

Multi-annual National Action Plan on Integration and Against Discrimination 2010 – 2014

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A word from the Minister

Over the last few years we have felt the need for a reform of the legislation regarding foreigners. Together with the Law of 23 October 2008 on Luxembourg nationality and the Law of 29 August on immigration and the free movement of persons, the Law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg aims to adapt the legal framework to the needs of an ever more diverse Luxembourg society in order to guarantee the successful integration of foreigners.

Thus, more than ever before, Luxembourg acknowledges immigration's contribution to its social, political, cultural, and economic development.

I am proud to present you with the first Action Plan on Integration and Against Discrimination 2010-2014. This coordinating tool for integration policy takes into account Luxembourg's political and legislative commitments at the national, European, and international levels.

In order to promote harmonious integration and to ensure the full participation of foreigners in the future of Luxembourg, the Action Plan proposes targeted measures that are adapted to current realities.

Its implementation will provide the means to better support all newly arrived foreigners – whether European Union citizens or third country nationals – and will aid the integration of those who have been in Luxembourg for a long time.

The successful integration of foreigners and the fight against discrimination are responsibilities that we must all share. As such, I would like to start by thanking all the people who at various levels work for the integration of foreigners and are active in the fight against discrimination.

I am counting on the support and cooperation of all the partners who will participate in the fulfilment of this first National Action Plan, and would like to assure them of my unconditional commitment to the project.

The Minister of Family and Integration,
Marie-Josée Jacobs

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Inter-ministerial Committee on Integration

- › Ministry of Foreign Affairs
- › Ministry of the Middle Classes and of Tourism
- › Ministry of Culture
- › Ministry of Economy and Foreign Trade
- › Ministry of National Education and Vocational Training
- › Ministry of Equal Opportunities
- › Ministry of Higher Education and Research
- › Ministry of Family and Integration
- › Ministry of Public Service and Administrative Reform
- › Ministry of Home Affairs and the Greater Region
- › Ministry of Justice
- › Ministry of Housing
- › Ministry of Health
- › Ministry of Labour and Employment

Participants in the Consultation Forum of 9 December 2009

With this Action Plan the Government wishes to acknowledge the importance of continuing the work and renewing the efforts accomplished in order to promote, substantially and in the long term, the reception and integration of foreigners within Luxembourg society.

The Action Plan calls for the involvement of 14 ministries and government administrations whose combined efforts enhance the inter-ministerial harmonisation of the actions they lead, implement, and financially support, in the field of the integration of foreigners in Luxembourg and in the fight against discrimination.

The project for the Action Plan was established by the Luxembourg Reception and Integration Office, hereafter 'OLAI', in cooperation with the Inter-ministerial Committee on Integration. After the Inter-ministerial Committee voiced its decision, a consultation forum enabled civil society to discover the Action Plan and to investigate the questions relating to it.

In order to implement this plan, the Government cannot act alone. The integration of foreigners calls on the active involvement and responsible participation of all. It is thus a task that the State, the communes, and civil society must accomplish together.

In the same spirit, the Action Plan calls not only for the active involvement of all the people who have a vested interest due to their nationality, their engagement in civil society, or to their key position in the fields of employment or education. It also calls for the active contribution to 'capacity building' of all the stakeholders, whether Luxembourg or non-Luxembourg, both in the private and public spheres.

¹ In order to lighten the text of the Action Plan, all terms referring to a person are to be taken in the generic sense.

Foreigners, as the main actors of the integration process, and the host society, that as a whole must clearly

manifest its will to encourage the two-way integration process, must be active participants in the completion of the present Action Plan.

Spanning a five year period, the Action Plan is based on the 11 guiding principles of European integration. These principles highlight the importance of a global approach to integration². In order to coordinate the will and efforts of the different ministries in the field of integration, future Government action plans will have to be based on the main strategic principles set forth in the present plan.

Policy framework

The situation in Europe

- > The European approach to integration
- > The concept of discrimination in European Union law and policy

The situation in Luxembourg

- > The main legislative texts on integration and the fight against discrimination
- > Main aspects of the Law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg

² See Annex

The situation in Europe

For a number of years now the European Union's population has been ageing. The EU's birth rate is one of the lowest in the world and in the near future its population will be in decline. In order to maintain a competitive economy and the exceptionally high standards of living that go with it, Member States will increasingly have to call on an immigrant and diversified workforce.

