*Société Nationale de Construction pour les Travailleurs*), "Les modèles de l'intégration en questions – Enjeux et perspectives" (Integration models under question – challenges and prospects), France, 18 June 2004, presentation by Dominique Daniel.

residence in the national territory. However, the plan to transfer specified powers wielded by the civil courts to community "tribunals" organised according to the specific standards of each immigrant group is causing some concern. For instance, Muslim "tribunals" would be able to apply Sharia law to Muslim communities, covering marriage, divorce, inheritance, etc. Given that Canada is a State that enjoys observer status with the Council of Europe, it is undesirable that it permit the implementation in its territory of standards which not only contradict the spirit of the European Convention on Human Rights but above all negate the principle of equality between women and men, a field in which Canada was one of the pioneers.

63. The United States of America traditionally takes a passive attitude to immigrants. From the outset there has been a clear determination to exclude individuals unable to provide for themselves, and so the State has never introduced any kind of assistance programme. Minor support programmes have gradually grown up, although no real resources have been earmarked for them. A radical reform of the welfare system was launched in 1996, leading to a situation where non-citizens have no access to social programmes until they have been in residence for at least five years.

64. President Carter introduced an urban renewal policy in order to rehabilitate the major city centres, where the poorest groups are traditionally concentrated, ie Afro-Americans, Hispanics and new immigrants, and to promote a mingling of populations in both racial and economic terms. The various communities are being encouraged to integrate as both confidence-building agencies and driving forces for integration by improving economic and social living conditions.

65. The United States presents a virtually unprecedented paradox: as a country created through immigration by European groups fleeing religious persecution, it has gradually taken in immigrants of all origins: Irish people fleeing the famine, Jews fleeing the pogroms of eastern Europe and Nazism, followed by defectors from countries oppressed by communism: Russians, Cambodians and Chinese, including their top scientists. There were also Cubans. Finally the "economic refugees" started slipping in across the Mexican border or took their chance with the Lottery which each year officially attributed tens of thousands of residence permits. The fact is that these groups show a striking attachment to their host country, the first glimpse of which for many of them is Bartholdi's Statue of Liberty looming over the entrance to New York harbour.

66. The United States, no doubt anchored in this self-image as a refuge for people fleeing religious persecution, is, in principle, in favour of freedom for groups claiming specific belonging to a community, which freedom is enshrined in the First Amendment to the Constitution and the established case-law of the Supreme Court. The acceptance of independently organised groups, including those operating along ethnic lines, has probably been reinforced by the recent realisation of the extermination of the American Indians and the anti-Black discrimination which still continues a century after the abolition of slavery. From Indian reservations to affirmative action, successive American administrations have therefore granted specific rights to these groups, which have been rechristened Native Americans and Afro-Americans.

67. Nevertheless, a number of minor conflicts have demonstrated that common rules can prevail over specificities, even when they are presented as a religious cornerstone: the prohibition of polygamy among the Mormons, and the obligation for women to produce bare-headed identity photographs, regardless of any Islamic precepts to the contrary. The trauma of the 11 September 2001 terrorist attacks has, to put it mildly, weakened this tolerance vis-à-vis all faiths, as witness the drastic controls effected on entrance to the United States, extending to both prospective immigrants and tourists. The various communities' freedom of internal organisation, *inter alia* along religious lines, will no doubt remain, but nor is there any doubt that the experience of terrorism on US soil will lead to greater caution about any demands liable to undermine a nation which glories in the motto "Ex pluribus unum". This might in fact lead to a question of American understanding of the European approaches to the problem.

68. France is often presented as the model of anti-communalism, rejecting collective rights in favour of individual rights as a guarantee of equality and universality. French policy in this field has long been based on a desire to cut back on the "ethnicisation" of suburban areas. The French tradition of

centralisation is unitarian in thrust and would therefore seem to militate against the development of any potentially divisive specificities. France has no racially oriented tradition, something which is precluded by its highly individual conception of secularism. Open references to race are difficult to imagine, and in fact these are only just beginning to see the light of day with the tentative emergence of "positive discrimination", under pressure from Mr Nicolas Sarkozy. However, there is a genuine desire to implement strong policies on immigration and integration, with respect for specifically French republican traditions. For instance, as Mr Nicolas Sarkozy pointed out at a recent colloquy on migration organised at the suggestion of our Committee on Migration, Refugees and Population¹², French society has perfectly well absorbed successive waves of immigration in the past, *inter alia* from Spain and Portugal, which helped the latter countries to achieve economic stability and become major European States. This justifies the conclusion that the enlargement of Europe will not create any major risks in terms of migration flow. But it does not mean that we must refrain from controlling immigration. France has adopted this approach by reforming its asylum laws and legislation on illegal immigration, which will enable it to provide better facilities for lawfully settled aliens.

