2. POLICY CONTEXT

This chapter examines the European contexts which shape and affect initiatives and experiences of integration at the national, municipal and neighbourhood levels. It begins with an outline of the nature and size of Muslim populations across the EU. It then highlights evidence from three pan-European surveys (the European Values Survey, the European Social Survey and the Eurobarometer Survey) about the views held by Europeans about Muslims and about the ethnic and cultural diversity of European society, as these shape the context in which integration policies are developed and in which Muslims live out their everyday lives. The focus then shifts to the role of different areas of EU policy.

Muslims have long been part of European society, contributing to its economic, social and political development. There have been Muslims living in Europe, from the Baltic coast to the Balkans, and the Iberian Peninsula, Cyprus and Sicily for many centuries. The OSI reports focus on Muslims living in 11 cities in seven EU states (Belgium, Denmark, France, Germany, the Netherlands, Sweden and the United Kingdom). The majority of Muslims in these states are migrants or the descendants of migrants who arrived during the economic boom of the 1960s. For some states former colonial ties played a significant role. In France, migration was largely from the former colonies and protectorates of the Maghreb, particularly Algeria, Morocco and Tunisia. In the Netherlands, Muslims arrived from the former colonies in parts of what is today Indonesia. In the UK, Muslim migrants came mainly from Pakistan and Bangladesh. Since the 1980s increasing numbers of Muslims have arrived in Europe as refugees seeking asylum, first from Iran, Iraq and Turkey, and then in the 1990s from the Balkans, North Africa and sub-Saharan Africa. Throughout this period Muslims also arrived as students, professionals and investors.

There are no reliable data on the precise number of Muslims in Europe. Such estimates of course differ depending on the definition of Europe and Muslims that is adopted. In 2006, the EU Monitoring Centre on Racism and Xenophobia estimated that there were at least 13 million Muslims in the EU, thus accounting for around five per cent of Europe's population.[6] It is estimated by some that the population will double by 2025.[7] These numbers will have increased with the accession of Romania and Bulgaria and will increase further if current candidates for membership are successful. While many Muslims are EU citizens, many are also third-country nationals (TCNs). In fact

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[6] EUMC, *Muslims in the EU: Discrimination and Islamophobia*, European Union Monitoring Centre on Racism and Xenophobia, Vienna, 2006 (hereafter, EUMC, *Muslims in the EU)*.

[7] US National Intelligence Council, *Mapping the Global Future*, 2005. Available at: http://www.foia.cia.gov/2020/2020.pdf (accessed November 2009).

the "most numerous groups of third-country nationals in the EU come from Turkey (2.3 million), Morocco (1.7 million), Albania (0.8 million) and Algeria (0.6 million)".[8]

2.1 Surveys

2.1.1 Attitudes towards Muslims

Policies aimed at supporting increased economic, social and political participation of Muslims in Europe take place against a backdrop of growing prejudice and discrimination directed towards Muslims. Some of the prejudice that Muslims face is part of a "generic anti-immigrant" prejudice which is directed at Europe's postwar non-western immigrants. At the same time there is evidence that they also face a "specific anti-Muslim" prejudice which "has developed as a result of stereotype-generating processes in the last couple of decades".[9] Analysis of the 1999–2000 European Values Study suggests that, even prior to 11 September 2001, levels of anti-Muslim prejudice across Europe were higher than anti-immigrant prejudice.[10] The analysis finds that this prejudice is not related to poverty but does decrease with increased levels of education.[11] While the level of prejudice directed towards Muslims is greater than that directed at immigrants, the analysis of the European Values Study finds that it is the same type of prejudice as that directed towards immigrants. This means that policies aimed at addressing racial and ethnic prejudice should also lead to lower levels of anti-Muslim prejudice.

The development of integration and social inclusion policies also operate in a context of anxiety about the growing ethnic and religious diversity of European societies. The 2003 Eurobarometer survey asked respondents whether they agreed with the statement that it is a good thing for any society to be made up of people from difference races, religions and cultures; and that the country's diversity in terms of race, religion and culture adds to its strength. Analysis of response to these two questions suggest that around a quarter of respondents across Europe were "resistant" to multicultural society,

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[8] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, *Third Annual Report On Migration And Integration*, Brussels, 11 September 2007, COM(2007) 512 final, available at: http://ec.europa.eu/justice_home/fsj/immigration/docs/com_2007_512_en.pdf (accessed November 2009).

[9] Zan Strabac and Ola Listung, "Anti-Muslim prejudice in Europe: A multilevel analysis of survey data from 30 countries", *Social Science Research* 37, 2008, pp. 268–286, at 274 (hereafter, Strabac & Listung, "Anti-Muslim prejudice".

[10] Strabac & Listung, "Anti-Muslim prejudice"; the actual question asked in the European Values Survey was "On this list are various groups of people. Could you please sort out any that you would not like to have as neighbours?" Respondents were given a list of 14 groups, including: "Jews", "Gypsies", "People of a different race", "Immigrants/foreign workers" and "Muslims".

[11] Strabac & Listung, "Anti-Muslim prejudice", p. 279.

that is a society in which ethnic, religious or cultural diversity is seen as positive.[12] This overall figure hides significant variation across the EU and even across the seven states covered by the OSI research. Over the third of respondents in Belgium (37 per cent) and Germany (34 per cent) indicated resistance to a "multicultural" society, compared with closer to a fifth of respondents in Denmark, France, the Netherlands (22 per cent) and the UK (20 per cent); the lowest figures were found in Sweden (13 per cent).[13] While only a minority of respondents across the seven states indicated a resistance to a multicultural society, around two-thirds of respondents from Germany, Belgium, the Netherlands, France and the UK, and 55 per cent of respondents in Denmark, agreed that there were limits to a multicultural society.[14] Only in Sweden did the minority of respondents (40 per cent) take this view. Analysis of Eurobarometer surveys over time shows a significant increase between 1997 and 2003 in the number of respondents agreeing that the multicultural society had reached its limits.

Analysis of the data from the European Social Survey finds that views about national identity are more significant in explaining differences in attitudes towards immigrants than the size of the immigrant population in the country or the economic circumstances of the country.[15] The greater levels of prejudice directed towards Muslims may in part reflect a perception of Muslims as a cultural threat or at least culturally different from the general population. Ideas about the cultural identity of the nation-state play an important role in shaping people's views of migration: "popular preferences for cultural unity are powerful influences on attitudes towards immigration, despite elite endorsements of a multicultural society engendered by immigration."[16] Sides and Citrin suggest that creating positive attitudes towards immigration requires work on re-imagining national identities.

