

# COMPARATIVE POLICY BRIEF

## The Role of Local Authorities in the Policies of Exclusion

Policy orientation from ACCEPT Pluralism, an EU funded research project investigating tolerance in European societies. This policy brief compares national and local policies in four EU Member States: Bulgaria, Ireland, Italy and the Netherlands.

On-going project

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### INTRODUCTION

**Europe's ability to accommodate religious and ethnic diversity is being questioned.**

Over the past twelve years, tension between Europe's national majorities and minorities (migrant or native) has been growing. European countries have become increasingly sceptical about their ability to accommodate religious and ethnic diversity. This scepticism has been fuelled by the terrorist attacks in the United States (2001), Spain (2004) and Great Britain (2005), and outbreaks of urban violence in France (2005) and Great Britain (2011). The situation has been exacerbated both by the economic crisis and by anxiety related to globalisation. Such developments have conspired to erode trust in cosmopolitan perspectives in general and the European model in particular.

**Neo-assimilationist policies are gaining popularity.**

In policy terms, there has been a tendency to adopt a 'neo-assimilationist' approach, one that emphasizes national culture and values. Accordingly, the political programs of several mainstream parties are now focused on issues of legitimate belonging, national citizenship and physical and symbolic borders. Moreover, several new political groups (generally regarded as 'populist') have emerged, gaining broad support for their defence of national identity and their opposition to minorities, particularly immigrants.

In many cases, resurgent nationalism is finding expression in a more restrictive approach by national governments. Operating at various institutional levels, such governments have introduced or reinforced rigid policies towards immigrants and minorities. These 'policies of exclusion' have three principal aims: first, the cultural assimilation of migrants and minorities which occurs also through the control and repression of religious symbols and practices, especially those associated with Islam; secondly, the strengthening of measures aimed at guaranteeing security; and third, the representation of migrants and/or minorities as 'illegitimate' users of social services.

**Measures are required to assure minority rights are protected.**

With policies of exclusion posing institutional obstacles to the rights of minorities and migrant residents, additional measures are needed to assure these rights are protected. Specifically, policymakers should consider making Equality bodies in EU Member States fully independent and clear the way for local and regional offices of these bodies to be created. Furthermore, relevant civil society actors should be supported and anti-discriminatory media campaigns should be improved.

## KEY OBSERVATIONS

*The following observations are drawn from Bulgaria, Ireland, Italy and the Netherlands. These countries serve to illustrate how neo-assimilationist and resurgent nationalist tendencies are expressed institutionally and **demonstrate the decisive role played by local actors in advancing or countering exclusionary policies.***

### National Contexts

#### Bulgaria

Largely unaffected by international immigration, Bulgaria has an important historical minority of Turks who are concentrated in the southeast of the country. Bulgarian Turks differ from the national majority in terms of culture, ethnic origin and religion (they are Muslims).

**Bulgaria has toughened its approach towards its Turkish (Muslim) minority.**

In the last 15 years the approach of the government towards Bulgarian Turks has hardened. Openly stating its unwillingness to accept minorities or to grant them full rights, the Bulgarian government introduced a regulation restricting the voting rights of the Turkish minority who have dual Bulgarian and Turkish citizenship. The new Election Code introduced in 2011 limits the voting rights of citizens with dual citizenship, introducing a six-month residence requirement in order to vote in local elections.

Although the Code introduced numerous positive changes and brought some much needed clarity and order into the previously fragmented and confusing electoral legislation, it is highly controversial and has drawn criticism from international institutions, Bulgarian human rights groups, civic organisations and some political actors.

#### Ireland

**Despite its largely inclusive approach, Ireland is not immune to intolerance toward minorities.**

The most inclusive among the four countries, Ireland appears to take a liberal approach at national level. It allows EU and non-EU citizens who are resident in the country to vote in local elections. Non-citizens can work in the public service sector and they are eligible for naturalization after 5 years of residence. However, this open-minded attitude contrasts with instances of intolerance and racist discourses that have emerged in the last few years, particularly towards Africans.

#### Italy

**Naturalization laws and voting rights in Italy are highly restrictive.**

An important new country of immigration, Italy has a very restrictive citizenship law. 10 years of residence are required before one can apply for naturalization. Moreover, Italy does not grant voting rights to non-European citizens.

Dutch migration policy is now among the strictest in Europe

## The Netherlands

Previously regarded as one of Europe's most tolerant countries, the Netherlands has changed its approach during the last decade. Demands to restrict immigration (especially of asylum seekers) have increased, and Dutch migration policy now has gained a reputation as one of the strictest in Europe.

Dutch regulation of asylum seekers has been tightened to distinguish between those 'true' refugees (the minority) who are granted residential permits on humanitarian grounds and those (the majority) who have no right to live in the country because they are irregular or rejected asylum seekers. This controversial policy move has led to the expulsion of asylum seekers, some of whom had resided in the country for more than ten years. The expulsions have provoked heated public and political debates.