69. Much can be learned from the integration experiences of the new EU member states. Although accessible data are still in short supply, there can be no denying that these countries too have faced problems of integration, or reintegration. The partitioning of eastern Europe after the Second World War created administrative borders that had little in common with the pre-war borders, within which people of the same ethnic origin had been grouped together. As a result, after the fall of the Berlin wall and the subsequent reorganisation, masses of people crossed the former geographical borders to regain their homelands and/or nations of origin. Their reintegration was not always easy, since they had sometimes developed very different behaviour patterns and attitudes depending on the regimes under which they had lived. The most striking example of such differences is naturally that of the two Germanys. The Hungarian experience¹³ in such matters is nonetheless worth noting, although it differs radically from the situation recently encountered in the EU's founder states: in Hungary the newcomers spoke the language and shared the host country's culture and history.

70. In conclusion, it is important to note that integration is a dynamic process that can work both ways, each side deriving enrichment from the other's differences, as long as it takes place in accordance with the host country's traditional values.

71. Obviously, any analysis of the concept of integration must include consideration of a phenomenon which often emerges alongside immigration, that is racism.

5.2. Racism¹⁴

72. Ever since the 1980s Europe has been facing immigration of a type no longer aimed at providing labour or strictly deriving from decolonisation. This new type of immigration was neither desired nor deemed necessary for economic reasons. This was the starting point for a feeling which sometimes escalated to the point of total rejection of persons, based on racial criteria.

73. Racism varies in accordance with the individual country's history, culture and economic situation. It also varies according to the period in history. It is often combine with anti-Semitism.

74. In the second half of the 20th century the racist phenomenon began to develop into something slightly more presentable and less obviously reprehensible. This "valeting" of racism derived from the immigration policies being implemented, from public support for various ostensibly acceptable theses, and from a swing towards acceptance of the exclusion of the Other, of those who are different.

¹² *Journée Européenne des Migration*, Senate House, Paris, 19 January 2004.

¹³ Godri Iren.

¹⁴ This section is based on data from ECRI, the European Commission against Racism and Intolerance, "All Different, All Equal", Strasbourg, 18 March 2004.

75. This meant defining the national identity with reference to a traditional hardcore made up of a shared history, culture and language, which is by definition inaccessible to anyone not born in the country in question. According to some theories, "outsiders" are even seen as a threat to the national identity, possibly presenting the nation with the need to defend itself. It is significant, for instance, that the building of mosques, which some regard as a sign of integration, demonstrating the will to stay in a given country while also freely exercising one's religion, as is traditionally provided for in national constitutions, is seen by others as a determination not to integrate, disavowal of the nation's traditional values.

76. The media can also be a powerful intermediary for racism in that they can manipulate public opinion on the basis of facts often taken out of context, or else by overemphasising certain theories or offences which signally fail to reflect the loyal attitude of most immigrants. In 1985 in France, for instance, a high-circulation national newspaper terrified the public with a sensational front page headline asking "Will we still be French in thirty years' time?". More recently, a BBC commentator lapsed into some very unfortunate jibes against "Arabs", which led to his resignation but which had sufficient impact on public opinion for quite a few Britons to fall in behind him.

77. With the current high level of immigration, there is a consensus that a system of immigrant selection will become necessary in European countries. Such selection must be accompanied with guarantees on non-discrimination¹⁵, or at the very least on a prohibition of any kind of discrimination that lacks objective, legitimate foundations such as possession of a given job specialisation or a specific qualification or diploma. The criteria for such selection should be completely transparent, reasoned and proportional. We must at all events welcome the reinforcement of legislation against racist comments and all forms of discrimination, as well as the strict application of the European Convention on Human Rights to all persons present in the territory of any of the Council of Europe States, whatever their nationality, gender or origin.

5.3. How can integration be encouraged?

5.3.1. By establishing genuine immigration policies

78. In the past few years most European states have toughened up their immigration policies and strengthened the link between access to legal immigration and a commitment to integration on the part of would-be immigrants. Such a commitment, which is very often written into the law, is presented as an essential precondition for improving their administrative situation or acquiring additional rights. In some countries, the granting of a residence permit is conditional upon signing an "integration contract".