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[12] EUMC, *Majorities' Attitudes towards Minorities: key findings from the Eurobarometer and the European Social Survey, Summary,* European Union Monitoring Centre on Racism and Xenophobia, Vienna, 2005, p. 12 (hereafter, EUMC, *Majorities Attitudes*). The measure for 'resistance to multicultural society' was based on responses to the two statements: [1] it is a good thing for any society to be made up of people from difference races, religions and cultures; and [2] (country X's) diversity in terms of race, religion and culture adds to its strength.

[13] EUMC, *Majorities' Attitudes*, Annex A, p. 29.

[14] The limits of multicultural society was measured by responses to the following two statements: [1] there are limits to how many people of other races, religions and cultures a country can accept; and [2] (country X) has reached its limit; if there are more people belonging to these minority groups we would have problems.

[15] John Sides and Jack Citrin "European Opinion About Immigration: The Role of Identities, Interests and Information" *British Journal of Political Science* 37, 2007, p. 477 (hereafter, Sides & Citrin, "European Opinion about Immigration").

[16] Sides & Citrin, "European Opinion about Immigration" p. 488.

2.2 The European Union

The Lisbon Treaty amends the Treaty establishing the European Community (TEC) and provides a clearer vision of the values of the Union, as one that is based on "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights". Furthermore, it emphasises that human rights include the "rights of persons belonging to minorities" and identifies pluralism, non-discrimination and tolerance as part of the central set of values that should prevail in the Union.[17]

Securing the social and economic inclusion and civic and political participation of Muslims in Europe involves action across a wide range of areas, from equality and discrimination through to education, employment, health, housing and political participation. While the EU does not have direct competence in all of these areas, it nevertheless shapes, supports and contributes to actions taken by policymakers, practitioners and civic society at the city level, through sharing good practice and the Open Method of Coordination. Work on social inclusion and integration is spread across a number of different directorates within the European Commission. EU policy does not focus action on groups based on religious identity. Action on social inclusion including in relation to employment and discrimination comes within the remit of the Directorate-General (DG) for Employment, Social Affairs and Equal Opportunities. The DG Education and Culture takes the lead in education as well as intercultural dialogue. Primary responsibility for health care lies with the DG Health and Consumer Protection. The DG Regional Policy covers broader urban development, including aspects of housing, urban renewal and sustainable regeneration. In many of these areas policies, initiatives and action can be targeted at ethnic but not religious minorities. As many Muslims who are EU nationals are also from minority-ethnic groups, they are likely to come within the scope of policies that target ethnic minorities.

Distinctions are drawn on the basis of legal status; that is, on the basis of being an EU national or a non-EU national (TCNs). EU policy in relation to non-EU nationals is important to Muslims, since as much as one-third of Muslims may be TCNs.[18] The DG Justice, Liberty and Security (JLS) has primary responsibility for migration and the development of a common policy on immigration and asylum. JLS therefore takes the lead on the integration of immigrants who are TCNs. However, the scope of much of its work does not generally extend to all TCNs, migrants, or the descendants of migrants who are EU nationals.

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[17] Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union (2008/C 115/01), article 2, available at:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0001:01:EN:HTML
(accessed November 2009, hereafter, TEU).

[18] If the estimates in the Commission's (2007) *Third Annual Report on Migration and Integration* are correct then over 5 million citizens (from Turkey, 2.3 million; Morocco, 1.7 million; Albania, 0.8 million; Algeria, 0.6 million) are TCNs in the EU and are likely to account for a significant proportion of the 13–15 million Muslims in the EU.

In addition to the directorates across the Commission, EU priorities and action in this area of integration and migration are also set by ministerial conferences. The EU integration ministers met for the first time in November 2004 in Groningen, under the Dutch presidency. Their work led to the Justice and Home Affairs Council (JHA) adopting basic common principles on integration (discussed below) on 19 November 2004. A second ministerial conference was held in Potsdam in May 2007 during the German presidency. This called for reflection on intercultural dialogue as a tool for reinforcing integration. In November 2008 a third ministerial council was held in Vichy during the French presidency. The final Declaration of the conference identified six priority areas for action: the promotion of the EU's fundamental values; the integration process; access to employment and the promotion of diversity; the integration of women and the education of children; the use of intercultural dialogue to promote integration; and integration policy governance.[19]

2.2.1 Immigrant integration

The Treaty of Amsterdam's provision for the movement of migration and asylum policy from the third (intergovernmental) to the first (communitarian) pillar of the Union (currently DG JLS) provided the momentum for greater harmonisation of EU migration policies.[20] After the treaty was ratified, a special European Council meeting was convened in Tampere in October 1999. The Tampere Summit's Conclusions on migration, although driven primarily by the need to address public concerns on illegal immigration, noted the need for a "common approach" to the "integration" of TCNs lawfully resident in the Union.[21] The Council agreed the need for the "fair treatment" of TCNs as one of the four strands of a common EU policy on immigration and asylum. The Council's Conclusions linked the fair treatment of TCNs to a twin-track approach towards a "more vigorous integration policy". The first track involved granting TCNs' "rights and obligations comparable to those of EU citizens", and the second developed measures to combat discrimination.[22]

To achieve the first aim, the Council's Conclusions recommended that Member States grant long-term legally resident TCNs "a set of uniform rights which are as near as possible to those enjoyed by EU citizens". This encompassed "the right to reside,

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[19] European Ministerial Conference on Integration, *Declaration approved by the representatives of the Member States*, Vichy, 3 and 4 November 2008, available at: http://www.ue2008.fr/webdav /site/PFUE/shared/import/1103_Ministerielle_Integration/conference_integration_041108_Fina l_declaration_EN.pdf (accessed November 2009).

[20] Migration policy first entered EU policymaking under the Treaty of Maastricht, which placed it in the third pillar of Justice and Home Affairs. In 1996, the Council of Ministers passed its first resolution on TCNs in 1996, OJ C 80/02, 18 March 1996, section III.

[21] Tampere European Council, 15 and 16 October 1999, Presidency Conclusions, para. 4, available at http://www.europarl.europa.eu/summits/tam_en.htm (accessed November 2009; hereafter, Tampere European Council Conclusions).

[22] Tampere European Council Conclusions, para. 18.

receive education, and work as an employee or self-employed person". The Council also endorsed the objective "that long-term legally resident third-country nationals be offered the opportunity to obtain the nationality of the Member State in which they are resident".[23] These commitments, described as "one of the boldest declarations made at Tampere",[24] have yet to be fulfilled.

