COMPARATIVE RESEARCH AND ANALYSIS

COUNTRY PROFILES

**Belgium, Canada, Denmark, Germany,
Netherlands, Sweden, United Kingdom and U.S.A.**

by F. Leslie Seidle
Public Policy Consultant, Montreal

France

by Aude-Claire Fourot
Ph.D. candidate in political science
at the University of Montreal

RESEARCH NOTES

**Commissions On The Accommodation
And Integration Of Immigrants And Minorities**

Media Coverage Of Religious And Racial Minorities

Citizenship Rules And Naturalization Rates

by F. Leslie Seidle

Commission de consultation sur les pratiques d'accommodement
reliées aux différences culturelles

BELGIUM

COUNTRY PROFILE

F. Leslie Seidle

Public policy consultant

Montréal

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7 January 2008

BELGIUM

COUNTRY PROFILE*

F. Leslie Seidle

Key Facts

Population: 10,364,388 (July 2005 est.)

Foreign (including EU) nationals:
- country – 9.02% (2004)
- Brussels – 26.4% (2004)
- Antwerp – 7% (2001)

Net migration rate: 0.58 migrant/1,000 population (2007 est.)

Principal non-European immigration-sending countries: Morocco, Turkey, Democratic Republic of Congo (in order of importance based on 2005 data)

Main religions: Roman Catholic 75%, other (includes Protestant) 25%[1]

As a federation with three officially recognized languages, it is perhaps not surprisng that Belgium displays a number of characteristics of pluralism. For example, instruction in six officially recognised religions is offered in schools; teachers of those courses are paid by the state, as are the clerics of all the religions except Islam;[2] and a number of institutions exist to counter discrimination. However, there are contrasts between laws and policies on the one hand, and living conditions on the other. Although their situation seems less dire than in some other Western European countries, discrimination against immigrants and Muslims (even the Belgian-born) in the labour market and other fields is a significant issue. Belgium's decentralized federal system also has an impact, and there are notable differences between Flanders and Wallonia on programs for immigrant integration, the accommodation of religious dress in public institutions and other matters.

1. Approaches to Immigration and Integration

Immigration patterns and policies
Soon after the Second World War, Belgium began recruiting foreigners to work in the coal mines (then closely linked to other industrial production). The first bilateral

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[1] These estimates are from the Central Intelligence Agency "World Factbook" (no date given).
[2] Although there has been active discussion for some time about the government paying the salaries of *imams* (see p. 9).

agreement was with Italy (in 1946), followed by Spain, Greece, Morocco and Turkey during the period to the mid-1960s. In the early 1960s, when the demand for such labour was still strong, the government stopped strictly applying the immigration law. A work permit was not necessarily required in order to obtain a residence permit. When the economic situation worsened in the late 1960s, there was a return to strict application of the immigration law.

Belgium nevertheless had to allow the free movement of workers from the European Community (EC). By 1968, 62% of foreign workers were nationals from other EC countries. From 1968, nationals of EU states were treated the same as Belgian nationals, except for public-sector jobs.

Continuing economic difficulties in industries that employed large numbers of foreign workers led in 1974 to a strict new policy that allowed entry to immigrants from non-EU countries only if they had qualifications not available in Belgium. A second new policy allowed foreigners residing illegally in the country to regularise their status and obtain residence permits. The first of these policy changes led to a decline in immigration and a shift in its nature. Whereas Belgium attracted primarily unskilled workers during the 1946-74 period, subsequently work permits were more often granted to qualified foreigners with a higher education level.

Family reunification has also been an important channel. In 2005, it was the most important category of long-term immigration, accounting for 53% of such immigrants. Significant numbers of asylum-seekers also are attracted to Belgium. In 1990, there were 12,897 asylum seekers in Belgium. The number peaked at 26,408 in 1993 but declined subsequently. In 2006, there were 11,587 asylum seekers in the country.

The 2000 reforms to the Nationality Code reduced the residence requirement for naturalization for most immigrants from five to three years and to two years for refugees. Significant numbers of foreign nationals subsequently became citizens. For example, before the changes there were some 140,000 people with Moroccan nationality in Belgium; as of mid-2007, there were around 80,000.

The National Institute of Statistics reports only individuals with non-Belgian citizenship and not those born outside the country (foreign born). As of 2004:
- Foreigners[3] constituted 9% of the country's population, and 26.4% of the population of Brussels, 9.12% of Wallonia and 4.79% of Flanders.
- EU nationals accounted for more than two-thirds of Belgium's foreign population.
- Foreigners from Turkey and Morocco represented 16% of the foreign population in Flanders (about 20% in Antwerp) and 7.5% in Wallonia.

Muslims are Belgium's second-largest religious group after Roman Catholics. The number of Muslims is estimated at around 400,000 (4% of the country's population). The largest groups are of Moroccan (125,000) and Turkish (70,000) origin.

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[3] Excludes immigrants who have naturalized and Belgian-born children of a foreign parent (such children are Belgian citizens at birth if they have at least one Belgian parent who has lived in Belgium for at least five years during the 10 years preceding the child's birth).

<u>Integration policies and programs</u>
Policies on immigrant integration date only from the mid-1980s. In 1984, as tensions over immigration were becoming politicized, a new Nationality Code was introduced. Among other changes, naturalization became more accessible. Subsequent developments, prompted in part by the rise of right-wing parties in Flanders (see section 4), included:

- The adoption in 1981 of a law against racism and xenophobia. It was amended in 2003 to expand the grounds for discrimination and introduce a distinction between direct and indirect discrimination. This law has since been used to dissolve *Vlaams Blok* and to charge the leader of the *Front national*, Daniel Féret, with inciting racial hatred (see section 4).
- The creation in 1989 of the Royal Commissariat for Migrant Policies, with a mandate to develop integration policies for foreigners.
- A range of measures, including education and professional training, to improve conditions in neighbourhoods where significant numbers of immigrants live.
- In 1993 the Centre for Equal Opportunities and the Fight against Racism replaced the Commissariat. In 2003, the law establishing the Centre was strengthened to specify that hatred, contempt or hostility based on "supposed race" constitute an aggravating circumstance in respect of a number of offences, including harassment and insulting a person's reputation.

Another of the 2000 changes to the naturalization rules (see p. 2) allowed applicants for citizenship to make a simple declaration and removed the longstanding requirement for verification of his/her "desire to integrate".

<u>Integration programs</u> are largely the responsibility of the regions and communities. In Flanders, immigrants must take an integration course or face administrative sanctions (including modest fines). They can follow one of two routes: 1) a program composed of Dutch language training, social orientation and career guidance; or 2) a program based on one-on-one guidance provided by different institutions. Wallonia takes a more liberal approach, with the immigrant being responsible for his/her own integration. French-language and literacy courses are offered, and immigrants also receive social, cultural and civic information. Six integration centres have been established throughout Wallonia (Carrera 2005, 13-14).

The approach of Brussels-Capital, with its significant concentrations of ethnic minorities, has been described as 'pragmatic multiculturalism' (EFILWR 2007, 7). In this regard, Dirk Jacobs, a Belgian scholar has drawn a link between "issues of immigrant incorporation" and "multinational politics" in the Brussels-Capital Region (Jacobs 2004, 296). In his view, these dynamics have also had a positive impact on what he terms the multicultural aspects of Flemish immigrant integration policy (despite the anti-immigrant positions of *Vlaams Blok* and its successor *Vlaams Belang* – see section 4).

In recent years, inter-community dialogue has become more important. For example, in February 2004 the federal government launched an 'intercultural dialogue' focused on four themes: the fundamental principles of the functioning of public services (equality, nondiscrimination and neutrality) and their implementation in an

intercultural context; citizenship as a remedy against the fear of others; equality between men and women; and the place and recognition of the expression of religious belonging in a democratic and pluralist society.

In October 2007, Belgium received the third-highest score on the Migrant Integration Policy Index (MIPEX) − a measure of a range of relevant policies in 25 European Union member states and three non-EU countries (including Canada). Belgium placed below Sweden and Portugal. The MIPEX is based on more than 140 indicators[4] in six policy areas: labour market access, family reunion, long-term residence, political participation, access to nationality, anti-discrimination. (Note: The MIPEX assesses a country's legal and policy framework, and does not measure outcomes.)

2. Main Issues

Public opinion
Belgian public opinion on immigrants and minorities tends to be less positive than in a number of other European countries.
- According to the results of a special Eurobarometer survey on racism and xenophobia conducted in spring 2000, attitudes towards immigrants and minority groups in Belgium (based on a range of questions) were more negative than the EU average.
- In the Eurobarometer "European Social Reality" survey conducted in late 2006, Belgium scored 12th among the 25 EU countries on the immigration scale (the scale was based on the five immigration questions in the survey,[5] and a high score indicated positive views on immigration). Belgium scored lower than Sweden, Denmark, France, the Netherlands and Germany (in that order), and higher than the United Kingdom.

Other surveys suggest that Belgians are aware of how ethnic and religious minorities are often perceived. For example, a Eurobarometer survey conducted in summer 2006 found that:
- 78% of Belgians believed ethnic discrimination was widespread in their country (the EU average was 64%).
- 60% of Belgians perceived widespread religious discrimination (the EU average was 44%).

On religious dress, a study released by the *Centre de psychologie de la religion* at the Catholic University of Louvain-La-Neuve in May 2007 found that some 35% of the francophone Belgians interviewed[6] were bothered (*dérangés*) by women wearing headscarves in public places; 45% were disturbed by someone wearing a headscarf at school. The authors of the study offered the following observations:

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[4] Best practice for each policy indicator is set at the highest European standard, drawn from Council of Europe conventions or European Community directives. Where these are only minimum standards, European-wide policy recommendations are used.
[5] The questions covered immigrants' contribution to the labour market and the country's cultural life, their possible threat to security and their role in "solving the problem" of Europe's ageing population.
[6] The interviews of 313 people considered representative of Belgian society were carried out in two waves in 2005 and 2006.

Si le racisme peut raisonnablement être pensé comme suscitant en grande partie l'hostilité au voile, il n'est pas exclu non plus que la sur-présence du voile dans l'espace public alimente un racisme sous-jacent. Pour la société dite d'accueil, cela implique la nécessité d'un travail incessant sur le racisme qui couve en son sein ainsi que l'utilité d'un questionnement sur la réalité des motivations qui peuvent parfois se cacher derrière le souci de défendre l'autonomie d'autrui. (UCLouvain 2007)

Minorities' socio-economic situation

Various measures show there are significant gaps between native Belgians and residents with an immigration background. For example, a study commissioned by the King Baudoin Foundation found that, in 2001, 12.7% of residents in Belgium were living below the poverty level. For people with a Turkish background, the rate was 58.9%, and for those with a Moroccan background it was 55.6% (Robaeys and Vranken 2006). Immigrants also have high unemployment rates: in 2006, the unemployment rate for non-EU nationals in Belgium was 32.5%.

Discrimination and racism

Despite a number of initiatives at the regional level, where most of the responsibility for employment matters lies, various reports have underlined ongoing problems with discrimination in employment. For example, in a 2003 report Centre for Equal Opportunities and the Fight against Racism (described at p. 3) noted that the number of complaints about racism had increased compared to previous years and that many of these related to employment. The same year, the European Commission on Racism and Intolerance[7] stated that "much remains to be done" so that persons of an immigrant background "enjoy genuinely equal opportunities in employment" (ECRI 2003, 20).

3. Significant Events

Belgium has not had ethnic confrontations on the scale of incidents in other European countries – e.g. the murder of Theo van Gogh and subsequent reaction, the 2005 disturbances in the French suburbs and the 2001 race riots in northern England. There have nevertheless been some violent incidents in Belgium:

- Two days of what were labelled as race riots broke out in Antwerp in November 2002 after a Moroccan teacher was murdered by a white dockworker who was said to be mentally ill. Abou Jahjah, a Lebanese who once fought for Hizbollah, was later charged with conspiracy to foment disorder, destroying vehicles and assaulting a police officer.
- In May 2006, 18-year-old Hans van Themsche wrote a letter stating he was going to kill foreigners and then went on a shooting rampage in Antwerp. He wounded a Turkish woman and killing a nanny from Mali and a two-year-old girl in her care.
- On 11 September 2007, 154 people, including Filip DeWinter (see section 4), were arrested in Brussels at an illegal demonstration sponsored by the

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[7] This commission was established by the Council of Europe.

organization "Stop the Islamisation of Europe."[8] The mayor of Brussels had imposed a ban on the demonstration due to fears that it would antagonize the capital's immigrant community.

Some events have been organized to protest extremism and promote tolerance. For example, during the run-up to the 2006 municipal elections, concerts were held in Brussels, Ghent, Antwerp and Charleroi. The Antwerp concert, held at the same time as a *Vlaams Belang* rally nearby, attracted some 40,000 people.

4. Main Actors/Sources of Pressure for Harmonization

Belgium's complex and highly decentralized federal system means that a range of government institutions (legislative, executive and judicial) are involved in the issues addressed in this profile. The federal government has responsibility for immigration and naturalization laws, but the regional and community governments have responsibility for many of the policies and programs related to immigrant and minority integration. As one study put it: "[D]epending on the policy field (labour, education, housing, urban renewal, fight against poverty, etc.) or the region concerned (Flanders, Wallonia or Brussels), political authorities from all levels of powers have a share in policies directly or indirectly related to the participation of immigrants and ethnic minorities in society" (quoted in EFILWR 2007, 7).

As in a number of other western European countries, political parties have been important actors in debates about immigration and integration policies. The most vocal anti-immigration party is *Vlaams Belang* (Flemish Interest). Its roots date to 1978 with the founding of *Vlaams Blok* (Flemish Block). The latter initially emphasized Flemish nationalism but in the late 1980s adopted an anti-immigration stance. In the 1991 federal election, *Vlaams Blok* took 10.3% of the votes in Flanders, leading some to label the voting day 'Black Sunday'. In June 1992, party member Felip DeWinter published a 70-point program on immigration issues, in which he went as far as calling for the forced repatriation of immigrants up to the third generation. The party's support rose during subsequent elections: 12.6% in the 1994 European elections, 15.4% in the 1999 federal and European elections and 24% in the 2004 Flanders regional elections.

In 2004, a court found *Vlaams Blok* guilty of inciting racial hatred and obliged it to dissolve. The party renamed itself *Vlaams Belang* (VB) and has since moderated somewhat its anti-immigrant positions in order to qualify for the state funding available to legal political parties. However, VB continues to exploit anti-immigrant and, in particular, anti-Muslim sentiment. It has called for a restriction on the number of mosques in Antwerp, the expulsion of radical *imams* and the ending of public subsidies to Islamic institutions. In September 2007, DeWinter, who leads the VB group in the Flemish parliament, was quoted as saying: "Personal religious observance should be free, also for Muslims, but we do not think that a sort of Islamic pillar of society should be created in our country to which we have to make all sorts of

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[8] The organization, which was founded in Denmark, states on its Web site that "Islam and democracy are incompatible due to teachings within the Koran."

concessions, like segregated swimming areas and halal food in public schools."
(Expatica 2007)

In the 2006 municipal elections, VB won 33.5% of the votes in Antwerp and 20 of the 55 seats on the city council. In the national election of 10 June 2007, VB went from 18 to 17 seats in the *Chambre des représentants* despite a slight increase (0.4%) in its popular support. The *Lijst Dedecker* (LDD) a right-wing but not anti-immigrant party founded in early 2007, won five seats − more than some expected. Analysts suggested that LDD took some votes away from VB.

A number of researchers have reported that the electoral support for *Vlaams Belang* (and its predecessor) reflects the party's anti-immigrant stance. However, Johan Leman (Catholic University of Louvain) suggests that some of its support reflects the lack of other Flemish right-wing parties in the 1990s (Barker 2007). At the same time, some of VB's support is linked to its calls for Flemish independence. (VB continually emphasizes that Flanders subsidizes the comparatively less well-off Wallonia.)

In Wallonia, the *Front national* has been the principal anti-immigrant party since its founding in 1985. The party has had limited electoral support, which some analysts blame on in-fighting and "incompetent leadership" (Barker 2007, 5). The party's leader, Daniel Féret, has claimed, among other things, that Belgium will be under Islamic law within 15 years. In 2006, he was convicted of inciting racial hatred and barred from running for office for 10 years. Féret has appealed the decision. In the 2007 national elections, the party retained its one seat in the *Chambre des représentants.*

The role of certain political parties in exploiting anti-minority sentiment has been criticized by various monitoring bodies. For example, in a 2003 report, the European Commission on Racism and Intolerance expressed its "concern at the continuing presence of racist and xenophobic discourse in politics in Belgium and the increasing success of parties that resort to racist or xenophobic propaganda" (ECRI 2003, 22).

On a more positive note, Muslims are quite active in electoral politics, particularly in Brussels. The mayor of Brussels, Freddy Thielmans, belongs to the *Parti socialiste* (PS). The PS is the largest party in Brussels and holds 17 of the 47 seats on the city council. Ten of these 17 councillors are Muslim. The PS governs Brussels in a coalition with the Christian Democrats, who have 11 councillors; two of these are Muslims and three are immigrants from sub-Saharan Africa.

5. Legal Cases and Administrative Decisions

There has been significant debate about the wearing of religious symbols, particularly the *hijab*, and whether this is protected by the religious freedom guarantee in the Belgian constitution. The government and the courts have tended to deal with the issue on a case-by-case basis, rather than establishing a general policy (as in France).

Wearing religious symbols is broadly prohibited for certain public officials, notably judges and the police (although there is no single countrywide policy in this regard). In the education field, there has been considerable controversy about the wearing of

the *hijab* by teachers and students. The jurisprudence and actual practice continue to evolve.

In 1989, several schools near Brussels prohibited head coverings in the classroom. The Brussels appeal court invalidated the prohibition, stating that the neutrality policy of the public school system did not disallow students from bearing witness to their religion. In 1994, a Liège civil tribunal upheld a ban on the *hijab* in schools. It concluded that the *hijab* is not a religious obligation but an expression of personal or family conviction; its wearing was therefore not protected by the guarantee of freedom of religion.

In 2002, <u>the federal government issued a statement indicating it was not government policy to set rules on religious symbols and that such decisions would be left to local school authorities.</u> Various reports suggest that <u>most schools in the public education system have banned teachers and students from wearing a head covering (*couvre-chef*)</u>. According to a 2004 report, of 110 schools surveyed in Brussels, only eight allowed the *hijab* (as noted in US Department of State 2006). A survey released in 2006 showed that 90% of the public schools in the Francophone community did not permit the headscarf (US Department of State 2006). However, religious symbols are permitted in Catholic schools, which account for the largest proportion of educational establishments in Belgium and receive public subsidies.

In a June 2005 case, the Antwerp appellate court ruled that girls in public schools have the right to wear the *hijab* but that the school board has the authority to restrict that right for organizational reasons or for the good functioning of the school. The court added that the school board must justify any such restrictions.

In October 2007 the *Conseil d'État*[9] ruled on the case of a Muslim teacher who was fired for wearing the *hijab* outside the religion classes she taught in a school in Flanders; she had been allowed to wear a headscarf when she was teaching the classes. It declared her dismissal unlawful, stating that an individual school or district may not impose a general ban on religious symbols. (The decision did not affect similar rules applying to students.) The Flemish community's education council ruled shortly thereafter that Muslim teachers would be permitted to wear the *hijab* outside religion classes but not while they were carrying out any teaching functions.

In early 2007, the city of Antwerp banned the wearing of the *hijab* by any city employee who has contact with the public. In August 2007, an alternative policy was developed for Muslim women working in crèches: they may wear a bandana instead of a *hijab*. According to a press report, this alternative might in future be introduced for other municipal services.

In Flanders, there have been moves to ban the *niqab* and the *burqa* in public. Maaseik was the first locality to implement such a ban. According to the mayor Jan Creemers, five or six women in the town had "caused feelings of insecurity" by

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[9] The *Conseil d'État* hears cases from individuals and has the power to annul contested administrative decisions. In this context, it is possible to invoke not only the guarantee of freedom of religion in the Belgian constitution but also the provision of the European Convention on Human Rights stipulating that the right to freedom of thought, conscience and religion includes the freedom "to manifest [the person's] religion or belief, in worship, teaching, practice and observance."

wearing the *burqa*. A Moroccan immigrant, Khadija El Ouazzani, was fined €75 under the by-law for wearing the *burqa*; in 2006, a local police court upheld the ban and the fine.

In 2004, at Creemers' request, Marino Keulen, the interior minister in the Flemish government, issued a prohibition on the *burqa*, which he sent to all 308 communes in Flanders. The regulation states that persons on the streets and in public buildings must be identifiable at all times "to protect the social order." It prohibits covering the forehead, cheeks, eyes, ears, nose and chin. By the end of 2005, at least 20 communes, including Antwerp and Ghent, had adopted prohibitions on the *burqa.* However, some legal experts have suggested Keulen may have exceeded his authority (although Flanders, Wallonia and Brussels have had interior ministries since 2001, the federal interior ministry continues to have jurisdiction over the maintenance of public order).

6. Schools and Other Institutions

Funding for churches and religious schools
The Government accords "recognized" status to Roman Catholicism, Protestantism (including evangelicals and Pentecostals), Judaism, Anglicanism, Islam and Orthodox Christianity (Greek and Russian). The federal, regional and municipal governments provide various subsidies to churches. According to the Justice Ministry, in 2006 the federal government made salary payments to 3,021 Catholic priests, 110 Protestant/Evangelical and 12 Anglican ministers, 35 Jewish rabbis, 48 Orthodox priests, and 247 lay consultants. Federal and regional authorities continued to deliberate with the Muslim Executive (see below) on the criteria for providing payments to Muslim clerics.[10] Total funding by all levels of government (for religious education and by municipal authorities for buildings) amounted to approximately €580 million in 2006.

Public school students under 17 have the option of participating in either non-denominational ethics classes or classes for religious instruction (of the state's recognized religions). For older students, these classes are voluntary. Instruction in Islam has been possible since 1978. The Muslim community has the right to provide teachers at government expense for religious instruction. The Islamic Cultural Centre of Brussels is the official body that approves the curriculum for Islam instruction and the appointment of teachers responsible for such teaching.

Muslim institutions
Although Islam has been a recognized religion since 1974, for a number of years there was no overarching representative organization due to lack of agreement on a common leadership. This meant that Muslims did not receive their share of the subsidies the different governments provide to the churches. In 1999, the *Exécutif des Musulmans en Belgique* was created with the assistance of the Belgian government. However, a period of tensions between the government and the Council ensued, in part over suspicion that some of the members of the council had links to Islamists. In 2003, the Council was officially recognized by a royal decree.

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[10] Despite passage of a law in 1981 authorizing government payment of the salaries of *imams.*

In 2003, there were 328 mosques and prayer spaces in Belgium: 162 in Flanders, 89 in Wallonia and 77 in Brussels. Only a few of these were 'classical' mosques. In June 2007 it was announced that official recognition had been granted to 43 mosques. The decision is expected to lead to mosque officials being provided a monthly salary by the government.

In autumn 2007, the first Islamic school in Belgium opened its doors. Situated in Molenbeek, the Avicenna Islamic school is a mixed private institution that receives no subsidies. It has not yet been recognized by the state, which means students who graduate must pass a test by the public examination board to receive an officially recognized certificate.

In November 2006, the Belgian government announced plans to open an *imam* school by the close of the 2006-2007 academic year. The Muslim Executive was a driving force behind the conception of the school. *Imams* can be punished for making statements attacking the state, and in Flanders they must take part in the integration course (see section 1).

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CANADA

COUNTRY PROFILE

F. Leslie Seidle

Public policy consultant

Montréal

Commission de consultation sur les pratiques d'accommodement

reliées aux différences culturelles

5 March 2008

CANADA

COUNTRY PROFILE*

F. Leslie Seidle

Key Facts

Population: 31,612,897 (2006 census)

Foreign-born population:
- country – 19.8% (2006 census)
- Toronto – 45.7[1]
- Vancouver – 39.6%
- Montréal – 20.6%

Migration rate: 5.79 migrants/1,000 population (2007 est.)

Principal immigration-sending countries: China, India, Philippines, Pakistan (in order of importance based on 2006 census data)

Main religions: Roman Catholic 42.6%, Protestant 23.3%, other Christian 4.4%, Muslim 2.0%, other and unspecified 11.8%, none 16% (2001 census)

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1. Approaches to Immigration and Integration

A full understanding of the accommodation and integration of minorities in Canada outside Quebec[2] requires a broad perspective. The federal government has had a multiculturalism policy since 1971, along with a range of programs that have evolved over time. Most provincial governments and a number of large cities have their own programs. Human rights commissions (federal, provincial and territorial) play an important role in discouraging discrimination, and nongovernmental organizations are active in providing services to promote immigrant integration. Behind all this lies the immigration framework, often considered one of the pillars of Canada's generally acknowledged success in accommodating diversity.

Immigration patterns, rules and settlement programs
Canada has the highest per capita immigration of any OECD country. Its official immigration target for 2007 was the highest in 25 years, and its estimated net

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[1] The data for the three cities are from the 2006 census and refer to the census metropolitan area.
[2] As requested, this profile focuses on Canada outside Québec. Some data on Québec are nevertheless included for purposes of comparison, and the 'Legal Cases' section includes Supreme Court of Canada decisions that apply to the entire country.

migration rate for 2007 was almost double that of the United States.[3] In 2004-05, net international migration accounted for two-thirds of Canada's population growth, compared to 38% in the United States.

The composition of immigration to Canada has changed dramatically since the 1960s, when Europe was still the principal source for newcomers. The People's Republic of China is the leading source country for newcomers: 14% of immigrants who arrived between 2001 and 2006 came from that country. It was followed by three other Asian countries: India (11.6% of immigrants between 2001 and 2006), the Philippines (7%) and Pakistan (5.2%). Between 2001 and 2006, 40.4% of immigrants settled in Toronto, followed by 14.9% for Montréal and 13.7% for Vancouver. In 2006, 19.8% of the country's population was born outside Canada – considerably higher than in any of the eight other countries reviewed for the Commission.

If Canada has been more successful than some other countries in integrating newcomers (Süssmuth 2007), this can be attributed to public policy decisions and programs that pre-date today's growing concerns about how well immigrants 'fit' into their host societies:

1. Immigrant selection is based on a points system dating from 1967. Candidates for the 'economic class' are rated on education, job experience and other factors. More than half (55% in 2006) of newcomers to Canada come as 'economic' immigrants. The other two categories are the family class (28% in 2006) and the 'convention refuges and persons in need of protection' class (14% in 2006).

2. Language competence (in English and/or French) is a factor in selection as it is one of the criteria for the points rating for applicants; the weighting given language ability was increased in 2002. In a survey of immigrants who arrived in Canada in 2000-01, 82% said they were able to converse well in at least one of the official languages when they arrived.

3. There is extensive programming for immigrant settlement and integration. This dates from the 1950s, when the newly created Department of Citizenship and Immigration (CIC) began hiring liaison officers to work in key settlement areas. CIC's spending on integration programs (excluding those provided by the Quebec government) for 2007-08 is projected at $508 million, up from an estimated $323 million for 2006-07. A large share of this spending consists of transfers to provincial governments for programs they deliver (e.g. labour market counseling) or that are delivered by nongovernmental organizations. Recently, there has been a greater focus on language training, including courses intended to help recent arrivals find jobs within their fields and/or perform more effectively once hired.[4]

4. Knowledge of the country and the rights and responsibilities of citizenship are assessed through the citizenship test (introduced in 1994) that candidates for naturalization must pass.

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[3] The estimate for the US for 2007 is 3.05 migrants/1,000 population compared to 5.79 for Canada.
[4] CIC's projected spending on language instruction for newcomers for 2007-08 is $175 million, compared to $120 million for 2006-07).

5. <u>Rate of naturalization</u>. Candidates for naturalization must have lived in Canada at least three years – a shorter period than in any of the countries reviewed for the Commission, with the exception of Belgium.[5] According to the 2006 census, 85.1% of foreign-born people who were eligible for Canadian citizenship had become Canadian (a slight increase from 83.9% in 2001).

The rules and programs described above are well established and largely not contentious. When the *Immigration and Refugee Protection Act*, which came into effect in 2002, replaced the 1976 *Immigration Act*, the immigration categories remained as is. However, there were some changes to the criteria for assessing the admissibility of economic applicants that were intended to help Canada attract more highly skilled workers. In contrast, recent legislative changes in a number of western European countries have been quite controversial – e.g. stricter requirements on language ability that some critics claim are intended to dampen immigration from certain source countries. (For further details on Canadian immigration policy and patterns, see Ray (2006).)

Multiculturalism
The roots of the federal multiculturalism policy lie in the process that led to the 1969 *Official Languages Act.* The leaders of certain ethnocultural groups criticized the Royal Commission on Bilingualism and Biculturalism (appointed in 1963) because they believed their own communities' heritage would be ignored. The commission subsequently downplayed the concept of 'biculturalism', and one volume of its report was titled *The Cultural Contribution of the Other Ethnic Groups.* In 1971, the federal government presented a new multiculturalism policy with the following goals:
- to assist all Canadian cultural groups that have demonstrated a desire and effort to continue to develop a capacity to grow and contribute to Canada;
- to assist members of all cultural groups to overcome cultural barriers to full participation in Canadian society;
- to promote creative encounters and interchange among all Canadian cultural groups in the interest of national unity;
- to assist immigrants to acquire at least one of Canada's official languages in order to become full participants in Canadian society.[6]

The Canadian Charter of Rights and Freedoms, adopted in 1982, includes a clause (section 27) providing that it be interpreted "in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians."[7] In 1988, the *Canadian Multiculturalism Act* was adopted, and federal institutions were given a shared responsibility to further the objectives of the policy.

Multiculturalism came under criticism in the mid-1990s (see section 4), and in 1995 the Department of Canadian Heritage commissioned Brighton Research to review the federal policy. Its report referred to multiculturalism as "unfinished business" and recommended the department "eschew initiatives unrelated to identity, participation

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[5] See F. Leslie Seidle, "Comparative Overview of Citizenship Rules" (prepared for the Commission).
[6] From Prime Minister Trudeau's statement in the House of Commons, 8 October 1971.
[7] Its legal impact has been quite limited (see Kymlicka 2007b, 46).

and justice because such initiatives appear to many Canadians to weaken the Canadian fabric" (quoted in Abu-Laban and Gabriel 2002, 113).

When the multiculturalism program was renewed in 1996, three new goals were set: social justice, civic participation and identity. As one study put it, "the current program aims to inculcate an attachment to Canada (as opposed to cultural maintenance) and to create what is referred to as active citizens" (Abu-Laban and Gabriel 2002, 114). There has also been a growing emphasis on combating racism and discrimination. In 2005 the federal government issued Canada's Action Plan against Racism, with funding of $56 million over five years for its implementation. In addition to committing federal departments and agencies to working together, the Action Plan emphasizes the importance of partnerships with civil society to assist victims of discrimination, combat racism, counter hate messages and educate youth.

Multiculturalism and related programs have been developed in most provinces as well as the larger cities (notably Toronto and Vancouver). Five provinces (British Columbia, Alberta, Saskatchewan, Manitoba and Nova Scotia) have multiculturalism legislation, and in Ontario the *Ministry of Citizenship and Culture Act* gives the ministry responsibility for "encouraging the sharing of cultural heritage while affirming those elements held in common by all residents."[8]

Religion, religious dress and religious practices
Constitutional protections other than section 27 of the Charter have influenced the accommodation of ethnocultural - especially religious - minorities and intercultural relations. For example, protection of schooling for Roman Catholic children in Ontario dates from the *Constitution Act, 1867*. The Charter guarantees freedom of religion (section 2(a)), and the courts have tended to give considerable weight to minority claims based on this section (see section 5).

Although Muslims represent a smaller proportion of the population (2%) than in a number of western European countries, they are the largest non-Christian religion in Canada. The number of Muslims in the country increased by 129% between 1991 and 2001, and the Hindu and Sikh minorities each grew by 89%. Muslims are the largest non-Christian minority in Toronto and Montréal, whereas in Vancouver Sikhs are more numerous (for further details, see Table 1).

Table 1: Non-Christian religious groups in Canada's three largest cities
(percentage of population of census metropolitan area, 2001 census)

	Jewish	Muslim	Sikh	Hindu	Buddhist
Toronto	3.5	5.5	1.9	4.1	2.1
Vancouver	0.9	2.7	5.0	1.4	3.8
Montréal	2.6	2.9	0.2	0.7	1.1

As for religious dress, the Environics survey of Canadian Muslims carried out between November 2006 and January 2007 asked women about their practices:

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[8] For further details and analysis, see Graham and Phillips (2007) and Dewing and Leman (2006).

- 38% said they wear a *hijab* in public, 3% a *chador*, 1% a *niqab* and 57% none of these.
- Of those who wear any of the preceding in public, 81% said they do so every day, 9% almost every day, 3% once or twice a week and 2% 'a few times'.[9]

A number of public institutions have developed <u>policies or guidelines on religious requirements and practices</u>. For example, in 1996 the Ontario Human Rights Commission issued a "Policy on Creed and Accommodation of Religious Observances." Some school boards also have guidelines on these matters (see, for example, York Region District School Board n.d.).

2. Main Issues

<u>Public opinion</u>
Canadians - both outside and inside Quebec - consistently show strong support for broad principles such as multiculturalism and see immigration as valuable for its economic and other benefits (Banting, Courchene and Seidle 2007, 6, 10). However, on particular issues such as the claims of religious minorities, public opinion is more divided, with Quebecers showing stronger concerns than other Canadians.

There is <u>relatively strong support for the present immigration rules</u>. For example, in an Environics survey (for the Trudeau Foundation) conducted in September and October 2006:
- 54% disagreed that there is too much immigration to Canada
- 93% were opposed to the suggestion that non-Whites should be prevented from immigrating to Canada
- 57% agreed that Muslim immigrants make a positive contribution to Canada.

<u>Canadians are more divided on their impression of Islam</u>. In the same survey:
- 49% said they had a "generally positive" impression (up 4 points from 2003)
- 37% said their impression was "generally negative"
- 10% said their impression was "neither positive nor negative".

There is <u>some concern that the protection of freedom of religion could lead to conflicts with widely-held Canadian values</u>. A March 2007 Strategic Counsel survey included the following question: "How do you view the guarantee of religious freedom under the Charter of Rights and Freedoms?". On a national basis, the response to the two choices offered was as follows:
- The guarantee of religion is a fundamental right – 55%
- Could lead to abuses where this guarantee is used to pursue religious practices that are against Canadian values – 35%
- Don't know/no answer – 10%.
In Quebec, the pattern was almost the opposite: 56% agreed with the first statement.