79. In Denmark, for example, the law of July 2002 stipulates that a permanent residence permit and the related social benefits may not be granted until after a period of seven years of legal residence in the country, instead of three years previously. This permit is issued subject to passing Danish language, culture and history tests and a written undertaking to "comply with local legislation". Furthermore, Danish nationality is granted only after nine years of legal residence in the country, as compared with seven years previously.

80. In Austria, the new immigration act, in force since January 2003, requires newly arrived non EU nationals or those who have been living in the country for less than five years to sign an integration contract under which they are obliged to learn the national language and familiarise themselves with national customs. Immigrants who fail the examination twice may have their residence permit withdrawn. Furthermore, knowledge of the German language is now compulsory for the acquisition of Austrian nationality.

81. In the United Kingdom, but also in the Netherlands, all newly admitted immigrants must now participate in an "integration programme". In the United Kingdom, as well as having a command of English, immigrants must know how institutions work and show an understanding of British culture and civic life. They must take a citizenship test prior to integration. "Citizenship ceremonies" are now held at which

¹⁵ European Council directive on equal treatment in the employment field - 2000/43/EC.

applicants swear allegiance to the Queen and pledge to uphold the country's laws and democratic values. Candidates for British nationality must sit a language test.

82. In France, the strong tradition of taking in immigrants and asylum-seekers is based on the prospect of full acquisition of citizenship. France took in some 200,000 stable new arrivals in 2002. At the same time, 150,000 immigrants already settled in France were naturalised, thus gaining access to all the rights of French citizens. As in the other countries of Europe, however, such a policy cannot be maintained and extended unless it is accompanied by a clear distinction between legal and illegal immigration. Two new laws were accordingly passed at the end of 2003, one relating to the control of immigration and the residence of foreigners in France, the other relating to the right of asylum. Measures have been taken to make the requirements for obtaining a visa stricter, new penalties have been introduced for those who employ illegal immigrants, and the new offence of organising marriages of convenience has been created. At the same time, the asylum system has been unified around the OFPRA (Office for the Protection of Refugees and Stateless Persons) in order to create better conditions for examining applications and reduce the time taken to complete the procedure, while at the same time enabling a larger number of applicants to be eligible for refugee status. The "French model" is also based on a distinction between the private and public spheres. In the former, all the cultural or religious traditions which link immigrants to their country of origin may be expressed, provided they respect the fundamental rights of individuals. In the public sphere, public services and schools in particular are governed by the principle of secularity, which has made possible the peaceful co-existence of groups who clashed throughout the 19th century, almost to the point of civil war, on religious grounds. This is no doubt one of the options that could be suggested to certain states which are deeply divided between ethnic and religious groups caught up in an endless vendetta, resulting in countless deaths and constituting a fatal obstacle to economic development amid the spiral of poverty and hatred.

83. The European Union is tending to take over from its member states' national policies in order to ensure harmonisation of the law of asylum and the conditions for legally entering the EU area. The European Union supplements this approach through agreements with the "close neighbours". The Justice and Home Affairs Directorate deals with migration, among other things. It has been given new powers since the Treaty of Amsterdam. The question of integration has come to the fore at European level in the past two years. The aim is not necessarily that Europe should choose an integration model, but that it should adopt a pragmatic approach: identify good integration practices, in a context of respect for European values, while ensuring a balance between immigrants' rights and obligations.

5.3.2. By combating forms of exclusion

84. The causes of integration difficulties are complex and depend to a great extent on immigrants' cultural and social origins and the host society's political and cultural traditions. Immigrants very often observe cultural, religious or social traditions which differ from the democratic values upheld by the host state. The integration process is made even more difficult by the fact that, very often, the usual instruments promoting social cohesion, such as access to the labour market, to the civil service or to schools genuinely encouraging an ethnic mix and social advancement, are largely closed to immigrants.

85. Today, in most Council of Europe member states, certain communities play little or no part in the social, cultural or political structures of the host society and feel that they are victims of economic and racial discrimination, and these groups are very often concentrated in areas suffering from social deprivation. Hence these communities live in isolation in their neighbourhoods and continue to observe their customs and their way of life, which they hand down to, and sometimes impose on, their children. The latter, caught between two cultures, feel out of place and question their identity. Faced with problems of social integration, immigrants, whether new arrivals or members of the second and third generations, react very badly to exclusion, by rejecting the values of the host society. This leads to a feeling of social malaise and very often to the development of delinquency, particularly among young people, and, concurrently, the development of extremism.