Following the Tampere Summit, implementation of commitments for the fair treatment of TCNs was slow. In 2003 Directives were adopted by EU states on rights to family reunification and free movement between Member States.[25] Provisions in both Directives point towards an approach to integration that sees secure legal status, strong residents' rights and equal treatment as vital to integration. When the Council finally produced its Communication on "Immigration, integration and employment" it recognised that of the four strands to a common asylum and immigration policy, proposals for implementing commitments for the fair treatment of TCNs were the last to be produced.[26] The need for the fair treatment of TCNs is found in provisions on developing a common policy on asylum, immigration and external border control in the Treaty on the Functioning of the EU (TFEU), Articles 67 and 79 (as amended by the Lisbon Treaty). The Lisbon Treaty gives the EU competence to develop a common immigration policy through a qualified majority. This includes "conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunification" and "the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States". Furthermore, it provides that the Parliament and Council can "establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories".[27]

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[23] Tampere European Council Conclusions, para. 21.

[24] Peo Hansen, *A Superabundance of Contradictions: The European Union's Post-Amsterdam Policies on Migrant 'Integration', Labour Immigration,* Asylum and Illegal Immigration, Norrköping, Linköping University Centre for Ethnic and Urban Studies, 2005, available at: http://www.temaasyl.se/Documents/Forskning/Peo%20Hansen%20A%20Superabundance%20o f%20Contradictions.pdf (accessed November 2009, hereafter Hansen, *A Superabundance of Contradictions*).

[25] Council Directive 86/2003/EC on the right to family reunification, 22 September and Council Directive 109 / 2003 / EC concerning the status of third-country nationals who are long-term residents, 25 November 2003.

[26] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Rights Committee and the Committee of the Regions on immigration, integration and employment, COM (2003) 336 Final, p. 3.

[27] Consolidated Version of the Treaty on the Functioning of the European Union, *Official Journal of the European Union*, C 115/47, 9 May 2008, 79(4) (hereafter, TFEU).

The Commission's Communication on Immigration, Integration and Employment 2003

The focus on equalising the rights for TCNs with those of EU citizens was soon eclipsed by the Commission's proposal for a more comprehensive "holistic" approach to the matter of integration. The Commission's Communication on Immigration, Integration and Employment (EC COM (2003) 336 final) argued for measures on integration across a broad range of areas that "takes into account not only the economic and social aspects of integration but also issues related to cultural and religious diversity, citizenship, participation and political rights". It recognised that the "successful integration of immigrants is both a matter of social cohesion and a prerequisite for economic efficiency".

Two aspects of the Commission's proposed approach to integration are of particular importance: the definition of integration and the identification of the target group for integration policies. The Commission defines integration as "a two-way process based on reciprocity of rights and obligations of third-country nationals and host society which provides for the full participation of the immigrant". The mantra of integration as a "two-way process" has become entrenched in the Union's policy discourse.[28] The language of mutual accommodation in a two-way process can, however, conceal the inequality of power in the relations between the two sides, "the receiving society, its institutional structure, and the way it reacts to newcomers is much more decisive in the outcome of the process [...] integration policies are part of the institutional arrangements in a society. Since these are defined politically by majorities in the receiving society, there is the inherent danger of their being lopsided, representing the expectations of society rather than being based on negotiation and agreement with immigrant groups themselves."[29]

Criticisms have been made of the explanation of the meaning of the "two-way process" found in the Commission's Communication. The Communication argues that a two-way integration process involves both responsibilities on the host society, to guarantee a structure of rights that allow for participation in economic, social, cultural and civil life, and responsibilities on immigrants to "respect the fundamental norms and values of the host society and participate actively in the integration process". Hansen argues that "once the question of 'principles and values' enters into the picture, the [...] 'two-way process' quickly yields to an even more disquieting one-way process where integration, in essence, becomes synonymous with an exclusive duty to adapt" placed on migrants alone. Thus he concludes: "the ultimate success or failure of the

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[28] For example, 2003 Thessaloniki European Council defined integration "…as a continuous, two-way process based on mutual rights and corresponding obligations of legally residing third-country nationals and the host societies" Presidency Conclusions, 19–20 June 2003, Bulletin EU 6-2003, Conclusion 31.

[29] R. Penninx, "Element for an EU framework for integration policies for immigrants" in Sussmuth and Weidenfeld (eds.) *The European Union's Responsibilities Towards Immigrants,* Migration Policy Institute, Washington DC, 2005.

integration policy that comes into view here still seems to hinge upon the moral stature of the migrants themselves, on their 'willingness to integrate', as well as on their ability to adapt to certain prescribed cultural and civic values".[30]

In the Commission's Communication, the definition of integration as a two-way process between TCNs and the host society makes it clear that TCNs are the primary concern of integration policy. Furthermore, the Commission identifies the target group that will benefit from integration measures as composed primarily of "labour migrants, family members admitted under family reunion arrangements, refugees and persons enjoying international protection". The text does recognise that integration may also be an issue in relation to second- and third-generation children of immigrants who may be nationals of EU states, but does not identify the "host society" as a primary beneficiary of integration measures.[31]

The Commission's Communication was accepted by the Thessaloniki European Council in June 2003. The Council invited the European Commission "to present an Annual Report on Migration and Integration in Europe, in order to map EU-wide migration data, immigration and integration policies and practices".[32] The Council also called for a coherent EU framework on the integration of TCNs to be developed by agreement on common basic principles.[33]

The Common Basic Principles
In November 2004, the European Council adopted The Hague Programme. This programme sets out the objectives to be implemented in the areas of freedom, security and justice for the following five years. The programme called for EU action on integration to be developed inside a framework based on common basic principles. A set of Common Basic Principles (CBPs) were developed and subsequently adopted by the European Council in November 2004.[34] Although non-binding on states, the CBPs provide the cornerstone of EU policy on integration.

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[30] Hansen, A Superabundance of Contradictions.

[31] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Rights Committee and the Committee of the Regions on immigration, integration and employment, COM (2003) 336 Final, pp.17–18.

[32] Thessaloniki European Council Conclusions, para 33.

[33] Thessaloniki European Council Conclusions, para 31.

[34] Endorsed by the November 2004 European Council.

The Common Basic Principles on Integration

1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.

2. Integration implies respect for the basic values of the European Union.

3. Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.

4. Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.

5. Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.

6. Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way, is a critical foundation for better integration.

7. Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, intercultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens.

8. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.

9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.

10. Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.

11. Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, to evaluate progress on integration and to make the exchange of information more effective (European Council, 2004).

Mirroring the holistic approach recommended in the Commission Communication, the CBPs call for action across a wide range of areas including employment, education, access to goods and services, housing and urban policy, as well as civic and political participation.

The CBPs suggest significant shifts in emphasis in the EU's understanding of integration. First, there is a greater acknowledgement of the need for effort and action by all individuals, not just immigrants. Thus, the two-way process is one of "mutual accommodation by all immigrants and residents of Member States". Furthermore, the CBPs are clear that "this demands the participation not only of immigrants and their descendants but of every resident" and that this "involves the receiving society, which should create the opportunities for the immigrants' full economic, social, cultural, and political participation". Second, there is less confrontational language on values. Reference to the need for immigrants to "respect the fundamental norms and values of the host society" has been replaced by a statement that "integration implies the need to respect the values of the Union" and in the explanation of this in the annex there is a more inclusive recognition that all residents in the Union must adapt and adhere to its values. Third, there is recognition of the need for a more targeted and nuanced approach in integration policy that allows for different approaches to different groups. In their preamble to the CBPs, the Council recognises that integration policies may target diverse audiences from "temporary workers to permanent residents and to the children of immigrants; from individuals who wait to be admitted to those who are already residing; from immigrants who have acquired citizenship to long-established third-country nationals; and from highly skilled refugees to individuals who have yet to acquire the most elementary skills".[35] Fourth, there is recognition that the targets of integration policies may include citizens and those in the second generation. While the CBPs, in their move away from references to TCNs to using the word "immigrants", imply an endorsement of this broader approach at other points (principle 8), they continue to juxtapose immigrants to EU citizens. There is therefore both the need and potential for greater elaboration on the groups that come within the scope of integration policy and the ways in which their needs differ.

Weaknesses in the text remain. As Professor Marco Martinello notes, despite these positive developments the CBPs continue to see only immigrants as needing support with integration. He suggests a more general approach to building a better integrated and cohesive society and supports defining integration in terms of "fair participation" in the social, economic, cultural and political spheres of European societies. For him the "most problematic" principles are nos. 7 and 8:

> Principle 7 refers only marginally to anti-discrimination policies. It should be emphasized on existing legal framework. It does not either acknowledge that urban ethnic enclaves could also favor integration and provides room for ethnic

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[35] Justice and Home Affairs, 2,618[th] Council Meeting, Council Conclusions, preamble to CBP para. 6.

entrepreneurship, social cohesion and social mobility. It only describes the "poor urban areas" as dysfunctional for immigrants. As for Principle 8, again the mention of "national and European values" is highly debatable. Rights or legislation must be obeyed, but it is debatable to express the will to impose the respect of indefinite values. Especially, the reference to "*the rights and equality of women and the freedom to practice or not practice a particular religion*" as well as the mention of possible "*legal coercive measures*" should be rephrased in terms of rights and obligations, not in terms of values.[36]

This should also be understood in the context of integration and nationality tests being developed in some EU states, which appear to be directed at excluding Muslims. The most notorious example of this are the Gesprächsleitfaden (Interview Guidelines) for examining citizenship applicants produced by the German government of Baden-Württemburg. The questions were only asked of applicants from 57 countries, all of which had a predominantly Muslim population. The questions suggested a view of Islam as prescribing or condoning arranged marriage, patriarchy, homophobia, veiling and terrorism; their discriminatory edge consists of "interpreting [...] the liberal-democratic order primarily in opposition to the presumed values of a specific group", as a legal evaluation of the Gesprächsleitfaden for the city of Heidelberg put it. In other words, such "liberalism" is nothing but a device for excluding a specific group: Muslims.[37]

Criticism could also be made of Principle 4 which refers to the importance to integration of understanding the host society's language, history and institutions, without any corresponding recognition of a need to ensure an understanding of the contribution of diverse ethnic, religious and cultural groups to the development of modern European society among all residents in the Union. This may be particularly important for ensuring that there is greater awareness about the contribution that Muslims and other minorities have made to the economic, social and cultural development of European societies.

Such criticism may have influenced the Conclusions to the 2007 Council meeting in Luxembourg, which stated that integration was a "dynamic two-way process involving both immigrants and the host society, with responsibilities for both sides". In an important shift in emphasis the Conclusions argue that "one of the major challenges to the achievement of successful integration policies and long-term social cohesion" is to involve host societies in this process. Furthermore, the Conclusions emphasise that "all individuals" as well as state institutions, political parties, media, businesses and civil society "must assume responsibility in this integration process". Finally, the Council frames the role of values with greater neutrality: an "agreed value system" is needed to

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[36] M. Martinello, *Towards a coherent approach to immigrant integration policy(ies) in the European Union*, 2008, available at www.oecd.org/dataoecd/42/58/38295165.pdf (accessed November 2009).

[37] C. Joppe, "Beyond Nationals Models: Civic Integration Policies for Immigrants in Western Europe", *Western European Politics* 30(1), 2007, p. 15.

underpin the integration process.[38] The Commission's Third Annual Report on Migration and Integration recognises that most national integration strategies are directed at immigrants, and that there was a lack of "initiatives targeting the host population to reinforce its ability to adjust to diversity".[39] The European Pact on Migration and Integration, endorsed by the European Council in 2008, appears, however, to signal a shift back to more divisive language. It makes reference to the need for a balance between migrants' rights and responsibilities, identifying the latter to have "compliance with the host country's laws". Furthermore, these duties "will stress respect for the identities of the Member States and the European Union and for their fundamental values, such as human rights, freedom of opinion, democracy, tolerance, equality between men and women, and the compulsory schooling of children".[40]

Despite its shortcomings, the CBPs provide an important framework for the development of integration initiatives at the national and local level in Europe. The CBPs were also put into an "operational framework" in 2005 through the Communication for a Common Agenda for Integration. The Council's Conclusions adopting the CBPs make it clear that their role is "to assist Member States in formulating integration policies" by providing "basic principles against which they can judge and assess their efforts". The CBPs could be used by Member States to "set priorities and further develop their own measurable goals". Responsibility remained with each Member State "to determine whether these principles assist them in formulation of policies for other target groups for integration".[41]

For the CBPs to operate as a general framework for the development of integration policy across Europe they need to be "embraced, interpreted and owned by local communities, especially in cities and large urban communities".[42] Eurocities, an organisation of 130 cities across Europe, suggests that greater ownership of the CBPs by local city practitioners and policymakers could be better fostered if the Commission were to develop a consultation framework with large cities and their associations. They

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[38] Conclusions of the Council and the Representatives of the Governments of the Member States on the strengthening of integration policies in the European Union by promoting unity in diversity, 2807th JUSTICE and HOME AFFAIRS Council meeting Luxembourg, 12 and 13 June 2007, para 2, available at
http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/94643.pdf (accessed November 2009).