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[9] For a discussion of the various reasons Muslim women and girls wear the *hijab*, see McDonough and Hoodfar (2005), p. 142.

In the 2005 Pew Center 17-country survey, 37% of Canadian respondents said that underline Muslim headscarves "is a good idea". This was slightly higher than in the United States (33%) and Great Britain (29%) and much lower than in France (78%).

Minorities' socio-economic situation
Some recent arrivals are not doing as well as previous generations of immigrants. While immigrants have higher average levels of education than their Canadian-born counterparts many work in jobs below their level of education. In a study released on 10 September 2007, Statistics Canada reported that in 2006 the unemployment level of immigrants who arrived in Canada between 2001 and 2006 was 11.5%, compared to 4.9% for the Canadian-born population. Nearly one in five (18.5%) of immigrants who arrived between 1992 and 2000 had a low income (as measured by Statistics Canada) during at least four of their first five years in Canada.

Recognition of qualifications
In the past several years, there has been considerable public discussion about the "discounting" of foreign education, credentials and experience. Provincial governments have the constitutional authority to regulate trades and professions, and some of them – notably Quebec and Ontario – have begun to address the issue. In May 2007, the federal government launched a Foreign Credentials Referral Office, which is intended to help internationally trained individuals who plan to work in Canada get their credentials assessed and recognized more quickly.

Discrimination
Although governments, nongovernmental organizations and the private sector have taken a wide range of steps since the 1970s to combat discrimination based on race, religion and related factors, this remains a problem. Moreover, some groups seem to be more vulnerable to discriminatory treatment. For example:
- In Statistics Canada's 2002 Ethnic Diversity Survey, about 20% of members of visible minorities reported perceived discrimination or unfair treatment sometimes or often during the preceding five years, compared to 5% of the population aged 15 and over who did not identify as a visible minority; for Blacks, the corresponding result was 32% and for Muslims 30%.
- In a 2005 survey of Muslim women in Canada, some 44% of respondents reported experiencing discrimination or unfair treatment in the previous five years because of their background or religion (Hamdani 2006, 23).

Residential concentration
Residential concentration of immigrants and visible minorities is considerably lower than in a number of Western European cities and varies by group. In 1996, only 38 census tracts in Toronto had a Black population greater than 20%. In contrast, the Chinese in Toronto were 20% or more of the population in 83 census tracts, accounting for 51% of the Chinese population in that city. Following an increase in the 1990s, immigrants accounted for 77 percent of the population of low-income census tracts in Toronto in 2001; and 47 percent of those in Vancouver. However, a study tracking residential patterns over time found that Blacks and South Asians often settle initially in low-income neighbourhoods along with their own and other

minority groups; but in the longer term they move to neighbourhoods with a higher average income in which Whites represent the majority (Myles and Hou 2004).

3. Significant Events

In contrast to countries such as the Netherlands and the United Kingdom, Canada's multiculturalism, immigration and integration policies have not come under close scrutiny as a result of terrorism or other violence. In fact, there have been relatively few events that have brought these policies into the public arena.

Sikh turbans in the RCMP
The most divisive debate so far about multiculturalism and its implications for Canadian traditions turned on the issue of whether Sikh members of the Royal Canadian Mounted Police (RCMP) could be allowed to wear turbans instead of the traditional stetson. Baltej Singh Dhillon was told that RCMP policy would not allow him to wear his turban along with his uniform. The issue went to the Commissioner, Norman Inkster, who sided with Dhillon. This put pressure on the government to change the RCMP regulations. A major controversy arose, with those opposed to the change arguing that allowing the turban was not consistent with tradition and would weaken an important national institution. More than 150,000 people signed petitions to retain the traditional dress code. In March 1990, the RCMP regulations were revised to allow the Commissioner to "exempt any member from wearing any item of the significant uniform…on the basis of the member's religious beliefs." A group of RCMP veterans launched a legal challenge, which they lost in 1995 (see section 5).

Sharia debate in Ontario
In October 2003, the Islamic Institute of Civil Justice announced that, relying on Ontario's 1991 *Arbitration Act*, it intended to initiate a process to adjudicate family and inheritance disagreements according to Islamic personal law. The leading proponent claimed this was the beginning of a *sharia* court in Canada, and this led to considerable opposition within and outside the Muslim community. A number of women's organizations, including some Muslim ones, argued that arbitration on the basis on Muslim family law would erode women's equality rights. The Ontario government asked Marion Boyd (a former attorney general) to conduct a review, with specific attention to the impact on vulnerable individuals of alternative dispute resolution using religious laws.

Boyd's consultations revealed a wide range of views. A minority advocated full jurisdiction for religious and cultural minorities over family law and inheritance matters. At the other extreme, a minority called vigorously for religious groups to have no authority over matters subject to state laws. In her 2004 report, Boyd attempted to strike a balance by recommending that religiously-based arbitration continue (allowing Muslims access to such procedures) but only if the processes and decisions were consistent with the Ontario *Family Law Act*. This did not end the controversy. Indeed, concerns were even expressed in Europe. In late 2005 the Ontario government introduced legislation to ensure that all family law arbitrations are conducted only under Canadian law. While the controversy has receded, Boyd (2007, 472) has written that the episode "challenged all Canadians to pay more

attention to how the concept of multiculturalism is actualized in their day-to-day lives."

Toronto counter-terrorism arrests
On June 2 and 3, 2006, police and security agencies carried out a series of counter-terrorism raids in the Greater Toronto Area that resulted in the arrest of 17 alleged members of a purported terrorist cell (12 adult men and five male youth). Law-enforcement agencies alleged they had been planning terrorist assaults on targets in southern Ontario. Some members of the group reportedly attended a "training camp" north of Toronto where they made a video imitating military warfare. All 12 men have been charged with various alleged terrorist acts.

All the 17 who were arrested are Muslims and all but two were reported to be of Pakistani background – points that some media highlighted.[10] A spokesman for the Canadian Security Intelligence Service was quoted as suggesting the group was inspired by the techniques of Al Qaeda. Some Muslim leaders claimed the security authorities were targeting young Muslims.

Following the Toronto arrests, a number of anti-Muslim incidents occurred in various locations, including Montreal and Toronto. On 3 June, vandals broke windows and damaged cars parked at the Rexdale mosque in northwest Toronto. Police classified the attack as a hate crime. On 9 June, an individual with a knife threatened an imam outside his mosque in Montreal, leading to the arrest of the alleged attacker. While it is difficult to assess the overall impact of the June 2006 arrests, particularly because the courts have not yet disposed of the cases,[11] they nevertheless raised concerns that Canada may not be immune from attempts at terrorism with links to religion.

4. Sources of Pressure for Harmonization/Main Actors

Unlike the situation in a number of other countries, no political party or leader has made a specific effort to exploit concerns about increasing diversity and the integration of minorities. That said, political parties have demonstrated some differences of view on these issues, as have – even more so – intellectuals and public commentators.

Political parties and spokespersons
Many of the elements of Canada's multiculturalism policy and programs were put in place by Liberal governments. However, the *Multiculturalism Act* was adopted while Brian Mulroney was prime minister. This led to the creation of a Department of Multiculturalism, which was folded into the Department of Canadian Heritage in 1993 (under Prime Minister Kim Campbell). When Stephen Harper became prime minister, the practice of having a secretary of state for multiculturalism was discontinued. However, the position was later revived, with a slight name change. Jason Kenney is currently Secretary of State (Multiculturalism and Canadian Identity).

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[10] For a discussion of negative media stereotyping of Muslims, see McDonough and Hoodfar (2005), pp. 137-38.
[11] Although all charges against three of the youth were stayed.

Immigration levels and policy have been somewhat more contentious. Following its founding in 1987, the Report party called for a reduction in immigration levels and tighter admission criteria. Party members said there was a need to clamp down on illegal immigrants and "bogus refugees". Following a broad consultation process, the Liberal government made a number of policy changes in late 1994 that were intended to raise selection standards and increase the proportion of people admitted as part of the economic class. Additional adjustments were made under the new law that came into effect in 2002 (see section 1). On these occasions, the Minister of Citizenship and Immigration was a key actor. However, none of the incumbents had a particularly high public profile; and, with the exception of measures linked to anti-terrorism efforts, debates on the changes have not been particularly polarized.

Intellectuals and public commentators
Although academics and commentators in the rest of Canada have been less prominent in debates about minority accommodation than in Quebec, some of them have nevertheless been active as critics. In the 1990s, the most frequent charge against multiculturalism was probably that, by recognizing and protecting difference, it encouraged divisiveness and discouraged a shared sense of attachment to the Canadian community. Although there were some concerns about potential tensions with individual rights, particularly gender equality, these were not as central. The rising salience of claims based on religion, particularly Islam, has added a sharper edge to recent critiques of multiculturalism and integration policies.

Neil Bissondath's 1994 book, *Selling Illusions: the Cult of Multiculturalism in Canada*, attracted considerable attention because of its sharp criticism of multiculturalism and the author's background (he was born in Trinidad and Tobago). Bissoondath described multiculturalism as a "song and dance affair" that encourages stereotyping and divisiveness and suggested ethnicity should be left to individuals and families, "the only place where they have any true and lasting value." Bissoondath also argued that multiculturalism can have dangerous consequences for women and girls (among other practices, he refers to female circumcision).[12] Although Bissoondath has been less vocal in recent years, following the arrest of the presumed terrorists in Toronto in June 2006 he was quoted as saying that "Muslims are the first group to seriously challenge our notions of multiculturalism and tolerance" (*The Economist* 2006).

The potential tension between multiculturalism and women's rights is a central argument in a recent essay by Janice Gross Stein. She observes that "a deeply embedded culture of individual rights is challenging cultural and religious practices that infringe our concept of equality"; and that the rise of orthodoxy in varous religions (including Christianity) has aggravated the potential for such tensions (Stein 2007, 1-2). Stein (2007, 9-10) suggests Canadians "draw a line around multiculturalism when it puts women's rights at risk. They give higher priority to equality rights than to freedom of religion." She later nuances this statement:

> The Charter officially recognizes multiculturalism at the same time as it guarantees equality. The balance, therefore, is always negotiable, part of an endless process of recalibrating that reflects our evolving understanding of the social contract among our fellow citizens. (Stein 2007, 21)

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[12] The quotations and comments are from Bissoondath (1994), pp. 90, 219, 135-44.

In the same volume, <u>Will Kymlicka</u> responds to Stein by arguing that the tension about which she is so concerned is not between multiculturalism and equality rights but between the latter and freedom of religion. He adds that multiculturalism as a legal principle and public policy is intended to deepen equality rights for ethnic and racial groups, within both public institutions and the larger society. Kymlicka later addresses the relation between equality rights and religious freedom:

> There are powerful arguments for continually broadening and deepening the enforcement of equality rights…And yet we have to stop somewhere. Pushing equality norms all the way down would effectively abolish any meaningful right of religious freedom, or indeed of freedom of association more generally. (Kymlicka 2007a, 143)

In a March 2006 article that attracted a good deal of attention, public opinion expert <u>Allan Gregg</u> presented a critical view of multiculturalism based on recent trends in Canada and elsewhere. He argued that "Canada's fabled mosaic is fracturing…and ethnic groups self-segregating" to support his claim that "ethnic enclaves are burgeoning, especially in suburban Canada." He concluded:

> This growing sense of separateness can have troubling consequences for national identity…The absence of interaction between groups of different backgrounds invariably perpetuates cultural divisions, breeds ignorance, and leads to stereotyping and prejudice. (Gregg 2006, 47)

Although other critics of multiculturalism and related policies (e.g. Reginald Bibby and Martin Loney) could have been cited, space does not permit more than the above sample. In addition, there is a growing body of research about the socio-economic outcomes of visible minorities; some of the authors (e.g. Reitz and Banerjee 2007, 522-27) also outline policy changes to address the gaps between certain visible minorities and the rst of the Canadian population.

5. Legal Cases and Administrative Decisions

Although the concept of reasonable accommodation was developed in the United States in the context of litigation repsecting the rights of the handicapped, in Canada it has come to be associated with cases about religious observance and dress. The courts and human rights tribunals have taken account of factors such as the security of others to sustain some limitations on relgious dress. However, their interpretations of guarantees of freedom of religion under the Canadian Charter of Rights and Freedoms, and provincial charters and human rights codes, have most often reflected the view of the Supreme Court of Canada in *Multani* that "religious tolerance is a very important value of Canadian society."

Court cases

The Supreme Court of Canada's first use of the reasonable accommodation concept dates from the 1985 case, *Ontario Human Rights Commission* v. *Simpsons-Sears.* Theresa O'Malley, a Seventh-day Adventist, alleged religious discrimination against her employer, Simpson-Sears, because she was periodically required to work Friday evenings and Saturdays. Her religion required strict observance of the Sabbath from

sundown Friday to sundown Saturday. As no full-time shifts that did not require work on Friday and Saturday were available, the company terminated her employment.

In its unanimous decision, the Supreme Court relied on the concept of adverse effect discrimination. It arises where an employer adopts a rule or standard that is on its face neutral and applies equally to all employees, but which has a discriminatory effect upon a prohibited ground on one employee or group of employees in that it imposes, because of some special characteristic of the employee or group, obligations, penalties or restrictive conditions not imposed on other employees. Drawing on American jurisprudence, the Court concluded that, in such circumstances, the employer has a duty to take reasonable steps to accommodate such employees short of undue hardship in the operation of the employer's business; and that, in this case, Simpsons-Sears had discriminated against O'Malley.

Sikh turbans
In *Grant* v. *Canada (Attorney General)*, the plaintiffs (non-Sikhs) sought an order prohibiting the Commissioner of the RCMP from allowing the wearing of a turban as part of the RCMP uniform (see section 3 above). They claimed his action was unconstitutional because it violated sections 2(a), 7 and 15 of the Canadian Charter of Rights and Freedoms. The Federal Court - Trial Division concluded (31 May 1995) that allowing Sikhs to wear turbans in the RCMP did not violate any of those sections of the Charter. An appeal to the Federal Court of Appeal was dismissed, as was an application for leave to appeal to the Supreme Court of Canada.

In 1988, the Ontario Human Rights Commission ruled, on the basis of the Ontario *Human Rights Code*, that a prohibition on Sikh turbans in a public school constituted religious discrimination (*Sehdev* v. *Bayview Glen Junior Schools Ltd.*) The same year, Human Rights Commissions in Alberta and again in Ontario used this interpretation of discrimination to overturn bans on uniformed employees from wearing turbans on the job (*Khalsa* v. *Co-op Cabs; Grewal* v. *Checker Cabs Ltd.*)

On issues of safety and public order, the jurisprudence answer is not as clear. The British Columbia Human Rights Tribunal upheld the right of a turbaned Sikh to ride a motorcycle without a helmet, finding that mandating the helmet despite the religious obligation to wear a turban was not justified by the marginal increase in risk to the person or increase in medical costs (*Dhillon* v. *British Columbia (Ministry of Transportation & Highways)*). However, in *Bhinder* v. *Canadian National Railway Co.*, the Supreme Court of Canada upheld a workplace policy that mandated hardhats at CN Rail, thus precluding Sikh turbans. The Supreme Court dismissed Bhinder's claim, as the *Canadian Human Rights Act* allows an exception to freedom of religion where there is a *bona fide* occupational requirement.

Sikh *kirpan*
In Multani v. Commission scolaire Marguerite-Bourgeoys, the school board had prohibited a Sikh student from wearing his *kirpan*[13] to school in Montréal as a

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[13] Wearing a kirpan is one of five requirements of dress that Orthodox Sikhs are expected to observe; the others are: uncut hair, a comb symbolizing cleanliness, a steel bangle on the right wrist and special underwear (Mahmood 2005, 52).

violation of the school's code of conduct, which prohibited the carrying of weapons. Overturning a ruling by the Quebec Court of Appeal, the Supreme Court of Canada held that such a prohibition infringed the student's freedom of religion in a way that could not be justified under section 1 of the Charter. Although the prohibition was motivated by the objective of ensuring a reasonable level of safety, the school board could have allowed the student to wear the kirpan so long as it was carried in a sheath within his clothing – a practice followed in schools elsewhere in Canada. According to the Court, "a total prohibition against wearing a kirpan to school undermines the value of this religious symbol and sends the message that some religious practices do not merit the same protection as others." The Court concluded that the existence of safety concerns must be unequivocally established before the infringement of a constitutional right can be justified.

This issue arose a good deal earlier in other provinces. In *Tuli* v. *St. Albert Protestant Separate School District No. 6* (1985), the school had passed a resolution intended to suspend any student who wore a *kirpan*. The Alberta Court of Queen's Bench upheld the right of Sikh students to wear a *kirpan* to school based on freedom of religion, although the *kirpan* had to be blunted and tied tight. In *Peel Board of Education* v. *Ontario (Human Rights Commission)* (1991), a school Board policy banned weapons from school property. The Ontario Divisional Court upheld the right of both students and teachers to wear a *kirpan*, provided it was of a reasonable size, not worn visibly and sufficiently secured.

In 1990, the British Columbia Court of Appeal upheld the right to wear a *kirpan* in a hospital in on the basis that the province's *Human Rights Code* prohibited discrimination in the provision of accommodation and services (see *British Columbia (Worker's Compensation Board)* v. *British Columbia (Council of Human Rights)*).

The Canadian Human Rights Tribunal held in 1999 that prohibiting the wearing of *kirpans* during air travel is legitimate to protect passengers and staff. According to the Tribunal, an aircraft is a unique environment in which people are kept closely together and police are not readily available (see *Nijjar* v. *Canada 3000 Airlines Ltd.*)

Muslim *hijabs*
The question of Muslim girls wearing *hijabs* in school came up in Quebec in 1994. The *Commission des droits de la personne et des droits de la jeunesse du Québec* ruled in 1995 that Muslim girls should be allowed to wear headscarves, provided this did not constitute a real risk to personal safety or security of property. The present research has identified no cases outside Quebec where wearing a *hijab* was contested in schools or other environments.

Administrative decisions

Voting by women wearing a *niqab*
The Chief Electoral Officer of Canada, Marc Mayrand, indicated on 17 May 2007 that Muslim women wearing a *niqab* would not be obliged to uncover their faces in order to vote in federal elections. He made the statement a hearing of the Standing Senate

Committee on Legal and Constitutional Affairs during its review of Bill C-31, which would institute a requirement that voters present identification with a photo.

This contrasted with the position taken by the Quebec chief electoral officer, Marcel Blanchet, during the 2007 provincial election. Prior to the vote, Blanchet obtained legal opinons to the effect that a woman wearing a veil could respect the identification procedure in the Election Act without having to uncover her face. In response to a number of threats, widely reported by the media, to disrupt voting, Blanchet used special powers in the Act to rule that all voters would have to uncover their faces at the polling station and the identity verification panel (*table de vérification d'identité*). However, this measure was valid only for that election, and Blanchet has stated that an amendment to the Election Act is required.

On 6 September 2007, in response to media queries, Mayrand issued a news release outlining the options for identifying electors wearing face coverings. The elector is obliged to show her face only if, in addition to presenting a piece of government-issued photo identification, she does not have a second piece of identification or cannot be vouched for by another elector. During the ensuing days, Prime Minister Harper and the other party leaders made a number of statements criticizing Mayrand's stance and, in some cases, calling on him to use Chief Electoral Officer's powers under the *Canada Elections Act* to adapt the legislation in certain circumstances. At a House of Commons committee hearing on 13 September, Mayrand insisted that to oblige every elector wearing a face veil to uncover her face would offend the Act. During this debate, it emerged that no Muslim organization had asked for the right for women to remain veiled when voting; some Muslim women told the media that their practice is to unveil when voting and in certain other situations (e.g. with customs authorities).

Alberta Hutterites' driver's licences
In May 2007, the Alberta Court of appeal ruled that requiring the members of a Hutterite community near Lethbridge to have their photograph on driver's licence violated their Charter right to freedom of religion. Many of the 30,000 or so Hutterites who live in Canada (mostly in the western provinces) believe that the Second Commandment, which forbids graven images, prohibits them from wifully having their picture taken. Manitoba and Saskatchewan allow people to have driver's licences without photos for religious reasons. In Quebec, a photo on a driver's license is obligatory, except for people with serious facial injuries.

6. Schools and Other Institutions

The extent and funding of faith-based schools vary considerably by province. In Quebec and Ontario, two school systems – one Roman Catholic, one Protestant – were enshrined in the *Constitution Act, 1867*. In 1998, the Catholic/Protestant structure in Quebec was replaced by one based on language. There are nevertheless a number of faith-based private schools in Quebec, and the government provides them with the equivalent of about 60 percent of the funding public schools receive. In Ontario, the Catholic school system is fully publicly funded. Although there are more than 100 faith-based schools (Jewish, Muslim, other Christian faiths), they receive no public funding and must rely entirely on tuition fees.

Funding for the Ontario separate school system has been challenged in court. The Supreme Court of Canada ruled in 2001 that the funding is constitutional because of the 1867 Act. In mid-2007, the Ontario Progressive Conservative leader, John Tory, called for public funding to be extended to non-Catholic faith-based schools. Premier McGuinty expressed strong opposition to the proposal, which he suggested would lead to children of different religions being segregated in private schools. This become a major issue in the 2007 Ontario provincial election, and Tory's proposal faced considerable opposition.

The Alberta government funds faith-based schools through public boards; it also provides 60 per cent of public-school funding to private schools, including faith-based ones. In British Columbia, there are Sikh, Hindu, Christian and Muslim private schools, and the government pays 50 percent of the cost of such schools that meet provincial standards.

In Manitoba, independent schools, most of which have religious affiliations, receive public funding from the provincial government equal to 50% of the funding provided public schools for operating costs. Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland-Labrador do not provide government funding for religious schools.

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DENMARK

COUNTRY PROFILE

F. Leslie Seidle
Public policy consultant
Montréal

Commission de consultation sur les pratiques d'accommodement
reliées aux différences culturelles

27 November 2007

DENMARK

COUNTRY PROFILE*

F. Leslie Seidle

Key Facts

<u>Population</u>: 5,450,661 (July 2006 est.)

<u>Foreign-born population</u>:
- country – 7% (2005)
- Copenhagen – 11% foreign nationals (2005)

<u>Net migration rate</u>: 2.5 migrants/1,000 population (2007 est.)

<u>Principal non-European immigration-sending countries</u>: Turkey, Iraq, Bosnia and Herzegovina (in order of importance based on 2005 data)

<u>Main religions</u>: Evangelical Lutheran 95%, other Christian (includes Protestant and Roman Catholic) 3%, Muslim 2%[1]

Although Denmark has not traditionally considered itself a country of immigration, foreign-born residents and their descendants now represent almost 10% of the population. Asylum-seekers have accounted for a large share of recent migration, but these flows have dropped considerably as a result of legislative changes adopted by the centre-right government elected in 2001. Immigration and Islam have been prominent in party politics since the start of this decade, and the Danish People's party strident positions have had an impact. Some are suggesting that Denmark's labour shortage (its unemployment rate is the lowest in 30 years) may lead the country to adjust its stringent immigration policies. However, the government's slim majority following the November 2007 election suggests that may not happen soon.

1. Approaches to Immigration and Integration

<u>Immigration patterns and policies</u>

Most migrants to Denmark are from the European Union, particularly the Nordic countries, and North America; they come primarily to join their families, work or study. Refugees, former guest workers and their family members constitute a relatively small group within a population that is otherwise quite ethnically homogeneous.

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* This report is one of nine country profiles prepared for the Commission. Data in the profiles were obtained from national censuses, international organizations and research centres with recognized expertise on migration issues, including the Organisation for Economic Co-operation and Development, the United Nations and the Migration Policy Institute.

[1] Danish law prohibits the registration of citizens on the basis of their religion and ethnicity. These estimates are from the Central Intelligence Agency "World Factbook" (no date given). See the higher estimate from the US Department of State reported at p. 2 of this profile.

A 'guest worker' program existed from the late 1960s until 1973, and migrants came from Turkey, Pakistan, Yugoslavia and Morocco. However, the numbers were not as significant as in other western European countries that had such a program: by the time labour immigration ended in 1973, it was estimated Denmark had some 15,000 residents from those four countries.

In the 1970s, refugees (about 1,000 a year) came from Chile and Vietnam. In the 1990s, the end of the Cold War and events in the Middle East led to the arrival of refugees from Russia, Bosnia, Lebanon, Somalia, Iraq and Iran.

Turks currently represent the largest ethnic minority (about 12% of all resident foreigners); Iraqis are the next most numerous group. In 2006, the US Department of State estimated there were 210,000 Muslims in Denmark – slightly less than 4% of the population. Muslims account for nearly half of all non-Western foreign residents and are the second-largest religious community.

Until the mid-1980s, Denmark had a relatively open approach towards refugees. However, the influx of refugees from third-world countries led to a hardening of attitudes. The Aliens Act was amended in 1986 to make it more difficult to obtain asylum and easier to deport fraudulent immigrants. Repatriation of those who sought to stay beyond their term of temporary residence became a more general practice. Following the 2001 election, the government led by Anders Fogh Rasmussen introduced legislation to reduce significantly the flow of refugees and tighten access to permanent residence. The changes took effect in 2002. As a result, the number of asylum seekers dropped sharply from more than 6,000 in 2002 to 1147 in 2006. Family reunification immigrants also declined considerably: from 13,187 in 2001 to 3,594 in 2006.

Looking at immigration patterns more broadly:

- In 1995-96, immigration from non-Western countries rose by 17.4 %, whereas in 2004-05 it increased by only 1.5% − the lowest rate since 1983.

- Between 1980 and 2005, the number of residents from non-Western countries increased by 520%. In contrast, the corresponding growth rate for people from Western countries was 19.8%.

Another significant policy change brought forward by the Fogh Rasmussen government was the so-called '24-year rule', intended to discourage arranged marriages. As a result, Danish citizens and others were prevented from bringing a foreign spouse into the country unless both partners were aged 24 or over, passed a solvency test showing the Dane had not claimed social security during the previous 12 months and could lodge a bond equal to almost US$1,000. As a result of the new rules, family reunificatoin permits fell from 8,151 in 2002 to 3,525 in 2005.

Integration
The rules for obtaining Danish citizenship, traditionally stringent, were tightened following the change of government in 2001. Candidates for naturalization must have had at least nine years of continuous residence in Denmark, speak Danish fluently and

be economically self-sufficient (among other conditions).[2] Whereas some 9,000 persons successfully applied for naturalization in 2001-02, by 2003 this had dropped to 2,000.

<u>A generous welfare state and cultural homogeneity are central to Denmark's approach to the integration of immigrants</u>. The high levels of health care, education, social services and other benefits are accessible to all residents (even if not naturalized). As one Danish scholar has put it: "The emphasis has been on both trying to acculturate immigrants as speedily as possible by means of public control and regulation, and on extending egalitarian universalism to cover 'old' citizens as well as newcomers. In this sense, the welfare state was viewed in the 1970s and 1980s as an instrument for efficient integration" (Hedetoft 2006).

The recognition of minority rights is not a public policy goal:
> [T]he benchmark of successful integration has always been one of successful individual inclusion and acculturation to the mores of Danish life, since the Danish political system — unlike the systems of other Nordic countries — does not base itself on the recognition of minorities and only in exceptional cases makes juridical or political allowance for minority rights and cultural claims based on minority status. In this sense, Denmark is similar to France: egalitarian, secular, and assimilationist. (Hedetoft 2006)

Integration was an explicit focus of government policy even before the 2001 change of government. An Integration Act[3] was adopted in 1999, with the following provisions:
- The main responsibility for integration was assigned to the municipalities. Previously, the Danish Refugee Aid organization oversaw an 18-month introduction program, and municipalities were responsible for finding socially useful but unpaid work for immigrants outside the regular labour force and for housing refugees; regional governments provided language instruction. The government hoped to improve the management of the integration process by placing its various elements under the same political authority.
- The formal integration period was extended from 18 months to three years. During this period, refugees and immigrants over 18 are expected to learn Danish; familiarize themselves with Danish history, culture and society; and acquire skills needed to find jobs. Family dependents, EU and Nordic citizens and migrants on the Job Card Scheme (an initiative passed by the government in 2003 that allows companies to bring high-skilled workers to Denmark) are not obliged to take part in the introduction program. However, they may join the program, and many family dependents have done so.
- A monthly integration allowance, which was considerably lower than the corresponding welfare benefits Danes receive, was introduced. This met with strong criticism, including from the United Nations High Commissioner for Refugees, who said it constituted unequal treatment of foreigners and thus violated international refugee conventions (to which Denmark is a signatory). The government subsequently withdrew this part of the legislation.

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[2] Access to citizenship in Denmark is more difficult than in any other of the EU-15 countries (those who were members of the European Union prior to the two last expansions).
[3] This summary of the act's main provisions draws extensively on Hedetoft (2006).

However, when the Liberal-Conservative government elected in 2001 took office, the reduced payment was reintroduced in a different form and labeled a 'start allowance'. In certain cases, it can be received for up to seven years. The law was worded so as not to discriminate formally against ethnic minorities but was clearly a response to many Danes' perception that lower welfare benefits might be an incentive for minorities to seek employment more actively.

In October 2007, Denmark received the seventh-lowest score on the Migrant Integration Policy Index (MIPEX) − a measure of a range of relevant policies in 25 European Union member states and three non-EU countries (including Canada). Denmark was ranked below all the major Western European countries, Switzerland and five former communist countries (Hungary, Czech Republic, Estonia, Lithuania and Poland). The MIPEX is based on more than 140 indicators[4] in six policy areas: labour market access, family reunion, long-term residence, political participation, access to nationality and anti-discrimination. (Note: The MIPEX assesses a country's legal and policy framework, and does not measure outcomes.)

2. Main Issues

Public opinion
Very large majorities of Danes have for several years been in favour of admitting fewer migrants. Such fears have been exploited by political leaders and, above all, the Danish People's party (see section 4). However, on the benefits and disadvantages of immigration, public opinion seems less negative. For example, in the Eurobarometer "European Social Reality" survey conducted in November-December 2006, Denmark scored third (below Finland and Sweden) among the 25 EU countries on the immigration scale (the scale was based on the five immigration questions in the survey,[5] and a high score indicated positive views about immigration).

However, public opinion about Islam and Muslims is clearly negative. For example:
- In a Zapera poll published in September 2006, 48% of those surveyed indicated that Islam was incompatible with democratic values, 34 % said the two were consistent, and 18% were undecided.
- Following the cartoon controversy, 79% supported the Danish prime minister's refusal to apologize, and 62% agreed that *Jyllands-Posten* should not apologize for its role in the controversy.

Minorities' socio-economic situation
In 2006, the unemployment rate of non-EU citizens resident in Denmark was 8.3 percentage points higher than for Danish nationals; for people aged 15 to 24, the gap was 25.2 percentage points. In 2006, the employment rate for men from nine predominantly Muslim countries was 26 percentage points lower than for native Danes.

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[4] Best practice for each policy indicator is set at the highest European standard, drawn from Council of Europe conventions or European Community directives. Where these are only minimum standards, European-wide policy recommendations are used.
[5] The questions covered immigrants' contribution to the labour market and the country's cultural life, their possible threat to security and their role in "solving the problem" of Europe's ageing population.

According to a 2002 report of the Ministry of Integration, half the migrant population from non-Western countries lived in social housing built between 1966 and 1980. The largest share of neighbourhoods officially defined as socially deprived is in the Copenhagen region, and these areas are inhabited by 25% of the country's minorities. In the media and political debates, the Muslim culture is often held responsible for what is labeled as 'ghettoization' or 'Khomenisation'. However, according to a 2002 PhD thesis, the housing choice of minorities "was influenced by a range of socio-economic factors and socio-structural circumstances"; "discrimination in housing and jobs was one of the most conspicuous factors" (Open Society Institute 2007, 25).

Discrimination and racism
Reports from a number of organizations have criticized the level of discrimination minorities face in Denmark, particularly in access to employment and housing. Because of the countries of origin of many migrants, this unfairness is based on – or at least linked to – Islamophobia.

In its 2001 report on Denmark, the European Commission on Racism and Intolerance (ECRI)[6] was highly critical of Denmark. In 2003, Denmark adopted an Act on Ethnic Equal Treatment and created a Complaints Committee for Ethnic Equal Treatment. The latest ECRI report on Denmark (December 2005) observed:

> The relevant law on incitement to religious hatred is seldom applied to those who make statements against [minority groups and Muslims in particular], thus creating a sense of impunity that contributes to a further worsening of the public climate. There is still no clear and coherent policy for ensuring that minority groups have equal access to employment, housing and education.

The ECRI recommended Denmark implement "more actively" the Act on Ethnic Equal Treatment and that the government allocate sufficient funds to the Complaints Committee for Ethnic Equal Treatment "to enable it to effectively examine complaints of racial discrimination" (ECRI 2005, 6)

In light of the above, it is perhaps not surprising that, in the results of the Migrant Integration Policy Index (see above) released in October 2007, Denmark scored the lowest on anti-discrimination policies among the EU-15 (the 15 members of the European Union prior to the two last expansions).

3. Significant Events

2001 election
The 20 November 2001 election resulted in a major change in the composition of the Danish parliament. For the first time since 1924, the Social Democratic party did not win the most seats. Rather, the Liberals, led by Anders Fogh Rasmussen, emerged as the leading party. Fogh Rasmussen, who had campaigned on tighter immigration laws, became prime minister and formed a coalition government with the Conservative People's party. The coalition also relied on the support of the Danish People's party (see section 4).

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[6] This commission was established by the Council of Europe.

<u>Cartoon controversy</u>

In September 2005, *Jyllands-Posten*, a widely read daily newspaper, published a series of 12 cartoons depicting satirical images of the Prophet Muhammad. According to Flemming Rose, the newspaper's culture editor, the cartoons were commissioned in response to a series of "incidents of self-censorship in Europe caused by widening fears and feelings of intimidation in dealing with issues related to Islam" (see Rose 2006). Members of the Muslim community and others saw the cartoons as a direct attack on Islam.[7] Imam Ahmed Abu-Laban, a leader of Denmark's Muslim community, said: "The cartoons are an insult against Islam, an attempt by right-wing forces in this country to get a rise out of the Muslim community and so portray us as against Danish values" (Bilefsky 2006). The editors, citing constitutional protection of freedom of expression (which dates from 1849), maintained the cartoons fit with the Danish tradition of robust public debate.