Populist parties have gained support by promoting neo-assimilationist policies.

## Populist Parties and Movements

At national level, neo-assimilationist tendencies are supported by populist parties in all countries examined except Ireland. These parties have gained broad consensus for their nationalism and their attempt to defend the rights of natives rather than those of minorities. In **Italy**, the party in question is the Northern League. In **Bulgaria** there are two such parties: the GERB (Citizens for European Development of Bulgaria) and the extreme nationalist party Attack. And in the **Netherlands** the neo-assimilationist populist strain is represented by the Freedom Party. Each of these parties has expanded its influence and popular support with similar programs. They all argue for tighter immigration laws, tougher public security measures, the closure of national boundaries and steps to combat irregular flows of migrants. They also promote several restrictions within the national boundaries to limit the cultural and religious pluralism (e.g. the obligation to learn the language and cultural traits of the receiving country). Again, the only exception is **Ireland**, a country that has no neo-assimilationist populist party as such but is home to anti-immigrant social movements, such as the Immigration Control Platform.

Local policies can deviate significantly from national policies.

## Local Responses

In response to restrictions introduced or reinforced at national level, local contexts react in different ways. Local policies generally have a significant degree of autonomy and often seek to compensate for the limitations and shortcomings of national policies.

In the Netherlands some aldermen and mayors of the Green Party protested against the restrictive national policies, showing a more inclusive approach. In Northern Italy, meanwhile, several mayors of the Northern League Party (and some of other centre right parties, as the People for Liberties Party – Popolo della libertà) adopted more restrictive policies than the national level. The same occurred in Ireland, where the Garda Reserve (a voluntary unpaid body drawn from the local community to augment public services) did not accommodate the request of a Sikh man to wear his turban

**Intolerance in Bulgaria is anchored in national and local institutions.**

at work, thereby resisting the more inclusive national approach and legislation. The discrepancy between national and local policies is less evident in the case of Bulgaria, where the restrictive policies enacted at national level are sustained at local level.

### **Bulgaria**

Restrictive national policies towards the Bulgarian Turkish minority gained popularity at local level for two main reasons. Firstly, there is widespread resentment in Bulgaria towards the Movement for Rights and Freedoms (MRF), a party accused of exploiting 'election tourism' (taking advantage of dual citizenship rights). While many Turks and Muslim Bulgarians regard the MRF as their legitimate political representative, resentment over the MRF has produced a negative attitude towards Bulgarian Turks in general. Secondly, the perception of Bulgarian Turks as aliens, as people who threaten the national identity, manifests itself at local level, in everyday interactions. The local level, therefore, accepts and shares the intolerant approach of the national level.

**Cases of intolerance in Ireland reveal occasional tension between national and local policies.**

### **Ireland**

A particular case in Ireland has shown that local policies can occasionally be more restrictive than national policies. Although these restrictive instances are isolated (see example below) they generally show a gap between good intentions at national level and practices at local level. Ireland's national policies are quite inclusive, compared to other European countries. The citizenship law is one of the least restrictive in Europe and in the political arena anti-immigrant parties do not exist. In contrast with this, local claims for recognition on the part of minorities have sometimes not been accommodated; instead, the approach has been that of defending the national identity and maintaining sovereignty.

The main example of this is the case of the Sikh man who applied to join the Garda (Police) Reserve in 2007. Even though minorities were invited by the Garda Reserve to apply, when the man was commissioned he was told that he would not be allowed to wear his turban. The Garda explicitly denied that the turban ban was based on race or religion, but claimed that was based on the imperative to provide an impartial police service, requiring a standard uniform. The implicit argument is that the Garda officers represent the State, i.e. the secular Irish Republic, for this reason veils or turbans are not allowed. The man refused to accept this, and did not take up his post. The issue sparked a significant media and political debate, involving journalists, politicians, NGOs and Sikh communities. The case of the Sikh man is a clear example of the difficulty of recognizing and respecting minorities' claims, beyond the declared inclusive approach. It also shows that while Ireland is inclusive in principle, it has some problems in practice.

### **Italy**

Numerous municipalities in northern Italy have gone beyond national restrictions to take a far tougher approach toward third country nationals. These localities include not only small towns

**Immigrants in northern Italy often face strict exclusionary conditions at local level.**

such as Tradate, Coccagno, Montichiari and Ospitaletto but also large cities such as Milan, Bergamo, Brescia. They have introduced stricter measures that limit immigrants' rights indirectly or directly and promote their exclusion. In most cases these local policies have been introduced with the declared intent of assuring urban safety and suppressing any behaviour considered annoying, indecent or ill mannered (e.g. begging, signposting in foreign languages and praying in rooms which are not specifically designed for this purpose).