[39] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, *Third Annual Report On Migration And Integration*, Brussels, 11 September 2007, COM(2007) 512 final, available at http://ec.europa.eu/justice_home/fsj/immigration/docs/com_2007_512_en.pdf (accessed November 2009).

[40] Council of the European Union, *European Pact on Immigration and Asylum*, 24 September 2008, 13440/08.

[41] Justice and Home Affairs, 2618th Council Meeting, Council Conclusions, preamble to CBP.

[42] European Policy Centre, *An assessment of the CPB on integration the way forward*, 2005.

support the creation of "a sectoral dialogue in the field of integration, under the umbrella of the Territorial Dialogue between the Commission and European and national associations of Local and Regional Authorities".[43] The Commission's approach to developing and embedding the CBPs is through the creation of instruments that support greater sharing of experiences and best practice in the area of integration.

Sharing Experiences and Best Practice

The Thessaloniki European Council Conclusions in June 2003 already supported the exchange of information and best practice between Member States through the publication of integration handbooks. The first volume of the integration handbooks published in 2004 looks at practices in relation to newly arrived migrants, refugees, civic participation and indicators; the second volume, published in 2007, looks at mainstreaming integration, housing, economic integration and integration structures. The third volume will examine immigrant youth, education and the labour market; citizenship; public awareness and empowerment; dialogue platforms and coordination mechanisms.

Another mechanism for the exchange of information and best practices is the National Contact Points (NCPs) on integration[44] The NCPs provide a forum for the exchange of information and best practice between Member States at EU level. Eurocities has argued for a more structured approach to the transfer of knowledge from the local policymakers to the NCPs; through the creation of reference groups around each NCP, which would consist of representatives of local and regional authorities, including cities, social partners and relevant NGOs.[45]

European Integration Website

While the NCPs allow the exchange of information and best practice by governmental policymakers, a more open forum of information exchange by practitioners is the European Website on Integration,[46] which aims to facilitate the exchange of best practice among integration practitioners. It is directed at national, regional and local authorities, civil-society organisations and local practitioners.

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[43] Eurocities, *Response to the Communication on a Common Agenda for Integration*, 2006, available at http://www.eurocities.eu/uploads/load.php?file=EC_Response_integration-ADOS.pdf (accessed November 2009, hereafter, Eurocities, *Response to the Communication on a Common Agenda for Integration*).

[44] The network of National Contact Points on integration was set up by the Commission as a follow-up to the Justice and Home Affairs Council conclusions of October 2002 and endorsed by the Thessaloniki European Council conclusions in June 2003.

[45] Eurocities, *Response to the Communication on a Common Agenda for Integration.*

[46] The European Website on Integration home page is http://ec.europa.eu/ewsi/en/index.cfm (accessed November 2009).

Alongside the website, greater participation in policy discussions with civil society is to take place through the mechanism of the European Integration Forum. This was launched in 2009. The purpose of the forum is to provide a voice for representatives of civil society on integration issues, in particular relating to the EU agenda on integration, and for the Commission to take a proactive role in such discussions. This, it is suggested, "will allow the European institutions to promote a comprehensive approach to integration, involving stakeholders at all levels".[47] However, effective civil-society participation requires developing the capacity of NGOs and other civil-society organisations to participate in European policy discussions.[48]

The European Integration Fund

The Commission's financial instruments for supporting integration, the Preparatory Action for Integration of Third Country Nationals and the European Integration Fund, are focused on supporting TCNs in fulfilling conditions of residence and their integration into European societies. The fund is targeted at exclusively at relevant TCNs. Refugees do not come within its scope. Action on the integration of refugees comes within the ambit of a separate European Refugee Fund. And TCNs who are undocumented migrants are also excluded. In the experience of Eurocities' members, the strict focus of the European Integration Fund on TCNs is problematic: "given that it cannot be combined with other EU funding instruments (e.g. in the field of social inclusion), it does not allow for measures to be adapted to the specific profiles of a particular migrant group, thereby preventing local authorities from providing adequate support".[49]

The current fund for the period 2007–2013 stands at €825 million. Of this, €768 million will be distributed among Member States on the basis of objective criteria of the number of legally resident TCNs. The remaining 7 per cent (€57 million) is reserved for Community actions. The Fund has identified three overarching priorities for 2009. These are to:

- gather public and migrant perceptions and develop a more comprehensive understanding of the integration processes;

- promote integration measures targeting the youthful population and addressing specific gender issues;

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[47] European Integration Forum Factsheet, available at
http://www.europeanintegration.eu/files/Integration-Forum-Fact%20sheet-EN-web.pdf (accessed November 2009).

[48] Eurocities (2009) *From Hague to Stockholm: Eurocities Analysis of the European Framework on Immigration, Asylum and Integration,*

[49] Eurocities, *Eurocities' Analysis of the European Framework on Immigration, Asylum and Integration.*

- promote the role of civil-society organisations and the local authorities in shaping integration strategies.[50]

Within this, more specific aims include: promoting the knowledge and understanding of contributions that migrants make to European societies and the benefits of legal migration; improving the capacity of public institutions to adjust to migration-related diversity; removing structural barriers against the empowerment of immigrants and strengthening intercultural competences; promoting respect for diversity in the educational environment and support for teachers and parents.

2.2.2 Discrimination

Effective action in addressing discrimination was identified in the Tampere Council Conclusions as the second element of an effective integration policy. Article 13 of the EC Treaty (now article 19 TFEU), as introduced by the Treaty of Amsterdam, provides a legal basis for the Council to take appropriate action to combat discrimination on "sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation". In 2000 the EU adopted two Directives on discrimination. The Directives recognise that discrimination undermines the achievement of the objectives of the EC Treaty, including the attainment of economic and social cohesion and solidarity.[51]

The first Directive prohibits discrimination on the grounds of race or ethnic origin in employment, education, housing, social protection, and access to goods and services (the Race Directive).[52] The Directive, however, does not cover discrimination on the grounds of nationality. Furthermore, conditions relating to the entry and residence of TCNs are outside its scope. Racial discrimination is said to undermine the Union's goal of creating "an area of freedom, security and justice" and "to ensure the development of democratic and tolerant societies which allow the participation of all persons irrespective of racial or ethnic origin".[53]

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[50] Annual work programme 2009 of the Community actions of the European Fund for the Integration of third-country nationals, available at
http://ec.europa.eu/justice_home/funding/integration/docs/awp_integration_2009_en.pdf
(accessed November 2009).