In early 2006, the cartoons were republished in other European countries. A widespread international backlash ensued, and this turned violent in several Islamic countries. Prime Minister Fogh Rasmussen was criticized for not responding to the concerns of the country's Muslim community and refusing to meet with ambassadors of Islamic countries before the cartoon crisis escalated. The prime minister expressed regret that the cartoons had offended the Muslim community but declined to reprimand the publisher or issue an official apology. The government's position was that the newspaper's publication of the drawings was a constitutional right. In an effort to improve its relations with Denmark's Muslim communities and Islamic countries, the government subsequently participated in a number of Muslim events in and outside the country. It is fair to say this did little to diminish the polarization between Muslims and native-born Danes.

<u>Arrest of alleged terrorists</u>

Most commentators agree that Denmark's support of the US war in Iraq, the involvement of its troops in Afghanistan and the cartoon controversy have encouraged Islamic radicals to target Denmark for potential terrorist activity. Denmark passed very strict anti-terrorism legislation in 2002, and there have been three sets of arrests:

- In October 2005, four men were arrested on suspected terrorism charges. Three of the four were found guilty by a jury but their verdicts were overruled by a three-judge review panel. In February 2007, the fourth, a 17-year-old Dane of Palestinian origin, was sentenced to seven years in prison on terrorism charges.

- On 5 September 2006, nine men suspected of preparing a terrorist attack in Denmark or elsewhere were arrested in Odense. Police said they found a bomb-making manual in one of the suspects' homes, along with a bottle of an explosive used by the suicide bombers in the attacks on London public transport in July 2005. Four of the suspects were charged, and their trial began in September 2007. Two of them are Palestinian, one is an Iraqi Kurd and another is a Dane who converted to Islam.

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[7] Although the Koran does not prohibit the reproduction of images of Muhammad, the Salafi and Wahhabi strains of Sunni Islam are strongly opposed to the publication of representations of the Prophet.

- Eight men (aged 19 to 29) described as Islamic militants were arrested in and around Copenhagen on 4 September 2007. According to the police intelligence agency, the arrests prevented a terrorist attack. However, six of the suspects were soon released, casting doubt on the strength of the case.

According to a recent *New York Times* press report (Kulish 2007), Denmark is a significant target on jihadist Web sites, a number of which have been translated into Danish. The chief of the Danish intelligence agency has stated that Muslim men who become involved in extremist organizations are often fairly young (16 to 25).

2007 election

In the parliamentary election of 13 November 2007, Prime Minister Anders Fogh Rasmussen's centre-right government and its allies won 89 of the 179 seats. Rasmussen's own party lost six seats, and the Danish People's party (see section 4) gained a seat. The New Alliance, formed by Syrian-born Naser Khader in May 2007 (see section 4), won five seats − fewer than some expected. Media reports suggested Khader might support the government from outside the coalition. The Danish People's party will continue to support the government. Its election showing and the government's tight majority suggest that any moves to loosen Denmark's immigration rules, as some business spokespersons have called for, will not come soon.

4. Main Actors/Sources of Pressure for Harmonization

Immigration, integration and related issues have been central to Danish party politics since at least the start of the decade. Although the Social Democrats have taken a somewhat more moderate stance on such issues, even their spokespersons speak of the 'value divide' between native-born Danes and Muslims. For example, the Social Democrat prime minister Paul Rasmussen spoke in 2000 of the divide between "us" and "the others" and said "it is really a problem if the Danes begin to feel strangers in their own neighbourhood" (Open Society Institute 2007, 36).

The Danish People's party (DPP), a socially conservative and nationalist party founded in 1995, has had a major impact on Danish public debate on immigration, Islam and related issues during the past several years. Its influence increased following the election of 2001, when its seats in parliament increased by nine and it became the third-largest party. Although it was not part of the coalition led by Anders Fogh Rasmussen, the government relied on its support in exchange for implementation of some of the DPP's key demands, notably stricter policies on immigration and the integration of migrants (see above, pp. 2-3). The DPP blatantly exploited the cartoon controversy. To take one example, Soren Krarup, a retired priest and leading voice in the party, was quoted as follows: "Muslim immigration is a way for Muslims to conquer us, just as they have done for the past 1,400 years" (Bilefsy 2006). Support for the party in public opinon polls rose subsequently, but it gained only one additional seat in the 2007

election. During the campaign, the government was criticized for its reliance on the DPP's leader, Pia Kjaersgaard:

> Ms Kjaersgaard's uncompromising hostility to imigrants has become unpalatable to many. Businessmen see her antipathy to foreigners as obstructive, when Denmark is grappling with a severe labour shortage that may necessitate more

immigration. Many others are weary of the People's Party's shrill tone, such as its provocative election poster of Muhammad. (*The Economist* 2007)

New Alliance was formed in May 2007 by Naser Khader, a Syrian-born Palestinian immigrant who had represented the centrist Radical party for 13 years. Khader calls himself a 'secular Muslim' and has been described as charismatic. Following publication of the cartoons of Muhammad (see section 3), he formed a network a moderate Muslims and presented himself as a counterbalance to hard-line Islamists. The prime minister enlisted him as an adviser, and in public appearances together the two called for moderation in the wake of the cartoon incident. During the campaign leading to the recent election, Khader's main objective was to weaken the influence of the DPP. With five seats in the newly-elected parliament, New Alliance has a platform to press for less confrontational positions on immigration and Islam.

Another recent entrant to national party politics is Asmaa Abdol-Hamid − a 25-year-old Palestinian Muslim social worker who is a city councilor in Odense. In 2006 she caused considerable debate when she hosted a TV show on DR2 wearing the *hijab.* Controversy continued when in spring 2007 she announced she would run for parliament. The DPP was outraged, and one of its spokesmen was quoted as saying: "We find it wrong that she'll use the parliament as a tool for Islamism ... We don't consider this woman a Nazi. But the way the headscarf is used is comparable to other totalitarian symbols." (Traynor 2007). Abdol-Hamid did not win a seat. .

The research carried out for this project (which was limited to sources in English) suggests Swedish intellectuals have not been as active in debates on immigration and intercultural relations as in countries such as Germany and the United Kingdom.

5. Legal Cases and Administrative Decisions

There are currently no legal restrictions on religious dress in Denmark. However, there have been some incidents where Muslim dress has been called into question:

- In 1998, a 14-year-old girl of Iraq descent who was to spend a week of work experience (part of her vocational training) in a department store refused to remove her *hijab.* The store turned her away on the basis that she did not comply with its dress code. She subsequently sued the store for breach of the 1996 law against discrimination in the labour market, and in 2000 the Danish High Court concluded that the store was guilty of indirect discrimination.

- After a *burka*-clad journalist was able to pass unchecked through security on Copenhagen airport in October 2006, the government told the airports that passengers should not be allowed to pass security checks without showing their faces.

- In April 2007 the Odense city council asked the Minister for Family and Consumer Affairs of Denmark to rule on a case in which a Muslim woman refused to remove her veil for her job as a family care worker.

6. Schools and Other Institutions

<u>Funding for churches and religious schools</u>

Under the Danish constitution, the Evangelical Lutheran Church is the national church. It is the only religious organization that can receive state subsidies through the tax system. Approximately 12 percent of the Church's revenue comes from state subsidies and most of the rest from the church tax paid only by members. No individual may be compelled to pay church tax or provide direct financial support to the national church or any other religious organization.

Aside from the Evangelical Lutheran Church, the Government gives official status to religions in two ways: it recognizes religions by royal decree; and it approves religions under the 1969 Marriage Act. As of April 2005, 12 religious organizations were recognized by royal decree, including the Roman Catholic church and Judaism; and 115 were approved, including several Islamic groups, Christian Orthodox, Jehovah's Witnesses, Mormons, Seventh-day Adventists, Sikhs, Buddhists and Hindus. Recognized and approved religions both enjoy certain tax exemptions. Other religious communities are entitled to practice their faith without a licence, but their marriage ceremonies are not recognized by the state and they are not granted tax-exempt status.

Religious communities have the right to establish private schools, which can receive state funding of up to 85% of their budget provided the curriculum and teaching practice respect government guidelines. In 2002, the guidelines were amended to require schools to ensure that private schools prepare students "to live in a society characterized by freedom and democracy."

<u>Muslim institutions</u>
There are some 70 prayer spaces in Denmark but no mosques in the usual sense. In June 2004, Parliament enacted a law directed at foreign religious leaders seeking residence visas. The "Imam Law," which applies to all foreign religious leaders, requires that the number of religious residence visas be reasonably proportional to the size of the corresponding religious community. The visa applicant must also demonstrate association with a recognized or approved religious community and possess a relevant background or education as a preacher, missionary or member of a religious community.

In 2006, there were 18 Islamic schools in Denmark; they were eligible for government funding of up to 60% of their costs.

In April 2006, the Ministry of Ecclesiastical Affairs approved the plans for the first cemetery completely dedicated to the Muslim community. This was the culmination of a several-year effort by members of the Muslim community.

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FRANCE

PROFIL DU PAYS

Aude-Claire Fourot

Candidate au Doctorat

Université de Montréal

19 mars 2008

FRANCE

PROFIL DU PAYS[1]

`Aude-Claire Fourot`

Faits saillants

<u>Population du pays</u> : 63 195 000 (2006)

<u>Immigrés[2] en France métropolitaine</u> : 8,1% (2005)

<u>Étrangers[3] en France métropolitaine</u> : 5,7% (2005)

<u>Nés à l'étranger pour les plus grandes villes</u> : Paris : 18% ; Lyon : 10% ; Marseille : 10% (1999)

<u>Répartition géographique des immigrés</u> : En 2005, 60% des immigrés sont regroupés dans trois régions : Île-de-France (où résident 4 immigrés sur 10), Rhône-Alpes (1 sur 10) et Provence-Alpes-Côte-d'Azur (1 sur 10).

<u>Taux annuel de migration nette</u> : 0,66 migrant/1000 personnes en 2005[4].

<u>Principaux pays d'immigration en 1999</u> :

Portugal (13% des immigrés)   Europe (45% des immigrés)
Algérie (13% des immigrés)   Afrique (40% des immigrés)
Maroc (12% des immigrés)   Asie (13% des immigrés)

Les étrangers entrés en France pour une durée d'au moins un an en 2005, sont pour 57% d'origine africaine; les ressortissants d'origine algérienne et marocaine constituent plus de la moitié du flux d'origine africaine (51%).

<u>Les « motifs » (catégories) d'immigration</u> : Les étrangers admis au titre des migrations familiales en 2005 restent les plus importantes en nombre et concernent 1 personne sur 2 entrant en France pour une durée d'un an.

<u>Principales religions[5] et proportion de la population</u> : Le christianisme est la première religion en France. L'islam est la seconde. Le nombre de musulmans en France est estimé[6] à 4 155 000. L'islam représente environ 6% de la population, et 14% des 18-24 ans[7].

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[1] Ce document fait partie d'une série de neuf profils de pays préparés pour la Commission. Les données des « Faits saillants » (sauf indication spécifique) sont tirées de l'INSEE, du Haut Conseil à l'Intégration (2006a) et des centres de recherches reconnus comme le *Globalization Urbanization Migration* et le *Migration Policy Institute*.

[2] Un immigré est une personne résidant en France, née étrangère dans un pays étranger.

[3] Un étranger est une personne résidant en France et n'ayant pas la nationalité française.

[4] Le taux annuel de migration nette au Canada (soit la différence entre le nombre de personnes entrant et quittant le pays pendant un an) était estimé à 5,79 migrants/1000 personnes en 2007.

[5] Le recensement de l'appartenance confessionnelle des individus est prohibé en France.

[6] Alain Boyer (cité dans HCI 2000 : 16).

[7] Estimation (Commission Machelon 2006 : 10).

1. Modèle d'intégration et loi sur l'immigration

En France, le modèle d'intégration[8] se réfère à une conception de la citoyenneté française véhiculée depuis la Révolution, qui privilégie un modèle universaliste et statonational basé sur une représentation d'un individu abstrait (Schnapper 2003). Le principe général est celui de l'égalité de traitement, le modèle d'intégration dit « républicain » étant aveugle à l'origine ethnique qui n'a aucune valeur juridique en droit français.

De plus, les revendications identitaires autres que statonationales sont souvent analysées comme une menace au bien commun devant la prédominance d'intérêts particuliers et de groupes qui revendiquent la reconnaissance de droits spécifiques. La « communauté des citoyens » est alors exhortée comme rempart aux particularismes (Schnapper 2003).

En ce qui concerne l'intégration des personnes étrangères et d'origine étrangère, après une conception assimilationniste héritée de la colonisation, la thématique du droit à la différence a été brièvement privilégiée à partir des années 1970 (Lapeyronnie 1993 : 171) comme en témoignent par exemple l'apprentissage des langues d'origine à l'école ou la création des lieux de culte dans les usines ou dans les foyers de travailleurs. Mais le discours sur le droit à la différence ayant été récupéré par le Front National sous le thème du maintien des différences des Français par rapport aux immigrés, le terme d'intégration s'est imposé (Weil 2005).

Le Haut Conseil à l'intégration (HCI) a fait valoir une conception de l'intégration qui concerne l'ensemble de la société et qui repose sur un contrat. Ainsi, « l'intégration n'est pas destinée aux seuls Français issus de l'immigration et concerne tout individu qui participe à l'espace civique. (…) L'identité nationale se vit au travers de valeurs partagées : il ne suffit pas de naître sur le sol français pour se sentir Français. Pour s'associer, chacun de nous doit faire un effort pour oublier ses seules particularités et retrouver ce qu'il a en commun avec les autres » (HCI 2003 : 104).

La notion de contrat est réaffirmée avec la création du Contrat d'Accueil et d'Intégration (CAI) en 2003, qui est présenté comme un ensemble « d'obligations respectives » passé entre l'État et l'individu (HCI 2006b : 123). La loi de programmation pour la cohésion sociale de janvier 2005 lui donne un statut juridique et le CAI est rendu obligatoire[9] avec la loi du 24 juillet 2006. Il concerne les étrangers[10] qui sont dans un projet d'installation durable en France. La signature du contrat impose notamment une formation civique et une formation linguistique, l'apprentissage de la langue française ayant été désigné comme un des facteurs clés de l'intégration (HCI 2003). S'y ajoutent des sessions d'information sur l'organisation de la société française et un bilan des

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[8] Cette analyse est en partie issue de Fourot (2007: 204-205).

[9] Obligation devenue effective depuis le 1er janvier 2007.

[10] Il s'agit des étrangers (extra-communautaires) qui sont admis pour la première fois au séjour en France ou qui entrent régulièrement en France entre l'âge de seize ans et l'âge de dix-huit ans.

compétences professionnelles. Sa mise en œuvre est assurée par l'Agence nationale de l'accueil des étrangers et des migrations (ANAEM).

La logique du CAI a été élargie à la famille avec la loi du 20 novembre 2007 relative à la maîtrise de l'immigration, à l'intégration et à l'asile. Les parents dont les enfants ont bénéficié de la procédure du regroupement familial doivent signer un « contrat d'accueil et d'intégration pour la famille par lequel ils s'obligent à suivre une formation sur les droits et les devoirs des parents en France, ainsi qu'à respecter l'obligation scolaire ». Le non-respect du contrat peut être sanctionné par une suspension des allocations familiales et par un non-renouvellement de la carte de séjour.

La notion même d'« intégration » a été pourtant critiquée, notamment par des jeunes issus de l'immigration qui voient dans ce label une assignation permanente au statut d'immigré. La lutte contre les discriminations tend alors à être considérée comme plus mobilisatrice et plus adaptée (Fassin 2002 : 403). C'est au tournant des années 2000 que des dispositifs de lutte contre les discriminations ont été mis en place, notamment sous l'impulsion de l'Union européenne[11]. Parmi les nouvelles institutions créées, on compte le GED (Groupe d'études sur les discriminations) et les CODAC (Commissions départementales d'accès à la citoyenneté) en 1999, puis le GELD (Groupe d'étude et de lutte contre les discriminations) en 2000 et surtout la Halde en 2005 (voir section 3.2).

Mais la lutte contre les discriminations « à la française » ne donne pas de légitimité au ciblage ethnique. Dans les cas de dispositifs spécifiques comme ceux contenus dans la politique de la ville, la discrimination positive ne s'applique pas aux individus mais aux territoires, et ce, même si les « découpages » territoriaux rejoignent une forte concentration de personnes étrangères ou d'origine étrangère.

Des débats importants ont eu lieu ces dernières années sur la nécessité d'adopter ou non des politiques de discrimination positive pour les individus (proposition notamment appuyée par Nicolas Sarkozy alors ministre de l'Intérieur) et sur un de ses corollaires, soit l'autorisation de la prise en compte de l'origine ethnique dans les outils statistiques français. Cependant, ces propositions sont loin de faire consensus, comme en témoigne la position du HCI : « la question de l'intégration ne peut (…) s'appréhender uniquement en termes de discriminations » et ne passe pas par une politique de discrimination positive (Cour des comptes 2005 : 43).

A cet égard, le projet de loi sur la maîtrise de l'immigration, l'intégration et l'asile, adopté le 23 octobre 2007 par l'Assemblée nationale et le Sénat a suscité d'importants débats, notamment concernant les articles sur les « statistiques

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[11] Avec l'adoption de la directive relative à la mise en œuvre du principe d'égalité de traitement entre les personnes sans distinction de race ou d'origine ethnique fondée sur l'article 13 du traité d'Amsterdam et adoptée en juin 2000 (Directive n°2000/43/CE du 29 juin 2000). La directive établit un vaste système de protection contre les discriminations directes et indirectes tout en autorisant les mesures de discrimination positive.

ethniques » mais aussi sur les « tests ADN » qui ont été au cœur d'un recours devant le Conseil constitutionnel.

Le projet de loi mentionnait que des études faisant apparaître « les origines raciales ou ethniques » des personnes seraient permises, après autorisation de la Commission nationale de l'informatique et des libertés (Cnil) afin de mesurer « la diversité des origines des personnes, de la discrimination et de l'intégration ». Mais le Conseil constitutionnel a annulé cet article dans sa décision du 15 novembre 2007, le déclarant contraire à la Constitution.

En ce qui concerne l'article ouvrant la possibilité de recourir à des tests ADN afin d'établir des liens de filiations dans le cadre d'une demande de regroupement familial, le Conseil constitutionnel a jugé que, sous certaines réserves, ce dernier était conforme à la Constitution (Sommaire de la Décision no 2007-557 DC -15 novembre 2007[12]). L'ADN du demandeur[13] ne peut être comparé qu'à celui de la mère après consentement des personnes. Chaque demande doit être autorisée par le tribunal de grande instance de Nantes. Tous les tests sont payés par l'État. Un décret en Conseil d'État, après avis du Conseil consultatif national d'éthique, définit notamment la liste des pays concernés. Une commission évalue annuellement les conditions de mise en œuvre de l'article. La durée de l'expérimentation de la mesure est fixée au 31 décembre 2009.

Les autres mesures principales de la Loi relative à la maîtrise de l'immigration, à l'intégration et à l'asile (Loi n° 2007-1631 du 20 novembre 2007 publiée au Journal Officiel du 21 novembre 2007) sont :

- Regroupement familial :
  - o Une obligation de condition de ressources pour les candidats au regroupement familial qui tient compte de la taille de la famille.
  - o Toute personne, demandant à rejoindre la France au titre du regroupement familial[14] ou en tant que conjoint étranger de Français[15], qui sollicite un visa de long séjour, doit être soumise à une évaluation de son degré de connaissance de la langue et des valeurs de la République. Lorsque le besoin en a été établi, une formation, qui ne peut excéder deux mois, est dispensée. La délivrance du visa dépend de l'attestation de suivi de cette formation.

- Travail : les préfectures peuvent au cas par cas et à titre exceptionnel accorder une carte de séjour temporaire à un étranger en situation irrégulière qui travaille dans un secteur et une zone géographique souffrant d'une pénurie de main-d'œuvre. Des listes de métiers ont été élaborées.

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[12] Site du Conseil Constitutionnel. http://www.conseil-constitutionnel.fr/decision/2007/2007557/communiq.htm (page consultée le 19 mars 2008).
[13] Ressortissant d'un pays dans lequel l'état civil présente des carences ou est inexistant.
[14] Âgée de plus de 16 ans et de moins de 65 ans.
[15] Âgée de moins de 65 ans.

- Titres de séjour : une carte de résidence à durée indéterminée peut être délivrée à un étranger qui en fait la demande à l'expiration de sa carte de résident de dix ans.

- Asile : recours suspensif contre la décision de refus d'entrée en France au titre de l'asile.

2. Principaux enjeux

2.1 L'islam

- Les pratiques religieuses : lieux de culte, cimetières, abattage des ovins, statut de l'imam

Durant les années 1980 et 1990, le nombre de mosquées et de salles de prières a été insuffisant. Plusieurs polémiques ont éclaté suite à des blocages ou des refus de municipalités d'octroyer des permis de construire. A cette époque, l'on parle beaucoup de l'« islam des caves » pour faire référence aux endroits qui, dans des sous-sols des tours à logements, font office de lieux de culte. Depuis, l'établissement de mosquée ne suscite plus trop de résistances ouvertes, la tendance étant plutôt au « soutien affiché des pouvoirs publics » (HCI 2000 : 38).

L'obligation selon les préceptes religieux musulmans d'orienter les corps des défunts vers La Mecque implique de disposer les tombes de façon spécifique. A titre isolé, l'orientation d'une tombe vers la Mecque ne pose aucun problème juridique. Mais comme le note le HCI, pour des raisons d'espace, les maires sont amenés à regrouper les caveaux, créant des « carrés musulmans » alors que le code général des collectivités territoriales stipule que le maire ne peut établir de distinctions à raison du culte du défunt[16]. Cependant, des circulaires de 1975 et de 1991 émises par le ministère de l'Intérieur encouragent la pratique des carrés musulmans. Cette pratique tend à se généraliser, à l'instar des juifs, traditionnellement attachés au regroupement communautaire des défunts. Il existe un seul cimetière musulman en France, créé en 1931, celui de Bobigny (HCI 2000 : 43-44).

Si les rituels alimentaires propres à l'islam (tels que l'abattage de la viande afin que celle-ci soit halal) n'ont pas à être régis par les pouvoirs publics, ces derniers se sont impliqués dans le dossier pour des raisons d'ordre et de santé publics. Ceci est notamment le cas lors de la fête de l'Aïd el Kébir en raison du nombre important du sacrifice des ovins. Chaque année, des circulaires sont transmises

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[16] Un autre enjeu attaché aux cimetières est un enjeu symbolique dans le sens où, traditionnellement, les immigrés musulmans se font enterrer dans leurs pays d'origine. Mais les dernières générations ne souhaitent pas nécessairement être inhumés dans le pays d'origine de leurs parents. Certaines familles « créent, en se faisant inhumer en France, une sorte de pays d'attachement pour leurs enfants, afin de leur transmettre un espace d'ancestralité. (…) Donc, celui qui inaugure le carré musulman prend une grande responsabilité : il débute une lignée, une histoire de famille » (Chaïb 2003).

au préfet pour organiser ces abattages, notamment pour éviter les abattages clandestins (HCI 2000 : 46-47).

Enfin, le statut de l'imam de même que sa formation (en France ou à l'étranger) et sa maîtrise de la langue française sont également des sujets de préoccupations des pouvoirs publics en lien avec le Conseil Français du Culte Musulman (CFCM) et la Fondation pour les œuvres de l'islam.

- La représentation de l'islam au sein de la République

La représentation de l'islam au sein de la République a été un enjeu à partir des années 1990. Comme l'analyse Jonathan Laurence, il s'agit d'institutionnaliser les relations entre l'État et le culte musulman et de prendre des distances avec les logiques de représentations basées sur des référents extérieurs à l'hexagone, en particulier les pays d'origine. La première instance, le CORIF (Conseil de réflexion sur l'islam en France), a été créée par Pierre Joxe. Si le CORIF n'a jamais été institutionnalisé au Journal Officiel et qu'il constituait un conseil de réflexion sur la gestion publique des pratiques religieuses musulmanes plus qu'un conseil représentatif, il a jeté les bases d'un islam de France. Le CORIF est dissous avec l'arrivée de Charles Pasqua au ministère de l'Intérieur, ce dernier privilégiant des relations presque exclusives avec la Grande mosquée de Paris à laquelle il demande d'organiser et de fédérer les associations et les mosquées locales. En contrepartie, il lui donne le monopole du marché de la viande halal. Mais, en partie suite à l'échec des tentatives de fédération de la Grande Mosquée de Paris, le nouveau ministre de l'Intérieur, Jean-Louis Debré, met fin au monopole de la viande halal et le partage avec les grandes mosquées de Lyon et d'Évry. Jean-Pierre Chevènement prend le relais et lance une consultation en 1999, reprise par Daniel Vaillant, notamment après les événements du 11 septembre 2001 (Laurence 2005).

L'idée d'un islam de France est désormais bien enracinée, et c'est sous l'action de Nicolas Sarkozy qu'est mise en place une structure représentative des musulmans. Il négocie personnellement la composition du CFCM et arrive à un accord en 2002 : le recteur de la mosquée de Paris est le président, et les secrétaires généraux de la Fédération Nationale des Musulmans de France (FNMF) et de l'Union des organisations islamiques de France (UOIF) sont les deux vice-présidents. Les grands électeurs qui élisent le Conseil sont désignés par les mosquées, leur nombre dépendant de la superficie de chaque lieu de culte et non de sa fréquentation. Les élections ont été tenues en 2003 et en 2005. Le CFCM a cependant été critiqué par plusieurs musulmans notamment parce qu'il est jugé peu représentatif, les élections étant indirectes. Les prochaines élections du CFCM ont été fixées au mois de juin 2008.

La « Fondation pour les œuvres de l'islam » chargée de collecter des fonds afin de financer la construction, la rénovation des lieux de cultes et la formation des imams, créée en 2005, a été installée en octobre 2007. Cette fondation peut recevoir des dons, collectés en France et à l'étranger, mais pas d'argent public. Elle est placée au service du CFCM mais en est séparée juridiquement.

- Le voile islamique

C'est surtout la question du voile islamique qui a suscité un des plus gros enjeux (voir section 4.2).

2.2 L'intégration socio-économique

La population étrangère et immigrée est principalement concentrée dans des zones socio-économiques défavorisées et la situation s'est dégradée ces dernières années. Cette situation a été analysée comme un échec de la politique de la ville. Selon la Cour des Comptes, cette politique « n'a pas réussi à enrayer tous les processus de dégradation qui affectent la situation des quartiers défavorisés. Leur population reste dans une situation sensiblement plus défavorable que celle de la moyenne nationale malgré vingt années d'effort » (Cour des Comptes 2002 : 208).

Au niveau de l'emploi, en 2002, l'INSEE note que pour l'ensemble des étrangers, le taux de chômage est de 18,5% (17,3% pour les hommes et 20,1% pour les femmes). La situation des étrangers hors Union européenne est encore plus préoccupante, le taux de chômage étant de 25,1% (23% pour les hommes, 28,7% pour les femmes, jusqu'à 35,2% pour les femmes originaires du Maghreb), soit plus de 16 points au-dessus de la moyenne nationale de 8,9% (7,9% pour les hommes, 10,1% pour les femmes). Cette forte exposition au risque de chômage serait « liée à la concentration des immigrés dans les catégories socioprofessionnelles connaissant les taux de chômage les plus élevés (ouvriers, employés), dans les secteurs les plus sensibles aux aléas conjoncturels (BTP) et dans des emplois précaires ». L'INSEE observe en outre que « le diplôme et le niveau d'études protègent peu les immigrés du chômage » : le taux de chômage des immigrés ayant suivi des études supérieures est en moyenne de 16% contre 8% pour l'ensemble des actifs du même niveau (Cour des comptes 2004 : 220).

Ainsi, les difficultés d'intégration socio-économique alimentent les débats sur des mécanismes nouveaux pour les enrayer que ce soit au niveau de la formation universitaire, comme en témoigne, par exemple, des conventions entre Science Po Paris et des lycées des zones d'éducation prioritaires ou encore au niveau de l'entreprise, avec des propositions autour de l'anonymat des CV.

2.3 La sous-représentation politique

La sous-représentation des Français d'« origine non européenne » est perçue comme une limite aux politiques d'intégration. En 2002, « il n'y a ni sénateur, ni député issus de ces populations. Il n'y a pas non plus de présidents de conseils régionaux et généraux, ni de maires parmi ces populations ». Au sein de l'Union européenne, la France est le pays « où ces minorités sont les plus absentes des instances de pouvoir » (Bekkouche 2003-2004 : 75). Lors de la formation du gouvernement français en 2007, La nomination de Rachida Dati au poste de garde des Sceaux, ministre de la Justice, celle de Fadela Amara (présidente-fondatrice de l'association « Ni putes ni soumises ») au poste de secrétaire d'État à la Politique de la ville et celle de Rama Yade au poste de secrétaire d'État aux

Affaires étrangères et aux droits de l'Homme ont été présentées comme des symboles de la réussite de femmes issues de l'immigration et de la diversité.

2.4 L'identité

- La loi du 23 février 2005

Cette loi « portant reconnaissance de la Nation et contribution nationale en faveur des Français rapatriés » a montré l'acuité des débats sur le passé colonial de la France. L'alinéa 2 de l'article 4 stipulant que « les programmes scolaires reconnaissent en particulier le rôle positif de la présence française outre-mer, notamment en Afrique du Nord, et accordent à l'histoire et aux sacrifices des combattants de l'armée française issus de ces territoires la place éminente à laquelle ils ont droit » a été au cœur d'une importante polémique. En 2006, Jacques Chirac a demandé le déclassement de l'article 4 par le Conseil constitutionnel, abrogeant ainsi l'alinéa controversé.

- La cité nationale de l'histoire de l'immigration (CNHI)

En 2001, le gouvernement demande la rédaction d'un rapport qui prône la création d'un centre national de l'histoire et des cultures de l'immigration et met sur pied en 2003 une mission de préfiguration pour la création d'un « centre de ressources et de mémoire de l'immigration ». L'établissement public de la Porte Dorée-Cité nationale de l'Immigration est ensuite créé, rassemblant les éléments relatifs à l'immigration en France notamment depuis le 19ème siècle. Son ambition est de contribuer entre autres à la « reconnaissance des parcours d'intégration des populations immigrées dans la société française » et de « faire évoluer (…) les mentalités sur l'immigration en France ». Il s'agit notamment de faire admettre l'immigration comme « patrimoine commun »[17]. Avec la création en 2007 du ministère associant dans son intitulé « immigration » et « identité nationale », huit des douze scientifiques faisant partie du Comité d'histoire de la CNHI ont démissionné, car selon eux, cela revient à « inscrire l'immigration comme problème pour la France et les Français dans leur être même ». La Cité nationale de l'immigration a ouvert ses portes le 10 octobre 2007.

3. Pressions et principaux acteurs

3.1 Organismes publics gouvernementaux

- Le ministère de l'immigration, de l'intégration, de l'identité nationale et du codéveloppement

Au niveau central, avant la création du ministère de l'immigration, de l'intégration, de l'identité nationale et du codéveloppement, les questions d'immigration et d'intégration étaient partagées entre plusieurs ministères (Intérieur, Affaires étrangères, Affaires sociales et Justice). Depuis l'élection présidentielle de 2007,

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[17] Site de la Cité nationale de l'histoire de l'immigration. http://www.histoire-immigration.fr/index.php?lg=fr&nav=280&flash=0 (page consultée le 19 mars 2008).

il s'est opéré une centralisation de ces compétences au niveau du ministère, même si celui-ci demeure en liaison avec d'autres ministères.

Le ministère est chargé de la lutte contre l'immigration illégale, de la lutte contre le travail illégal des étrangers, de la politique d'attribution des visas et est compétent en matière d'exercice du droit d'asile. Il est responsable de l'accueil et de l'intégration des populations immigrées en France. Les grandes orientations du ministère sont [18] :

- la maîtrise des flux migratoires et la lutte contre l'immigration illégale. « Les migrants appelés à s'installer durablement sur notre territoire seront choisis en tenant compte des capacités d'accueil [du] pays et des besoins de [l']économie » ;

- le codéveloppement, notamment « faire en sorte que les politiques de coopération et de développement des pays d'origine tiennent mieux compte de la maîtrise de l'immigration » ;

- l'intégration, avec comme priorité la maîtrise de la langue et le respect des principes républicains pour bénéficier d'une carte de résident de dix ans. « Parallèlement, le travail des associations qui, sur le terrain, aident à lutter contre la discrimination sera facilité » ;

- la promotion de l'identité française comme « réponse aux communautarismes ».

- L'Agence nationale pour la cohésion sociale et l'égalité des chances

Créée en 2006, l'Acsé intervient dans les domaines de l'intégration, de la lutte contre les discriminations et la politique de la ville et vise notamment à répondre à la crise des banlieues de 2005 (voir section 4.4). Elle est sous la tutelle du ministère de l'immigration, de l'intégration, de l'identité nationale et du codéveloppement et du ministère du logement et de la ville. Elle succède au Fonds d'action et de soutien pour l'intégration et la lutte contre les discriminations (Fasild) institué en 2001.

- Au niveau local

Les structures locales en matière d'accueil et d'intégration sont réparties à plusieurs niveaux (préfectures, communes, départements, régions) et interviennent dans des secteurs très divers. Par exemple, les préfets et les maires jouent un rôle de première ligne en matière de sécurité (voir section 4.4), en matière économique et sociale (par exemple logement, politique de la ville) ou encore au niveau des affaires cultuelles (voir section 2.1). La tendance est à confier plus de responsabilités au niveau local. Depuis 2003, les maires ont des pouvoirs en matière de lutte contre les mariages de complaisance et les

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[18] Site du Ministère de l'immigration, de l'intégration, de l'identité nationale et du codéveloppement. http://www.premier-ministre.gouv.fr/iminidco/ministere_830/missions_role_56625.html (page consultée le 19 mars 2008).

mariages forcés et depuis 2006, la nouvelle cérémonie d'accueil dans la citoyenneté française a été confiée au préfet et/ou au maire.