The phenomenon of migration, whether it be the free movement of European Union citizens or the migration of third country nationals, has led the European Union to create a political framework that is adapted to demographic realities.

The promotion of fundamental rights and equal opportunities for all and the fight of discrimination are key elements of integration. European Union legislation already provides a solid framework of anti-discrimination¹ measures, and the EU's policy-makers are implementing a global approach to integration, one that promotes cultural diversity and social cohesion, interaction between immigrants and Member State citizens, and provides for the regular assessment of integration policies.

The European approach to integration

Aware that a new approach to managing migration flows was indispensable, the Tampere² European Council defined the basic principles of a common policy for immigration, which is to include more dynamic measures guaranteeing the integration of third country nationals.

¹ Directives 2000/43/EC and 2000/78/EC
² Held on 15 and 16 October 1999

The approach agreed on in Tampere was confirmed in 2004 with the adoption of the Hague Programme, which defines the objectives for reinforcing freedom, security,

and justice within the European Union for 2005–2010. In the wake of the results obtained within the Tampere and Hague Programmes, the priority of the Stockholm Programme, adopted by the European Council for the period 2010–2014, is to guarantee the respect of the fundamental rights and the integrity of European Union citizens, and to ensure security in Europe.

The main initiatives undertaken to coordinate national integration policies in a more systematic manner and to develop a coherent framework for integration at the European level are namely: the creation of *national contact points on integration*, the presentation by the *European Commission of annual reports on migration and integration*, the adoption of the *Common Basic Principles (CBP) of the integration policy for immigrants within the European Union*, the publication of three editions of the *Handbook on Integration for policy-makers and practitioners*, the organisation of three ministerial conferences on integration, as well as the creation of the *European Integration Fund for third country nationals (EIF)* within the framework programme ‘Solidarity and Management of Migration Flows’.

Launched on 20 April 2009, the *European Integration Forum* provides a physical platform for dialogue, enabling representatives of civil society to voice their opinion on integration issues and to discuss current challenges and future priorities with representatives of European Union institutions. Together with the *European Web Site on Integration*, a virtual platform for dialogue, they guarantee a comprehensive approach to integration that associates all the stakeholders at all levels.

The concept of discrimination in European Union law and policy

Two European directives⁴ – the Directive on equal treatment with no prejudice to race or ethnic origin, and the EU Directive on equal treatment in matters of employment and labour – together define a set of principles that guarantee to all people residing in a European Member State a minimal common level of legal protection against discrimination.

These directives protect any person who resides in the European Union against discrimination based on race or ethnic origin, religion or beliefs, disability, age, or sexual orientation.

³ <http://ec.europa.eu>
⁴ Directive 2000/43/EC of 29 June 2000 regarding the implementation of the principle of equal treatment between persons without regard to race or ethnic origin and Directive 2000/78/EC of 27 November 2000 creating the legal framework in favour of equal treatment on matters of employment and labour

The situation in Luxembourg

The main legislative texts on integration and the fight against discrimination

Although the European Union plays a coordinating role in the Member States’ integration policies, the implementation of the policies remains within domestic competence.

Luxembourg’s approach to issues relating to integration policy differs from the European Union’s in that it concerns not only third country nationals but also European Union citizens, who represent the largest majority of foreigners residing in Luxembourg.

Along with raised awareness of the issue in the European Union, changes in migratory and demographic trends have led the Government of Luxembourg to adopt important laws on migration and asylum. The basic reforms have concerned the adoption of three new laws, on integration (see p. 22 > *Law of 16 December 2008*), Luxembourg nationality, and immigration.

The aim of the Law of 23 October 2008 on Luxembourg nationality is to adapt the legal framework on nationality to the changes that Luxembourg society has undergone in the last decades, and to contribute to reinforcing the integration of foreign residents in Luxembourg. The said law enables foreigners who are permanently established in Luxembourg and wish to attest to their attachment to the country and confirm their will to integrate by acquiring Luxembourg nationality to maintain links to their countries and cultures of origin by keeping their birth nationality.