[51] Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, *Official Journal of the European Communities, L 180, 19 July 2000,* art. 9 (hereafter, Race Equality Directive); Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, *Official Journal of the European Communities,* L 303/16, 2 December 2000 (hereafter, Employment Directive), recital 11.

[52] Directive 2000/43/EC OJ L 180/22, 19.7.2000.

[53] Race Equality Directive, art. 12. See M. Bell, "Beyond European Labour Law? Reflections on the EU Racial Equality Directive" in *European Law Journal* 8, 2002, at p. 387 suggests that the Directive marks a "shift towards a broader conception of European social law".

The second Directive covers discrimination on the grounds of "religion and belief, disability, age or sexual orientation", but is limited in scope to covering discrimination in employment (the Employment Directive).[54] The Council proposed a new Directive on implementing the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation in 2008.[55] If adopted, this would extend the protection from discrimination on the grounds of religion and belief, to social protection (including social security and health care), social advantages, education, as well as access to and supply of goods and services, such as housing and transport.

These Directives lie at the core of the protection that European law offers Muslims in addressing the discrimination they experience. While Article 13 is framed in terms of combating discrimination, several aspects of the Race and Framework Directive appear to entail more substantive equality.[56] Firstly, there is the reference to "equal treatment" in the title of the Directives. Furthermore, they link positive action more clearly to the goal of "ensuring full equality in practice".[57] Both Directives require Member States to prohibit both direct and indirect discrimination.[58] They also deem instructions to discriminate[59] and harassment to be forms of discrimination. The inclusion of indirect discrimination is particularly important as this covers situations which arise where an "apparently neutral provision, criterion or practice would put a person having a particular religion or belief […] at a particular disadvantage compared with other persons". Indirect discrimination has been identified as the "primary legal tool" for tackling structural inequality.[60] However, the potential for achieving structural change is circumscribed as a criterion, provision or practice that has a disparate impact on those within the protected group remains open to being "objectively justified" if the

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[54] Employment Directive.

[55] Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, COM(2008) 426 final.

[56] The term 'substantive equality' is used here to distinguish it from 'formal equality', that is equality as consistency of treatment. The term remains ambiguous, as it encompasses different conceptions of substantive equality, including equality of result and equality of opportunity. See generally: S. Fredman, *Discrimination Law*, Oxford, Oxford University Press, 2002. For discussion of Fredman's conceptions of equality see also H. Collins, "Discrimination, Equality and Social Inclusion", *Modern Law Review* 66:16, 2003, Bamforth, N., "Conceptions of Anti-Discrimination Law", *Oxford Journal of Legal Studies* 24(4), 2004 and Holmes, E., "Anti-Discrimination Rights Without Equality", *Modern Law Review* 68(2), 2005.

[57] Race Directive, Article 5; Framework Directive, Article 7. See Perchal, "Equality of Treatment, Non-Discrimination and Social Policy: Achievements in Three Themes", *Common Market Law Review* 41, p. 533, 2004.

[58] Race Directive, Article 2(2)(a); Framework Directive, Article 2(2)(a).

[59] Race Directive, Article 2(4); Framework Directive, Article 2(4).

[60] T.K. Hervey, "Thirty Years of EU Sex Equality Law: Looking Backwards, Looking Forwards", *Maastricht Journal of European and Comparative Law* 12(4), p. 311.

measure is in pursuit of a legitimate aim and the means of achieving that aim are appropriate and necessary.

The Framework Directive's potential to provide the catalyst for deeper structural changes is further limited by its focus on addressing individual instances of discrimination. There is a limit to how far the individualised discrimination model adopted by the EU Directives can go in achieving substantive equality. First, it is reliant on the individual to bring an action. It therefore places excessive strain on the individual in terms of resources and personal energy. Second, victim-initiated litigation means that the court's intervention is random and *ad hoc*. The remedy is limited to the individual; it does not create an obligation to change the institutional structure that gives rise to the discrimination. Third, the basis in individual fault means that there must be a proven perpetrator. But discrimination that arises from institutional arrangements is not the result of the fault of any one person. Finally, this approach is adversarial and so instead of viewing equality as a common goal to be achieved co-operatively, it "becomes a site of conflict and resistance".[61]

An alternative to the individualised approach of the Directives is a proactive model for equality. This can be found for example in the UK, where there is a legal duty on public bodies to promote equality and tackle discrimination.[62] This places the initiative of addressing discrimination on employers and public authorities, institutions and organisations, rather than the individuals facing disadvantage. They are tasked with taking action because they have the power and capacity to do so, not because they are responsible for the discrimination. It ensures that change is systematic rather than random and *ad hoc*. Action for change does not require the finding of fault or the naming of a perpetrator. The right to equality is available to all, not just those able to complain. Finally, this approach provides for the role of civil society in setting and enforcing norms.[63]

EU competence on the promotion of equality is only explicitly referred to in relation to gender equality.[64] The need to focus on tackling discrimination is boosted by the provision of Article 10 TFEU that: "in defining and implementing the policies and activities referred to in this Part, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation".

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[61] S. Fredman, "Changing the Norm: Positive Duties in Equal Treatment Legislation", *Maastricht Journal of European and Comparative Law* 12(4), 2005, at pp. 372–373 (hereafter, Fredman, "Changing the Norm").

[62] Race Relations (Amendment) Act 1998 and Equality Act 2003.

[63] Fredman, "Changing the Norm", p. 373.

[64] TFEU, article 8.