3.2 Autres organismes publics et semi-publics

- Le Haut Conseil à l'Intégration

Le HCI a été créé en 1989. C'est une instance de réflexion et de propositions qui se prononce sur les questions relatives à l'intégration des résidents étrangers ou d'origine étrangère à la demande du Premier ministre. C'est l'une des principales institutions traitant de l'immigration et de l'intégration, mais ses moyens sont jugés modestes et disparates (Cour des comptes 2004 : 32). Il est présidé par Blandine Kriegel depuis 2002.

- La Haute Autorité de Lutte contre les Discriminations et pour l'Égalité

La Halde est une autorité administrative indépendante créée en 2004. « Elle a pour mission générale de lutter contre les discriminations prohibées par la loi et de fournir toute l'information nécessaire, d'accompagner les victimes, d'identifier et de promouvoir les bonnes pratiques pour faire entrer dans les faits le principe d'égalité. Elle dispose de pouvoirs d'investigation pour instruire les dossiers[19] ». C'est une organisation collégiale de onze membres, regroupant universitaires, responsables associatifs, magistrats et chefs d'entreprises. Elle est présidée par Louis Schweitzer. Dans le rapport d'activité 2006, la Halde note une forte augmentation des demandes de réclamations, dont l'origine demeure le critère de discrimination le plus souvent invoqué (35%) et l'emploi le domaine dans lequel le plus de réclamations s'expriment (43%) (HALDE 2006 : 10).

- La commission Stasi

De juillet 2003 à décembre 2003, la Commission Stasi a mobilisé une vingtaine de membres - en majorité des universitaires[20] – et a procédé à 140 auditions. Parmi les recommandations, la plus médiatisée fut celle de l'interdiction des ports religieux ostensibles à l'école : « Dans le respect de la liberté de conscience et du caractère propre des établissements privés sous contrat, sont interdits dans les écoles, collèges et lycées les tenues et signes manifestant une appartenance religieuse ou politique. Toute sanction est proportionnée et prise après que l'élève a été invité à se conformer à ses obligations. Cette disposition serait inséparable de l'exposé des motifs suivant : Les tenues et signes religieux interdits sont les signes ostensibles, tels que grande croix, voile ou kippa. Ne sont pas regardés comme des signes manifestant une appartenance religieuse les signes discrets que sont par exemple médailles, petites croix, étoiles de David, les mains de Fatimah, ou petits Coran. Cette proposition a été adoptée

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[19] Site de la Halde. http://www.halde.fr/haute-autorite-1/institution-2/presentation-20/presentation-1.html (page consultée le 19 mars 2008).
[20] Mais aussi des membres de l'Éducation nationale, du Conseil d'État, des politiques, des responsables associatifs et du monde de l'entreprise.

par la commission à l'unanimité des présents moins une abstention »[21] (Commission Stasi 2003 : 58-59).

En plus de cette recommandation, la commission a notamment proposé :

- l'adoption d'une Charte de la laïcité définissant les droits et les obligations de chacun;
- l'adoption d'une disposition législative qui autorise le chef d'entreprise de réglementer les tenues vestimentaires et le port de signes religieux dans les entreprises;
- l'instauration des jours de l'Aïd-el-kébir et du Kippour fériés pour tous les élèves. Dans les entreprises, l'Aïd-el-kébir, le Kippour, le Noël orthodoxe ou des chrétiens orientaux seraient, selon cette proposition, reconnus comme jours fériés et seraient substituables à un autre jour férié à la discrétion du salarié.

Seule la recommandation sur l'interdiction des ports religieux ostensibles à l'école a été retenue par les autorités gouvernementales.

3.3 Les associations

- de défense des droits des minorités

Plusieurs associations jouent un rôle important dans les débats sur l'immigration et sur l'intégration. Parmi les plus anciennes, citons entres autres, la Ligue des droits de l'Homme (LDH), la Ligue Internationale contre le Racisme et l'Antisémitisme (LICRA), le Mouvement contre le Racisme et pour l'Amitié des peuples (MRAP), le Groupe d'information et de soutien des immigrés (GISTI), ou encore SOS Racisme.

Parmi les associations plus récentes, citons notamment l'association féministe « Ni putes ni soumises » (NPNS) et le CRAN (le Conseil Représentatif des Association Noires) qui ont connu une couverture médiatique importante. Le CRAN a été créé en novembre 2005 après les émeutes urbaines (voir section 4.4). Cette fédération d'associations a pour objectif « de lutter contre les discriminations et le racisme anti-noir, et de valoriser la richesse et la diversité des cultures afro-antillaises ». L'association est en faveur de l'adoption de « statistiques de la diversité »[22].

- religieuses

L'exercice public du culte peut être assuré par des associations cultuelles relevant du régime de la loi de 1905 (voir section 5.1) mais aussi de la loi de 1901 (associations à but non lucratif). Or chaque régime donne des droits différents. Les associations cultuelles peuvent être autorisées à recevoir des dons et legs et bénéficient sur un plan fiscal d'un régime plus favorable que les

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[21] Celle de Jean Baubérot.
[22] Site du CRAN. http://www.lecran.org (page consultée le 19 mars 2008).

associations loi 1901. En revanche, les associations cultuelles ne peuvent recevoir des subventions publiques[23]. Les associations « à double visage » qui regroupent des activités religieuses *et* d'autres activités liées à l'exercice du culte (comme sportives ou sociales), sont « doublement pénalisées » : elles ne peuvent pas bénéficier d'avantages fiscaux ni de financements publics. Ceci conduit à « recourir à des montages juridiques complexes prévoyant la cohabitation d'associations de la loi de 1901 et d'associations cultuelles, au risque de rendre opaques les circuits de financement » (Commission Machelon 2005 : 38-39).

4. Événements principaux et déclencheurs

4.1 Les événements internationaux

Les évènements extérieurs mettant l'islam sur le devant de la scène internationale ont des conséquences importantes sur la perception des musulmans en France. La révolution islamique en Iran, la guerre civile algérienne, les actes terroristes perpétrés en 1995 dans le métro parisien et ceux du 11 septembre 2001, entre autres, ont suscité des craintes et des suspicions[24] vis-à-vis des musulmans en France. De plus, des évènements internationaux comme le conflit israélo-palestinien ou la guerre en Irak ont pu exacerber des sentiments d'injustice et antimusulman ressentis par certains jeunes de banlieue.

Dans les années 1980, Thomas Deltombe montre qu'avec comme toile de fond la révolution iranienne, les médias insistaient sur les différences religieuses et culturelles caractérisant les étrangers. Sonia Tebbakh note que l'affaire Rushdie et celle du foulard en 1989 (voir section 4.2) ont suscité une grande couverture médiatique, les médias relayant un climat de méfiance à l'endroit des musulmans et l'incapacité des immigrés à s'intégrer dans la société française. Dans les années 1990 en revanche, les médias tentent de modifier cette perception et insistent sur la diversité de la communauté musulmane, notamment pour distinguer les jeunes musulmans en France des musulmans fondamentalistes de l'étranger. Après le 11 septembre, les médias se sont concentrés sur les risques de l'islamisme sur le territoire français et notamment sur les jeunes de banlieue impliqués dans les activités islamistes, tels que les camps d'entraînement pour le jihad (Deltombe 2005, Tebbakh 2007).

4.2 Crises autour du « voile »

- L'affaire du foulard islamique en 1989

La première affaire du « voile » date de 1989, lorsque des jeunes élèves sont expulsées d'un collège (Creil, en banlieue parisienne) parce qu'elles avaient

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[23] Sauf exception, voir Commission Machelon (2005 : 38).

[24] Comme le note Sonia Tebbakh (2007 : 62), si le phénomène de l'islamophobie était réel en France avant les évènements du 11 septembre, les attaques ont eu un impact direct sur les musulmans (comme par exemple l'augmentation du nombre d'actions policières, des contrôles d'identité des jeunes musulmans et une surveillance policière accrue de leaders religieux).

refusé d'enlever leur voile. Ces expulsions ont été très médiatisées et analysées dans le contexte de la peur de l'islamisme et de l'oppression de la femme (voir section 4.1). L'Éducation nationale saisit le Conseil d'État afin de connaître son avis sur la compatibilité à l'école publique du port de signes d'appartenance à une communauté religieuse avec le principe de laïcité. Ses conclusions sont que le port de signes religieux n'est pas incompatible avec la laïcité. Ainsi, jusqu'à la loi de 2004, le port du voile est toléré à l'école et réglé au cas par cas (voir section 5.2).

- La crise autour du voile en 2003-2004

Entre la désignation de la commission spéciale d'enquête sur les symboles religieux dans les écoles de l'Assemblée nationale, la nomination de la Commission Stasi en 2003 (voir section 3.2) et l'adoption de la loi sur les signes religieux à l'école en 2004 (voir section 5.2), un débat public intense s'est développé sur la légitimité ou non d'interdire le port du voile à l'école.

Parmi les défenseurs de la loi, l'interdiction du port du voile réaffirme le fait que la laïcité en France n'est « pas négociable[25] ». Au-delà de la laïcité, c'est la question de la femme musulmane qui a suscité le plus de controverses. Une des principales justifications de la loi selon la Commission Stasi était le devoir de protection de la part de l'État vis-à-vis des mineures contraintes de porter le voile. Selon Patrick Weil, membre de cette Commission, les jeunes musulmanes ne portant pas le voile dans les écoles « sont sujettes à de fortes pressions les enjoignant à le faire ». Pour des groupes d'hommes : « puisque le port du voile est autorisé, les jeunes filles qui ne le portent pas seraient de "mauvaises musulmanes", des "putains" qui devraient plutôt suivre l'exemple de leurs sœurs qui respectent les prescriptions du Coran » (Weil 2005 : 67).

Pour les opposants, cette loi participe à une stigmatisation des musulmans et exacerbe le sentiment anti-religieux. De plus, elle ne tient pas suffisamment compte de celles qui ont choisi de porter le foulard et des significations multiples du voile. Le risque de déscolarisation des jeunes femmes et du développement des écoles confessionnelles musulmanes figuraient aussi parmi les arguments d'opposition à la loi, d'autant plus que la jurisprudence du Conseil d'État (voir section 5.2) était jugée suffisante.

4.3 La présence du Front National au second tour de l'élection présidentielle en 2002

Le Front National a été créé en 1972. Depuis le milieu des années 1980, il a pris une place de plus en plus importante sur l'échiquier politique et a contribué à politiser le débat sur l'immigration. Mais c'est sa présence au second tour de l'élection présidentielle en avril 2002 qui a créé un véritable séisme politique, suscitant des discours sur la lutte contre le racisme et sur la laïcité, mais aussi un discours sur la sécurité, la lutte contre la délinquance et contre l'immigration illégale.

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[25] Déclaration de Jacques Chirac le 17 décembre 2003.

4. 4 Les émeutes urbaines (novembre 2005)

Les émeutes se sont déclenchées suite à la mort de deux adolescents dans un transformateur à Clichy sous Bois (27 octobre 2005) après qu'ils avaient été poursuivis par la police. Ces morts ont agi comme un véritable déclencheur, notamment compte tenu de la tradition de mobilisation des jeunes issus de l'immigration en France « de marquer leur solidarité » envers ceux qui sont morts où « la police est partie prenante », et ce, même si elle n'est pas directement impliquée (de Wenden 2005 : 23). Ainsi, à partir du 3 novembre 2005, deux semaines de nuits de violences urbaines se sont écoulées, entraînant avec elles voitures brûlées, postes de police, écoles ou équipements sportifs endommagés dans leur propre quartier d'habitation. Les émeutiers étaient de jeunes garçons de seconde génération habitant des quartiers défavorisés. Les émeutes urbaines se sont principalement tenues dans des quartiers défavorisés des grandes villes françaises (notamment dans la banlieue nord de Paris, à Paris même, à Toulouse et en banlieue lyonnaise).

Les explications avancées à ces émeutes ont été d'une grande diversité : échec de la politique de la ville, situation économique et sociale, crise du modèle républicain, pratiques religieuses[26], incitations islamistes, « démission » des parents ou encore déclarations antérieures de Nicolas Sarkozy sur la « racaille » et le « karcher ». Selon Olivier Roy, les revendications des jeunes « quand ils en expriment » n'étaient ni politiques ni religieuses[27]. Elles ne portaient pas sur le voile, la viande halal ou sur les mosquées, mais sur les discriminations, en particulier policières[28]. Suite à ces émeutes, plusieurs mesures d'urgence ont été décidées : entre autres, un couvre feu, des expulsions, un plan de cohésion sociale en cinq ans, la nomination de préfets délégués à l'égalité des chances ou le versement de cent millions d'euros pour le financement des associations civiques dans les quartiers (de Wenden 2005 : 23).

Ces émeutes ont eu des conséquences importantes dans l'opinion publique, notamment sur les opinions racistes : en décembre 2005, un Français sur trois déclare qu'il est plutôt raciste et 56% des sondés estiment que le nombre d'étrangers est « trop important » (Zappi 2005).

5. Cas juridiques, jugements des tribunaux

5.1 La laïcité

La République française est constitutionnellement qualifiée de laïque depuis 1946.

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[26] Des responsables politiques ayant pointé la polygamie comme étant une cause possible des émeutes.

[27] « [O]n ne trouve aucun drapeau palestinien ou algérien, alors que le port du keffieh à la Arafat était dans les années 1980 un signe contestataire souvent arboré par les jeunes dans les manifestations » (Roy 2005 : 27)

[28] Pour lui, le modèle des jeunes émeutiers est celui de « l'Amérique des jeunes blacks, pas Le Caire ni La Mecque » (Roy 2005 : 28).

- La loi du 9 décembre 1905

La loi porte sur la séparation des Églises et de l'État. Elle met fin au Concordat et cesse de reconnaître la religion catholique comme celle de la majorité des citoyens français. L'article 2, premier alinéa stipule : « La République ne reconnaît, ne salarie ni ne subventionne aucun culte ». Mais des aménagements sont intervenus depuis 1905, facilitant le financement public indirect des lieux de cultes (Morange 2006 : 252-254 et voir section 3.3). Nicolas Sarkozy, s'étant montré favorable en 2005 à un « toilettage » de la loi de 1905, avait proposé d'autoriser un financement public de lieux de culte (et notamment de mosquées), avis partagé par la Commission Machelon.

- Article 9 de la Convention européenne des droits de l'homme

L'article 9 protège la liberté religieuse. A ce titre, il a longtemps été considéré comme un obstacle à la loi sur le port des signes religieux à l'école. Cependant, l'État peut apporter des limites à l'expression de la foi religieuse.

Aussi, l'interdiction des signes religieux à l'école n'est pas incompatible avec l'article 9, mais plus, ce dernier exige qu'une loi soit votée par le Parlement. Comme l'explique Patrick Weil, « une loi votée par le Parlement était légalement nécessaire, sauf à risquer une invalidation par la Cour européenne des Droits de l'Homme. La Convention requiert également que la restriction soit proportionnelle au but à atteindre. C'est pourquoi l'interdiction concerne les signes religieux ostensibles et non ceux qui sont discrets. C'est pourquoi l'interdiction s'applique seulement dans les écoles publiques, la majorité des personnes concernées étant constituée de mineurs. Il n'était pas question d'interdire les signes religieux dans les universités ni où que ce soit dans le monde des adultes : les adultes ont des moyens de défense que les enfants n'ont pas » (Weil 2005 : 69-70).

- Le projet de Charte de la laïcité dans les services publics (janvier 2007)

Suite à l'une des recommandations de la Commission Stasi (voir section 3.2), le HCI a proposé à son tour l'adoption d'une « Charte de la laïcité dans les services publics » qui serait affichée dans tous les services publics.

La Charte propose d'encadrer les pratiques des agents des services publics et des usagers. Dans son article 1, la Charte impose « à tout agent public *et* à tout collaborateur du service public » un devoir de stricte neutralité. La Charte distingue les « services publics fermés » (accueil durable des usagers) des « services publics ouverts » (accueil ponctuel).

Par exemple, dans les « services publics fermés », comme dans le service public hospitalier, des difficultés ont été rapportées en lien avec l'accueil des patients (refus d'une patiente ou de ses proches d'être prise en charge par un homme). Le HCI recommande que « sans en passer par la voie législative, l'expression des droits des malades est parfaitement conciliable avec le respect de la neutralité du service public hospitalier qui les accueille, dès lors qu'il est acquis qu'elle doit avoir pour seule limite les contraintes attachées à l'organisation du service et des soins » (HCI 2007 : 27). Dans le service public pénitentiaire, la cellule est considérée comme un « domicile » quoique « contraint » au sein

duquel la liberté d'expression religieuse est la règle. Mais « le risque de prosélytisme est pris en compte et fait l'objet d'une surveillance constante, tandis que les espaces communs sont soumis à la règle classique de la neutralité. C'est ainsi que le port du voile islamique, voire de la djelabah, y sont proscrits » (HCI 2007 : 29).

Dans les « services publics d'accueil ponctuel », comme l'accueil d'un guichet public, le HCI préconise de privilégier la sécurité sur les choix vestimentaires individuels. Pour l'usage des équipements publics, en cas de refus de la mixité hommes/femmes (comme la demande de créneaux horaires réservés), le HCI préconise d'appliquer « sans faiblesse » les principes de mixité et d'égalité hommes/femmes. (HCI 2007 : 32).

Extraits des articles de la Charte

Art. 6 Les usagers des services publics ont le droit d'exprimer leurs convictions religieuses, dans les limites du respect de la neutralité du service public et du bon fonctionnement de celui-ci ;

Art. 8 Les usagers des services publics ne peuvent, à raison de leurs convictions, récuser un agent public ou d'autres usagers, ni exiger une adaptation du fonctionnement du service public ou d'un équipement public ;

Art. 10 Les usagers des services publics accueillis à temps complet dans un service public soumis à une réglementation spécifique tels que les établissements médico-sociaux, hospitaliers, militaires, pénitentiaires, doivent voir leurs croyances respectées et être mis en mesure de participer à l'exercice de leur culte, en particulier à l'occasion de la naissance, des fêtes religieuses et du décès;

Art. 11 L'exercice de ces libertés tient compte des nécessités découlant de la mission des services publics et à leur organisation, s'agissant notamment de la santé, de la sécurité, et de l'hygiène.

5.2 Le port du voile à l'école

- Décision du Conseil d'État en 1989

La laïcité est jugée compatible avec l'expression par les élèves de leur liberté individuelle de conscience et de religion. Ceux-ci pouvaient donc porter des signes religieux. Mais des restrictions pouvaient intervenir en fonction de la nature de l'insigne, de son caractère ostentatoire ou du comportement de l'élève. Le règlement intérieur devait le préciser et les organes compétents le sanctionner éventuellement sous le contrôle des juges administratifs.

- La loi du 15 mars 2004

La loi encadre, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, les collèges et les lycées publics. « Dans les écoles, les collèges et les lycées publics, le port de signes ou tenues par lesquels les élèves manifestent ostensiblement une appartenance religieuse est interdit. Le règlement rappelle que la mise en œuvre

d'une procédure disciplinaire est précédée d'un dialogue avec l'élève » [29]. La loi a été effective dès la rentrée 2004. Il y a eu environ 650 cas de ports d'insignes dont près de 550 réglés par le dialogue, une cinquantaine d'exclusion[30] et une cinquantaine d'inscriptions pour l'enseignement à distance (Morange 2006 : 249). La loi autorise néanmoins des symboles discrets d'appartenance religieuse tels que la Commission Stasi l'avait recommandé (voir section 3.2).

La circulaire du 18 mai 2004 relative à la mise en oeuvre de la loi du 15 mars 2004 précise que cette dernière ne modifie pas les règles applicables aux agents du service public : « Les agents contribuant au service public de l'éducation, quels que soient leur fonction et leur statut, sont soumis à un strict devoir de neutralité qui leur interdit le port de tout signe d'appartenance religieuse, même discret ».

5.3 Dans le monde du travail

Pendant le temps de travail, le salarié est soumis à la pleine autorité de l'employeur et ses revendications doivent être conciliées avec les obligations contractuelles et l'organisation du travail. « Un salarié ne peut ainsi exiger de son employeur le respect de la manifestation de ses convictions religieuses, en l'absence de mention du fait religieux dans le contrat de travail ». Ce principe renvoie à plusieurs cas traités par la Cour de cassation, chambre sociale du 16 février 1994, du 24 mars 1998 et du 29 mai 1986 (Commission Stasi 2003 : 26)

Concernant le port du voile, des jugements différents ont été donnés. Dans un cas, « il a été ainsi jugé que le refus d'une salariée, vendeuse dans un centre commercial ouvert à un large public, de renoncer au port d'un voile ostentatoire, à défaut d'un simple bonnet, était une cause réelle et sérieuse de licenciement (Cour d'appel de Paris, 18ème chambre, 16 mars 2001, *Mme Charni contre SA Hamon*) ». Mais dans un autre cas, « en l'absence de toute justification valable à l'interdiction du port du voile, et alors que la salariée avait été recrutée en portant ce même voile, le licenciement de la salariée a été annulé comme étant discriminatoire, au sens de l'article L. 122-45 du code du travail (Conseil des prud'hommes 17 décembre 2002, *Tahri contre Téléperformance France*) » (Commission Stasi 2003 : 26-27)

Au niveau du service public, l'obligation de neutralité est fondée sur le principe de laïcité de la République. Aussi, dans l'exercice de leurs fonctions, tous les fonctionnaires sont tenus à la plus stricte neutralité. Ces derniers ne peuvent donc pas manifester leurs croyances religieuses pendant leurs heures de travail, notamment en portant un signe marquant leur appartenance à une religion.

6. Écoles et autres institutions publiques

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[29] Loi n° 2004 – 228 du 15 mars 2004, Journal Officiel de la République Française 17 mars 2004.
[30] En grande majorité des jeunes filles. On note également l'exclusion de six jeunes Sikhs pour port du turban.

Il existe des écoles privées catholiques, protestantes et juives mais jusqu'en 2001, il n'y avait pas d'établissement privé musulman en France métropolitaine[31].

Les enseignements privés (de la maternelle au post baccalauréat) scolarisent 17% des élèves. 13 % des écoles élémentaires et 40% des lycées sont privés[32]. Tous les établissements privés sont soumis à un régime d'inspection, mais le contrôle est plus important pour ceux qui sont sous contrat avec l'État. De même, tous les établissements privés peuvent obtenir des financements publics mais ils varient selon le type de contrat. Les établissements privés peuvent être « hors contrat » ou bien être liés à l'État par un « contrat simple »[33] (pour les écoles primaires) ou par un « contrat d'association »[34].

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[31] La seule école liée par un contrat d'association avec l'État est une école primaire ouverte en 1990 à La Réunion. En France métropolitaine, des établissements musulmans privés ont ouvert : à Aubervilliers en 2001; à Lille en 2003; en banlieue lyonnaise en 2007. Un collège doit ouvrir en mars 2008 à Vitry-sur-Seine. Ces derniers sont pour le moment « hors-contrat ».

[32] Site du Ministère de l'Éducation Nationale. http://www.education.gouv.fr/cid251/les-etablissements-d-enseignement-prives.html (page consultée le 19 mars 2008).

[33] L'établissement doit, entre autres, organiser l'enseignement des matières de base par référence aux programmes et aux horaires de l'enseignement public. Les maîtres sont nommés par l'autorité privée, ils sont salariés de droit privé mais sont rémunérés par l'État.

[34] L'établissement est tenu, entre autres, de dispenser les enseignements selon les règles et programmes de l'enseignement public. L'État contrôle le respect des programmes et s'assure du respect de la liberté de conscience des élèves. Les enseignants sont rémunérés par l'État, ils sont recrutés selon les mêmes modalités que dans le secteur public. De plus, l'État et les collectivités territoriales se partagent une prise en charge des dépenses de fonctionnement. Un forfait d'externat, calculé par élève et par an, est versé à ces établissements.

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[35] Pour la webographie, se rapporter aux liens Internet contenus dans les notes de bas de page.

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GERMANY

COUNTRY PROFILE

F. Leslie Seidle
Public policy consultant
Montréal

Commission de consultation sur les pratiques d'accommodement
reliées aux différences culturelles

13 August 2007

GERMANY

COUNTRY PROFILE[*]

F. Leslie Seidle

Key Facts

Population: 82,431,390 (July 2005 est.)

Foreign-born population:
- country – 12.3% (2005)[1]
- Frankfurt – 28% (2001
- Munich - 23% (2003)
- Cologne – 18% (2001)

Migration rate: 2.18 migrants/1,000 persons (2007 est.)[2]

Principal immigration-sending countries: Poland, Turkey, Russian Federation, Romania, Serbia and Montenegro (in order of importance based on 2003 data)

Main religions: Protestant 34%, Roman Catholic 34%, Muslim 3.7%, unaffiliated or other 28.3% (2007 est.)

Significant immigration to Germany began some 50 years ago with its 'guest worker' program. Although there was initially significant migration from southern Europe, the largest group came from Turkey. Many Turks were able to stay in Germany, and they and their descendants form the largest non-German ethnic group. The Turkish minority has lived in an ambiguous situation where, until fairly recently, they were denied some of the basic elements of acceptance, such as access to citizenship.

Many Germans see 'Turks' (including those who have been naturalized) and Muslims as synonymous. The rise of Islamic fundamentalism in some German Muslim communities (and elsewhere) has increased the pressure for serious steps to encourage integration of the Turkish minority. Processes involving minority representatives – notably the recent integration summits – have been launched and are leading to proposals for change in a range of public policy areas.

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[*] This report is one of nine country profiles prepared for the Commission. Data in the profiles were obtained from national censuses, international organizations and research centres with recognized expertise on migration issues, including the Organisation for Economic Co-operation and Development, the United Nations and the Migration Policy Institute.

[1] Germany's statistics agency reports foreigners resident in the country, not foreign-born. The estimates reported here are from the Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat.

[2] Canada's net migration rate (the difference between the number of persons entering and leaving a country during the year) for 2007 was estimated at 5.79 migrants/1,000 persons.

1. Approaches to Immigration and Integration

The guest worker program began in 1955 with a bilateral agreement with Italy. Further agreements were signed (in the period to 1968) with Spain, Greece, Turkey, Portugal and Yugoslavia. The jobs, almost exclusively in the industrial sector, required few qualifications. It was intended the migrants would stay no more than two years and then return home. However, a large proportion of guest workers obtained residence permits before the program was ended in 1973, forming the basis of minority communities that have continued to grow.

There has also been significant immigration of *Aussiedler* (ethnic Germans): between 1950 and 1987, about 1.4 million *Aussiedler* immigrated to West Germany, with the largest share from Poland (848,000). With the fall of the Iron Curtain, an additional three million *Aussiedler* came to Germany between 1988 and 2003. Almost 2.2 million of these arrived from the former Soviet Union, followed by Poland (575,000) and Romania (220,000).

Turkish immigrants and their descendants form the largest non-German ethnic group − currently about 2.5% of the population. Turkish nationals account for more than one-third of legally resident foreigners. Muslims represent about 3.7%[3] of the population; at 3.2 to 3.4 million they constitute the second-largest Muslim minority in Western Europe (after France). About three-quarters of the Muslims in Germany have origins in Turkey, and many are influenced by that country's modernist Kemalist tradition (International Crisis Group 2007,1).

Citizenship and immigration law
After the Second World War, the German Federal Republic retained the ethnocultural concept of citizenship dating from the 19th century. However, according to the 1949 Basic Law, anyone of German ethnic origin who resided within the territory of the German Reich according to the boundaries of 31 December 1937, and their families, were defined as 'German'; providing they met the criteria for naturalization, they could become German citizens.

Non-ethnic Germans, notably guest workers and their families, had no access to citizenship until the Aliens Act that came into effect in 1992. Nor did those born in the country acquire citizenship, which led to the emergence of second and third generations who were not citizens. The 1992 law allowed non-ethnic Germans who had been resident in the country for at least 15 years to be naturalized on a discretionary basis. However, between 1994 and 1998 only about one-quarter of the discretionary naturalizations were granted to non-ethnic Germans.

The new citizenship law that came into force in 2000 altered the ethnocultural concept of citizenship and has been described as "a landmark decision in the country's history" (Lemke n.d., 1-2). The following changes were introduced:
• the period of continuous residence in Germany prior to application for naturalization was reduced from 15 to 8 years;

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[3] The German statistics agency is not permitted to collect data on religious affiliation.

- applicants must demonstrate a sufficient knowledge of German (there was previously no language requirement);
- children born to foreigners in Germany (after the law came into effect) automatically become German citizens provided one parent has been a legal resident for more than 5 years.

Not surprisingly, naturalizations rose: there were 187,000 in 2000 compared to 143,270 in 1999. Turkish nationals make up the largest group of those taking up German citizenship (in 2002, they counted for 42% of the total). Naturalizations have dropped since 2000 – in 2005, 117,241 persons became German citizens.

Further changes to the immigration law to promote integration were made in 2005. Non-EU newcomers resident in Germany must enrol in an integration course if they "cannot hold a simple conversation in the German language" (Joppke 2007, 340). For migrants who successfully complete the integration course, the residence requirement for naturalization is reduced from 8 to 7 years.

Under the latest changes, adopted in July 2007, non-EU national spouses must be at least 18 years of age and demonstrate a basic knowledge (200-300 words) of German before being eligible for a visa. In addition, in order to be naturalized, migrants need to show they understand the German legal and institutional framework and way of life. Although the government claimed it was acting to implement European Union directives, representatives of Turkish communities have argued that the measures target people of Turkish origin.

Other aspects of the debate about integration during the past several years, notably the 2006 and 2007 summits, are reviewed in section 3.

2. Main Issues

A range of issues reflect the uncomfortable place of the Turkish minority in Germany, and many Germans seem to believe it is the members of that community who must make most of the effort on integration – to follow the *Leitkultur*.[4] Because so many of those with a Turkish background are also Muslim, religious issues and international terrorism have contributed to a sometimes tense atmosphere.

Public opinion towards Muslims
According to numerous public opinion surveys, Germans' openness to foreign cultures is higher than the average among countries where such attitudes have been tested. However, there is significant suspicion of Muslims.
- In its 17-country 2005 survey, the Pew Center found that Germany had the second-highest level of unfavourable views of Muslims among the European countries covered − 37%. At 51%, the comparable rating in the Netherlands was the highest; in France it was 34%.

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[4] The meaning of this term and its implications are a matter of some disagreement (as with the recent debate in the UK about strengthening British identity). Some argue that, in addition to the values reflected in the German constitution, the concept includes religious symbolism. Critics respond that, because the latter is derived from the Judeo-Christian tradition, *Leitkultur* so defined is not inclusive.

- In the same Pew Center survey, 54% of German respondents said that banning Muslim headscarves was a good idea − the second-highest rating, after France (78%), in the European countries covered.
- In a May 2006 Allensbach survey 58% of Germans thought that tensions between the German and Muslim populations would rise in the future (up considerably from the 49% who agreed with the statement in a survey carried out two days after the September 2001 US terrorist attacks).
- In late 2006, 91% of respondents to an Allensbach survey agreed that discrimination against women is one of the characteristics of Islam (up from 85% in mid-2004); and 83% said that fanaticism and radicalism characterize Islam (up from 75% in 2004).[5]

Arranged marriages

According to the German government, during this decade between 21,000 and 27,000 Turks a year have successfully applied to form families in Germany; just under two-thirds of the migrants are women. Often, parents arrange such marriages. Most of the spouses are not able to speak German on arrival − a factor that many see as contributing to their isolation from the broader society. The 2005 and 2007 legislative changes are a response to these criticisms, but some Turkish advocates have criticized them as disincentives to further migration.

Construction of mosques

There are some 2,200 mosques and prayer spaces throughout Germany. Most often, the mosques have been built in areas away from city centres. There is considerable public opposition to the construction of additional mosques. For example, in an Allensbach survey carried out in mid-2004, 74% said that a mosque should not be built if the local population is against it even if the authorities had granted a permit. Plans to build a 48,000-square-foot mosque in Cologne led to a hostile reaction. In June 2007, dozens of opponents from Germany, Austria and Belgium demonstrated against the plan, and the archbishop of Cologne stated in a radio interview that construction of the mosque would make him "feel unwell."

Minorities' socio-economic situation

On various measures, immigrants do considerably less well than native Germans; most often, Turkish nationals fare more poorly than other foreigners. For example:
- According to a 2007 Open Society Institute report, Turkish nationals had an unemployment rate of 23% (compared to 11% for Germans) and comprised close to one-third of unemployed foreigners.
- In 2004-05, 17% of foreign youth did not attain a school certificate (7.2% of German pupils failed to do so).
- In the 2003 OECD PISA study, children from an immigrant background born in the country (second generation) had worse results than children who immigrated to Germany after starting school elsewhere (first generation).

A vigorous debate continues about the three-stream structure of the school system still predominant throughout Germany. Various studies claim this structure, paired

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[5] The Allensbach survey results are reported in Petersen (2007).

with other factors (such as low German-language competence), leads to early exclusion of minority children from further and higher education.

Spatial and cultural isolation
A large share of Turkish labour immigrants settled in industrialized areas, including Berlin, Cologne, Hamburg and Hanover. They tended to concentrate in districts with low rents in the central parts of cities. Although it is common to accuse immigrants of self-segregation, one recent in-depth report explains the situation a different way:

> The concentration of immigrants in certain districts is more the effect of involuntary, rather than voluntary, segregation…[L]ess well-off people cannot choose their housing situation as they wish, and immigrants are additionally discriminated against when applying for rooms to rent. (Open Society Institute 2007, 41).

However, German cities have not developed 'belt structures' (as in France) or serious inner-city problems (as in the United Kingdom). In addition, many immigrant neighbourhoods have a network of civil society organizations, youth offices, etc. that allow for participation in urban life (International Crisis Group 2007, 19).

Racism and discrimination
Discrimination against immigrants, particularly Muslims, in the housing sector is a major issue. In a 2003 report, the Centre for Studies in Turkey found that 15% of the discriminatory experiences of people with a Turkish background were in the housing market (Open Society Institute 2007, 41).

Discrimination in access to employment for immigrants has been extensively documented, with Turkish males facing the greatest difficulties. Certain issues concern Muslims in particular. In addition to opposition to Muslim women wearing headscarves (see sections 2 and 5), difficulties have arisen about the tolerance of religious duties such as Friday prayer or the provision of *halal* food in workplace cafeterias. There are currently no legal regulations on these matters, so employers alone decide whether or not to accommodate such practices.