86. Generally speaking, there is a lack of social cohesion if the state's authority is challenged, if the state's standards and values are not recognised or if individuals are poorly integrated into the economy. There is a social fracture when a minority as such excludes itself from the community. This kind of "ethnic" isolation encourages community domination of certain neighbourhoods, and even the rise of religious fundamentalism. This situation entails dangers because it generates social tensions and weakens social cohesion and democratic values founded on equality of rights, duties and opportunities.

87. Most European countries have been confronted with violent demonstrations by young people living in sensitive urban neighbourhoods. Sociological research has shown that these protests are the violent expression of a desire for social recognition on the part of a population relegated to the fringes of society, frustrated in its aspirations by a public order viewed solely in terms of its repressive function. As a general rule, these protests express a demand for greater equality, integration and social advancement. Some neighbourhoods on the urban periphery are victims of agitation by individuals who exploit these frustrations and seek to impose their "own values" and oppose any intrusion by law enforcement officials. States must endeavour to combat these phenomena, of which the inhabitants of these neighbourhoods, in particular young immigrants, are the first victims.

5.3.3. Through social responses to exclusion

88. Lawful immigrants form an integral part of our societies and their effective participation in the state machinery is an essential precondition for guaranteeing lasting social cohesion. It is indeed undesirable that, by reason of their ethnic origin, certain population groups within a country should be lastingly excluded from some aspects of state affairs. The efforts to combat discrimination in employment matters are an example of what can be done. These efforts must be extended to many other areas, although, in the Rapporteur's contention, it is not necessarily scandalous that some types of jobs (in the armed forces or the judiciary, for instance) should be the preserve of nationals. Nonetheless, this should not constitute a ground for excluding these population groups from jobs where nationality criteria are no longer justified (for example, in France surveyors must still be of French nationality).

89. In a communication dated 3 June 2003, the European Commission suggested defining integration as "a two-way process based on mutual rights and corresponding obligations of legally resident third country nationals and the host society which provides for full participation of immigrants".

90. Essentially, integration policies should be policies of encouragement, aid and support, integration being a long-term, voluntary process which is sometimes difficult and which often concerns the first and second generations. The support aspect concerns the learning of the language of the host country, education for children and vocational training for young people.

91. Because it is a decision to belong, integration presupposes a policy to inform would-be immigrants about their rights and obligations. Everyone has the right to respect for their identity, but they are also under an obligation, whatever their traditions and customs, to respect the principles and law of the host state, and to recognise and display, through their behaviour, the fact that they belong to that state. Integration means respecting imported cultures and peoples' identities, provided they do not challenge the foundations of the host society's culture and their manifestations do not violate public order or other people's rights and freedoms. In this connection, we should welcome the recent decision by the European Court of Human Rights setting limits on certain demands based on religious traditions in the light of the need for protection of other people's rights and freedoms, of public order viewed as an obligation for the authorities to preserve public peace, and, lastly, the principle of equality between men and women.

92. The state must see to the provision of economic, social and cultural conditions that facilitate the integration of new arrivals who have entered its territory legally and of immigrants who have been established for several years. Generally speaking, it is by regarding immigrants as persons holding rights and, where appropriate, able to acquire full citizenship through naturalisation, that we shall give them the opportunity to become integrated without abandoning their identity. The state must take appropriate legislative measures to fight all discriminatory practices and measures against immigrant communities, on grounds of racial, ethnic or religious origin, whether in terms of access to employment, working conditions

or access to housing. Conversely, the state must punish all incitement to hatred on the part of any individual, even from an immigrant background. States must maintain their policies of social development in sensitive urban neighbourhoods and support the initiatives of immigrants' representative organisations, which play a crucial role in the process of integration and social cohesion. They must also develop curricula emphasising the concepts of citizenship, respect for differences, social tolerance and, most importantly, respect for the guarantees of the European Convention on Human Rights and for the principle of equality, particularly between men and women. They can encourage awareness-raising campaigns to promote intercultural dialogue. They can also highlight positive examples of social advancement in various fields, or examples of immigrants or descendants of immigrants who have held political office.