2.2.3 Employment and social inclusion

The social and economic position of Muslims in Europe means that they should benefit from policies aimed at tackling social exclusion and disadvantage, particularly in accessing the labour market. Action on social inclusion is largely the responsibility of DG Employment, Social Affairs and Equal Opportunities. Action in this area does not address Muslims but does refer to TCNs and ethnic minorities as a vulnerable or disadvantaged group. For example, there is recognition that risk factors associated with poverty and social exclusion include "immigration, ethnicity, racism and discrimination".[65]

The Amsterdam Treaty allowed for the development of a European Employment Strategy (EES), to be implemented through agreed guidelines and national action plans. The EES is closely tied to the Lisbon Strategy, which set the goal of making the EU the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion. It calls for a 70 per cent employment rate by 2010 for the overall population as well as rates for special groups, such as women (60 per cent) and the elderly (50 per cent). The Joint Report on Social Inclusion recognises that "immigrants and ethnic minorities" are among the three groups that face particular vulnerability in accessing the labour market.[66] The specific needs of migrants and ethnic minorities have been a consistent feature of the Commission's Joint Employment Reports.[67]

The employment guidelines of the re-launched Lisbon Strategy make reference to the need for an inclusive labour market for job seekers and disadvantaged people. The measures identified for this include "early identification of needs, job search assistance, guidance and training as part of personalised action plans, provision of necessary social services to support the inclusion of those furthest away from the labour market and contribute to the eradication of poverty". The absence of an explicit reference to ethnic

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[65] Directorate General for Employment and Social Affairs, *Joint Report on Social Inclusion,* 2004, p. 32, available at http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/final_joint_inclusion_report_2003_en.pdf (accessed November 2009, hereafter *Joint Report on Social Inclusion*). The other factors identified are "long-term dependence on low/inadequate income, long-term unemployment, low quality or absence of employment record, low level of education and training and illiteracy, growing up in a vulnerable family, disability, health problems and difficult living conditions, living in an area of multiple disadvantage, housing problems and homelessness".

[66] *Joint Report on Social Inclusion,* p. 33. The other two groups are older male and female workers whose skills became redundant, and young men and women in the 16–25 age group without formal competencies.

[67] See Mary-Anne Kate and Jan Niessen, *Guide to Locating Migration Policy in the European Commission (2nd Edition)*, Migration Policy Group (MPG) and the European Programme for Integration and Migration of the European Network of European Foundations (EPIM), 2008, available at: http://www.migpolgroup.com/public/docs/137.GuidetoLocatingMigrationPoliciesin theECII_31.10.08.pdf (accessed November 2009).

minorities in the guidelines has led to criticism that "ethnic minorities are simply not taken into account in the pursuit of economic growth".[68] However, the Council decision adopting the Guidelines notes the need for "particular attention [...] to significantly reducing employment gaps for people at a disadvantage, including [...] between third-country nationals and EU citizens". It also makes clear that "combating discrimination [...] and integrating immigrants and minorities are particularly essential".[69] The 2005 Joint Report on Social Inclusion urged Member States to give priority to "overcoming discrimination and increasing the integration of [...] ethnic minorities and immigrants" in developing national action plans.[70]

Migrants have been an important focus of the EU's Social Inclusion Strategy and the Open Method of Coordination on Social Protection and Social Inclusion. The Renewed Social Agenda includes a commitment to the economic and social inclusion of migrants and includes €1.2 billion to support migrants' participation in the labour market and socially. Unlike the European Integration Fund, the money here is not restricted to TCNs. Financial support for initiatives addressing social exclusion is available from the European Social Fund, one of the EU's four Structural Funds set up to promote economic and social cohesion. The fund identifies "reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people" among one its four key areas for action. Support for projects supporting migrant and ethnic-minority participation in the labour market was also made available through the EQUAL initiatives which funded Development Partnerships (DPs) designed to facilitate immigrant integration largely through employment. The "Programme for Employment and Social Solidarity (PROGRESS)" also provides financial support for analysis to improve social policy and for exchanges of information and good practice.

2.2.4 Education

Education remains largely a matter within the competence of Member States. The focus of EU action in this area is on supporting the development of policy and exchange of good practice. The 2005 Communication, "A Common Agenda for Integration", recognises the importance of education for the integration of migrants and the children of migrants. In 2008 the EU published a Green Paper on migration and education. Among the issues that it addresses is how to prevent the creation of segregated school settings, so as to improve equity in education, and how to accommodate the increased diversity of mother tongues and cultural perspectives and

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[68] T. H. Malloy, *The Lisbon Strategy and Ethnic Minorities: Rights and Economic Growth*, European Centre for Minority Issues, Flensburg, 2005.

[69] Council Decision of 12 July 2005 on Guidelines for the employment policies of the Member States (2005/600/EC), *Official Journal of the European Union*, L 205/25, 6 August 2005.

[70] *Joint Report on Social Protection and Inclusion,* p. 10.

build intercultural skills. It also asks what role the EU can play in helping to adapt teaching skills and build bridges with migrant families and communities.[71]

The Strategic Framework for European Cooperation in Education and Training identifies four key objectives for EU education policy for 2020. They include "promoting equity, social cohesion and active citizenship". The Framework provides that "Education and training systems should aim to ensure that all learners – including those from disadvantaged backgrounds, those with special needs and migrants – complete their education, including, where appropriate, through second chance education and the provision of more personalised learning". Furthermore, education should "promote intercultural competences, democratic values and respect for fundamental rights and the environment, as well as combat all forms of discrimination, equipping all young people to interact positively with their peers from diverse backgrounds".[72]

The European Social Fund can be used to for action to increase access and participation of groups at risk of exclusion, specifically immigrants and ethnic minorities, in compulsory, higher and adult education. Furthermore, the "Comenius" programme aims to promote understanding of cultural diversity among teachers. It covers training courses for teachers, as well as the exchange for information and best practice. The priorities of the current Comenius programme include teaching diverse groups of pupils and early and pre-primary learning.

2.2.5 Intercultural dialogue

The development of the EU agenda on intercultural dialogue also comes within the responsibility of DG Education and Culture. This relatively new area of EU activity has developed significantly with the adoption of 2008 as the Year of Intercultural Dialogue. According to the Decision of the European Parliament and the Council concerning the European Year of Intercultural Dialogue (2008), intercultural dialogue is crucial to "strengthen respect for cultural diversity and deal with the complex reality in our societies and the coexistence of different cultural identities and beliefs". Furthermore, "it is important to highlight the contribution of different cultures to the Member States' heritage and way of life and to recognise that culture and intercultural dialogue are essential for learning to live together in harmony."[73] Support for intercultural dialogue is located in the wider EU Culture programme for 2007–2013 entitled "Crossing Borders – Connecting Cultures". The aim of the programme is to

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[71] Commission of the European Communities, Green Paper *Migration & mobility: challenges and opportunities for EU education systems,* COM(2008) 423 final, Brussels, 3 July 2008, available at http://ec.europa.eu/education/school21/com423_en.pdf (accessed November 2009).

[72] Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training ('ET 2020') (2009/C 119/02).

[73] Decision No. 1983/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the European Year of Intercultural Dialogue (2008).

"contribute to the emergence of a European citizenship through the promotion of cultural co-operation in Europe, by bringing to the fore the cultural area Europeans have in common, with its shared heritage and rich cultural diversity".