3. Significant Events

The German debate on the situation of minorities, particularly Muslims, has not been directly influenced by domestic terrorist attacks (as in the UK) or other forms of violence (as in the Netherlands and France). International developments have nevertheless been a factor, particularly in public opinion about Muslims, and there have been some incidents concerning religious dress (see section 5). The most notable development of the past decade has been the sharp shift of the policy perspective towards measures to encourage integration.

Süssmuth commission
In 2000, Otto Schily (SPD Interior minister) established a commission of experts, chaired by Rita Süssmuth (former speaker of the *Bundesrat*), to define conceptual and practical guidelines for new immigration and integration policies. On immigration, its 2001 report emphasized the need to attract technical and scientific specialists, and recommended the introduction of a points selection system. On integration, it called for enhanced funding for German-language training, which it saw as a prerequisite to

newcomers' economic success and social integration, as well as orientation courses to provide foreigners with information about their political and social environments.

Although the initial response to the Süssmuth report was positive, the emerging political consensus broke down as a result of the opposition's call for restrictions on immigration and lack of agreement about how to cover the costs of the language and orientation courses for immigrants that were part of the integration measures. The opposition-dominated *Bundesrat* vetoed the legislation in June 2003. However, some of the measures, including on language training, were part of the legislative changes that took effect in 2005.

Islam conference
On 27 September 2007, Interior Minister Wolfgang Schäuble convened the first-ever *Islamkonferenz.* A report on Islam in Germany commented on the significance of this move: "there is at last a national initiative to formally recognize interlocutors for Islam" (International Crisis Group 2007, 27). The 30 representatives at the conference consisted of 15 from the German government and 15 Muslim representatives; of the latter, five Muslim organizations each had a representative, and there were 10 others intended to represent the Muslim 'silent majority'. The conference launched an ongoing process centred on four working groups: Germany social order and a consensus on values; religious issues within the understanding of the German constitution; business as media as a bridge; and security and fundamental Islam. The working groups meet bimonthly. Plenary meetings, the first of which was held in May 2007, are to take place very six months.

Integration summits
Since the defeat of the SPD in the 2005 election and the formation of the Grand Coalition between that party and the CDU, there have been a number of legislative changes to encourage immigrants' integration (see above). In addition, Chancellor Angela Merkel has chaired two 'integration summits' aimed at developing other measures to further this agenda.

The 2006 summit was intended to build support among governments, business and other actors for bringing immigrants into the mainstream. It launched a vast process that led to the development of some 400 proposals. At the July 2007 summit, the government pledged some €750 million annually for measures intended, among other things, for employment promotion and language and cultural training. According to a government statement, the measures "are based on one common principle − lending support while requiring migrants to do their bit." Three Turkish organizations boycotted the July 2007 summit to protest the latest changes to immigration law (see p. 3). Another summit is planned for autumn 2008 to review progress.

4. Sources of Pressure for Harmonization/Main Actors

According to an Open Society Institute study (2007, 8), almost all German political parties have used "the problem of security related to the 'Islamic threat' or 'the Turkish problem of integration' as a tool to attract voters, block laws connected to an immigration reform, support stricter law for controlling individuals with regard to

security." That said, these issues have not been as blatantly exploited as in some other countries (e.g. the Netherlands and Denmark).

The SDP government that was in power until 2005 invested considerable political capital, with limited success, in reforming immigration policy. It also laid the ground for the more recent emphasis on integration through the appointment of the commission headed by Rita Süssmuth (see section 3).

Since she became chancellor, Angela Merkel has exercised personal leadership to advance the integration agenda. With the SDP also in government, these issues are somewhat less politicized. The 2006 integration summit launched an intensive process that led to the adoption of the National Integration Plan at the 2007 summit. That process was led by Maria Böhmer, Minister of State in the Federal Chancellery and Commissioner for Migration, Refugees and Integration. Her office was moved into the Federal Chancellery at Merkel's request. This gave Böhmer, who attends Cabinet meetings on issues within her mandate, added political weight within the government. This proved significant, given that six government departments were called on to contribute to the Integration Plan. She has also been holding regular meetings with *länder* ministers responsible for integration.

Interior Minister Wolfgang Schäuble has also been an important actor under the post-2005 government. Although the process launched at the 2007 Islam conference he convened (see section 3) is still in its early days, the fact that such dialogue is taking place is promising.

German intellectuals have also influenced the debate on the situation of the Turkish minority. In 1997, social scientist Wilhelm Heitmeyer introduced the term 'parallel society' to describe what he saw as dangerous developments on the edges of the majority society and ethnic concentrations that he believed provided fertile ground for Islamic fundamentalism and violence among young Muslims (Kraus and Schönwälder 2006, 214). This critique had an impact within left-liberal circles, where there was a shift towards greater emphasis on social integration. The term 'parallel society' remains part of the discourse on immigration and integration issues.

5. Legal Cases

In 2003 the Constitutional Court ruled that officials of the state of Baden-Wurttemberg had acted incorrectly when they barred a Muslim teacher (a naturalized German) from teaching while wearing the *hijab.* According to the court, her action did not violate the laws on freedom of religion and religious neutrality of educators and did not have a sufficient legal basis in the law of Baden-Württemberg. However, the court declared that individual states were free to adopt legislation on the wearing (or not) of the *hijab* and other religious symbols in the school system.

Baden-Württemberg and seven other *länder* have since adopted legislation prohibiting teachers from wearing the *hijab.* Some of these have faced legal challenges. In January 2007, a Munich court upheld Bavaria's ban on teachers wearing the *hijab* in schools under a law that states teachers' attire must be in line with "western Christian" values. Roman Catholic nuns have continued to wear their

habits in Bavarian schools. Berlin has banned teachers from wearing any religious symbols.

There do not seem to have been any attempt to bar <u>students</u> from wearing the *hijab* in schools. In another 2003 decision, the Constitutional Court ruled that women may wear the *hijab* in private business and the service sector.

6. Schools and Other Public Institutions

Although the Constitutional Court has described the education system as "religiously neutral," religious education in state schools is a constitutional right. Schools are obliged to offer (and pay for) religious instruction when there are a certain number of students (normally between 6 and 8) of any one denomination within the school. The Roman Catholic, Protestant[6] and a number of other churches have the status of public law corporations. This allows them to co-organize religious instruction in schools and to levy a church tax as a membership fee.

Muslim organizations have been exerting pressure to obtain the same status. The fact that there was until recently no single 'umbrella' organization to represent all Muslims in Germany has hampered dialogue on this issue. This dynamic was evident during the September 2006 Islamic conference, when differences between the different groups Muslim represented were publicly aired. In some of the *länder*, which have the constitutional responsibility for education, religious instruction to Muslim children has been offered on a voluntary basis. However, only in Berlin has a religious community (the Islamic Federation) been entitled – after a long battle – to teach religion at regular school classes.

The right to establish private schools is guaranteed by the German Basic Law. Such schools are subject to approval and supervision by the *länder.* There are many private schools run by religious communities; like other private schools, they obtain a large share of their budgets from government funding. The quality of private-school education is not generally regarded as superior to that of public schools. According to the Central Institute of Islamic Archives, about 18% of Muslim children attended Quaran schools in 2003.

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[6] The various Protestant churches are part of a federation called the Evangelical Church in Germany.

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THE NETHERLANDS

COUNTRY PROFILE

F. Leslie Seidle

Public policy consultant

Montréal

Commission de consultation sur les pratiques d'accommodement

reliées aux différences culturelles

13 August 2007

THE NETHERLANDS

COUNTRY PROFILE[*]

F. Leslie Seidle

Key Facts

Population: 16,407,491 (2005 est.)

Proportion of foreign-born:
- country - 10.1% (2005)[1]
- Amsterdam – 28.4% (2005)
- Rotterdam – 26.4% (2005)

Net migration rate: 2.63 migrants/1,000 persons (2007 est.)[2]

Principal immigration-sending countries: Turkey, Netherlands Antilles (principally Suriname) and Aruba, Morocco, Germany, United Kingdom, former Soviet Union (countries listed in order of importance based on 2002 data)

Main religions: Roman Catholic 31%, Dutch Reformed 13%, Calvinist 7%, Muslim 5.5%, other 2.5%, none 41% (2002 estimates)[3]

Issues of immigration and cultural accommodation (especially of religious issues) overlap to a high degree in the Netherlands. Turkey and Morocco are, respectively, the first and third most important immigration source countries (Suriname is second). Dutch citizens and residents with Turkish and Moroccan origins are overwhelmingly Muslim – 95% and 97%, respectively.

Since the September 2001 terrorist attacks and the murder of Theo van Gogh, as anti-Muslim sentiment has risen, the former commitment to multiculturalism (in one of Europe's most tolerant societies) has been severely called into question. While some of the ensuing policy changes did reflect a belief in the need for enhanced integration to foster inclusiveness and social cohesion, political opportunism has sometimes seemed the stronger objective.

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[*] This report, one of nine country profiles prepared for the Commission, was completed on 13 August 2007. Data in the profiles were obtained from national censuses, international organizations and research centres with recognized expertise on migration issues, including the Organisation for Economic Co-operation and Development, the United Nations and the Migration Policy Institute.
[1] These estimates are from the Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat.
[2] Canada's net migration rate (the difference between the number of persons entering and leaving a country during the year) for 2007 was estimated at 5.79 migrants/1,000 persons.
[3] Since the introduction of a new Constitution in 1983, which confirmed the separation of church and state, the government does not keep official statistics on religion.

1. Approaches to Immigration and Integration

Large-scale immigration to the Netherlands dates only from the 1960s, when a 'guest worker' program was initiated. The first flows were from Southern Europe, followed by Turks and Moroccans. Immigration from Suriname increased considerably after the former Dutch colony became independent in 1975.

The government's 'Minorities Policy' initially followed the 'pillarization' approach that had existed since the 19th century: various religious and ideological (e.g. socialist, liberal) communities have their own institutions, such as schools, hospitals, and newspapers and other media. Under this approach, the state provides support for such institutions but remains neutral because it is obliged to treat all communities the same way (Entzinger 2006, 180).

Institutional separateness for minorities was also justified on the basis of their presumed temporary residence. Through various policies, migrants were encouraged to retain their own cultural identity as this would help them reintegrate when they returned to their countries of origin. For example, in 1974 teaching in minority languages for children of immigrants was introduced in primary schools.

Since the 1990s, immigration rules (particularly for asylum seekers) have been tightened considerably. Almost all Turkish and Moroccan immigrants (in 2003, 80-90%) now enter the country for family formation or reunification. After the 1994 election, the Christian Democrats (longstanding champions of 'pillarization') were no longer part of the government. The new government, headed by the Labour party leader, launched an 'Integration Policy' and began to shift the focus from respecting cultural diversity to promoting immigrants' economic and social participation. Mother-tongue teaching was dropped from the core curriculum and later disappeared altogether from schools. In 1998 it became mandatory for newcomers from outside the European Union to take a 12-month integration course, which includes Dutch language instruction, civic education and preparation for the labour market.

The September 2001 terrorist attacks and a number of subsequent events (notably the murder of Theo van Gogh – see section 3) increased demands for even more aggressive integration policies and tighter rules for admission to the country.

- As of March 2006, prospective permanent migrants from countries for which the Netherlands requires an authorization for temporary entry must first pass a Dutch-language and 'social-orientation' exam.
- As of January 2007, new migrants, noncitizen resident minorities and spiritual leaders must follow an 'introductory program' and pass an integration exam.

Passing the integration exam became a prerequisite for naturalization (in 2007). Those who have fulfilled the requirements must also take part in a naturalization ceremony, which was established in 2006 "to bestow a sense of pride and celebration in the acquisition of Dutch citizenship" (Nana 2007, 3). Municipalities hold naturalization ceremonies on National Naturalization Day (August 24).

Proposals to restrict severely Muslim women's religious dress have been on the agenda in recent years. Rita Verdonk (immigration and integration minister, 2003-06) and other politicians have argued that legislation that does not allow Muslim women

to wear the *burqa* and other full-body coverings on public transport and in schools does not go far enough (for further details, see section 4).

Since the November 2006 election there has been a shift from the rhetoric about integration. The CDA (Christian Democrat Union) is now the largest party in the coalition government, which also includes the PvdA (Social Democrats). Two of the ministers are Muslim – a first for the Netherlands. The coalition agreement, "Living Together, Working Together," focuses less on integration as a 'problem' and more on combating socio-economic disadvantage. The integration portfolio was transferred from the Ministry of Justice to the Ministry of Housing, Spatial Planning and the Environment. The current minister, Ella Vogelaar, is a well-respected Social Democrat with a background in education and civic integration.

2. Main Issues

Muslim fundamentalism
Even before the murder of Theo van Gogh, the radicalization of some elements of Muslim communities in the Netherlands was a highly salient public issue. The stance of certain *imams* on issues not directly related to international terrorist movements (e.g. preaching opposition to homosexuality) led some politicians to propose harsh measures, including deportation.

The results of a research project commissioned by Rita Verdonk (Immigration and Integration Minister) published in June 2006 identified three dimensions of radicalization among Muslim youth:

- Social-cultural dimension: In their struggle with a hybrid identity (they are not really from their parents' country, nor are they really 'Dutch'), Muslim youth have a need for bonding. "In orthodox and radical Islamic groups, they find the warmth and subculture for which they are looking."
- Religious dimension: Many young Muslims find answers to questions such as 'What is the meaning of life?' in Islamic theology. Those who become more convinced of the veracity of orthodox interpretations come to believe that only Islam can purify the world from evil and immorality.
- Political-activist dimension: Many Muslim youth feel excluded and discriminated against. This frustration, paired with a strong belief in Islam, can lead to solidarity with their 'oppressed brothers' in other countries.[4]

Although the government that took office in February 2007 has shifted the agenda somewhat away from integration, it has nevertheless said it will take steps to increase access to the course for the training of spiritual leaders launched by the previous government (see section 1).

Public opinion towards Islam and Muslims
Anti-Muslim sentiment rose during the post-2001 period and remains strong.

- In a 2005 Pew Global Attitudes study, the Netherlands was the only western country of the 17 surveyed in which a majority (51%) viewed Muslims unfavourably.

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[4] This summary of the project findings and the quotations are taken from Open Society (2007, 15).

- Half the Dutch interviewed in a June poll 2006 conducted by the Motivaction Research Institute held very negative views of Islam, and 63 percent regarded Islam as incompatible with Western society.

The issue of religious dress has been a lightning rod and proposed restrictions seem to have resonance among the public. For example, in the Pew Center 2005 multi-country study, 51% of Dutch respondents favoured a ban on headscarves.

Minorities' socio-economic situation

In the policy shift that began in the mid-1990s, integration issues were often linked to the inferior socio-economic situation of minorities. For example, it was claimed that linguistic pluralism diminished access to mainstream education and the labour market. This led to greater emphasis on the teaching of Dutch and much less on instruction in minority languages. Despite some improvements, significant socio-economic gaps have remained between the native Dutch and the Turkish and Moroccan minorities (and their descendants):

- In 2006, 27% of Moroccans and 21% of Turks were unemployed (compared to 9% of the native Dutch).
- Among non-Western immigrants, 25% depend on social benefits (double the rate for the native Dutch).
- The school dropout rates for Moroccan and Turkish immigrant children are high: 39% and 35%, respectively, in 1998.

Spatial and cultural isolation

Residential segregation is quite high in the four largest cities of the Netherlands and has increased since the mid-1990s. In 2004, there were 90 neighbourhoods with 50% or greater immigrant inhabitants, almost all in those cities. The segregation of Turks and Moroccans is stronger than for other groups, such as the Surinamese. However, according to a study by three Dutch geographers, "it is certainly not the case that the groups distinguished live in a few neighbourhoods while the rest of the city is not accessible" (Bolt, Hooimeijer and Kempen 2002, 215).

In some neighbourhoods where few native Dutch children are left, publicly funded confessional schools have refused children from other denominations, resulting in some schools being more segregated than the neighbourhoods in which they are located. Two-thirds of the native population report little or no contact with immigrants.

A large proportion of Turkish and Moroccan immigrants, as well as the second and third generations from that background, marry someone from the country of origin (for Turks, the rate is about 70%). Their children often grow up in a family and school environment that is ethnically closed. Many Dutch-born criticize what they label as the seclusion of the Turkish and Muslim communities. However, the dynamic is more complex, according to a study for the Dutch Social and Cultural Planning Office:

> This hardening of attitudes appears to be a self-reinforcing process, and as a consequence is leading to the further withdrawal of ethnic minorities into their own ethnic groups and to ever more negative views on the part of the indigenous population (Gijsberts 2004, 40).

<u>Racism and discrimination</u>
Dutch Muslims often feel compelled to defend themselves against criticism of their poor integration into society, the high level of criminal activity among Muslim youth and the views of conservative Muslim leaders on women's rights and homosexuality. Various reports indicate that Muslims experience discrimination in the job market both in the private and public sectors, and are more likely to be refused housing.

Anti-Semitism is also a problem (there are about 45,000 Jews in the country). Groups opposed to Israeli policies, notably certain segments of the Muslim community, have frequently used implicitly anti-Semitic language and images. Explicitly anti-Semitic sentiments also prevail among fringe nationalist and neo-Nazi groups.

3. Significant Events

Although the September 2001 terrorist attacks in the United States contributed to anti-immigrant and anti-Muslim sentiment, the most significant events of the decade were the rise of Pim Fortuyn's party and his subsequent murder in 2002, and the 2004 killing of Theo van Gogh.

<u>Rise and murder of Pim Fortuyn</u>
In the May 2002 elections, the four-month-old *Lijst Pim Fortuyn* (LPF) won 18% of the votes. The party's platform had called for halting new immigration while integrating existing immigrants more effectively. Pym was highly critical of fundamentalist Islam and the role of some *imams* in encouraging anti-Dutch sentiments (for example, by criticizing the country's permissive laws on homosexuality). Only days before he was killed (by an animal rights activist), Fortuyn announced he was in favour of granting amnesty to all rejected asylum seekers and other irregular migrants who had been in the Netherlands for at least five years and spoke Dutch. The LPF was given the newly-created position of minister for integration and immigration in the government, but the coalition collapsed and new elections followed in January 2003.

<u>Murder of Theo van Gogh</u>
The November 2004 murder of Theo van Gogh was clearly religiously motivated. The killer, Mohammed Bouyeri, pinned a "letter" to van Gogh's body that was a religious text that took issue with criticisms of fundamentalist Islam (particularly the treatment of women) in his film "Submission." Bouyeri, who had dual Dutch and Moroccan citizenship, was sentenced in July 2005 to life in prison for the murder. The murder sparked outrage across the Netherlands and led to several arson attacks on mosques and Muslim schools.

Rita Verdonk immediately made the murder an integration issue. At a rally in Amsterdam the same evening she stated that "it has gone this far, and it goes no further." Her mantra was picked up by other politicians and commentators. Some politicians labeled the murder a terrorist act, while others were more focused on the issue of freedom of expression. The arrest of a suspected terrorist cell known as the "Hofstad Group" the week after the murder added to the sense that organized terrorism was involved. In retaliation for the murder, there were numerous attacks and counter-attacks on mosques, churches and Islamic schools, the worst of which

destroyed whole buildings. However, according to a Dutch researcher, a large share of the public was sceptical about the alleged link to 'global terror': "They tended to see the murder as a symbol or symptom of a broader problem with immigrant, and particularly Moroccan, integration" (van Selm 2005).

4. Sources of Pressure for Harmonization/Main Actors

As noted in section 2, policy changes to encourage greater integration of immigrants and their descendants date from the mid-1990s. Although almost all the main actors have been politicians, the debate has involved others. For example, in 2000, in an essay published in the *NRC Handelsblad* (national newspaper) Paul Scheffer, a left-wing political commentator, described the experience of the previous 15 years as a "multicultural drama" and attacked several taboos about diversity and multiculturalism. The article prompted a series of responses and counter-attacks.

Rita Verdonk, minister of integration and immigration in early 2003 until late 2006,[5] was highly critical of previous governments for what she saw as an accommodating stance on immigration and integration policies. Just before the 22 November 2006 election, the Cabinet approved Verdonk's proposal for a complete ban on the wearing of the *burqa* in public; the party promised that, if re-elected, it would introduce legislation to that effect. This met with sharp criticism, not least because it was estimated that not more than 100 women in the Netherlands wear the *burqa*. A former Dutch civil servant who worked on integration policy during Verdonk's term as minister summed up reaction to her positions as follows:

> For a large portion of the right, this made her wildly popular… In addition, her policies spoke to a broad range of the population, who worried that real challenges in dealing with diversity, immigration, and integration, such as lagging educational and economic progress among ethnic minority groups, had been silenced in the public debate for too long. On the left, however, she was known as "Iron Rita," and was accused of catering to populist, racist, and exclusionary tendencies in order to win votes. (Nana 2006)

Pym Fortuyn (see section 3) set some of the broad lines of the agenda that Verdonk later pursued. Although less influential, other politicians have exploited issues of immigration and integration. The Party for Freedom, led by Geert Wilders, is openly anti-Islamic. In December 2005, Parliament voted in favour of his proposal to criminalize all Muslim face veils as (what he described as) a security measure. In July 2007, he tabled a bill proposing a complete ban on the *burqa* in public.

5. Legal Cases

Religious dress
The Equal Opportunities Commission (CGB) and the courts have repeatedly addressed the wearing of headscarves in schools and places of employment. Both the CGB, whose opinions are not legally binding, and the courts have held that restrictions should be based on security considerations or other narrow grounds. As a

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[5] Verdonk lost the immigration mandate in December 2006 after a dispute over a pardon for asylum seekers but remained minister for integration until the new government took office in early 2007.

rule, the *niqab* (full-face veil) is not permitted in schools, whereas wearing a *hijab* (headscarf) has been allowed except where this contracts the religious principles of the school (EUMC 2006, 42).

In 2003 the CGB held that a ban on *burqas* by an Amsterdam school was not discriminatory. The CGB concluded that open teacher-to-student and student-to-student interaction was more important than the right to wear a *burqa*. In practice, headscarves are permitted almost everywhere, including in schools.

In December 2005, the Islamic College in Amsterdam announced it would not implement a CGB decision that it had wrongly denied a woman of Tunisian origin a teaching job because she would not wear a *hijab* and that it would continue to require Muslim staff to wear headscarves.

Religious holidays
The CGB has rebuked employers for not allowing non-Christians to take leave on their religious holidays and for objecting to observance of religious dietary requirements. For example, in 2004 the CGB ruled against a company that had denied employment to a Turkish applicant because he planned to attend Friday services at a mosque. The CGB concluded that employers are generally obliged to take account of their employees' reasonable religious demands and that the company had violated the complainant's right to freedom of religion. Legislation enacted in 2003 permits employees to refuse to work on Sunday for religious reasons, with certain exceptions.

6. Schools and Other Public Institutions

In 2004, 27% of pupils in the Netherlands attended public-authority schools (for which local governments are responsible). The remainder attended what the Dutch label private schools. The board of a private school is the board of the association or foundation that established the school. Both public and private schools are funded by the government, and private education as such does not exist. The majority of the private schools have a religious affiliation. In 2004, 27% of Dutch pupils attended Roman Catholic schools and 24% Protestant schools.

There is an extensive network of Islamic educational institutions in the country's largest cities. They receive public funding at the same level as other religious schools. In 2002, there were eight Islamic primary schools and one Islamic secondary school in Amsterdam. In 2004, 10% of school-going children with a Turkish or Moroccan ethnic background in that city attended Muslim faith-based schools. In Rotterdam, where Muslims count for about 13% of the population, as of 2000 there were five Muslim primary schools and one Islamic secondary school. There is an Islamic university in Rotterdam and another in Schiedam (part of metropolitan Rotterdam).

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SWEDEN

COUNTRY PROFILE

F. Leslie Seidle

Public policy consultant

Montréal

23 October 2007

SWEDEN

COUNTRY PROFILE*

F. Leslie Seidle

Key Facts

Population: 9,016,596 (2006 est.)

Foreign-born population:
- country – 13% (2006)
- Stockholm – 18% (2003)
- Malmö – 26% (2006)

Net migration rate: 1.66 migrants/1,000 population (2007 est.)[1]

Principal non-European immigration-sending countries: Iraq, Serbia and Montenegro, Turkey (in order of importance based on 2005 data)

Main religions: Lutheran 87%, other (includes Roman Catholic, Orthodox, Baptist, Muslim, Jewish and Buddhist) 13%[2]

Although Sweden began to receive significant numbers of non-Nordic migrants only some 50 years ago, it now has a higher proportion of foreign born than most European countries, including Germany, France and the United Kingdom. The majority of Swedish immigrants are refugees and their family members. Ethnic and religious diversity is recognized in the constitution and protected by a range of programs and institutions. Nevertheless, many people with a migrant background are concentrated in poorer neighbourhoods, and there are significant socio-economic gaps between them and the native born.

1. Approaches to Immigration and Integration

Immigration patterns and policies
With the exception of migration from other Nordic countries, significant levels of immigration to Sweden began only in the 1950s. Although Sweden did not establish a guest worker program, companies actively recruited workers from a number of other countries. Between 1949 and 1971, 550,000 people migrated from Finland, along with approximately 60,000 from Yugoslavia and 20,000 from Greece. In the

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* This report is one of nine country profiles prepared for the Commission. Data in the profiles were obtained from national censuses, international organizations and research centres with recognized expertise on migration issues, including the Organisation for Economic Co-operation and Development, the United Nations and the Migration Policy Institute.
[1] Canada's estimated net migration rate for 2007 was 5.79 migrants/1,000 population.
[2] Swedish law does not allow information on religion to be collected through the census or other means. These estimates are from the Central Intelligence Agency "World Factbook" (no date given).

1960s, an increasing number of migrants began to come to Sweden on their own accord to seek work. Sweden came under pressure to curb these flows, and in 1972 it officially ended labour migration from non-Nordic countries.

Sweden subsequently began to accept significant numbers of refugees, often from countries in political crisis. In 1972 some 1,000 of the Ugandan Asians expelled by Idi Amin came to Sweden, and the following year (after the coup against Salvador Allende) some 5,000 refugees arrived from Chile. Over time, the number of immigrants increased through the arrival of family members of refugees who had been accepted for permanent residence. In 1989, the government changed its asylum policy to provide that refugee claims be assessed strictly in accordance with the Geneva Convention; humanitarian grounds were no longer eligible.
Shortly thereafter, the collapse of the former Soviet Union and the wars in the Balkans led to a surge in asylum seekers: 208,700 were received between 1989 and 1993, with 56% of these from the former Yugoslavia. In 1993, the government introduced visa requirements for persons from the former Yugoslavia. Iraq has also been a significant source of refugee claimants, particularly since the American invasion. In the past two years, more Iraqis have sought asylum in Sweden than in any other European county.

As a result of a 2006 rule change, applicants with family ties are allowed a second hearing on their cases. That year, about 80% of those who claimed asylum were approved. In July 2007 the government announced that Iraqis would no longer be granted asylum on the basis of the general turmoil in their homeland. They now have to demonstrate they face significant threats of violence if they return to Iraq. Iraqis whose applications are rejected will be deported.

Some 81,000 foreign nationals moved to Sweden in 2006 − up 58% from the previous year. During the first six months of 2007, twice as many people applied to come to Sweden as during the same period a year earlier. According to the Migration Board, this rise was due in large part to the above-noted change in the rules for family members. While Sweden's net migration rate (see p. 1) has risen considerably in recent years (it was .86 migrant/1,000 population in 2000), it is nevertheless low compared to Canada, the United States and the United Kingdom. In 2004, the most important category of long-term migration was family reunion (62%).

Finns account for the largest group of the foreign-born in Sweden (186,600 in 2004). The next-largest groups (2004 data) are from Serbia and Montenegro (74,600), Iraq (70,000), Bosnia-Herzegovina (54,500) and Iran (50,000). The Muslim population is estimated at around 300,000 (3% of the country's population) and has grown more than ten-fold since 1980. Significant numbers have come from Turkey, Bosnia, Iraq, Iran, Lebanon and Syria, and approximately half of Muslims in Sweden live in Stockholm.

Multiculturalism
Although Sweden's approach to immigrant integration has been strongly based on equality principles (see below), difference has been recognized through a multicultural policy dating from the mid-1970s.

- In 1968, the Immigration Investigation Commission was established. It developed goals and guidelines for a policy by which immigrants would have almost the same rights and obligations as Swedish citizens.
- The Swedish constitution was amended in 1974 to include a section stating that "the possibilities for ethnic, linguistic and religious minorities to maintain and develop their own cultural and religious life shall be supported." (Wilton 2007).

By the mid-1980s, economic shifts and factors such as the segregation and poverty of recent immigrants and the rise of right-wing extremism led to a revision of the multiculturalism policy. According to the government, it was not possible to "accept customs or norms that deviated from what society had clearly supported". In addition, "freedom of choice must not be interpreted in such a way that it results in a repudiation of the Swedish language or the larger Swedish community of interest" (Wilton 2007, 6-7). Finally, the immigration minister indicated the term 'minority' was not to be applied to immigrants. According to one study:

> This directive reinforced the individualistic emphasis of Swedish multicultural policy − individual immigrants have rights and choices, but maintenance of their culture remains an individual choice and within the private sphere of life…The idea of a coherent and homogeneous Swedish culture against which immigrant culture can be measured is still strongly present. (Wilton 2007, 7)

This shift in discourse continued through the 1990s as immigration rules were tightened and integration policies became more focused on the individual.

Integration policies and programs

In 1975, the Swedish parliament approved an integration policy directed mainly at labour migrants from southern Europe. It was based on three key concepts: equality, freedom of choice and partnership.

> Immigrants residing permanently in Sweden were to enjoy the same rights as Swedish citizens (equality), including access to the welfare system. In private life, they could decide whether they wished to assimilate or maintain their distinct native culture (freedom of choice). This also meant targeted language support for immigrant children… Partnership implied, among other things, voting rights in local and county elections (Westin 2006, 8)

The Swedish Integration Board, the central administrative authority for integration issues, had overall responsibility for ensuing that integration policy goals permeate the different sector of society. From 1985, the Board developed an ambitious program of integration for refugees that included language and vocational training, dispersal of immigrants to cities and towns with available housing and municipal responsibility for implementing the integration programs. Municipalities received government subsidies based on the number of refugees they agreed to accept. Problems soon emerged:

- Social welfare dependency emerged among refugees because they were allocated to parts of the country with few available jobs and high rates of unemployment among native-born Swedes.
- As numbers of asylum seekers increased, it became difficult to find municipalities that would accept additional refugees.

- Refugees were not allowed to move from where they had been placed because the municipality would lose its subsidy.

In the 1990s, the program was revised to allow refugees to decide where they wanted to live. This has placed pressure on the major cities where job opportunities are more numerous and probably contributed to the residential segregation evident in cities such as Södertälje and Malmö. An April 2007 report from the Integration Board (based on interviews with 2,803 refugees) found that:
- Half of those interviewed had had no contact with the labour market in the year after they were granted permission to stay in Sweden.
- Fewer than half had had a medical examination or received information in their own language about the Swedish health care system.
- After a year's participation in the course "Swedish for Immigrants," only 27% had received a passing score (The Local 2007).

In the past several years, the Integration Board has increasingly focused on discrimination as part of its work (see also section 2).

Not long after the centre-right government elected in 2006 (see section 4) assumed office, it closed the Swedish Integration Board. The Integration minister, Nyamko Sabuni,[3] has focused on labour market integration, and in April 2007 a number of changes to integration policies were announced:
- Significant new spending is intended to encourage municipalities that have labour needs to sign agreements for the reception of immigrants.
- To qualify for grants, local councils must commit to organizing introductory sessions with immigrants within the first week of their arrival.
- Swedish language courses are to be improved and attendance monitored. Immigrants who do not learn Swedish or put sufficient effort into finding work may have their benefits reduced or completely withdrawn.

In October 2007, Sweden received the highest score on the Migrant Integration Policy Index (MIPEX) − a measure of a range of relevant policies in 25 European Union member states and three non-EU countries (including Canada). The MIPEX is based on more than 140 indicators[4] in six policy areas: labour market access, family reunion, long-term residence, political participation, access to nationality, anti-discrimination. The Index assesses a country's legal and policy framework, but does not measure outcomes. Commenting on Sweden's result, Kristina Alvendal, city commissioner of housing and integration in Stockholm, said: "I think it shows us that the tools are there but that we need to learn how to use them better" (*Washington Times* 2007).

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[3] Sabuni, born in Burundi, came to Sweden at age 12 with her father who fled Congo as a political refugee. She is the first person of African descent to be a minister in the Swedish government.
[4] Best practice for each policy indicator is set at the highest European standard, drawn from Council of Europe conventions or European Community directives. Where these are only minimum standards, European-wide policy recommendations are used.

2. Main Issues

Public opinion
In the Eurobarometer "European Social Reality" survey conducted in November-December 2006, Sweden scored second (just below Finland) among the 25 EU countries on the immigration scale (the scale was constructed from the five immigration items in the survey, and a high score indicated positive views about immigration). On the questions about the contribution of other ethnic groups to the country's cultural life and immigrants' role in filling labour market gaps, Swedes scored 23 and 20 percentage points, respectively, higher than the EU average.

However, on other related issues, particularly Muslims and Islamic practices, Swedish opinions are less favourable and seen to have hardened in the past few years. The 2004 *Integrationsbarometer* survey of 2,557 respondents included a number of questions about attitudes on integration, discrimination and Muslims. Some of the results (as reported in Open Society Institute 2007, 35) suggest that a considerable proportion of Swedes are uncomfortable with Islam:

- Two-thirds said Islamic values are not compatible with the fundamental values of Swedish society.
- Only one-third agreed with facilitating the exercise of Islam in Sweden.
- 54% responded negatively to the assertion "Swedish Muslims are like Swedes" generally.

In a poll conduced by Uppsala University released in September 2007 49.8% of respondents supported a ban on Islamic head coverings in schools and workplaces − up from 43% in 2005; and more than one in three agreed with the statement that "many foreigners come to Sweden simply to take advantage of our social welfare."

Minorities' socio-economic situation
The foreign born have much higher unemployment levels than native Swedes. In 2006, 23% of non-European nationals in Sweden were without a job, compared to 8% of nationals. The foreign born also experience higher rates of social welfare dependency, school non-completion and crime.