The Law of 29 August 2008 on the free movement of persons and on immigration created the legal framework necessary to legal immigration, which is a positive asset of the Grand Duchy’s society and economy. Its aim is to adapt immigration to the needs of Luxembourg’s economy, all the while respecting Luxembourg’s European and international commitments.

On the issue of education, foreign children’s right to integration through school has been defined by various legal texts, namely, the Law of 25 June 2004 on the organisation of lycées and technical schools, and the Law of 6 February 2009 on the organisation of basic education.

Other important political reforms include the creation of a legal framework for the fight against discrimination with the creation of a Centre for Equal Treatment, and the introduction of a language leave enabling the study of Luxembourgish during work hours.

Main aspects of the Law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg

The Law of 16 December 2008 created the legal basis for the reception and integration of foreigners in the Grand Duchy of Luxembourg, for the fight against discrimination, and the study of migrations.

It specifies that 'the term integration refers to a two-way process by which the foreigners shows their will to participate on a long-term basis to the host society, which, in turn, takes all the necessary measures at the social, economic, political, and cultural levels, to encourage and facilitate this approach.' Thus, successful integration in Luxembourg is only possible if it is shared by its native and foreign-born residents.

The OLAI has been appointed to implement and coordinate the national policy on integration, of which the fight against discrimination is an integral part. The Law of 16 December 2008 confers a legal basis to the awareness-raising and information work undertaken by the OLAI on matters of discrimination. This mission has a broader scope than the integration of foreigners and applies, whatever the victim's nationality, to all the grounds of discrimination referred to in Article 19 of the Lisbon Treaty, that is, discrimination based on race or ethnic origin, on disability, sexual orientation, age, religion or belief.

The OLAI is also in charge of:

- › facilitating foreigners' integration process;
- › the Welcome and Integration Contract (CAI);
- › providing support to applicants for international protection;
- › managing accommodation centres.

Direction of the Action Plan 27

The Law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg provides for the creation by the Government of a National Action Plan on Integration and Against Discrimination 2010-2014. Guided by the two innovative principles of reciprocity and joint responsibility, this coordinating tool for the integration policy takes into account the political and legal commitments made by Luxembourg at the domestic, European, and international levels.

As a national institutional body, the OLAI plays a coordinating role for national policy actions on integration and the fight against discrimination.

In Luxembourg as elsewhere in the world, the complexity and the scope of integration policies for foreigners and the fight against discrimination call for integrated and coordinated inter-ministerial action. To this end, the other ministerial departments will each ensure the implementation of actions that are relevant to their field of competence.

Thus the Action Plan comes in the wake of other Government plans such as the National Action Plan for Employment (1998), the National Action Plan for Social Inclusion (2003–2005), and the National Action Plans in Favour of Equality between women and men (2006–2008 and 2009–2014), or the plans that are underway such as the Youth Action Plan, and the National Action Plan for Sustainable Development.

The four key areas of the Law

The Action Plan will be based on the OLAI's missions and remits as seen in Articles 3 to 7 of the Law of 16 December 2008:

- › reception, that is, all the measures aimed at providing guidance to newcomers in the Grand Duchy of Luxembourg
- › the integration of foreigners in Luxembourg's social, economic, political, and cultural life
- › the fight against discrimination through information and awareness-raising measures
- › the study of migrations based on specific studies and databases, on reports, and on other statistical data

Target audience

The present Action Plan aims at improving the situation of a public with varied needs. More specifically, it is aimed at:

- › European Union citizens;
- › third country nationals;
- › newcomers;
- › foreigners residing legally in the Grand Duchy of Luxembourg and wishing to remain on a permanent basis;
- › border workers;
- › refugees;
- › the host society: native and foreign-born people who need to be better informed and made aware of the benefits of integration and all its facets.

The Action Plan's cross-cutting nature

The Law of 16 December 2008 specifies that integration is a task that the State, the communes, and civil society should accomplish together. As such, the Action Plan aims to mobilise all the stakeholders who are

directly or indirectly involved in the integration process of foreigners in the Grand Duchy of Luxembourg by:

- › mainstreaming integration in all national policy areas
- › engaging local and national authorities to work together along with civil society
- › evaluating the results and progress of mainstreaming based on predefined benchmarks

Objectives and key strategic areas 33

The first step in setting up the Action Plan is identifying the key strategic intervention areas on which to base its objectives and actions.