Developing the use of intercultural dialogue as a tool for integration was considered by the EU Ministerial Meeting on integration in Potsdam in May 2007. The subsequent Justice and Home Affairs Council in June 2007 in its Conclusions called on States to "begin a regular exchange [...] on their experience in the field of intercultural dialogue as an instrument for fostering the successful integration of citizens of different origin, culture and religion in Europe". It called for a report looking into establishing "a flexible procedure capable of reacting to intercultural problems or conflicts with a potential cross-border dimension".[74] It also recommended that one of the three meetings of the NCPs on integration be dedicated to intercultural dialogue.

2.2.6 Urban policy

The areas with large Muslim populations are often areas that experience high levels of deprivation and are therefore likely to be the focus of EU policies coming within the ambit of DG Regional Policy. Its policies focus on deprived areas and recognise the need to focus attention on particular disadvantaged groups, including ethnic-minority groups. Its Communication on Cohesion Policy and Cities, for example, provides guidelines on action that cities should take in addressing cohesion. In respect of access to services, the guidelines recognise that "certain groups may need help in accessing healthcare and social services". This includes "immigrant and disadvantaged populations" who may "face barriers in accessing [...] services". The guidelines recommend "increased participation of persons with different backgrounds and of different ages, in the planning and delivery of these services", as needed to prevent discrimination and ensure that services take account of cultural barriers.[75] On improving employability by raising levels of educational achievement and training, the guidelines note that "cities can target support at those groups which disproportionately suffer disadvantages in the labour market (e.g. early school leavers, low-skilled young people, older workers and certain groups of immigrants and ethnic minorities)".[76]

DG Regional policy supports the exchange of information and best practice through several mechanisms, including an urban action programme, URBACT, the European network Cities for Local Integration Policy (CLIP) and Integrating Cities. Priorities for the current URBACT programme include developing "attractive and cohesion cities". The CLIP network brings together city practitioners, and through common

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[74] Conclusions of Justice and Home Affairs Council 12/13 June 2007, Conclusion 10.

[75] Communication from the Commission to the Council and Parliament, (2006) *Cohesion Policy and cities: the urban contribution to growth and jobs in the regions*, COM(2006) 385 final (hereafter, Communication on Cohesion Policy and Cities).

[76] Communication on Cohesion Policy and Cities.

methodology explores with them how they address particular issues relating to integration. Previous CLIP reports have covered equal opportunities in employment and housing. While CLIP focuses on learning across cities, the Integrating Cities programme aims to increase communication and dialogue between, local, national and European practitioners. The range of issues that it has covered include: housing; implementation of the CBPs; migrant entrepreneurs; supporting migrant children; and catering for multicultural dietary requirements in public services.

2.2.7 EU Charter of Fundamental Rights

The Charter of Fundamental Rights was first proclaimed in 2000. While the Charter exists separately from the EU treaties, the Lisbon Treaty amends article 6 TEU, and provides that the Charter has the same legal value as the other EU treaties. The Charter contains 54 articles grouped into seven chapters: dignity, freedoms, equality, solidarity, citizens' rights, justice and general provisions. With the exception of chapter five (citizens' rights), the Charter applies to all individuals in the EU irrespective of nationality. The rights in the Charter apply to both the actions of the European institutions and to Member States when they are acting to give effect to EC law. The Charter does not extend the competences of the EU but instead provides a framework to protect individual rights within the Union and its Member States in those areas where the EU has competence. Of particular relevance in the context of social inclusion and integration of Muslims is the Charter's prohibition of discrimination, including discrimination on the grounds of religion and race (article 21). Furthermore, article 10 recognises the right to "freedom of thought, conscience and religion", which includes the right "to manifest religion or belief, in worship, teaching, practice and observance". This is further reinforced by article 22, which places an obligation on the Union to "respect cultural, religious and linguistic diversity". However, article 53 allows for restrictions on the exercise of rights and freedoms in the Charter, where a restriction is "necessary and genuinely meet[s] objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others".

2.2.8 Counter terrorism

As well as in integration, DG Justice, Liberty and Security (DG JLS) has taken responsibility in the area of policing and security, including counter terrorism. The initial focus of EU action was in developing judicial and police cooperation. Measures adopted included the creation of the "European Arrest Warrant"[77] and the "Framework Decision on Combating Terrorism"[78] and measures to combat terrorist funding and enhance transport safety.

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[77] Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA).

[78] Council Framework Decision 2002/475/JHA of 13 June 2002 on Combating Terrorism.

Following the terrorist attacks in Madrid in 2004 the European Council adopted the Declaration on Combating Terrorism and created a European "Counterterrorism Coordinator" (CTC).[79]

The Declaration set out seven strategic objectives and called on the EU to develop an action plan to combat terrorism. Strategic objectives six called on the Action Plan "to address the factors which contribute to support for, and recruitment into, terrorism". Measures identified as falling within this included: the identification of factors which contribute to recruitment to terrorism; investigating the links between extreme religious or political beliefs, as well as socio-economic and other factors, and support for terrorism; and developing and implementing a strategy to promote cross-cultural and inter-religious understanding between Europe and the Islamic World.

The involvement of European-born Muslims in the attacks that took place in London in 2005 contributed to an increased focus on preventing radicalisation and terrorist recruitment within Europe. In September 2005 the Commission published a Communication on addressing the factors contributing to violent radicalisation. This noted that the "main threat currently comes from terrorism that is underlined by an abusive interpretation of Islam". The Communication notes that a European Strategy on violent radicalisation would include a focus on employment, social exclusion and integration issues, equal opportunities and non-discrimination and inter-cultural dialogue as well as broadcast media, the internet, education and youth engagement. The Communication goes on to argue that the failure to integrate provides "fertile ground for violent radicalisation to develop". Furthermore, "alienation from both the country of origin and the host country can make it more likely for a person to look for a sense of identity and belonging elsewhere such as in a powerful extremist ideology".

The June 2009 report of the Counter Terrorism Coordinator notes that a Radicalisation and Recruitment Action Plan – Implementation Plan has been drafted. It proposes action in six areas, including mapping the current situation across EU Member States on Imam training to be led by Spain, and work on the role of local authorities in preventing radicalisation led by the Netherlands. Sweden is taking the lead on examining the role of police officers in recognising and countering radicalization, which will focus on the key role of community policing.

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[79] Declaration on Combating Terrorism, Brussels, 24 March 2004
       http://www.consilium.europa.eu/uedocs/cmsUpload/DECL-25.3.pdf