Many immigrants live in disadvantaged areas, principally in the suburbs of Stockholm, Malmö and Göteberg.[5] The most disadvantaged groups regarding residential segregation are people with Middle Eastern and African backgrounds. A report of the Commission on Housing Policy described the disadvantaged neighbourhoods as follows:

> The large-scale aspect, anonymity, lack of security, low quality standards, lack of services and transit, etc., that are often a feature of these disadvantaged areas, contribute to further impairing the area's living conditions and the

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[5] The housing in some of these areas was built in the 1960s as part of the government's policy to build a million dwellings to counter the expected housing shortage. Although the housing was built to a reasonable standard, the areas became 'stigmatized' on an ethnic dimension, and Swedish public opinion often links the problems of these areas with their residents (Open Society Institute 2007, 27, note 43).

opportunities available to its inhabitants. Harsh living conditions combined with a sense of inability to influence one's own situation can lead to feelings of powerlessness and exclusion. (Open Society Institute 2007, 27).

Discrimination and racism
In a December 2004 report, the European Commission against Racism and Intolerance (affiliated with the Council of Europe) noted that complaints of discrimination filed with the Ombudsman against Ethnic Discrimination about dissemination in employment had risen by 14% since 2002 and 27% compared to 2001. The report added that "these figures are still thought to represent only a fraction of the actual number of cases of discrimination in employment" (ECRI 2004). There is a "White Power" movement in Sweden, and some of its adherents advocate the use of violence for political aims. The proportion of crimes linked to White Power has risen since the late 1990s, and in 2002 and 2003 these represented about 40% of reported racist, anti-Semitic and xenophobic crimes (ECRI 2004, 31).

During the past several years, the issue of structural discrimination against people with a migrant background has gained greater attention. In 2003, the government established a commission to investigate the question. In its 2005 report, the commission proposed affirmative action on a broad scale to counteract structural discrimination. However, the employers association and the principal trade unions rejected the commission's proposal. Members of the non-socialist parties (then in opposition) criticized the commission (which took a post-colonial theoretical perspective) for producing ideological discourse rather than feasible approaches.

Government reports and academic research have suggested that exclusionary practices in labour markets and housing are linked to immigrants' low level of participation in Swedish political life (see Dahlstedt and Hertzberg 2007). Non-nationals resident in Sweden for three years have been allowed to vote in local and regional elections since 1975.

3. Significant Events

Sweden has been spared the kind of ethnic confrontations seen in a number of other European countries – e.g. the murder of Theo van Gogh, the 2005 disturbances in the French suburbs and the 2001 race riots in northern England. There have nevertheless been some lesser incidents. For example, the mosque in Malmö has been targeted on three occasions (see section 6). Some media reports suggest the incidents may have been perpetrated by Islamists dissatisfied with the mosque's moderate leadership.

In early 2006, a controversy emerged from the decision of the Minerva school in Umea to disallow a pupil from wearing the *hijab* (for details, see section 5).

An incident arose in August 2007 when the newspaper *Nerikes Allehanda* published a cartoon by Swedish artist Lars Vilks depicting Mohammed's head on the body of a dog. The Iranian government summoned the Swedish chargé d'affaires to its foreign ministry, and she was told that the cartoon was offensive to the Prophet. Pakistan's foreign ministry also delivered a complaint to a Swedish diplomat. According to a

media report, a spokeswoman for the Swedish foreign ministry said the Swedish government had "expressed regret that the publication of the cartoons had hurt the feelings of Muslims." The incident did not escalate further.

4. Main Actors/Sources of Pressure for Harmonization

Although immigration has become a more salient public issue in the past several years, there does not seem to be a high degree of polarization among the main political parties; nor has any government minister tried to blatantly exploit the issue (as Rita Verdonk did in the Netherlands from 2003 to 2006).

The Social Democrats have been the leading party in government for all but 10 of the past 75 years and were thus responsible for most of the policies reviewed in section 1. Over time, Social Democrat governments adopted somewhat more restrictive immigration and asylum policies. In 2006, the Social Democrats (who had an agreement with the Left party and the Green party) had their worst election result since 1914. The present centre-right government, a four-party coalition, is led by the Moderate party. Immigration policy has not changed significantly, but a number of changes intended to encourage more effective integration of immigrants were announced in April 2007 (see p. 4). The current Integration minister, Nyamko Sabuni (see note 3 above), has stressed that immigrants must make a greater effort to fit into their adopted country. As an opposition politician, Sabuni proposed disallowing girls under 15 from wearing the *hijab* and called for an end to state funding for religious schools. However, the current government has not pursued either of these proposals.

Sweden Democrats, an anti-immigrant and xenophobic party, was founded in 1988. Although still marginal, in the 2006 general election it received 2.9% of the national vote. After the controversy broke out about the cartoons of Mohammed published by the Danish paper *Jyllands-Posten* in September 2005, the party supported the publication on the basis of freedom of speech. In 2006 the party published a cartoon depicting Mohammed on its Web site. The Swedish government informed the Internet service provider about this, and the party's Web page was shut down.

The research carried out for this project (which was limited to sources in English) suggests Swedish intellectuals have not been as active in debates on immigration and intercultural relations as in countries such as Germany and the United Kingdom.

5. Legal Cases and Administrative Decisions

In spring 2006, the Minerva school in Umea informed a Muslim student that she could not wear the *hijab* at school. The nonreligous private school claimed that its ban covered all headgear worn in the classroom, not just headscarves. The National Agency for Education ruled in May 2006 that such a ban could not be allowed because it constituted religious discimination. The girl subsequently left the Minerva School, which then asked the education agency to reconsider its decision. In January 2007, the National Agency for Education reiterated its original decision. According to an official from the agency, the decision complied with Swedish and international law. The agency's position received support from the Ombudsman against Ethnic Dsicrimination who stated that the school's attempted ban was a form of indirect discrimination.

The research for this project did not identify any cases of issues such as these being adjudicated by the courts.

6. Schools and Other Institutions

Funding for churches and religious schools
The Church of Sweden was the country's official church until 2000. Since the separation of church and state that year, eight recognized religious denominations are entitled to raise revenues through contributions their members make through the tax system. The eight denominations are also entitled to direct government financial support from the Commission for State Grants to Religious Communities. Three national Muslim organizations receive grants from the commission.

In public schools, all students must take a religious education course that covers all major world religions. Parents may send their children to independent religious schools, all of which receive government subsidies provided they respect government guidelines on the core curriculum.

Muslim institutions
There are more than 20 Muslim schools in Sweden. They receive government funding equal to about 85% of what nonreligious schools receive. Muslim schools must follow the national curriculum but are allowed to add other elements. There is a Swedish Islamic Academy for the training of imams.

There are five official mosques and at least 150 prayer rooms across the country. In 2003 the Malmö mosque (the oldest in the country) was damaged and other buildings at the Islamic centre totally destroyed. In September 2005, an arsonist threw a bottle of flammable liquid through a window of the mosque; the resulting fire was doused before it could cause serious damage. The following month, several minor fires were started in the main building but were extinguished fairly quickly.

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UNITED KINGDOM

COUNTRY PROFILE

F. Leslie Seidle
Public policy consultant
Montréal

Commission de consultation sur les pratiques d'accommodement
reliées aux différences culturelles

13 August 2007

UNITED KINGDOM

COUNTRY PROFILE[*]

F. Leslie Seidle

Key Facts

Population: 60,441,457 (July 2005 est.)

Foreign-born population:
- country - 9.1% (2005)
- Greater London - 27% (2001 census)

Migration rate: 2.17 migrants/1,000 population (2007 est.)[1]

Principal immigration-sending countries: India, Pakistan, Serbia and Montenegro, Philippines, South Africa (in order of importance based on 2004 data)[2]

Main religions: Christian (Anglican, Roman Catholic, Presbyterian, Methodist) 71.6%, Muslim 2.7%, Hindu 1%, other 1.6%, unspecified/none 23.1% (2001 census)

With more than one in nine residents from an ethnic minority background, diversity is a central dimension of life in the United Kingdom. This is especially so in Greater London, where ethnic minority groups account for 40% of the population. Since 2001, riots, international events, domestic terrorism and media and intellectual criticism have placed considerable strain on the UK's approaches to the accommodation of minorities. Continuing efforts on racial equality have been supplemented by new policies that focus on integration and 'community cohesion' − intended in part to improve relations with certain largely Muslim minority groups and combat extremism.

1. Approaches to Immigration and Integration

Immigration rules and patterns
The roots of the growing diversity of the UK population lie in the immediate post-Second World War period. During the 1950s, some 500,000 nonwhite immigrants arrived in the UK, many of them from Commonwealth countries. Immigration controls enacted in 1962, and strengthened in 1965, significantly curtailed this access. As a

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[*] This report is one of nine country profiles prepared for the Commission. Data in the profiles were obtained from national censuses, international organizations and research centres with recognized expertise on migration issues, including the Organisation for Economic Co-operation and Development, the United Nations and the Migration Policy Institute.
[1] Canada's net migration rate (the difference between the number of persons entering and leaving a country during the year) for 2007 was estimated at 5.79 migrants/1,000 persons.
[2] Based on countries of origin of immigrants granted settlement – i.e. those who are subject to immigration control and are allowed to remain in the United Kingdom indefinitely. Migrants from European Union countries are therefore not included.

result, labour immigration from the Commonwealth was halved. Subsequent legislative changes further restricted nonwhite immigration and the right of residency. Since 1993, there have been five more laws on immigration and asylum. The rules continue to evolve – for example, a five-tier points system for applicants will be phased in during 2008 and 2009.

In addition to the data reported in the box, there are several important trends:

- The number granted the right to settle permanently in the UK has risen considerably – from about 50,000 acceptances a year in the 1980s to 139,675 in 2003 (this does not include migrants from EU countries).
- The expansion of the European Union in 2004 and 2007 has contributed significantly to migration to the UK: citizens from the newer EU member countries accounted for nearly half of those arriving in Britain in 2006.
- Asylum applications, some 20,000 to 40,000 a year in the 1990s, peaked at 103,000 in 2002. Legislative changes made asylum more difficult, and the number dropped sharply to 30,500 in 2005. In 2005, the largest groups of asylum applicants came from Iran, Somalia and Pakistan (in that order).

Census results show that between 1991 and 2001, there was a 50% increase in the size of the ethnic minority population (people who belong to an ethnic group other than White British).[3] In 2001, one in nine people were from ethnic minorities. The largest ethnic group, people of Indian descent, were just under 2% of the population.

This ethnic diversity is the most notable in London. The 2001 census showed that:

- 40% of the foreign-born UK population lived in Greater London.
- Ethnic minority groups accounted for 40% of Greater London's population, and 27% of the city's residents had been born abroad.
- More than 50 ethnic groups are represented in Greater London in numbers of 10,000 or more.
- Nearly three-quarters of England's Black African population live in London, as do six out of 10 Black Caribbeans, half the Bangladeshis, one in four Indians and one in five Pakistanis.

There were 1.6 million Muslims in the UK in 2001, 660,000 of whom were from Pakistan.[4] Large numbers also have backgrounds in Bangladesh and India. Recently, Muslim arrivals have come from conflict-torn countries such as Afghanistan, Algeria, Iraq, Somalia and Bosnia.

Race relations legislation and programs

Anti-racism measures, which have been central to integration policy, date from the *Race Relations Act, 1965* – introduced in part to make that year's immigration restrictions less difficult for the governing Labour party to accept. Although the legislation's scope was initially narrow, this was a significant step: "[it] confirmed and reinforced an association between integration, accommodation and diversity on the one hand, and race and integration on the other" (Hanson 2007, 362).

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[3] Ethnic minorities include non-British Whites (e.g. Irish).
[4] Preceding data as reported in Masood (2006, 6).

The 1965 law was amended on several occasions to broaden its scope and make enforcement more effective. In 1976, the Commission for Racial Equality was given the authority to hear complaints and launch investigations on direct as well as indirect discrimination; the latter covers conditions that are not formally discriminatory but disproportionately penalize members of a particular racial group. As of 2000, public employers (including the police and universities, both formerly not covered) are obliged to promote equality of opportunity and good relations between people from different racial backgrounds.

The rise in anti-Muslim incidents following the September 2001 US terrorist attacks and the July 2005 London bombings led to the adoption of legislation that created new offences for inciting religious hatred. This was a controversial episode: an initial bill was withdrawn in the wake of criticism that it could deter writers and artists from presenting offensive portrayals of Islam or other religions. As adopted, the law stipulates that only the Attorney General (not individuals or groups, as with anti-racism complaints) may initiate actions.

Community cohesion and Integration
The 2001 race riots and the above-noted terrorist attacks led to considerable intellectual and public criticism of what some called the balkanizing effects of multiculturalism (see section 4). Labour government policy has since placed greater emphasis on 'community cohesion' and the integration of minorities.

- In 2002, citizenship education became a mandatory part of the national curriculum. Some (e.g. Hanson 2007, 381) find the approach to citizenship rather vague. A Review Group that reported in 2007 concluded that issues of identity and diversity are often neglected in citizenship education.
- A citizenship ceremony, which includes an oath of allegiance to the Queen and the United Kingdom, was introduced in 2004.
- Since 2005, migrants seeking naturalization must pass language and citizenship tests.[5]

In addition, considerable attention has been paid to encouraging greater integration of immigrants and their children. In August 2006, Ruth Kelly, Minister for Communities and Local Government, appointed a commission on integration and cohesion. Its mandate included the following:

- examining the issues that raise tensions between different groups in different areas, and that lead to segregation and conflict;
- suggesting how local community and political leadership can push further against perceived barriers to cohesion and integration;
- looking at how local communities themselves can be empowered to tackle extremist ideologies.

Following extensive research and consultation, the commission reported in June 2007. Although most of its wide-ranging recommendations were directed at local authorities, it called on the national government to set out a clear statement of integration and cohesion policy.

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[5] These changes followed the report of the "Life in the United Kingdom" Advisory Group (2003), chaired by Sir Bernard Crick (emeritus professor of politics, University of London).

2. Main Issues

Public opinion on immigration
For decades, immigration and race have consistently been identified as important issues in public opinion surveys. In a February 2005 poll, immigration was, for the first time, ranked ahead of all other public policy issues. Between 1995 and 2003, the share of respondents who agreed that the "number of immigrants in Britain nowadays" should be "reduced a lot" rose from 39 to 49% (Evans 2006, 164).

Political parties' stances
The Conservative party has traditionally been less open to immigration than Labour, and certain other political leaders (e.g. Enoch Powell) and minor parties have exploited the issue. The most recent example of this is British National Party (BNP), which favours "firm but voluntary incentives for immigrants and their descendants to return home." In promoting British identity and nationalism, it has taken positions that are clearly anti-Semitic and anti-Islam (party leader Nick Griffin has called Islam a "wicked, vicious faith"). Although support for the BNP rose at the 2006 local elections, it holds only 53 of the more than 20,000 local council seats in the UK.

Muslim radicalization
Religion practice is a central to many British Muslims' identity. In a survey of Muslims carried out for a recent in-depth study by the think tank Policy Exchange, 86% of respondents indicated that religion was the most important thing in their lives. Muslim youth are more likely than their parents to feel connection to their religious community as opposed to their country, ethnic group or political movement.[6] In this context, the report observed that:

> …many younger Muslims are turning to religion as part of a search for meaning and community which also exists in wider society. The weakening of older political identities in Britain means they increasingly look to the abstract and global *ummah* (Mirza, Senthilkumaran and Ja'far 2007, 18).

Although it is clear that the Blair government's foreign policy decisions in support of the United States spurred on radical elements within British Muslim communities, geo-political trends have also been a factor. According to the Policy Exchange report:

> A major factor in the increasingly religiosity of Muslims in the UK has been the influence of Islamist groups operating from abroad and funded by the oil profits of countries such as Saudi Arabia. There is a proliferation of propaganda targeting young Muslims through literature, DVDs, the Internet, student societies and charitable organizations. (Mirza, Senthilkumaran and Ja'far 2007, 18)

Public opinion towards Muslims
On a number of measures, public opinion about Muslims in the UK seems considerably less hostile than in France, Germany and the Netherlands.
- In its 13-country 2006 survey, the Pew Center found that Great Britain had the lowest level of unfavourable views of Muslims among the European

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[6] They also have a strong preference (74% of 16-24 year olds, compared to 28% of those 55 and older) for Muslim women choosing to wear a veil.

countries covered − 20%. This was up 6 points from 2005 (that year's survey was carried out prior to the July London bombings). At 54%, the comparable response in 2006 was much higher in Germany; it was 35% in France.

- In the 2005 Pew Center survey, 29% of British respondents said that banning Muslim headscarves was a good idea − again the lowest rating of the European countries covered. In France, 78% agreed this was a good idea, followed by 54% in Germany and 51% in the Netherlands.

Minorities' socio-economic situation
There are significant gaps between Whites and most non-White minorities on a range of measures; the gaps are often greatest for Bangladeshis (most of whom are Muslim). In 2000-01, the Bangladeshi community had an unemployment rate of 38% (more than nine times the national average). Only the Chinese and Indian communities had employment levels similar to Whites. In more than 60% of Muslim households, the main breadwinner has a low income.

The Blair government took a number of steps to improve the job prospects and socio-economic conditions of minorities, with a particular focus on Muslims. For example, in 2002 it introduced a program aimed specifically at under-performing Muslim pupils; in June 2006 it was doubled in size. Between 2000 and 2006, there was a marked improvement in the GCSE results of Pakistani and Bangladeshi students.

Spatial concentration
The 2001 census indicated that some 600,000 Muslims (38% of the total of 1.6 million) live in and around London, some 140,000 in Birmingham and 75,000 in Bradford. In 10 London boroughs, there are Muslim populations of more than 20,000. Muslims are much more likely than the general population to live in deprived areas: 15% of Muslims live in the 10 most deprived of the country's districts compared to 4.4% of the population as a whole (Masood 2006, 6).

Racism and discrimination
There have been tensions between certain minority communities and other segments of the population for decades. Relations between the police, particularly the London Metropolitan Police, and racial minorities have been a particular source of controversy. In 2001-02, Black people were eight times more likely than White people to be stopped and searched by the police (Hanson 2007, 14).

The 2000 British Crime survey found that Pakistanis and Bangladeshis were consistently more at risk of being a victim of racially motivated crime than Indians, Blacks and Whites (EUMC 2006, 88). According to the Crown Prosecution Service, between April 2004 and May 2005 there were 27 prosecutions in England and Wales for religiously aggravated offences under the *Anti-Terrorism, Crime and Security Act*; in 23 of these cases, the actual or perceived religion of the victim was Islam. In January 2007 the Government announced a £5 million program to assist local authorities in combating Islamophobia and deter people from being attracted to extremist movements.

According to the Global Forum against Anti-Semitism, the UK has the highest number of anti-Semitic incidents in Europe. The Community Security Trust reports

that anti-Semitic incidents have risen almost every year since 1997. In 2005, it recorded 455 anti-Semitic incidents in the UK.

3. Significant Events

Between May and July 2001, there were <u>extensive race-based riots in Bradford, Oldham and Burney</u> in or near areas inhabited predominantly by Pakistani and Bangldeshi communities. The participants were overwhelmingly young men, and the disorders led to 395 arrests. In response, the government appointed a Ministerial Group on Public Order and Community Cohesion, chaired by Lord Denham. Its December 2001 report proposed a range of measures to lessen deprivation in the areas that had been affected and that 'community cohesion' be made an explicit aim of government at the national and local levels.

The <u>British government's support for the Afghanistan and Iraq wars</u> has had a significant impact on Muslim communities in the UK. According to an in-depth 2006 study, "many Muslims are angry about foreign policy because they believe it is targeted at Muslim states and involves 'double standards' [because of the UK government's support for Israel]" (Mirza, Senthilkumaran and Ja'far 2007, 56). However, the same study found only marginal support for organizations such as Al-Queda among Muslim survey respondents (with 16-24 year olds more supportive than any other age group).

The <u>bombings in London on 7 July 2005</u> deeply shocked the British public. In its immediate response and subsequent 10-point action plan, the government made a concerted effort to prevent the demonization of the country's Muslim community. Although there was a rise in anti-Muslim incidents immediately following the bombings, this dropped quite quickly. The European Monitoring Centre on Racism and Xenophobia gave credit to the "strong stand taken by political and community leaders in condemning the attacks and defending the legitimate rights of Muslims" (EUMC 2006, 87).

The bombings challenged some of the UK's principles of minority accommodation. The four London bombers were all British born, not immigrants (although one was a convert to Islam). For some observers, the events showed that Muslims living in the UK were unable to adapt to the British way of life. The Policy Exchange study cited above explored the question more deeply and observed candidly:
> Perhaps the most difficult fact to confront … was that these British-born terrorists had been willing to inflict suffering on people of their own country. They sensed no connection to or felt no common cause with other British people. Instead, they considered themselves to be soldiers, fighting for a fantasy, global community of Muslims. (Mirza, Senthilkumaran and Ja'far 2007, 90)

4. Sources of Pressure for Harmonization/Main Actors

In the response to the various international and domestic events that challenged the UK's approaches to the accommodation of minorities, <u>Prime Minister Tony Blair</u> was a central actor. Although certain ministers (e.g. Home Secretary David Blunkett)

played important roles in parliamentary and public debates, Blair had a high profile on a broad range of policy changes – from the tightening of asylum rules to measures on integration.

In a noteworthy speech on 8 December 2006, Blair said a "warped distortion of the faith of Islam" was behind the July 2005 bombings and that this ideology had "thrown into sharp relief…what we have called, with approval, 'multicultural Britain'". He added: "How do we react when…'difference' leads to separation and alienation from the values that define what we hold in common?" Blair said the answer lies partly in defining common values – which he said include freedom from violence and discrimination – and making it clear that all citizens are expected to conform to them. He suggested a number of practical ways to underscore what "the duty to integrate" entails (see the text of his speech, included with this profile, pp. 3-4). In closing, he returned to the question of extremism:

> I do not in any of this, ignore the social and economic dimension to extremism. Deprivation is a bad thing in itself and it can create the conditions in which extreme ideologies of all kinds can flourish. But it cannot be permitted as an excuse. The best way to deal with this is to do what, for a decade now, we have done: systematically to tackle disadvantage.

Intellectuals and public commentators have also contributed significantly to recent public debate on these issues. Some, such as David Goodhart (editor of *Prospect*), suggested that efforts to accommodate diversity may have gone too far and led in part to less vigour in combating socio-economic inequality. Trevor Phillips (chair of the Commission for Racial Equality) and Amartya Sen raised warning flags about what they claimed was the growing segregation of minority groups. More recently, Goodhart (2006) and some others (including Gordon Brown) have argued for a new effort to promote British identity. However, this pursuit seems to have fizzled. Some critics have suggested that, beyond a few core values (which may be more universal than British), it is difficult to imagine what core principles of British identity would find support in a sufficiently broad segment of the country's diverse population.

Despite the policy changes under the Blair government, some of which were responsive to critiques from intellectual circles, it is fair to say that the fundamentals of multiculturalism in the UK have not changed that much (see *The Economist* 2007).

5. Legal Cases

Religious dress

In March 2006, the Law Lords, the court of last resort, ruled in favor of a high school in Luton that expelled Shabina Begum in 2002 for contravening its dress code by wearing the *jilbab*, a traditional dress that leaves only the face and hands exposed. The school, which was 79 percent Muslim and had a Muslim headmaster, created the policy after consultation with local Muslim organizations. After her expulsion, Begum filed suit in the High Court, which ruled in the school's favor. In 2005, the Court of Appeal overturned this decision. Lord Bingham, in the Law Lords' decision, stated the school "…had taken immense pains to devise a uniform policy which respected Muslim beliefs but did so in an inclusive, unthreatening and uncompetitive way."

There has been recently been public debate about the wearing of the *niqab* (full-face Muslim veil). The former Home Secretary, Jack Straw, criticized Muslim women who came to see him in his constituency office wearing the *niqab*, and Prime Minister Blair referred to it as a "mark of separation." It was reported in June 2007 that British educational authorities were considering a ban on the *niqab* in all schools. The wearing of the *hijab* (headscarf) does not seem to have been an issue either for teachers or students.

6. Schools and Other Institutions

Faith schools
There are some 7,000 publicly-funded faith schools in the UK; 99% of these are Anglican or Catholic. It is estimated that 57% of the faith schools teach religious education according to their own beliefs; the rest teach a multi-faith syllabus. At the time of the 2001 census, 20,000 of the 371,000 Muslim children aged five to 16 were in the 130 or so schools maintained by Muslim charitable trusts; as of 2006, five of these received public funding (Masood 2006, 30).

The Blair government was favourable to expanded public funding for Muslim schools – a move its ministers sometimes justified on the basis of expanded choice – but this has been contentious with the general population. For example, in a You Gov/Observer poll carried out in November 2001, only 11% supported the extension of single-faith schools to include "religions such as Islam and Judaism."

State-supported faith schools are not legally required to teach multi-faith religious education. However, in February 2006 leaders from the Church of England, Catholic, Hindu, Sikh, Muslim, Jewish and Buddhist faiths signed a joint agreement. It included a commitment to follow the 2004 National Framework on Religious Education, which encourages the teaching of the main principles of Christianity and the five other major religions represented in the country.

Mosques and *imams*
The first mosques in the UK date from the late 19th century, and there are now some 1,600 throughout the country. The majority of *imams* come from South Asian countries. Although there are 22 colleges in the UK dedicated to the teaching of *imams*, often they have received most of their education before arriving in Britain. The latter point has figured significantly in public debate since the July 2005 bombings. In his recent report commissioned by the Department for Education and Skills, Dr. Ataullah Siddiqui recommended training more *imams* in the UK. In a speech he gave on 5 June 2007, the day Siddiqi's report was released, Prime Minister Blair announced a £1 million project to improve the quality of Islamic studies and academic research in Britain.

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UNITED STATES

COUNTRY PROFILE

F. Leslie Seidle
Public policy consultant
Montréal

Commission de consultation sur les pratiques d'accommodement
reliées aux différences culturelles

17 September 2007

UNITED STATES

COUNTRY PROFILE[*]

F. Leslie Seidle

Key Facts

Population: 298,213,000 (2005 est.)

Foreign-born population:
- country – 12.4% (2005 est.)
- Miami – 50.9%[1]
- Los Angeles-Long Beach – 36.2%
- New York – 33.7%

Net migration rate: 3.05 migrants/1,000 population (2007 est.)

Principal immigration-sending countries: Mexico, China, India, Philippines, Cuba (in order of importance based on 2006 data)

Main religions: Protestant 52%, Roman Catholic 24%, Mormon 2%, Jewish 1%, Muslim 1%, other 10%, none 10% (2002 est.)[2]

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1. Approaches to Immigration and Integration

In contrast to a number of western European countries, the integration of religious minorities (particularly Muslims) is not the central issue in intercultural relations in the United States. Rather, American politics at every level reflects increasing hostility towards illegal immigration, particularly from Mexico. There have been recent policy changes in a number of areas, some of them intended to dampen illegal immigration. However, comprehensive immigration reform has been stymied by the difficulty of trying to reconcile highly divergent interests and, in particular, opposition to providing unauthorized immigrants with a route to 'regularize' their status.

Immigration rules, patterns and integration programs
The Migration Policy Institute (2007) estimates that, from 2002 to 2006, 1,842,570 people entered the US each year (this includes unauthorized migrants). On a population basis, however, the US comes second to Canada: its estimated net

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[*] This report is one of nine country profiles prepared for the Commission. Data in the profiles were obtained from national censuses, international organizations and research centres with recognized expertise on migration issues, including the Organisation for Economic Co-operation and Development, the United Nations and the Migration Policy Institute.
[1] The data for the three cities are from the 2000 census and refer to the Primary Metropolitan Statistical Area.
[2] The US census does not include questions about religion, and the US Immigration Service does not collect information on immigrants' religion. These estimates are from the *World Factbook* of the US Central Intelligence Agency.

migration rate for 2007 was 3.05 migrants/1,000 population compared to 5.79 for Canada.

From 1924 until the 1965 *Immigration and Nationality Act*, the law favoured Western European immigrants, severely limited the immigration of Southern and Eastern Europeans and drastically restricted immigration from Asia. Not unlike what happened in Canada after 1967, the 1965 act led to a radical change in the composition of immigration to the United States. As a result, <u>in 2005</u>:

- <u>12.4% of the total US population was foreign-born</u>, up from 7.9% in 1990.
- 31.5% of the foreign-born population had entered the US between 1990 and 1999, and 22.2% in 2000 or later.
- 53.5% of the foreign-born was from Latin America (South America, Central America, Mexico and the Caribbean), 26.7% from Asia, 13.6% from Europe and 3.5% from Africa.
- At 30.7%, <u>people from Mexico account for almost one-third of the foreign-born population</u>. China is a distant second, with 4.9%.
- In California, 27.2% of the population was foreign-born, followed by 21.4% for New York state,19.5% for New Jersey and 18.5% for Florida. In 35 states, the foreign-born account for less than 10% of the population.

The above data include unauthorized immigrants, who comprise about 28% of the foreign-born. It is estimated that more than 500,000 undocumented immigrants enter the US annually, down from about 750,000 a year during the 1990s. <u>In 2004, the number of authorized migrants in the US was estimated at 10.3 million, with 57% from Mexico</u>.[3]

<u>Family members account for the largest share of new lawful permanent residents</u>: an annual average of 64% from 2002 to 2006 (Migration Policy Institute, 2007). Those who entered the US after receiving employment-based green cards accounted for only 16% of new lawful permanent residents during that period (annual average).

Immigration policy in the United States is directed almost exclusively at determining admission and how to deal with illegal immigrants. Integration and settlement issues have traditionally been viewed quite differently than in Canada. According to Mary Waters and Zoua Vang (2007, 412): "For the most part, cultural, social, civic, economic and political integration of immigrants and their descendants has been left to market forces, the immigrants themselves and voluntary organizations."

Immigrants as racial minorities
The term 'racial minority', in the American context, usually refers to four groups: 1) African-Americans or Blacks; 2) Hispanics/Latinos; 3) Asians; and 4) Native Americans. Although the most longstanding division in American politics and society has been between Whites and Blacks, policies intended to improve the situation of the latter have also had an impact on other racial minorities, notably Hispanics. The latter now outnumber Blacks and are the largest minority group in the US.

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[3] The estimates in this paragraph are from Van Hook, Bean and Passel (2005).

The *Civil Rights Act* (which dates from 1964 but was later expanded) includes national origin as a protected characteristic. Immigrants, whether or not they are citizens, can therefore claim protection from discrimination based on other protected characteristics (e.g. gender, race, ethnicity). The same act governs the assignment of students to public schools (including post-secondary institutions) without regard to race, colour, religion or national origin. Racial and ethnic immigrants and their children are thus protected, at least theoretically, against being relegated to racially segregated (often inferior) schools.

Immigrants who belong to racial minorities also qualify for affirmative action programs. These vary considerably by state, and some of the policies have been weakened considerably in the past decade or so. Nevertheless, affirmative action has helped advance racial and ethnic minority immigrants' inclusion, particularly through the education system (see section 6).

Protection of freedom of religion
Religion has a more important place in private and public life in the United States than in most other advanced democracies. For example:
- 56% of Americans are members of a church or have attended services (other than for religious holidays) in the previous six months
- three-quarters of Americans say that religion is currently very important or was important to them at some earlier point in their lives
- 83% say their religious beliefs lead them to respect people of other religions (Gallup 1997, 25-26).

The First Amendment to the American Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The first clause has been interpreted as preventing the government from involving itself in religion. As for the second clause, the Supreme Court has ruled on a wide variety of claims and has tended to give the right to free exercise a liberal interpretation (see section 5). However, the Court has consistently held that this right is not absolute. It cannot, for example, be used as a cover for illegal activities.

Statute law provides additional protections: any form of discrimination on the grounds of religious belief is prohibited under the *Civil Rights Act*; and the federal Equal Employment Opportunity Commission requires employers to accommodate workers' religious beliefs unless doing so would cause an undue hardship.

Religious insitutions also have certain protections. In response to state and local government attempts to restrict the building of churches and other places of worship, in 1993 Congress passed the *Religous Freedom Restoration Act.* The Supreme Court struck it down as unconstitutional (*City of Boerne v. Flores*), but in 2000 Congress passed the *Religious Land Use and Institutionalized Persons Act.* It makes it easier for churches to avoid restrictions on their property use through zoning laws.[4]

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[4] The 2000 statute faces a legal challenge. It is claimed that Congress has expanded religious accommodation to a point where it appears to restrict municipalities' zoning power and that the law gives religious landowners a right to challenge land-use laws their secular neighbors do not have.

The above suggests that <u>although the US expects assimilation of newcomers on a number of dimensions, notably language, it is nevertheless quite accepting of the expression of difference based on religion.</u>

<u>Muslims</u>
Some 33% of Muslims in the US have a South-Central Asian background, 30% are African-American and 25% are Arab. According to the Pew Research Center (2007), though a population largely composed of immigrants, Muslim Americans "are decidedly American in their outlook, values and attitudes." The Center's survey of 1,050 Muslim-Americans carried out between January and April 2007 showed that:
- On balance, American Muslims believe they should try and adopt American customs, rather than remaining distinct from the larger society. By nearly two-to-one (63%-32%) Muslim Americans do not see a conflict between being a devout Muslim and living in a modern society.
- 47% of the Muslims in the US (47%) say they think of themselves as a Muslim first, rather than an American. This is considerably lower than the corresponding responses in Britain, Germany and Spain; in France, 46% of Muslims think of themselves as Muslim first, rather than French.

2. Main Issues

Public opinion
<u>Large shares of Americans are very concerned about illegal immigration and support measures to curb the flow of unauthorized immigrants</u>. For example, a *New York Times*/CBS poll conducted in May 2007 found that:
- 75% thought that most of the people who have moved to United States in the last few years are there illegally.
- 82% believed that the US could be doing more to keep illegal immigrants from crossing the border.
- 75% agreed with imposing fines on employers who knowingly hire illegal immigrants.

However, <u>a slight majority seems to support a program that would allow unauthorized immigrants to acquire the right to live legally in the US</u>. A 2007 *Washington Post*-ABC survey asked: "Would you support or oppose a program giving <u>illegal</u> immigrants now living in the United States the right to live here <u>legally</u> if they pay a fine and meet other requirements?"; 55% agreed, 44 disagreed, and 4% had no opinion.

Public opinion towards Muslims is relatively moderate. For example, in the 2005 Pew Center 17-country survey:
- 57% of American respondents had a (somewhat or very) favourable view of Muslims – lower than in Canada (60%) and Great Britain (72%) but considerably higher than in Germany (40%) and the Netherlands (45%).
- 33% of US respondents said that banning Muslim headscarves "is a good idea". This was slightly lower than in the Canada (37%), somewhat higher than in Great Britain (29%) and much lower than in France (78%).