These key areas of focus are based on the Common Basic Principles of the European Union's integration policy for immigrants, hereafter named the CBPs, as adopted on 19 November 2004 by the European Union's Justice and Home Affairs Council (cf. p. 19 > *The situation in Europe*). These 11 directing principles of the European integration policy highlight the importance of a global approach to integration, and aim to better coordinate national integration policies and European initiatives in this field.

Thus, the Action Plan is an operational tool for coordinating actions. It is based on a comprehensive set of policy goals to which both existing actions and new initiatives are subject within a coherent framework.

This chapter attributes the priority policies to each corresponding CBP with regard to the Action Plan's four areas of action (cf. p. 28 > *The four key areas of the Law*). These concrete and verifiable goals will be the basis on which to develop the projects and measures to fulfil the Action Plan.

Reception

CBP 4: Basic knowledge of the host country's languages, history and institutions

- › Set up/disseminate information, guidance, and support tools for foreigners
- › Create and implement the Welcome and Integration Contract (CAI)
- › Provide newcomers with information on health and the health system

Integration

CBP 1: A two-way process

- › Provide training on diversity and intercultural skills to key actors of the administration, of Luxembourgish and foreign collective organisations, and in the social, education, and youth sectors
- › Raise public awareness on the issues of integration and the fight against discrimination
- › Support migrant and namely migrant women's entrepreneurship
- › Promote the employability of target groups
- › Raise housing owners' awareness to the importance of establishing harmonious intercultural relations
- › Create an inclusive environment that respects diversity and human rights

CBP 2: Respecting the basic values of the European Union

- › Raise awareness of the European Union's fundamental values

CBP 3: Employment

- › Value technical and professional skills gained abroad
- › Promote the employability of target groups
- › Broaden public service positions available to European Union citizens
- › Support entrepreneurship by foreigners

CBP 4: Basic knowledge of the host country's language, history, and institutions

- › Promote literacy
- › Promote Luxembourgish and French
- › Set up citizenship training courses

CBP 5: Education

- › Guarantee equal access to education and prevent academic failures
- › Set up diversity training for teachers
- › Launch an overhaul of education counselling and orientation tools
- › Train social and educational personnel in intercultural knowledge

CBP 6: Access to goods and services

- › State of play on the access to housing
- › Facilitate access to housing
- › Facilitate access to the public service
- › Promote innovative and adapted architectural solutions
- › Facilitate access to health care
- › Improve information on health care issues
- › Raise awareness among professionals on the specificities of a public from increasingly diverse backgrounds and cultures
- › Ensure the integration of foreign-born seniors

CBP 7: Intercultural dialogue

- › Promote foreigners' access to cultural activities
- › Facilitate communication between native and foreign-born residents
- › Improve knowledge of the host society
- › Stimulate intercultural dialogue

- › Train and support organisations in the creation and execution of projects on diversity and integration
- › Encourage sponsorship initiatives
- › Open Luxembourg leisure organisations to foreigners

CBP 8: Practice of different cultures and religions

- › Promote inter-religious dialogue

CBP 9: Democratic process

- › Promote citizenship and the political/social participation of foreigners
- › Raise political actors' awareness on the issue of integration

CBP 10: Mainstreaming integration in all relevant policies

- › Analyse the impact of all policies (laws, administrative practices, etc.) on integration
- › Reinforce the integration and fight against discrimination aspects in National Action Plans (NAP Youth, Inclusion, Equality, Sustainable Development, Employment, etc.)
- › Set up a diversity management policy
- › Develop awareness of underlying demographic reality and integration problems in the Grand Duchy of Luxembourg

Fight against discrimination

CBP 1: A Two-way process

- › Promote positive actions in the field of communication

CBP 3: Employment

- › Promote the employability of target groups
- › Set up diversity training in the private sector
- › Promote the principle of equal treatment in companies