93. States should focus particular attention on improving the situation of immigrant women by according them specific rights, access to education and the labour market and real respect for their individual freedoms in the context of equality between men and women, including protection from "customs" that are contrary to public order and to Council of Europe conventions. The achievement of equal rights offers prospects for development which will spread to the societies of origin, with which these women retain links: changes in the status of women are the key to development in emigration countries, with control by women of their fertility, their health and that of their family, and with the guarantee of education and, above all, literacy skills being passed on. Failure in these areas would encourage communities to turn in on themselves.

5.3.4. Reconciling integration and the fight against terrorism

94. This has been a crucial issue since the events of 11 September 2001. Europe is under serious threat from Islamist groups who threaten to carry out actions within its frontiers, as they have done in Munich, Paris, Berlin and, on 11 March 2004, Madrid. At the same time, Europe is under potential threat from population groups already present on its territory. This is because they may be faced with a choice between loyalty to a given group, in this case the host country and nation, and possible allegiance to the causes promoted by terrorist groups. It is espousal of such causes which is likely to seriously endanger the host state. That is why the policies governing border controls and controls inside Europe have been tightened. Such policies are essential, but should remain in line with the positions traditionally defended by the Council of Europe.

95. When rebellions are fuelled by subversive groups with the aim of carrying out terrorist attacks, states have a duty, while complying with constitutional rules and the European Convention on Human Rights, to take appropriate precautions, including international police and judicial co-operation, in the interests of those immigrants who aspire to live in peace in their host country and who publicly distance themselves from the terrorist groups, with which, therefore, they should not be indiscriminately associated.

96. It is important not to give way to hate. In many non-European countries, the fight against terrorism has led to the flouting of basic rights. Even in Europe, political leaders have a responsibility to refrain from the kind of discourse that would fuel racism among the population and detract from the effectiveness of existing integration policies.

5.3.5. Co-development: aid to the third world with the long-term aim of discouraging emigration and encouraging immigrants to return to their countries of origin

97. It has been accepted for decades that the wealthiest countries have a duty to contribute to the economic and social development of third world countries, notably by earmarking a certain proportion of their gross domestic product for this purpose: we are forced to conclude that this amount, despite representing only a small percentage, has never been paid in full; as a result, the beneficial consequences this might have had have not taken place. But there are other factors too, one of them being the failings of certain third world elites.

98. According to some commentators, the aid which has nevertheless been granted has been a resounding failure because the countries which have not received any are now rising economic powers (China, and more generally, south-east Asia), whereas the countries which have been "drip fed", in

particular the former colonies of European countries, are more than ever third world nations, experiencing situations of famine or war, or indeed recession, which were unheard of in the days of colonisation. In Africa, for example, GDP is lower today than it was in 1980.¹⁶ The aid granted sometimes falls over 90% short of the target. Worse still, aid programmes have very often hindered the reforms needed to adapt to changes in economic life, causing a lag in development which it is very difficult for these countries to make up.

99. Aid policies have changed: they are aimed less at improving infrastructure than at promoting an institutional climate suitable for encouraging private investment and employment-creating small businesses: improved public order and security, education, health, more efficient public services etc.

100. In this connection, the urgent need to help third world countries to fight the AIDS epidemic which is rampant there cannot be overlooked: it is one of the keys to their survival, and to ours.

101. On the other hand, the development of micro-credit, which enables women, in particular, to set up businesses which will provide a livelihood for the whole family, has been a quite outstanding and heartening success, and should be continued.

102. Lastly, it should be noted that some countries which have a large diaspora in another country, such as Morocco in France for example, have a real policy towards this emigrant population. In fact, Morocco has a minister responsible for Moroccans living abroad, whose duties include guaranteeing full citizenship to emigrants and involving the diaspora in the economic development of the country of origin.

103. Co-development policies must be part and parcel of our overall approach to integration. Although co-development is not a factor which directly affects the integration of immigrant populations within our borders, it would be a good thing if it influenced migratory movements upstream, since, as we have seen above, something must be done to attempt to regulate these movements. Co-development is one means of doing so. By encouraging people to stay in their home country, naturally under conditions that are as consistent as possible with the Council of Europe's values, or inciting them to return there under such conditions, certain population flows towards our countries can be stemmed, while at the same time improving development prospects in other countries by avoiding a brain-drain of their most qualified young people.