Restrictions on public benefits for immigrants
In 1996, immigrants' eligibility for public benefits was drastically curtailed by the *Personal Responsibility and Work Opportunity Reconciliation Act, 1996* (PRWORA)

and the *Illegal Immigration Reform and Immigrant Responsibility Act, 1996* (IIRAIRA). The PRWORA denies most types of federally funded means-tested assistance to noncitizens who arrived after the legislation was signed and limits the eligibility of many noncitizens already living in the US. Even qualified immigrants face a five-year wait before they are eligible for food stamps and Supplemental Security Income. Unqualified immigrants - notably, persons who either entered without documents or overstayed their visas - are barred from receiving any federal public benefits.

Many states continue to provide some state-funded benefits to unauthorized immigrants. For example, approximately 20 states provide Temporary Assistance for Needy Families and Medicaid to some or all of the migrants subject to the five-year bar on federally funded services. Some states are more generous – for example, New York provides public housing, Medicaid, prenatal care and workers' compensation to immigrants regardless of their residency status.

State and local government attempts to regulate illegal immigration
Hazelton, Pennsylvania attracted national attention in August 2006 when the city passed ordinances that imposed a $1,000-a-day fine on landlords who rent to illegal immigrants; allowed the city to revoke the business licence of any employer who hires them; and declared English the city's official language. In a September 2006 press release, the city claimed it had already seen "a reverse migration of illegal immigrants and a drop in crime and other social costs associated with the phenomenon." Civil liberties and immigrant advocacy organizations challenged the ordinances on the basis that they infringed the federal government's sole authority to regulate immigration. On 26 July 2007, a federal judge struck down the ordinances.

As of July 2007 some 100 cities across the United States, as well the state legislatures of Virginia, Oklahoma, Colorado and Arizona, had passed ordinances along the lines of Hazelton's measures. Certain of the state laws allow police to put immigrants in jail without allowing bail. Some of the measures have been successfully challenged in the courts using various constitutional arguments (see section 5). Local government officials may not be surprised their measures do not stand up in court. According to the former mayor of Herndon, Michael O'Reilly: "Most of these resolutions were done for purely political reasons, to make a statement saying, 'I'm against illegal aliens.' They have little or no effect." (Turque 2007). Nevertheless, the failure to enact comprehensive immigration reform in 2007 (see section 3) is likely to provide fodder for other state and local governments to pursue such efforts.

English-only legislation
In the 1980s a number of states began adopting 'Official English' laws, and 26 currently have legislation declaring English their sole official language.[5] Some of the laws simply declare English the official language in the state, while others relate to particular programs − for example, stipulating that election ballots must be in English, banning translation in courtrooms or restricting bilingual education. According to two specialists, the measures were a backlash against Latinos and "generally affirmed

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[5] Hawaii prescribes English and Hawaiian as official languages; in Louisiana, English and French have official language status.

the de facto dominant status of the English language in government communication" (Hereo and Preuhs 2006, 132).

At the national level, the *Civil Rights Act* obliges federal agencies to make their programs and services available to people with a limited proficiency in English. This means that, in certain program areas, translations and services are provided in Spanish and other languages. For example, the last census was printed in five languages in addition to English, and call centres were staffed by multilingual employees.

Minorities' socio-economic situation
There are significant gaps between the foreign-born and native populations in the United States. For example, according to the 2005 American Community Survey:
- 16.9% of the foreign-born population lived below the poverty threshold, compared to 12.8% of the native-born population. Between 2000 and 2005, the proportion of the foreign-born in the US living in poverty rose by 10.9%.
- 13.4% of full-time, year-round foreign-born workers earned less than $15,000 a year, almost twice the 6.9% of comparable native-born workers who did so.
- Employment revenue of full-time, year-round foreign-born workers varies considerably by country of origin. Median earnings of men born in Latin America were $25,244, compared to $51,377 for men born in Asia.

Analysis of data from the 2000 Census shows that education levels of unauthorized migrants are considerably lower than those of legal immigrants and the native-born. Among 18- to 24-year-olds, 54% did not have a diploma or a General Educational Development credential − twice as high as for legal immigrants (27%) and more than three times the level of native-born (15%).

Such reliable data are not available by religious background. According to the Pew Research Center (2007) the income and education levels of Muslim Americans generally mirror those of the US population as a whole. However, in a 2004 Zogby survey of nearly 2000 Muslims, respondents were more educated and affluent than the national average.

3. Significant Events

11 September 2001 terrorist attacks
In the tense atmosphere following the 11 September 2001 terrorist attacks, there was considerable suspicion towards people with Middle Eastern and South Asian backgrounds. Political leaders called for tolerance. Only four days after the attacks, Congress passed a resolution "condemning bigotry and violence against Arab-Americans, American Muslims and Americans from South Asia in the wake of the terrorist attacks." Nevertheless, in the seven days following 11 September, 645 bias incidents and hate crimes were reported against Arabs and South Asians. In Chicago, more than 100 hate crimes against Arabs and Muslims, and people mistaken for them, were reported to the Chicago Commission on Human Relations by the end of December 2001. Every year since 2006, the Council on American-Islamic Relations (2007) has seen an increase in the number of civic rights complaints (including discrimination, threats and physical attacks) reported to it.

A number of the anti-terrorism measures sponsored by the Bush administration came under criticism from Muslim and Arab-American organizations.

- By 5 November 2001, 1,182 immigrants, mostly from Arab and South Asian countries, were being detained in secret. By mid-June 2002, 751 people had been deported on immigration charges − some of them because they had apparently failed to submit change of address forms on time. A report issued by the Department of Justice in June 2003 noted a pattern of physical and verbal abuse against detainees by some correctional officers in two detention centres, particularly during the first months after the attacks.
- In August 2002 the Justice department announced it would implement a National Security Entry-Exit Registration System that would require 'high risk' foreign visitors to be fingerprinted, register their residence with authorities and confirm their exit from the country. The system began with all nationals of Iran, Iraq, Libya, Sudan and Syria, although (as critics pointed out), no nationals from those countries were involved in the 11 September hijackings.

While Americans seem to be somewhat more tolerant towards Muslims than people in some Western European countries (see section 2), the terrorist attacks and the aftermath contributed to public suspicion. For example, a CNN/Gallup/*USA Today* poll in March 2002 found that nearly 60% of Americans favoured reducing the number of immigrants from Muslim countries. The longer-term impact is difficult to judge. However, the relatively high level of Muslims' integration within American society and the work many community organizations have done to build bridges between Muslims and other Americans have probably helped discourage the kind of divisiveness seen in countries such as the Netherlands and Denmark.

2007 immigration reform bill
In the past several years, both houses of Congress have tried, without success, to advance comprehensive reform of immigration laws and programs. In May-June 2007, the prospects of reform improved considerably. Months of negotiations involving a group of senators and the administration led to a "grand bargain" reflected in the proposed *Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007*. The 761-page Senate bill had the following main provisions:

- A new five-year temporary worker program that would allow 200,000 foreign workers to enter for up to two, two-year terms, with one year in their home country between the two-year periods. Only a very small number of temporary workers would have been able to acquire permanent status.
- Changes to the rules for family sponsorship: family sponsorship categories for adult children and siblings would be eliminated, and sponsorship of parents would be limited by a numerical cap.
- A new merit-based (points) system, replacing the current employer-sponsored system. Potential immigrants could earn points for work experience, employment in a skilled or fast-growing occupation, educational attainment and English ability. The numbers of immigrants taken from family sponsorship would be allocated to the merit-based system.
- Legalization process for unauthorized immigrants: Unauthorized immigrants present in the country since 1 January 2007 would first apply for a provisional Z visa after paying fees and fines and passing a background check. The visa

would be valid for four years; legalizing immigrants could then renew the visa after paying the necessary fee and demonstrating either English proficiency or enrolment in an English class. The visa could be extended again if the immigrant paid another fee and passed the naturalization English and civics exams. However, visa holders could only begin applying for lawful permanent residence once the backlogs of family-sponsored immigrants were eliminated and a series of 'triggers' were met. The latter included increasing the number of border patrol agents and support staff to 20,000; and installing vehicle barriers, fencing and radar and camera towers along the Mexican border.

President Bush made a series of public statements in favour of the reform and, in an attempt to break the impasse, endorsed a plan to devote $4.4 billion in immigration fees required by the new legislation to border and workplace enforcement measures. The reform bill faced criticism from various quarters. For example, labour groups argued that the temporary guest worker program would create an underclass of workers and bring down the wages of native workers. But the harshest criticism came from conservative groups who claimed the legalization program was an amnesty for illegal immigrants. This argument, promoted by talk-show hosts and other critics, gained wide grassroots support. The reform bill died on 28 June 2007 when a motion to move to a vote on it was defeated 46 to 53.

In August 2007, it was announced that the executive would more strictly enforce existing laws. One of the decisions concerned <u>suspect social security numbers used by an estimated 8.7 million workers</u> − a major issue in the debate on the immigration reform bill (Terrazas 2007). Immigrations and Customs Enforcement decided to begin enforcing regulations by giving employers a fixed amount of time to resolve discrepancies once the Social Security Administration notifies them of mismatches between employees' social security numbers and their names. Employers who keep unauthorized workers on the payroll could face fines. In late August 2007, a lawsuit was launched by the AFL-CIO, the American Civil Liberties Union (ACLU) and a number of other groups. A spokesman for the ACLU said the plan would "cause massive discrimination against anyone who looks or sounds foreign" (Hau 2007). On 31 August 2007 a federal district court judge in California issued a temporary restraining order prohibiting the policy from taking effect as planned.

4. Sources of Pressure for Harmonization/Main Actors

At the national level, debates in the past several years have focused less on issues such as immigrant integration that have been prominent in Western Europe and much more on how to limit illegal immigration. Many political actors have attempted to capitalize on the backlash against illegal immigration, including some of the candidates for the 2008 Republican presidential nomination. As for intercultural harmonization, to a certain degree this is an implicit objective of politicians, such as Senator Kennedy, who have pushed for immigration reform that would include a process to allow unauthorized immigrants to 'regularize' their status. However, as noted in section 3, opposition to what critics label an 'amnesty' has proved a huge obstacle. The public opinion findings reported at the outset of section 2 confirm that the climate of intercultural relations in the US is marked by quite intense suspicion towards unauthorized immigrants.

At the local level, this hostility has also been evident (see p. 5). However, some community leaders have attempted to build bridges with minority groups. There were examples of such efforts (in relation to Muslims) in the tense climate following the September 2001 terrorist attacks. In June 2007 the completion of a mosque in Boston was marked by an event celebration that brought together Muslims, Jews and Christians. In 2005, the Islamic Society of Boston had filed a defamation suit against pro-Israel groups and media that had accused the mosque's sponsors of having links to extremist organizations. Liberal Jews and Christians played a leading role in resolving the dispute, thus extending a tradition of Jewish-Christian dialogue to the city's Muslim community (*The Economist*, 2007).

5. Legal Cases

Religious expression and dress
The protections of freedom of religion summarized at p. 3 have been interpreted by the courts and administrative bodies in hundreds (if not more) cases. Although litigation continues to arise, certain broad principles have emerged.

<u>Schools and public spaces must be open to different forms of religion, and religious expression must be accommodated in a neutral manner</u>.
- The Supreme Court ruled in 1948 that providing religious education in public school classrooms during the school day was unconstitutional, even if participation was voluntary (McCollum *v. Board of Education*).
- In a 1962 case, the Supreme Court ruled that it was unconstitutional for a government agency such as a public school to open the school day with a prayer, even if students were not obliged to recite it (*Engel v. Vitale*).
- The Court ruled in 1980 that a Kentucky law requiring the posting of the Ten Commandments in each public school classroom was unconstitutional, even though the posters had been paid for by private contributions. The Court found it irrelevant that the copies were purchased with private contributions because the posting of the Commandments demonstrated official support of their message (*Stone v. Graham*).

The accommodation of religion has also been addressed in federal government guidelines. In 1995, President Clinton issued an advisory statement emphasizing that "nothing in the First Amendment converts our public schools into religion-free zones, or requires all religious expression to be left behind at the schoolhouse door." At his request, the Secretary of Education issued a set of guidelines on religious expression and activity in schools (United States Department of Education 2000). These were revised somewhat in 1998 after the *Boerne v. Flores* decision (see p. 3).

On religious dress, the Department of Education guidelines state that "schools may not single out religious attire in general, or attire of a particular religion, for prohibition or regulation." <u>Although the jurisprudence and administrative practices of educational institutions and public-sector agencies vary by jurisdiction and continue to evolve, there seems to be fairly broad acceptance of religious dress</u>:
- In 2004, a consent decree was reached with a public school in Oklahoma that had suspended a Muslim girl for wearing a *hijab.* The Department of Justice, a

party to the decree, argued public schools cannot require students to choose between their faith and public education and that this was a form of religious discrimination under the Fourteenth Amendment. The girl was thus allowed to wear the *hijab* in school.

- There have been several incidents where Sikh students wearing a *kirpan* were detained by authorities. In a California case, the charges were dropped after the county prosecutor received a letter from the legal director of the Sikh Coalition explaining the religious significance of the *kirpan.*
- In 2004 the Human Rights Commission of New York found that the New York Police Department had violated the civil rights of a Sikh traffic enforcement officer when it threatened to fire him unless he removed his turban. The judge concluded the turban did not significantly compromise public safety.

Certain public agencies have nevertheless directed that <u>religious freedoms are not paramount in situations where public order and individual safety are clearly at issue</u>.

- In *Goldman v. Weinberg* the Supreme Court issued a 5:4 decision concerning an Orthodox Jew who had been ordered not to wear his *yarmulke* (also called a *kippah*) while on duty in the Air Force. The judges concluded that "[t]he desirability of dress regulations in the military is decided by the appropriate military officials, and they are under no constitutional mandate to abandon their considered professional judgment"; and that, in this case, the First Amendment did not require the military to accommodate.
- However, under a 1988 Department of Defense directive, "members of the Armed Forces may wear visible items of religious apparel while in uniform, except [when] an item is not neat and conservative or its wearing interferes with the performance of the member's military duties." Further, the religious apparel must not "replace or interfere with the proper wearing of any authorized article of the uniform." Hair and grooming practices observed by religious groups are not considered religious apparel.[6]
- In 2001, the Montgomery County Fire and Rescue Service in Maryland allowed a Muslim officer to wear the *hijab* while on duty provided she replaced it with a fire-retardant hood and helmet when she was called on to fight a fire.

<u>Unauthorized immigrants</u>
There have been legal challenges to a number of the ordinances and other measures that local and state governments have adopted in the past several years to restrict certain activities of illegal immigrants (and to discourage them from moving in greater numbers to the given area). The two cases summarized below are among the most recent and provide an idea of the grounds the courts are using in such decisions.

On 26 July 2007, a federal judge struck down a series of ordinances (see p. 5) adopted by Hazelton, Pennsylvania with the intent of discouraging unauthorized immigrants from settling in the city. US District Judge James Munley criticized almost about every aspect of Hazelton's Illegal Immigration Relief Act in a 206-page opinion

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[6] The Armed Forces had an exemption that allowed Sikhs to wear a turban and beard while in uniform. However, in July 1999 new regulations were passed that denied this right to anyone who joined the military after 1986.

in which he declared that states and municipalities do not have the constitutional jurisdiction to try to limit illegal immigration. The decision applied only to Hazleton, but legal experts said it could lead to similar rulings elsewhere.

On 29 August 2007, a judge of the Fairfax County Circuit Court struck down an ordinance adopted by Herndon, Virginia prohibiting employers from soliciting employment (primarily with unauthorized immigrants) on the streets. An alternative 'venue' was provided at the Herndon Official Workers Center, operated by Reston Interfaith and funded by Fairfax County. In this case, freedom of speech was a major issue. Judge Leslie Allen ruled the ordinance was narrowly tailored to serve a significant community interest, passing two parts of a "three-prong test" governments face to justify restriction of speech in a public forum. However, the town fell short on the third prong. According to Alden, governments that restrict public speech must "open ample alternative channels" for communication of the prohibited speech. She said the Workers Center was not adequate because it was described in the ordinance as a temporary site. Alden said the ordinance also ran counter to the 14th Amendment guarantees of due process and equal protection under the law.

6. Schools and Other Institutions

Minorities' access to educational institutions
As a racial minority (see p. 2), Hispanics have been able to benefit from affirmative action measures that emerged from the *Civil Rights Act* and related legislation. According to Waters and Vang (2007, 433), affirmative action policies "have enabled racial and ethnic minority groups, many of whom are immigrants, to make remarkable strides in education, particularly post-secondary education." However, the programs have been weakened in a number of states where there are significant Hispanic populations − notably California (as a result of an initiative and referendum) and Texas (as a result of the *Hopwood* decision on admission to higher education).

In addition, as noted in section 2, legislation adopted by Congress in 1996 limits unauthorized immigrants' access to public benefits. Although they have free access to public primary and secondary schools, they are not guaranteed access to public post-secondary institutions (the legislation prohibits undocumented immigrants from receiving in-state tuition rates at such institutions). It is estimated that less than 10% of high school graduates who are unauthorized immigrants go to college.

Muslim institutions
There are some 1,200 mosques in the United States. According to a Faith Communities Today survey, 87% of these were founded within the last three decades. The Council on Islamic Education reported in 1998 that there were more than 400 Islamic schools in the US (more than 20% of mosques had a full-time school).

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COMMISSIONS ON THE ACCOMMODATION AND INTEGRATION OF IMMIGRANTS AND MINORITIES

F. Leslie Seidle

Public policy consultant

Montréal

Commission de consultation sur les pratiques d'accommodement

reliées aux différences culturelles

21 January 2008

COMMISSIONS ON THE ACCOMMODATION AND INTEGRATION OF IMMIGRANTS AND MINORITIES

F. Leslie Seidle

Issues related to the integration of immigrants and the accommodation of religious and other minorities have been rising on the public agenda in a number of Western countries. The purpose of this note is to review the work of some of the main commissions and similar bodies that have been established to examine these issues. In each case, the terms of reference and composition of the commission (or equivalent) are summarized, followed by the main recommendations. Where applicable, the impact on public policy (including legislative changes) is then described.

UNITED KINGDOM

Crick advisory group
In September 2002, the British government established an advisory group "to advise the Home Secretary on the method, conduct and implementation of a 'Life in the United Kingdom' naturalisation text". It was composed of 14 members from a range of sectors and chaired by Sir Bernard Crick. The advisory group consulted with a wide range of organizations, and four one-day consultative conferences (organized by other organizations) were held in early 2003.

In its 2003 report, the advisory group presented detailed recommendations on the areas to be covered in the new 'Life in the United Kingdom' naturalization test, how this would be taught to candidates, the content of a handbook for their use and other matters. The advisory group also presented recommendations on a second component of naturalization – applicants' progress in developing skills in English. The advisory group was not in favour of a 'one size fits all' approach and instead proposed that linguistic competence be assessed in a number of ways (United Kingdom 2003, chap. 5).

A 'Life in the United Kingdom' naturalization test and new rules for assessing language competence came into effect in November 2005. Anyone who passes the "Life in the United Kingdom" test is considered to have sufficient competence in English. Those who do not pass the test must take a course, "English for Speakers of Other Languages," which combines teaching of English and citizenship.

Commission on Integration and Cohesion
In August 2006, Ruth Kelly, Minister for Communities and Local Government, appointed a commission on integration and cohesion. It had 14 members and was chaired by Darra Singh (chief executive, Ealing Council). Its mandate included:
- examining the issues that raise tensions between different groups in different areas, and that lead to segregation and conflict;

- suggesting how local community and political leadership can push further against perceived barriers to cohesion and integration;
- looking at how local communities themselves can be empowered to tackle extremist ideologies.

Following extensive research and consultation, the commission reported in June 2007. Although most of its wide-ranging recommendations were directed at local authorities, it also called on the national government to set out a clear statement of integration and cohesion policy. Rather than attempt to summarize the commission's interesting and thoughtful proposals, the executive summary is appended to this note. The commission's four key principles draw some interesting links between the dynamics of inividual/minority group integration and community cohesion (see first page of the executive summary).

Goldsmith review
In a wide-ranging green paper on governance presented to Parliament not long after Gordon Brown became prime minister, it was noted that "there had been considerable advance in recent years in terms of the legal process of applying for citizenship" but that less attention had been paid to "the nature of what it means to be a British citizen," including the rights and responsibilities that come with being granted British citizenship (United Kingdom 2007a). In light of this, the government asked Lord Goldsmith to carry out a review of citizenship and related issues.

The Goldsmith review was launched on 5 October 2007. Its terms of reference are:
- To clarify the legal rights and responsibilities associated with British citizenship, in addition to those enjoyed under the Human Rights Act, as a basis for defining what it means to be a citizen in Britain's open democratic society.
- To consider the difference between the different categories of British nationality.
- To examine the relationship between residence, citizenship and British national status and the incentives for long-term residents to become British citizens.
- To explore the role of citizens and residents in civic society, including voting, jury service and other forms of civic participation.

Lord Goldmsith has been consulting a wide range of organizations, and the public has the opportunity to comment. In addition, pamphlets on different aspects of the mandate are being published. Lord Goldsmith is to report to Prime Minister Brown by 31 March 2008.

In the Queen's Speech of 6 November 2007 it was announced that a new citizenship and immigration act was being developed. The statute would consolidate and simplify the multitude of immigration laws adopted over the past 35 years or so. The new law would also incorporate the findings of the Goldsmith review.

Commission Stasi[1]
La commission Stasi fut composée de 20 membres, en majorité des universitaires[2]. De juillet 2003 à décembre 2003 elle a procédé à 140 auditions. Parmi les recommandations, la plus médiatisée fut celle de l'interdiction des ports religieux ostensibles à l'école : « Dans le respect de la liberté de conscience et du caractère propre des établissements privés sous contrat, sont interdits dans les écoles, collèges et lycées les tenues et signes manifestant une appartenance religieuse ou politique. Toute sanction est proportionnée et prise après que l'élève a été invité à se conformer à ses obligations. Cette disposition serait inséparable de l'exposé des motifs suivant : Les tenues et signes religieux interdits sont les signes ostensibles, tels que grande croix, voile ou kippa. Ne sont pas regardés comme des signes manifestant une appartenance religieuse les signes discrets que sont par exemple médailles, petites croix, étoiles de David, les mains de Fatimah, ou petits Coran. Cette proposition a été adoptée par la commission à l'unanimité des présents moins une abstention[3] ». (commission Stasi 2004 : 59)

Outre cette recommandation, la commission a proposé (entre autres) :
▪ l'adoption d'une Charte de la laïcité définissant les droits et les obligations de chacun;
▪ l'adoption d'une disposition législative qui autorise le chef d'entreprise de réglementer les tenues vestimentaires et le port de signes religieux dans les entreprises;
▪ l'instauration des jours de l'Aïd-el-kébir et du Kippour fériés pour tous les élèves. Dans les entreprises, l'Aïd-el-kébir, le Kippour, le Noël orthodoxe ou des chrétiens orientaux seraient reconnus comme jours fériés et seraient substituables à un autre jour férié à la discrétion du salarié.

La principale recommandation de la commission fut entérinée dans une loi adoptée le 15 mars 2004. La loi encadre le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, les collèges et les lycées publics. « Dans les écoles, les collèges et les lycées publics, le port de signes ou tenues par lesquels les élèves manifestent ostensiblement une appartenance religieuse est interdit. Le règlement rappelle que la mise en œuvre d'une procédure disciplinaire est précédée d'un dialogue avec l'élève ». La loi a été effective dès la rentrée 2004. Il y a eu environ 650 cas de ports d'insignes dont près de 550 réglés par le dialogue, une cinquantaine d'exclusion[4] et une cinquantaine d'inscriptions pour l'enseignement à distance. La loi permet néanmoins des symboles discrets d'appartenance religieuse tel que la commission Stasi l'avait recommandé.

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[1] Ce résumé est tiré du profil de la France préparé pour la commission par Aude-Claire Fourot (version du 3 novembre 2007).
[2] Mais aussi des membres de l'Éducation nationale, du Conseil d'État, des politiques, des associatifs et un chef d'entreprise.
[3] Celle de Jean Baubérot.
[4] En grande majorité des jeunes filles. On note également l'exclusion de six jeunes Sikhs pour port du turban.

Süssmuth commission
In June 2000, the German minister of labour, Otto Schily, appointed a high-level commission on immigration and integration, chaired by the former speaker of the *Bundestag*, Rita Süssmuth (also a noted academic). The commission carried out a number of studies and received submissions from experts, organizations and the public. The main recommendations of its July 2001 report were in three areas:

- New selection system for labour market immigrants. Drawing on experience in Canada and Australia, the commission recommended a series of 'doors' for skilled workers, apprentices, student, entrepreneurs and other qualified immigrants, with selection according to a points system. The new system was intended to help Germany compete internationally for qualified immigrants.
- Active integration measures. Language and cultural awareness courses for immigrants would be introduced, and competence in German would be added to the requirements for naturalization.
- Asylum rules. The law regulating asylum-seekers was to be overhauled and liberalized somewhat.

The CDU opposition rejected the main elements of the Süssmuth report, including the proposed new selection system. The SDP-Green government did not have a majority in the *Bundesrat*, and the points system did not survive negotiations between the two houses. The law adopted in June 2004, which came into effect in January 2005, thus maintained the essence of the 1973 ban on the recruitment of immigrants. There are some exceptions for top-ranking scientists and managers, foreign students and self-employed individuals. On asylum, the grounds for deportation were broadened somewhat.[5]

The Süssmuth recommendations on integration fared better than those on immigration policy. Under the 2005 law, non-EU newcomers resident in Germany must enrol in an integration course if they cannot hold a simple conversation in the German language. Those who do not attend may face a reduction in some of their social benefits; in extreme cases, their residence permits may not be renewed. For migrants who successfully complete the integration course, the residence requirement for naturalization is reduced from eight to seven years.

A related provision of the 2005 law required foreign spouses who apply for a family reunification visa to demonstrate basic German language skills prior to immigration. Although there are a number of exemptions, including for people who have a "low integration need" (Süssmuth 2007, 54), Turkish immigration organizations have said the provision is discriminatory.

Integration policies and programs have continued to have a high profile in Germany, and in July 2007 the second integration summit approved a National Integration Plan (for further details, see the Germany country profile prepared for the Commission, p. 6).

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[5] Under the 2005 law, the following became acceptable grounds for contesting deportation: potential persecution by nongovernmental organizations or on the basis of the person's sexual orientation, and reason to fear genital mutilation.

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CITIZENSHIP RULES AND NATURALIZATION RATES

F. Leslie Seidle

Public policy consultant

Montréal

Commission de consultation sur les pratiques d'accommodement

reliées aux différences culturelles

15 June 2007

CITIZENSHIP RULES AND NATURALIZATION RATES

F Leslie Seidle

Citizenship acquisition in Canada compared to other countries

Becoming a citizen is considerably easier in Canada than in virtually all the other eight countries covered in the comparative research for the Commission.

- Canada's residence period prior to applying for citizenship is shorter than in any of the other eight countries, with the exception of Belgium (its residence period is also three years). Four countries have a five-year requirement. The longest, 9 years, is in Denmark (see Table 1).

- The ratio of acquisition of citizenship compared to the country's population is considerably higher in Canada than in any other of the countries except Belgium (for which the ratio is the same) – see Table 2. At the time of 2001 census, 84% of eligible immigrants had taken up Canadian citizenship.

- Among the countries reviewed, only Canada and the United States grant citizenship without conditions to all children born within the country (*jus soli*). This means that the children of immigrants born in Canada become citizens without any further action. This contrasts with the situation in France, where those born in the country to foreign parents become citizens at 18 provided they have been. resident in France for at least five years since age 11 (see also Table 1, note 3). In Germany, a child of non-German parents at least one of whom has had a permanent residence permit for at least three years or has resided legally in Germany for at least eight years, acquires German citizenship at birth. For further details on how children acquire citizenship, see Table 1.

- The ratio of acquisition of citizenship compared to the country's population is considerably higher in Canada than in any other of the countries except Belgium (for which the ratio is the same) – see Table 2.

Trends in citizenship acquisition

For a number of reasons, including the introduction of language and/or country knowledge tests, rates of acquisition of citizenship declined in all countries, except the United Kingdom, during the decade after 1995 (see Table 3).

- In the United States, France, Sweden and Denmark, declines date from 2000. However, in France and Denmark, the number of people naturalized returned almost to the 2000 level in 2003 and 2002, respectively.

- In Canada, Germany, and the Netherlands, the number of people who became citizens was higher in 1995 than in 2000.

Table 1: Overview of Citizenship Rules[1]

	Latest major change	Residence and other requirements for naturalization	Citizenship of children	Dual citizenship
Canada	1977	Is a permanent resident and has lived in Canada for a total of 3 of the 4 years preceding the application; must pass citizenship test	Anyone born in Canada acquires citizenship at birth	yes
Belgium	2007	3 years residence in Belgium; 2 years for political refugees and stateless persons	Born in Belgium to a Belgian citizen; if born to non-Belgian parents at least one of whom was born in Belgium and resided there during 5 of the 10 years preceding his/her birth	yes, with exceptions[2]
Denmark	2002	9 years residence in Denmark; must pass citizenship test and language examination; naturalization follows an act of Parliament	If born to a Danish father or mother; children of parents who acquire Danish nationality become Danish citizens	no
France	1998	5 years residence	Have at least one parent who is a French citizen; if born in France to foreign parents and resident in France for at least 5 years since age 11, at 18[3]	yes, with exceptions[4]
Germany	2000	Resided in Germany for at least 8 years and has a residence permit; if successfully completed an integration course, eligible after 7 years; must have sufficient command of German language; spouses and children may be co-naturalized, even if they have not been in Germany 8 years	Born to a parent who is a German citizen. For children of foreign parents born in Germany, if one parent has resided in Germany for at least 8 years and has either a 'right of abode' or has held a residence permit for at least 3 years	no

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[1] This table provides a summary of the main provisions of the countries' legislation. In certain countries, notably France and the United Kingdom, additional provisions govern those born in former colonies and their children, adopted children and other cases.

[2] Belgian nationality is lost if the person becomes a national of Austria, Denmark, France, Ireland, Italy, Luxemburg, the Netherlands, Norway, Spain or the United Kingdom.

3 In addition, if born in France to foreign parents and if resident in France at age 16 upon request by the child; at age 13 and if resident in France upon request by the child's parents.

[4] The main exception concerns people from countries that are signatories to the European Convention on Nationality.

	Latest major change	Residence and other requirements for naturalization	Citizenship of children	Dual citizenship
Nether-lands	2003	5 years continuous residence as a permanent resident; must pass citizenship test[5]	If born in the Netherlands and the child and one of the parents are residents of the Netherlands; children under 18 may be added to a parent's citizenship application	no, with minor exceptions
Sweden	2001	5 years residence; 4 for refugees	If one parent is Swedish; if under 18 and resident for 5 years; if 18 or 19, where resident in Sweden since 13	yes
United Kingdom	2006	5 years legal residence; must pass a "Life in the UK" test[6] or successfully complete a course combining English and citizenship	If born in the UK and a parent obtains British citizenship; if born and live in the UK until age 10	yes
United States	2001	Legal permanent resident for at least 5 years before application, with no absence of more than one year; must have been physically present in US at least 30 months of previous 5 years; must have basic competence in English and pass naturalization test[7]	If born in the US are US citizens at birth	yes

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[5] The test assesses knowledge of the Dutch language and the country's society and culture. Successful completion of an integration course is an alternative.

[6] Anyone who passes the "Life in the United Kingdom" test is considered to have sufficient competence in English. The courses "English for Speakers of Other Languages" combines English and citizenship. According to the British government, "Embracing a common language and an understanding of life in the UK is important in achieving effective integration, good race relations and community cohesion." .

[7] According to the US Citizenship and Immigration Services, "applicants for naturalization must be able to read, write, speak and understand words in ordinary usage in the English language." For the naturalization test, applicants "must demonstrate a knowledge and understanding of the history and of the principles and form of government of the United States." The test has recently been redesigned to place "an emphasis on the fundamental concepts of American democracy and the rights and responsibilities of citizenship." Anyone who applies for naturalization after 1 October 2008 will be required to take the redesigned test.

Table 2: Ratio of Acquisition of Citizenship/Population, 2002*
(in percent)

Canada	0.46
Belgium	0.46
Denmark	0.32
France	0.22
Germany	0.19
Netherlands	0.28
Sweden	0.43
United Kingdom	0.20
United States	0.20

* For each country, the ratio was calculated as follows: number of persons who acquired citizenship in 2002 (most recent year for which citizenship acquisition data were available for all nine countries) divided by the country's population in 2000 (most recent year for which reliable population data were available for all nine countries).

Source: Migration Policy Institute, MPI Data Hub; United Nations, World Population Prospects.

Table 3: Acquisition of Citizenship
(in thousands)

	1990	1995	2000	2001	2002	2003	2004
Canada	104.3	*227.2*	214.6	167.4	141.6	n/a	n/a
Belgium	7.1	26.0	62.0	*63.1*	46.5	33.8	n/a
Denmark	3.0	5.3	*18.8*	11.9	17.3	n/a	n/a
France	88.5	92.4	*150.0*	127.6	128.1	144.6	n/a
Germany	101.4	*313.6*	186.7	178.1	154.5	n/a	n/a
Netherlands	12.8	*71.4*	50.0	n/a	45.3	n/a	n/a
Sweden	16.8	32.0	*43.5*	36.4	37.8	n/a	n/a
United Kingdom	56.7	40.1	81.8	89.9	120.0	124.3	*140.7*
United States	270.1	488.1	*888.8*	608.2	573.7	463.2	537.2

Note: Numbers in italics indicate the year in which the number of naturalizations was the highest for each country (of the years for which data were available).

Source: Migration Policy Institute, MPI Data Hub; United Nations, World Population Prospects.