- › Encourage the social participation of foreigners in the workplace
- › Promote equality in the workplace

CBP 5: Education

- › Promote citizen diversity awareness within schools
- › Set up initiatives promoting respect for diversity within school environments

CBP 7: Intercultural dialogue

- › Support organisations representing victims of discrimination

CBP 9: Democratic process

- › Support national initiatives in the fight against discrimination

CBP 10: Mainstreaming integration in all relevant policies

- › Support national initiatives in the fight against discrimination
- › Promote positive duty as a guarantee of equal opportunity for all
- › Work in favour of equal opportunity and equal rights for all and ensure a society with no discrimination
- › Launch awareness-raising campaigns aimed at target audiences

CBP 11: Collecting statistics

- › Launch a debate on sensitive data collection

Follow-up on migration

CBP 11: Collect statistics, set up indicators and evaluation mechanisms

- › Research relevant criteria to measure integration in the Grand Duchy of Luxembourg
- › Create a national migration network

- › Improve the state of knowledge on immigrant populations living in the Grand Duchy of Luxembourg
- › Improve the state of knowledge on border mobility

Consultation Forum 2009

The first consultation forum with civil society, that took place on 9 December 2009, brought to light the importance of adopting a Luxembourgish view of the CBPs, one that is adapted to national and local specificities. Thus, the objectives of the Action Plan must be set out in a precise and targeted manner.

Several lines of thought appeared in the wake of this forum and following the opinions voiced during the consultation process. In implementing the Action Plan, civil society more particularly recommended the following:

- › **A two-way process:** in order to reach this goal, all the actors must be involved and trained at regular intervals and in an adequate manner on the issue of integration and in the fight against discrimination. The issue must be raised publicly again.
- › **Employment:** significant importance was placed on training (languages, continuous vocational training, etc.) and social participation.
- › **Education:** teachers should be better trained to on-the-ground realities. The issue of languages was also raised a good number of times. Moreover, for some organisations, education is the key to integration, and one that should be made a top priority.
- › **Intercultural dialogue:** intercultural actions at the local level must be encouraged and reinforced, namely in partnership with local associations and NGOs.
- › **Mainstreaming:** The Government, political parties, unions, and associations must be involved in integration and the fight against discrimination. Political actors must be informed on these issues in order to create synergies at all levels of development.

- › **Political participation:** promote political rights through a broadening of active and passive voting rights.
- › Some people have found that too much importance has been given in the Action Plan to integration matters to **the detriment of the fight against discrimination.**
- › Some organisations have highlighted the importance of tools to **monitor and evaluate** the Action Plan's performance, at the risk of emptying it of its substance. To this end, objective, clear, and precise benchmarks must be set up.

5 This fight, it is true, is one of the OLAI's four missions within its appointment according to the Law. Yet, the OLAI's work in raising awareness and informing the public must go further than the strict framework of the integration of foreigners and situate itself in a cross-cutting, global approach to society. It must be aimed at diversity as a whole and namely in fighting against discrimination based on ethnic origin, disability, sexual orientation, age, religion, or beliefs.

Assessment / Five-yearly report

In order to ensure its success, the Action Plan needs a close monitoring of its implementation as regards both its priorities and the actions set up.

Regular assessment of the Action Plan's priorities is essential. The Government wishes to establish a follow-up by the Economic and Social Council. Its practical modalities have yet to be defined, but this assessment will help to check the outcome of the actions against their initial objectives, to identify hurdles and formulate appropriate adjustments. It will also serve to make recommendations as to the next steps to take after the completion of the Action Plan.

Every five years, a national report will be submitted to the Chamber of Deputies on the state of play on the reception and integration of foreigners and on the social aid available to them, on the fight against discrimination, and on the follow-up of migration. It will take stock of the implementation of the measures within the present Action Plan. Benchmarks to be created and set up will also facilitate the evaluation process.

The common basic principles for immigrant integration policy in the European Union

- › Integration is a dynamic, two way process of mutual accommodation by all immigrants and residents of Member States
- › Integration implies respect for the basic values of the European Union.
- › 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.
- › 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.
- › Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.
- › 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.
- › Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens.
- › 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.

- › 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.
- › 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.
- › Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.