Even though the stated purpose is to protect general interests, the policies actually favour immigrants' exclusion. They hinder migrants from accessing certain services or benefits normally accorded to residents and citizens alike. Nevertheless, the reasons for taking these steps are often well argued and can appear reasonable to the average local citizen. They play upon the interests and rights of natives, intervening in issues that affect the daily life of people and their lives in the local community: they respond to the demand for security and social order (e.g. banning the construction of mosques), they regulate access to social benefits and welfare provisions (e.g. excluding immigrants from 'bonuses for new babies'), and finally they are useful tools for defending the Italian identity, history and culture (e.g. banning the opening of kebab shops in city centres).

### **The Netherlands**

**Some local authorities in the Netherlands have opposed restrictive national policies and have mobilized in defence of immigrants.**

A good example of inclusive local policies is provided by the Netherlands. In September 2006 local aldermen and mayors of the Green Party (GroenLinks) by-passed the restrictive national guidelines about asylum seekers and irregular migrants, offering them facilities and accommodation, organizing demonstrations and writing a manifesto in favour of inclusion. These city governments were convinced that people who had lived in the Netherlands for a long time and are well integrated should not be expelled for administrative reasons. Even though the legal status of these persons may not have been regularized, their supporters feel that long-term asylum seekers whose case is eventually rejected should not be expelled to their countries of origin (which they may not remember).

Local authorities have not been alone in mobilising on behalf of asylum seekers, refugees and undocumented migrants in the Netherlands. Several NGOs have joined in contesting the asylum policy of the national government, notably VON, LOS, Amnesty International and Human Rights Watch. Several public demonstrations of support for refugees have been organized at local level, the largest of which (in November 2006) involved 5,000 people.

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## **The Role of Civil Society**

Civil society actors react to the national and/or local policies of exclusion in different ways. Factors affecting their involvement include the extent of their own power and visibility as well as structural factors.

Representing a broad range of forces, civil society actors have involved themselves in debates about exclusion in all four countries examined. Here's a brief summary:

**Churches and religious or humanistic NGOs involved with charity** are particularly active in the Netherlands (e.g. INLIA, The Humanistic Alliance) and Italy (e.g. Caritas). **NGOs involved with human rights** have participated in protests in the Netherlands (e.g. Amnesty International, Defence for Children).

**Trade unions** have protested in Italy, **the Sikh community** has been particularly active in Ireland (e.g. the London Metropolitan Police Sikh Association) and **volunteer lawyers** who joined the Pro Bono Lawyers Association (an association promoted by Caritas) have been particularly active in northern Italy, contesting the local policies of exclusion in court.

In the Netherlands and Italy **non governmental organisations led by native Dutch or Italians** are very active and operate on behalf of immigrants. They defend human rights, fight against discrimination, support vulnerable people and promote their inclusion. Some of these actors have expertise in legal issues and actively defend migrants' rights in court.

By contrast, **immigrant representatives in Ireland** intervene in the public arena. They have little power to influence the policies, but they can intervene and publicly express their opinion. The Irish Sikh Council, for example, is usually engaged in Irish public events, collaborates with several Irish institutions and acts as an advocacy group in disputes.

**Bulgarian civil society actors** show very low levels of engagement against such restrictive and intolerant national policies. In some cases they actually support such policies. The lack of action is due to many factors: misgivings about Bulgarian Turks allegedly engaging in 'election tourism', a strong sense of national identity and the perception that minorities are radically different (culturally, religiously, and ethnically). Bulgaria's civil society actors feel threatened by the diversity of minorities and react by accepting and sharing the national restrictive policies.



## RECOMMENDATIONS FOR POLICY-MAKERS

## Steps to combat institutionalized forms of exclusion

**National level**

Provide proper support for institutions charged with monitoring and preventing discrimination.

**Make equality bodies fully independent.**

The Equality Bodies set up in the EU member states based on the 2000/43/EC Directive should be fully independent. They are sometimes part of a bigger institution (e.g. ombudsman's office), or their members are elected by the national governments (e.g. in Italy UNAR is under the authority of the Presidency of the Council of Ministers). It would be better to make them more autonomous in their decision making processes and actions. Their independence from the governments should be strengthened, both in terms of staffing and finance. They should have the possibility to intervene directly (including application of sanctions) in cases of discrimination, especially when the guilty parties are public authorities.

Equality bodies usually have some sort of mandate to receive and investigate complaints about discrimination but it is not always clear to what extent they really could/should do so. Therefore, more power should be given to them, e.g. the power to engage in legal action in defence of people who have been discriminated against.