MEDIA COVERAGE OF RELIGIOUS AND RACIAL MINORITIES

F. Leslie Seidle

Public policy consultant

Montréal

Commission de consultation sur les pratiques d'accommodement

reliées aux différences culturelles

19 December 2007

MEDIA COVERAGE OF RELIGIOUS AND RACIAL MINORITIES

OVERVIEW

The media play an enormous role in shaping what people know about racial, religious and other minorities, as well as how their spokespersons' public statements and claims are understood. This affects how minorities and the broader public interact, which in turn has an impact on community cohesion. The information the media communicate reflects decisions about what is to be covered in words and pictures, what prominence it is given and – in many cases – how it is interpreted. In so doing, they play an influential role in defining what is socially desirable or 'normal' (Fleras and Kunz 2001, 60). The media also decide what is <u>not</u> covered − for example, they may find statements from minority representatives with strong views more newsworthy than comments from moderates. In all this, the media carry tremendous responsibility and thus - justifiably - face considerable scrutiny.

Key research findings
Comparative research, particularly with regard to the situation in Europe, suggests that <u>media reporting on migrants is often negative and rooted in stereotypes</u>. For example, at a 2007 conference on the impact of the media on integration in Europe and the United States, Georg Ruhrmann, a German authority on the impact of the media, observed:

> [R]eports about migrants…reinforce migrant stereotypes. [M]igrants are frequently portrayed as problematic groups or criminals, and especially since 9/11, migrants are often portrayed as potential terrorists. These factors are accompanied by overrepresentation and related negative connotations of certain nationalities. (Luken-Klassen and Heckmann 2007, 5)

<u>Media coverage of Muslim minorities has become a particularly salient issue</u>. The media are the primary source through which information about Muslims and Islam in the West is obtained (Allen 2006, 75), and following the September 2001 terrorist attacks the degree of coverage increased considerably. At the same time, <u>fear of the 'Islamic peril' has become blurred with perceptions of domestic Muslim minorities</u> (Karim 2003). Commenting on a study of British press coverage in the month following the US terrorist attacks (Poole 2002 − see p. 10), Chris Allen (University of Birmingham) has written that "Islamophobic content and meaning transcended geographical spaces and boundaries" (Allen 2006, 77). In a similar vein, Roger Hardy of the BBC World Service has observed:

> [S]ince 9/11 mainstream political discourse in Europe has appeared to be carrying two messages to Muslims…The first message is an encouragement to be 'good Muslims', who integrate and are helped to do so by a welcoming, multicultural society. The second message is a warning not to go to radical mosques to read radical texts, the subtext being that Muslims are not so welcome after all, and that the state feels the need to single Muslims out for special monitoring. (Barltrop 2003).

In addition to covering studies of media reporting about racial and religious minorities in Canada, this report reviews a number of analyses of media coverage of Muslims and Islam carried out in the United Kingdom during the past several years. The literature review carried out for this report identified more serious (particularly quantitative) research on this question in the UK than in any of the other countries reviewed for the Commission. This may reflect the size of the British Muslim community as well as the impact of the July 2005 London bombings. Although the research on Muslims and Islam in Canada is less extensive, the main findings from the two countries are quite similar:

- Muslims are often portrayed in a negative manner, and stereotypes are common.
- Frequently, Muslims are linked to extremism and Islamist movements. It is sometimes suggested (or implied) that Muslims constitute a 'fifth column' and are potential terrorists.
- Coverage frequently resorts to generalization by ignoring the considerable differences within Islam as a faith and/or within domestic Muslim communities.
- Muslims are often presented as the 'other' – different and sometimes separated from the general community.

Academics and public policy organizations in other countries have also been studying this question. For example, a major 2006 report on Muslims in the European Union included the following key finding: "Muslims are often victims of negative stereotyping, at times reinforced through negative or selective reporting in the media." (European Monitoring Centre on Racism and Xenophobia 2006, 8)

Bias about minorities can also be reflected in less explicit ways − for example, by the manner in which issues or conflicts are framed and the choice of language (semantic formulation). In this regard, Ruhrmann uses the concept of 'linguistic intergroup bias', which he explains as follows: "information about the own group ('ingroup') is communicated more abstractly and neutrally than information about the 'outgroup'" (Luken-Klassen and Heckmann 2007, 5). A number of the studies reviewed below identified this form of bias.

Proposals for greater fairness in media coverage
A number of the research and public policy reports reviewed in the following pages present specific proposals to encourage fairer coverage of religious and racial minorities. As with the research itself, many of the proposals are oriented towards combating bias about Muslim and Islam. In the following discussion, reference is made to a number of good practices that were identified in some of the reports or by the author. Although the purpose of this report is not to make specific recommendations, some of these good practices merit consideration in the Quebec context.

1. Enhanced regulation. In both Canada and the United Kingdom, the print media are much less extensively regulated than television and radio. A 2006 report recommended bringing regulations for the UK print media in line with the stricter standards for television and radio. There is no indication that this is likely to occur. In Canada, despite

research that has demonstrated considerable anti-Muslim and racial bias in certain newspapers, the option of further legal regulation has received little attention.

2. <u>Self-regulation</u>. Although the Canadian and British electronic media are subject to quite detailed legislation, there is also a degree of self-regulation – for example, the "Equitable Portrayal Code" developed by the Canadian Association of Broadcasters but which is not yet in effect (see p. 5). As for the print media, a 2004 UK report on Islamophobia recommended that individual newspapers develop (or revise) codes of professional ethics and reproduced a useful set of guidelines developed by the American Society of Professional Journalists (see below, p. 14). UK newspaper and magazine publishers have since developed a "Code of Practice," which was endorsed by the Press Complaints Council (the non-statutory body that enforces it) in August 2007. Although the code does not address issues such as stereotyping, it includes a section on discrimination that covers race and religion. The Canadian print media have not shown any particular interest in such an approach.

3. <u>Media guides</u>. The research surveyed for this report suggests that insufficient knowledge about Islam and Muslim communities among journalists is linked to bias in media coverage − some of which may be unintentional. A number of organizations have taken steps to improve this. The media guide published by the British Council in 2006 (see below, p. 11) is an excellent example. In Canada, RTNDA, the Association of Electronic Journalists, has prepared a "user guide" on media coverage of diversity. It includes a useful section on language that covers derogatory terms, loaded language and inclusive language (RTNDA n.d.). There are also a considerable number of Web sites with information on Muslims and other minorities and links to other Web sites that provide additional detail. One example is TANDIS, the Tolerance and Non-Discrimination System, launched in 2006 by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (http://tandis.odihr.pl/).

4. <u>Minority representation within media organizations</u>. A number of the reports advocate that media organizations make a particular effort to hire more journalists from minority groups, including through bursaries and internships. There has been some progress in this regard in the UK, for example through the establishment of the Journalism Diversity Fund (see note 5 at p. 11).

5. <u>Information for the public</u>. Some of the reports call for measures to improve citizens' knowledge and understanding of religious and other minorities. Most of the guides and other documents directed at the media are accessible to the layperson, as are Web sites such as the one mentioned above. Schools and other institutions also have a role to play. In that regard, one of the recommendations of a recent in-depth study commissioned by the Mayor of London bears noting. The report called for educational institutions to consider how they can develop critical media literacy and religious literacy through their programs (for further details, see notes 6 and 7 at p. 14). The ethics and religious culture course that is to be introduced in Québec schools in autumn 2008 should help enhance students' religious literacy as defined in the London report. Over time, the Quebec experience may be instructive to educators elsewhere.

FINDINGS FROM SELECTED RESEARCH STUDIES AND OTHER DOCUMENTS

CANADA

Before turning to the research on media coverage of racial and religious minorities in Canada, a brief description of some of the relevant legislation and other instruments will help provide context.

In addition to the protections against discrimination on the basis of religion, race and other characteristics in the *Canadian Charter of Rights and Freedoms* and in provincial charters and human rights codes, s. 3(b) of the *Radio Regulations, 1986* prohibits a licensee from broadcasting programming that contains "any abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability." The *Television Broadcasting Regulations,1987* include a section with almost identical wording.

The *Broadcasting Act* includes a process for filing complaints with the Canadian Radio-Television and Telecommunications Commission (CRTC). For an example of a CRTC decision resulting from a complaint based on alleged abusive comment, in this case, against Radio-Canada host Joël Le Bigot, see Canadian Radio-television and Telecommunications Commission (2007). This decision demonstrates how the CRTC seeks to balance freedom of expression with other values.

The *Broadcasting Act* also addresses the question of how the electronic media reflect various aspects of diversity:

> The Canadian broadcasting system should…through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society…

In this context, the CRTC has set guidelines for the portrayal of diversity. Although these are voluntary, the CRTC can take action against broadcasters that do not comply − for example, calling a broadcaster to appear at a special hearing, imposing conditions during the licence renewal process[1] or granting a shorter renewal than requested.

The CBC/Radio-Canada (television and radio) has a detailed set of "Journalistic Standards and Practices." These do not specifically address ethnocultural, racial or

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[1] For example, in Public Notice 2004-2 (renewing the licences of 22 specialty services), the CRTC stated that it "expected licensees to ensure that the on-air presence of members of each of the four designated groups is reflective of Canadian society, and that members of these groups are presented fairly, accurately and in a manner that is non-stereotypical." The designated groups are those identified under the federal *Employment Equity Act*: women, Aboriginal peoples, people with disabilities and members of visible minorities.

religious diversity (although there are guidelines on sex-role portrayal). There is nevertheless a 'balance' principle that is worth noting:

> CBC programs dealing with matters of public interest on which differing views are held must supplement the exposition of one point of view with an equitable treatment of other relevant points of view. Equitable in this context means fair and reasonable, taking into consideration the weight of opinion behind a point of view, as well as its significance or potential significance.

Although the 'balance' principle extends well beyond diversity issues, it is an important part of the internal culture of Canada's public broadcaster and probably acts as a deterrent against biased coverage of religious and racial minorities.

In addition to being regulated by the CRTC, private electronic media engage in a degree of 'self-regulation' (see immediately below).

Canadian Association of Broadcasters Code of Ethics and proposed "Equitable Coverage Code"
The Canadian Association of Broadcasters (CAB) is the national organization for Canada's private broadcasters, including private radio and television stations, networks, specialty, pay and pay-per-view services. The CAB's Code of Ethics includes the following 'human rights' clause:

> Recognizing that every person has the right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall ensure that their programming contains no abusive or unduly discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status or physical or mental disability.

The CAB has recently developed an "Equitable Coverage Code". It includes the 'human rights' clause quoted above as well as new provisions on negative portrayal, stereotyping, stigmatization and victimization, and derision of myths, traditions and practices (Canadian Association of Broadcasters 2007). A draft was submitted to the CRTC in July 2006, and a revised version was filed for final review and approval in November 2007.

The CAB Code of Ethics is administered by the Canadian Broadcasting Standards Council (CBSC) − a self-regulating body for private broadcasters, 96% of which are members. Once approved, the "Equitable Coverage Code" will also be administered by the CBSC. The CBSC manages a complaints process structured as follows:

- Those who have concerns with a program are first instructed to raise this with the broadcaster. According to the CSBS Web site, most complaints are settled this way.
- If the person is not satisfied with the broadcaster's response, he/she may submit a complaint to the CBSC. The complaint is then forwarded to the broadcaster. The latter must then send a personal response to the complainant.
- If, at that point, the complainant is still not satisfied, the matter is referred to an adjudication panel.

Despite the numerous steps leading to adjudication, the process seems to be relatively active. For example, in 2006, the CBSC issued 22 decisions.

***Racist Discourse in Canada's English Print Media* (2000)**
This report, by Frances Henry and Carol Tator (published by the Canadian Race Relations Foundation), is based on case studies from English-language newspapers from various regions except Quebec. As described by the authors, the cases[2] were the following:

- coverage of the subject of employment equity in *Globe and Mail* editorials
- "the attempt to silence minority voices and protests against racism in the cultural sector" as reflected in the coverage of three controversial cultural productions − "Show Boat," the Royal Ontario Museum exhibition "Into the Heart of Africa" and a conference for writers of colour and First Nations writers, "Writing Thru Race"
- coverage of stories involving First Nations people, including a comparative analysis of coverage by *The Globe and Mail* and two Saskatchewan newspapers of a case involving an Alberta Member of Parliament who was accused of assaulting a native teenager several years before when he was a RCMP officer
- the 'Just Desserts' case − an incident involved the shooting of a White woman by Black assailants in a Toronto restaurant.

These cases were selected in part on the basis of "the social construction of issues that were of significant importance in terms of their impact on minority-majority relations and systems of inequality in Canadian society." Using critical discourse analysis, the authors observed:

> Racist discourse in the media consists of a repertoire of words, images and texts that threaded together, produce an understanding of the world and position and status of people of colour in that world. There is a set of discourses used by the media that functions as coded language that have very different meanings for the producers of the discourse and different communities of readers.

The authors studied each case in considerable detail. They were especially critical of media coverage of the 'Just Desserts' case, which they said was "charged with racial stereotypes and images" − including suggestions that certain communities (in this case, African Canadians) "are more prone to deviant behaviour" or "lack the motivation, education or skills to participate fully in the workplace."

The authors also addressed the denial of racism, which they described as "a persistent and common theme in the press":

> For most media practitioners…there is a refusal to accept the reality of racism. Despite the huge body of evidence of racial prejudice and discrimination in the lives and on the life chances of people of colour, editors and journalists constantly deny that racism exists outside of isolated instances of racist behaviour by aberrant individuals or the acts of extremist groups…. The denial of racism among all opinion makers is so habitual that making the allegation of racism, and raising the possibility of its influence on social outcomes becomes a serious social infraction.

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[2] All quotations in the following summary are from the executive summary of the report; see: http://www.crr.ca/Load.do?section=26&subSection=38&id=322&type=2

As for remedial actions, Henry and Tator called for:
- a heightened sense of critical consciousness on the part of all those who work in the media and a greater willingness to examine how their own experiential frameworks - values and norms - influence their everyday journalistic practices
- a stronger commitment by regulatory agencies to respond to racism
- a systematic review of the curricula in journalism schools
- support for mechanisms for monitoring the media
- a greater degree of accountability and answerability on the part of media organizations.

Canadian Council of Muslim Women (2002)
In the aftermath of the September 2001 terrorist attacks, the Canadian Council of Muslim Women (CCMW) launched a community-based research project centred on 15 focus groups held in nine cities (February-June 2002). The questionnaire used to orient the discussions covered a range of issues, including the impact of the terrorist attacks on the participants, their family and their communities, and knowledge or experience of racism and hate crimes. On the media, the findings included:
- Canadian news media were more willing than American media to explore why the terrorist attacks had happened. Participants felt that the CBC provided "accurate and balanced coverage" following the attacks and played "an important role."
- In newspapers, there was an overall increase in "anti-Islam tone and usage," with the *National Post* ranked worst for its "persistent use of anti-Islam terminology."
- There was a perceived anti-Muslim bias in coverage by CanWest Media (which controls the Southam newspapers and Global television).
- Those interviewed by the media were not always "articulate and educated Muslims." As a result, some of their explanations were not easy to understand. (Hussain 2002, 20-22)

The report concluded that "the media needs to be more aware of Islam the religion." It also recommended providing the media with "contact names of Muslim organizations and community leaders who can best fulfill [their] needs" (Hussain 2002, 24).

Council on American-Islamic Relations − Canada (2004)
The Council on American-Islamic Relations − Canada (CAIR-CAN) is an Ottawa-based, nonprofit organization that has close relations with the Washington, D.C.-based CAIR. Through activism in the areas of media relations, anti-discrimination and political advocacy, CAIR-CAN aims to educate Canadians and empower Canadian Muslims.

In a 2004 submission to the Standing Senate Committee on Transport and Communications (Canadian Council on American-Islamic Relations 2004), CAIR-CAN reported on a survey of about 300 Canadian Muslims it carried out a year after the September 2001 terrorist attacks. The findings included:

- 55% said the Canadian media's reporting on Islam following the terrorist attacks had become more biased, 13% found it had improved, and 11% believed it remained the same.
- The CBC, CTV, the *Toronto Star* and *The Globe and Mail* were seen to be the most fair in their reporting, and Global television, the *National Post*, CanWest and the *Ottawa Citizen* as the most biased.

The submission also identified a number of "problematic and recurring hostile themes" in media coverage, notably in Southam newspaper editorials, including:
- Canadian Muslims were "portrayed as a 'fifth column' − sleeper terrorists waiting to undermine Canadian society".
- Muslims were described as "a martial people" and…'their' values [are] anathema to 'our values'".

Analysis of print media coverage of Muslim Canadians in recent federal elections (2006)
Yasmeen Abu-Laban and Linda Trimble (both of the University of Alberta) analyzed coverage of Muslim Canadians in eight English-language daily newspapers during the last three federal elections. They found that:
- During the 2006 election, Muslims were associated with extremism in 29% of the news stories in which they were mentioned − up from 6% in 2004 and 23% in 2000. The association between Muslims and extremism was most present in the *National Post*: 42% of its articles about Muslims drew such a link.
- In 79% of such news stories in 2006, Muslims were portrayed as a homogeneous group. The corresponding figures in 2004 and 2000 were 81% and 100% respectively.

The authors concluded "the 2006 coverage stands out for reinforcing long-standing stereotypes" (Abu-Laban and Trimble 2006, 41).

Influence Communication analysis of media coverage of multiculturalism and ethnic communities (2007)
On 12 January 2007, Influence Communication[3] released the results of an analysis of media coverage of multiculturalism and ethnic communities during 2005 and 2006.
- In 2006, "themes related to multiculturalism and ethnic communities were mentioned in relation to controversial subjects or conflict situations in 72% of cases." In 2006, the figure was 66%.
- Among the provinces, Quebec moved from 9th to 1st place in 2006 in the ranking of the percentage of negative associations. Alberta, which had topped the list the previous year, was 2nd in 2006, followed by Newfoundland and British Columbia. Ontario ranked 5th in 2006 and 6th in 2005.

No further information about this media analysis is publicly available.

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[3] Influence Communication has its head office in Montréal and, according to the news release, conducts media monitoring and analysis for the majority of Canada's largest corporations. See: http://www.influencecommunication.ca/en/12janvier2007.html.

EUROPEAN UNION

***Racism and Cultural Diversity in the Mass Media* (2002)**
This extensive report (almost 500 pages) was produced by the European Research Centre on Migration and Ethnic Relations. It includes member state reports for the member countries of the European Union. The study identified a number of common trends in media portrayal of minorities and migrants; these included "negativity, problems, crime, and conflict," with an "over-emphasis on ethnic and immigrant crime." In some countries, researchers found that media discourse performed "self-reproducing and self-fulfilling functions," sometimes leading to "panics." In many of the countries studied, the research identified "a frequently stereotypical portrayal of Muslims" (ter Wal 2002, 42, 36, 48).

GERMANY

Secularization and Religious Divides in Europe: Germany (2006)
This review of research on media coverage of minorities in Germany concluded that while there is no overt racism in the German media, there is some xenophobia and latent racism. The authors noted that migrants are negatively reported in most articles "since they mostly only become a topic if problems have occurred." They add:
> German readers mostly learn about migrants – including the Muslims among them – in a negative context, like an example of failed integration, a criminal deed committed by a migrant or migrant group, school failures of migrant students, etc., but they read only seldom about the daily life of migrants and/or Muslims, their struggle to cope in Germany and their success stories…

In the researchers' view, "the media as well as politics add far more to an exclusive attitude than to an inclusive one in the sense of 'we' in Germany" (Karakasoglu, Luchtenberg, Peter and Spielhaus 2006, 156-57).

UNITED KINGDOM

Runnymede Trust report, *Islamophobia: a challenge for us all* (1997)
In 1996, the Runnymede Trust established the Commission on British Muslims and Islamophobia, chaired by Professor Gordon Conway, vice-chancellor of the University of Sussex. The report was launched in November 1997 by the Home Secretary, Jack Straw. In the report, Islamophobia was defined as "an outlook or world-view involving an unfounded dread and dislike of Muslims, which results in practices of exclusion and discrimination" (Runnymede Trust 1997, 4).

The Runnymede report identified eight perceptions that reflect a 'closed view' of Islam:
- Islam is seen as a monolithic bloc, static and unresponsive to change.
- It is seen as separate and "other." It does not have values in common with other cultures, is not affected by them and does not influence them.
- It is seen as inferior to the West, barbaric, irrational, primitive and sexist.
- It is seen as violent, aggressive, threatening, supportive of terrorism and engaged in a clash of civilizations.

- It is seen as a political ideology, used for political or military advantage.
- Criticisms made of "the West" by Muslims are rejected out of hand.
- Hostility towards Islam is used to justify discriminatory practices towards Muslims and exclusion of Muslims from mainstream society.
- Anti-Muslim hostility is seen as natural and normal.[4]

With regard to the last perception, the report stated that Islamophobic discourse, "sometimes blatant but frequently coded and subtle," was part of everyday life in Britain.

The Runnymede Trust's report attracted considerable attention and became a point of reference for many subsequent academic and public-policy studies. The media were a particular focus of the Runnymede Trust report, and several of the 60 recommendations were aimed at promoting more balanced coverage of Muslims and Islam. For example, the report called on the National Union of Journalists (NUJ) to develop professional guidelines for journalists (see the description of the new "Code of Paractice" at p. 11).

Other recommendations were intended to lead to greater Muslim participation in public life, and a number of concrete developments followed.

- In late 1997, the Muslim Council of Britain was established to serve as an umbrella body aiming to "represent Muslims in the public sphere, to lobby government and other institutions."
- The Forum against Islamophobia and Racism was formed in 2001 to monitor coverage in the media and establish dialogue with media organizations.

***Reporting Islam: media representations of British Muslims* (2002)**
This book, by Elizabeth Poole (University of Staffordshire), is a serious and well-regarded study. Among other things, it compares media coverage of British Muslims and 'global Muslims' before and after the terrorist attacks of 11 September 2001. In her review of the *Times* and *Guardian* newspapers between 12 September and 25 October 2001, Poole identified 700 and 1.058 articles, respectively, about 'global Muslims' and about one-tenth as many about British Muslims. Her analysis of the articles led to the conclusion that "the associative negative behaviour [of global Muslims] is seen to evolve out of something inherent in the religion, rendering any Muslim a potential terrorist" (Poole 2002, 4).

***Islamophobia: issues, challenges and action* (2004)**
The Commission on British Muslims and Islamophobia took the Runnymede Trust report as the point of departure for this study. Its report included a chapter on 'dealing with the media', in which several examples of negative coverage of Muslims were cited. The commission concluded that the Press Complaints Commission "is not an adequate bulwark against Islamophobia in the media" and advocated that individual newspapers develop (or revise existing) codes of professional ethics about how they cover and report Islam, and publish these on their Web sites (Commission on British Muslims and Islamophobia 2004, 68, 71). Without endorsing the text, the commission reproduced a

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[4] This list, taken from Allen (2007, 16-17), was adapted from the Runnymede report.

useful set of guidelines developed by the American Society of Professional Journalists (see the appendix to this report). The commission also recommended that:

- Newspapers and other media take positive action measures to recruit more employees from Muslim backgrounds.
- Web sites that provide reliable information about Islam and British Muslims should be widely publicized among all journalists.
- Issues of Islamophobia and British Muslim identity should be on the syllabus of induction programs and professional training.

A "Code of Practice" was framed by the newspaper and periodical industry and ratified by the Press Complaints Commission (PCC) in August 2007. The Code includes a section on discrimination that states: "The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability" (Editors' Code Committee 2007). Issues such as stereotyping and generalization about minority communities are not covered. The PCC is charged with enforcing the Code but has no statutory powers.

British Muslims: Media Guide (2006)
This innovative and well-researched publication resulted from a three-year collaboration between the British Council and the Association of Muslim Social Scientists. In addition to chapters on religious practice, Muslims in politics, Muslim women, Muslim youth and education, and 'Islamic finance', the guide addresses the issue of Muslims and the mainstream media. The way Muslims see themselves portrayed in the media is described as follows:

> There is a perception that media coverage of Muslims focuses disproportionately on bad news and on conflicts, with less time given to contributions made in other areas such as the arts, sciences, culture, cuisine, and so on. And many Muslims claim that coverage of what are often many-headed disagreements is often reduced to simplistic descriptions of two sides that oppose each other. (Masood 2006, 56)

There are also comments on the relations between journalists and Muslims:

> [T]he tensions that exist between Britain's Muslims and the mainstream media are in many ways greater than between the media and other groups in public life. Moreover, they are characterised by mistrust on both sides. (Masood 2006, 56)

Despite these criticisms, it is noted that British Muslims are becoming more prominent within the media, Islam-related themes are receiving greater coverage and some steps have been taken to recruit more journalists from the Muslim community (and other under-represented groups).[5]

The West and the Muslim World: A Conflict in Search of a Peace Process (2006)
This wide-ranging study was undertaken by Colin Irwin of Queen's University Belfast, Shaista Gohir of Muslim Voice UK and Global Market Insite (GMI), Inc. It was based on an Internet survey of 1360 adults in the United Kingdom, including 264 Muslim

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[5] For example, through the Journalism Diversity Fund established by the Newspaper Licensing Agency and the National Council for the Training of Journalists.

respondents and 103 Jewish respondents, and was conducted in April and early May 2006. One of the questions included a list of 22 items suggested as problems with regard to "Islamophobia and the 'clash of civilizations'".

- <u>For the Muslim respondents, "the negative portrayal of Islam in the media by irresponsible journalists" was ranked first</u>, followed by "Muslims collectively being blamed for acts 'done in their name'".
- For both the all UK and Jewish respondents, "increased Islamophobia after the 9/11 bombings was ranked first, and "increased Islamophobia after the 7/7 London bombings" was ranked second. The statement about media portrayal of Islam was ranked 13th of the 22 items by the all UK respondents and 16th by the Jewish respondents.

Survey respondents were also asked to rank 13 "solutions…to deal with the problem of Islamophobia and to improve understanding between Western and Islamic civilizations". Not surprisingly, in light of the results reported above, the <u>proposals related to the media were ranked much higher by Muslim respondents</u>:

- 55% of Muslim respondents said it was essential to establish a "statutory body to monitor and report on Islamophobia in the media," compared to 14% of the all UK respondents and 9% of the Jewish respondents. This item ranked 4th of the 13 items for Muslim respondents, compared to 8th and 9th for the all UK and Jewish respondents respectively.
- "Employ more Muslims in the UK media" was ranked 6th by Muslim respondents, but only 12th and 11th by the all UK and Jewish respondents respectively.
- "Bring regulations for UK print media journalism in line with stricter TV and radio standards" was ranked 10th among the items by Muslim respondents and higher by the two others groups − 7th in both cases.
- A related item, "balance freedom of speech with responsibility and judgement," was ranked 3rd by the Muslim respondents as well as the all UK respondents, and 4th by the Jewish respondents.

On the third point above, the report noted that 15% of the all UK respondents found it unacceptable to apply the stricter standards for television and radio to the print media (only two other items in the list received a higher unacceptability rating from the all UK respondents). This led to the following observation:

> It would seem to be the case that almost everyone wants the media to be more responsible than they have been, but are concerned about interfering with the freedoms of the media in any pro-active way. Clearly, the media need to be seen to regulate themselves with greater firmness and rigour. (Irwin 2006, 47-48)

Understanding the Other Perspective: Muslim and non-Muslim Relations (2006)
Shaista Gohir also wrote a report on the 2006 GMI Internet survey. She concludes with a 10-point action plan that includes a section on the media. In her view, misinformation about Islam by the media "propagates the stereotypical view and gives most coverage to Muslims with extreme views." She adds that the media "have the ability to unite or divide communities, and therefore have a major responsibility to present fair and accurate views" (Gohir 2006, 82). Gohir then proposes the following:

- "More responsible reporting by the media on Muslims and Islam.
- Review of guidelines for the media, for example, strengthening the Press Complaints Commission's self-regulatory code and modifying the code of ethics for professional journalists.
- Recruitment of more Muslims in the media, e.g. through bursary schemes.
- Journalist courses should include the impact of stereotyping Muslims." (Gohir 2006, 82).

***The search for common ground: Muslims, non-Muslims and the UK media* (2007)**
The Mayor of London, Ken Livingstone, commissioned this study (Greater London Authority 2007) "to examine the role of the media in promoting or harming good community relations with London's Muslim communities". It was coordinated by the Instead consultancy and carried out between 1 May 2006 and 30 April 2007. In addition to reviewing recent public opinion polls, books and articles, the researchers studied <u>how Islam and Muslims are represented in the British press</u>.

Every newspaper (as well as magazines accompanying them) that appeared during the week of 8-14 May 2006 was included (the week was chosen at random a month in advance). The researchers retained all articles that mentioned 'Islam', 'Muslims', their derivatives (e.g. 'Islamist') and words or phrases that have an obvious association with Islam. In all, 352 articles were retained. Of these, 82% were news reports; the rest were editorials or comment pieces, features and cartoons. The main findings were:
- <u>91% of the articles were judged to be negative in their associations</u>, 5% were neutral and 4% were positive.
- In 12 of the 19 newspapers reviewed, there were no positive associations.
- In the tabloids, 96% of all articles were judged to be negative.
- <u>Almost half of the articles represented Islam as a threat</u>. Of these, about one-third pertained to the United Kingdom and two-thirds to the rest of the world.

The study's examination of public opinion surveys found that:
- 74% of Britons claim they know "nothing or next to nothing about Islam".
- 52% of Britons are of the view that "tensions between Islam and the West" arise from "conflicts about political power and interests", while 29% believe they arise from "differences of religion and culture" (the proportion choosing the latter in the UK was lower than in the United States, Australia and Germany (in that order) and the same as in France (7).

In light of these findings, the report drew the following conclusions:
- The overall picture presented in the media is that, within Britain, "Muslims are different from – and a threat to – 'us'"; and that, on the world stage, "Islam is profoundly different from, and a serious threat to, the West" (xvii).
- The degree to which the material analysed was "shrouded in negatively evaluated and associated meanings…is possibly the greatest indicator of the extent to which the discourse of anti-Muslim and anti-Islamic ideas and meanings have been naturalised" (30).

The report's recommendations (xiv-xv) included:

- News organizations should review their coverage of issues and events involving Muslims and Islam, and should consider drawing up codes of professional conduct and style guides about use of terminology.
- The Commission for Equality and Human Rights should focus explicitly on combating anti-Muslim prejudice in the media and society generally.
- Consideration should be given to amending the terms of reference of the Press Complaints Commission so it can consider "distorted and inaccurate" coverage of groups and communities, as well as of individuals.
- Organizations and institutions concerned with education should give consideration to how they can develop critical media literacy[6] and religious literacy[7] in their programs, courses and curricula.

UNITED STATES

Society of Professional Journalists: Diversity Guidelines (2002)
The Society of Professional Journalists (SPJ) was founded in1909. Its mission is to promote and defend the First Amendment guarantees of freedom of speech and freedom of the press; encourage high standards and ethical behavior in the practice of journalism; and promote and support diversity in journalism. SPJ has nearly 300 chapters across the United States and more than 9,000 members.

At its 2002 national convention the SPJ passed a resolution urging members and fellow journalists to take steps against racial profiling in their coverage of the war on terrorism and to reaffirm their commitment to:

- "Use language that is informative and not inflammatory.
- Portray Muslims, Arabs and Middle Eastern and South Asian Americans in the richness of their diverse experiences.
- Seek truth through a variety of voices and perspectives that help audiences understand the complexities of the events in Pennsylvania, New York City and Washington, DC."

The SPJ also adopted a set of diversity guidelines (see appendix), in which journalists were encouraged to avoid representing Arab Americans and Muslims as "monolithic groups" and to be attentive to their choice of vocabulary, particularly when reporting on issues related to terrorism. The guidelines are posted on the SPF Web site in a section on diversity, along with a quite extensive selection of resource tools.

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[6] Defined as "building up interpretive skills so the public can question media portrayals of issues and engage in debate" (xx).
[7] Defined as "skills in understanding and assessing religious statements and behaviour; discerning the difference between valuable and harmful aspects of religion and religions; appreciating religious architecture, art, literature and music without necessarily accepting all the beliefs that they express or assume; and making reasonable accommodation between people holding different religious and non-religious worldviews" (xv).

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"Diversity Guidelines"
Society of Professional Journalists (United States)

Visual images
Seek out people from a variety of ethnic and religious backgrounds when photographing Americans mourning those lost in New York, Washington and Pennsylvania.

Seek out people from a variety of ethnic and religious backgrounds when photographing rescue and other public service workers and military personnel.

Do not represent Arab Americans and Muslims as monolithic groups. Avoid conveying the impression that all Arab Americans and Muslims wear traditional clothing.

Use photos and features to demystify veils, turbans and other cultural articles and customs.

Stories
Seek out and include Arabs and Arab Americans, Muslims, South Asians and men and women of Middle Eastern descent in all stories about the war, not just those about Arab and Muslim communities or racial profiling.

Cover the victims of harassment, murder and other hate crimes as thoroughly as you cover the victims of overt terrorist attacks.

Make an extra effort to include olive-complexioned and darker men and women, Sikhs, Muslims and devout religious people of all types in arts, business, society columns and all other news and feature coverage, not just stories about the crisis.

Seek out experts on military strategies, public safety, diplomacy, economics and other pertinent topics who run the spectrum of race, class, gender and geography.

When writing about terrorism, remember to include white supremacist, radical anti-abortionists and other groups with a history of such activity.

Do not imply that kneeling on the floor praying, listening to Arabic music or reciting from the Quran are peculiar activities.

When describing Islam, keep in mind there are large populations of Muslims around the world, including in Africa, Asia, Canada, Europe, India and the United States. Distinguish between various Muslim states; do not lump them together as in constructions such as "the fury of the Muslim world."

Avoid using word combinations such as "Islamic terrorist" or "Muslim extremist" that are misleading because they link whole religions to criminal activity. Be specific: Alternate

choices, depending on context, include "Al Qaeda terrorists" or, to describe the broad range of groups involved in Islamic politics, "political Islamists." Do not use religious characterizations as shorthand when geographic, political, socioeconomic or other distinctions might be more accurate.

Avoid using terms such as "jihad" unless you are certain of their precise meaning and include the context when they are used in quotations. The basic meaning of "jihad" is to exert oneself for the good of Islam and to better oneself.

Consult the Library of Congress guide for transliteration of Arabic names and Muslim or Arab words to the Roman alphabet. Use spellings preferred by the American Muslim Council, including "Muhammad," "Quran," and "Makkah," not "Mecca."

Regularly seek out a variety of perspectives for your opinion pieces. Check your coverage against the five Maynard Institute for Journalism Education fault lines of race and ethnicity, class, geography, gender and generation.

Ask men and women from within targeted communities to review your coverage and make suggestions.

Source: Society of Professional Journalists Web site: http://www.spj.org/divguidelines.asp