5.3.6 Towards a concept of citizenship?

104. The countries of Europe remain divided on some issues: one of which is the concept of citizenship. Some are ready to enhance the possibilities for immigrants to acquire citizens' rights: this is the case, *inter alia*, in France with regard to social rights, since no distinction based on nationality is drawn in granting welfare benefits; such a distinction is in fact officially prohibited, as the administrative courts regularly point out, in that all persons resident in the country are entitled to minimum standards of social protection. Other states do not fully concur with this position and have introduced duration of stay and/or language proficiency requirements. Yet others would like to go further by giving immigrants more rights, moving towards full citizenship - in particular, and this is often a source of problems, the right to vote in all elections.

105. This is still a very divisive issue. By officialising various levels of citizenship (local, regional, national, supranational or transnational), European law itself does not offer any quick solutions to this lack of consensus.

106. Each state is jealous of its own concept of citizenship and would like it to either take precedence over others or be preserved for national use. However, some, albeit partial and slow, progress can be noted. France's example is quite telling in this respect: secularity and the concept of the "French people" are two particularly important notions in France and underlie much of French legislation. Nonetheless, after many unfruitful attempts, with the courts showing a considerable reluctance to change the case-law,

¹⁶ Proceedings of the colloquy "Ces migrants qui changent la face de l'Europe", statement by Yves-Marie Laulan, 10-11 October 2003, Institut de Géopolitique des Populations, Editions l'Harmattan, 2004.

bordering on stubbornness, it has been possible to amend the concept of the "French people". France long held back from ratifying the Council of Europe's Charter for Regional or Minority Languages of 1992. In 1996 the Conseil d'Etat even held that the charter was incompatible with the French Constitution. In the end France signed the charter in 1999, but did not ratify it because the courts set great store by the concept of the "French people", making it absolutely impossible to recognise the existence of minorities within French territory. In March 2003, Article 1 of the Constitution was at last amended, to the effect that the Republic remained indivisible but its organisation was decentralised. This reform, passed without any general debate, is a sign of some initial progress in the way France conceives nationality and citizenship.¹⁷

6. Conclusions and recommendations

107. In your Rapporteur's view, it is important to preserve the Council of Europe's fundamental values within its member states in the context of measures to be taken to promote the integration of immigrants.

108. All the Council of Europe member states should therefore be reminded of what these values are, to provide them with a yardstick for assessing the legislation they are, or will be, implementing not only in the field of integration but also in that of the fight against terrorism or the fight against illegal immigration, since it has been shown that these form part of the same debate in the current world context.

109. The Council of Europe's fundamental values - a commitment to democracy, the rule of law, human rights and individual freedoms, and the promotion of the European cultural diversity - should provide a common basis for all those who live in Europe, citizens or immigrants.

110. Your Rapporteur gained the impression that the populations of the first 15 European Union member states had not yet gauged the full significance of the arrival of ten new countries last spring: in particular, better information would be desirable to ensure that these new populations joining the EU are no longer regarded by public opinion as immigrants from outside the community, but as fully-fledged members of the EU.

111. In addition, all countries, and especially the new EU member states, should be encouraged to put in place and implement reliable instruments for measuring migration flows on their territory.

112. The questions of immigration and integration should be the subject of an in-depth debate in all the member states so that all opinions can be heard, and not only the most extremist views, as is very often the case, in the absence of any marked political will in this area.

113. The principle of controlling immigration should be established, in particular so as to avoid receiving a massive influx of immigrants which our labour market would be unable to absorb, particularly as a result of industrial relocation outside Europe. Indeed, it is inconceivable not to be able to guarantee new arrivals decent living conditions in terms of our own values.

114. Measures to combat illegal immigration, mafia-type networks and human trafficking organisations should be extended to all the Council's member states.

115. Inspiration should also be drawn from good practices observed in many member states, and it should be proposed that they be extended or adapted to the others. For example:

i. an attempt should be made to achieve Europe-wide harmonisation of asylum law and controls on illegal immigration, drawing inspiration, for example, from the courageous and ambitious reforms carried out in France;

ii. provisions should be introduced requiring immigrants to complete a transitional period of residence in the country in order to qualify for a residence permit and social benefits, as in Denmark;

¹⁷ Adapted from Christophe Bertossi, IFRI (French Institute of International Relations)

iii. It should be ensured that immigrants learn the language of the host country and familiarise themselves with its culture, as in Austria.

116. Steps should be taken to ensure that the authority of states does not come under challenge from, for example, fundamentalist movements: for instance by systematically balancing demands for respect for imported cultures and identities against fundamental principles such as those of public order, equality between men and women and recognition of the very foundations of the host state's culture.