**Local level**

Create local offices of the Equality bodies

**Equality bodies need to operate at local level where policies are implemented.**

In almost all EU member states the Equality bodies work at national level. But it is important to check the activities of city governments and monitor what occurs in everyday life. So it would be useful to build local or regional bodies linked to national ones. These local offices could intervene in local contexts more directly than national ones. They should also stay in touch with their national counterparts to jointly monitor the national context.

Provide support for civil society actors and training in diversity for public officials

**Support and encourage civil society actors who defend minority and migrants' rights**

**Provide training in cultural diversity for public officials**

**Organise media information campaigns on anti-discrimination**

Civil society organisations defending minority and migrants' rights should be more numerous and active among both natives and minorities. Funding for civil society actors in this fields should be provided by the state. Media campaigns should be improved in order to inform natives about the discriminatory actions that occur in the everyday life of minorities. Public events, educational and professional training on immigration and cultural diversity issues should be organized especially for public officials (including front-desk officers but also general administration and judges). Minorities should be informed through public meetings organised by civil society and state actors and through media campaigns about the existence of equality bodies in order to ask for help when they are discriminated against.

## Steps to promote the political representation and participation of minorities

### National and local levels

Promote and institutionally recognise minority associations.

**Strengthen the capacity of of minority associations to engage in governance discourse.**

Immigrants' participation in public life should be promoted, both in their own associations and in natives' associations. Specifically, immigrants' associations should begin to interact directly with national and local institutions. Their representatives should be democratically elected and should take part in the governance of issues related to religious and ethnic diversity, both at national and local level.

These immigrant associations should promote the participation of their members in the public and political arenas. They should inform their members about immigration laws, citizenship laws and all national and international rules regarding minorities' rights. Networks and partnerships between immigrant associations and civil society actors should be strengthened, thus facilitating the spread of initiatives and the participation of immigrants.

## RESEARCH PARAMETERS

### Aims

The ACCEPT Pluralism project explores the ways tolerance is important in responding to diversity challenges across European states. One of the two focal points for empirical inquiry is the domain of politics.

The aim of the focus on 'tolerance in politics' is: (1) to investigate the meaning and practices of tolerance when it comes to issues of migrant or native minority political representation and participation; (2) to investigate what kind of cultural diversity is considered compatible with the 'secular' politics of western democracies; and (3) to investigate how the embodiment of tolerance in the norms and practices of political life relates to concepts such as multiculturalism, liberalism, respect, understanding, national heritage and national tradition.

### Methodology

The research carried out in the field of politics was aimed at analyzing the meaning and practices of tolerance in different countries by conducting qualitative case studies illustrative of cultural diversity challenges for individual countries. One set of issues concerned the policies of exclusion, i.e. **the institutional obstacles to the rights of minorities**.

The focus is on political institutions (state, parliaments, local governments or public administrations) which actively obstruct the ability of immigrants to benefit from equal rights along with the



majority: political rights (right to vote or eligibility); civil rights (right to assemble, freedom of expression, religious freedom, right to no discrimination) and social rights (right to education, healthcare and social support).

The case study in the Netherlands deals with the restrictions to the asylum policy introduced at the national level. That of Bulgaria deals with the limits which have been introduced to the voting rights of minorities (specifically of Bulgarian Turkish minorities with dual citizenship). The cases of Ireland and Italy concern the attempts to limit minorities' claims and rights through the introduction of rules (as in the case of the rule introduced by the Garda Reserve in Ireland to ban the wearing of the turban with the police uniform) or local policies (as in the various measures introduced by Italian municipalities to limit immigrants' rights and their access to social benefits).

The data material consists of media debates, parliamentary debates, policy papers, court verdicts, legislation and other relevant documents as well as qualitative interviews with people from different levels of the political and institutional system, as well as civil society actors.

### Further Readings

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## PROJECT IDENTITY

<b>Acronym</b>	<b>ACCEPT PLURALISM</b>
<b>Title</b>	<b>Tolerance, Pluralism and Social Cohesion: Responding to the Challenges of the 21st Century in Europe</b>
<b>Short Description</b>	<p>ACCEPT PLURALISM questions how much cultural diversity can be accommodated within liberal and secular democracies in Europe. The notions of tolerance, acceptance, respect and recognition are central to the project. ACCEPT PLURALISM looks at both native and immigrant minority groups.</p> <p>Through comparative, theoretical and empirical analysis the project studies individuals, groups or practices for whom tolerance is sought but which we should not tolerate; of which we disapprove but which should be tolerated; and for which we ask to go beyond toleration and achieve respect and recognition.</p> <p>In particular, we investigate when, what and who is being not tolerated / tolerated / respected in 15 European countries; why this is happening in each case; the reasons that different social actors put forward for not tolerating / tolerating / respecting specific minority groups/individuals and specific practices.</p> <p>The project analyses practices, policies and institutions, and produces key messages for policy makers with a view to making European societies more respectful towards diversity.</p>
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