117. If public opinion in the member states of the Council of Europe is against immigrants, there can be no real integration. It is accordingly necessary to promote reliable, clear information campaigns, not liable to racist or xenophobic manipulation, concerning the issue of migration and the culture, traditions and integration problems of immigrants.

118. Lastly, aid should be provided to help countries to retain populations who, previously, very often had no choice but to go into "economic exile", or encourage these people to return to their countries of origin in decent economic and social conditions.

119. Similarly, where a former conflict area has achieved lasting stability and a regime in keeping with the Council of Europe's democratic values has been established, measures should be devised to encourage the voluntary return of immigrants from these countries to their countries of origin.

120. In conclusion, although, in the current world context, your Rapporteur does not entertain any misplaced optimism regarding the question of integration, is not pessimistic in the long term about the ability of European countries to reconcile integration and the Council of Europe's fundamental values. As the history of Europe has shown, with time integration has eventually been achieved in the best interests of each population.

121. It is sincerely to be hoped that the context of terrorism prevailing at present around the world is not long-lasting and does not irremediably damage the ability of individuals to accept others.

Reporting Committee: Committee on Migration, Refugees and Population.

Reference to committee: Doc. 9948, Reference No. 2883 of 25 November 2003.

Draft resolution unanimously adopted by the Committee on 6 December 2004.

Members of the Committee: Mr John **Wilkinson** (Chairperson), Mrs Tana **de Zulueta** (1st Vice-Chairperson), MM Søren Søndergaard (2nd Vice-Chairperson), Jean-Guy **Branger** (3rd Vice-Chairperson), Pedro **Agramunt**, Mrs Lale Akgün, MM Gulamhuseyn Alibeyli, Jozef Bernik, Akhmed Bilalov, Ms Oksana Bilozir, Mrs Mimount Bousakla, MM Ivan Brajović, Márton Braun, Christian Brunhart, Mevlüt **Çavusoğlu**, Doros Christodoulides, Boriss **Cilevičs**, Mrs Minodora **Cliveti**, Mrs Eivira **Cortajarena**, MM Franco **Danieli**, Joseph Debono Grech, Taulant Dedja, Nikolaos Dendias, Sergejus Dmitrijevas, Karl Donabauer, Mats **Einarsson**, Mrs Lydie **Err**, Mr Valeriy Fedorov, Ms Daniela Filipiová, MM Karl Theodor Freiherr von und zu Guttenberg, Andrzej Grzesik (alternate: Henryk **Kroll**), Andrzej Grzyb (alternate: Piotr **Gadzinowski**), Ali Riza **Gülçiçek**, Michael Hagberg, Michael **Hancock**, Jim Higgins, Mrs Jelena **Hoffmann**, MM Ilie **Ilaşcu**, Tadeusz **Iwiński**, **Lord Judd**, Oleksandr Karpov, Mrs Eleonora Katseli, Evgeni Kirilov, André **Kvakkestad**, Geert Lambert, Jean-Marie Le Guen, Younal Louffi, Tito Masi, Jean-Pierre Masseret, Ms Nóra Nagy, MM Giuseppe Naro, Xhevdet Nasufi, Pasquale Nessa, Kalevi Olin, Pieter Omtzigt, Gheorghe Popa, Virgil Popa, Gabino **Puche**, Milorad Pupovac, Martin Raguž, Anatolij Rakhansky, Marc **Reymann**, Branko Ružić, Ms Katrin Saks, Mrs Naira Shakhtakhtinskaya (alternate: Mr Bakhtiyar **Aliyev**), MM Össur **Skarphéðinsson**, Luzi Stamm, Mrs Terezija **Stoisits**, MM Michael Stübgen, Mehmet **Tekelioğlu**, Mrs Elene Tevdoradze (alternate: Mrs Irine **Kurdadzé**), MM Vojtech **Tkáč**, Tigran Torosyan, Mrs Jelleke Veenendaal, Mr José Vera Jardim, Mrs Ruth-Gaby Vermot-Mangold, MM Sérgio Vieira, Oldřich Vojtíš, James **Wray**, Akhmar Zavgayev, Vladimir Zhirinovskiy (alternate: Mrs Vera **Oskina**).

N.B. The names of those members present at the meeting are printed in bold.

Secretariat of the committee: Mr Lervik, Mrs Kostenko, Mrs Sirtori-Milner.