

Round Tables on Interculturalism

Final Report

2011

Report submitted to Joëlle Milquet, Deputy Prime Minister and Minister for Employment and Equal Opportunities, in charge of Migration and Asylum Policy, at the closing ceremony of the Round Tables on Interculturalism, held in Brussels on 8 November 2010.

Table of contents

Preface

1. Introduction
2. The Round Tables (“*Assises*”) on Interculturalism: four objectives
3. Details of the proceedings
4. A collaborative endeavour, in search of viable solutions
5. Starting points: five preliminary clarifications

Chapter I: Education

Introduction

1. The teacher
2. The student
3. The curriculum
4. School culture
 - 4.1. Teaching in a multilingual context
 - 4.2. Religious and philosophical beliefs in school
 - 4.3. Relations with the environment outside the school: parents, associations, local intermediaries, neighbourhood

Chapter II: Employment

Introduction

1. Fighting discrimination
 - 1.1. Socio-economic monitoring
 - 1.2. Establishing quotas
 - 1.3. Fine-tuning collective labour agreements
 - 1.4. The anonymous curriculum vitae
 - 1.5. Centralising complaints
2. Reasonable accommodation
3. Adapting the calendar of legal holidays
4. Encouraging the entrepreneurial spirit
5. Recognising competencies
6. Supporting specific groups
 - 6.1. Low-skilled young people
 - 6.2. Women

Chapter III: Governance

Introduction

1. Consistent policies on ethnic, cultural and religious minorities
2. The “Cultural Pact”
3. Religious and philosophical symbols in the public services
4. Ritual slaughtering
5. The importance of collective memory
 - 5.1. Memory and negationism
 - 5.2. Memory and colonialism
6. Police and court action in their capacity as public services
7. A few general recommendations regarding the fight against racism and discrimination

Chapter IV: Goods and services: housing and health care

Introduction

1. Housing
 - 1.1. The private housing market
 - 1.2. The social housing market
 - 1.3. The Roma and Travellers
2. Health care
 - 2.1. Measuring and preventing obstacles to good health
 - a. *Monitoring*
 - b. *Prevention*
 - 2.2. The “interculturalisation” of care

Chapter V: Associations, culture and the media

Introduction

1. Associations
2. Culture
3. Media

Conclusion

Annex

- Minority position by Edouard Delruelle
Minority position by Naima Charkaoui

Preface

1. Introduction

The federal government accord of 18 March 2008 provided for the launch of a series of “Round Tables on Interculturalism” (“*Assises de l’interculturalité*”) at the initiative of Deputy Prime Minister Joëlle Milquet, Minister of Employment and Equal Opportunity in charge of migration and asylum policy.

It is hardly a coincidence that the subject of cultural diversity should figure among the major concerns of today’s society. The topic reflects a reality which, by virtue of its omnipresence, its visibility and above all its irreversible nature, calls for appropriate policies. Like a number of other issues that also concern participation in social life – such as the struggle for women’s rights, the increased awareness of the rights of the child and of “historical minorities” – interculturalism, if seen as a social project, requires that existing approaches to individual rights and their protection be reviewed, renewed and if necessary modified. The past few decades have seen profound changes in attitude toward the status of women in society and, more recently, to the child as a person, paving the way for the gradual implementation of more effective policies for improving their protection. Much remains to be done, of course, but it is undeniable that “forcing” the issue has produced concrete results.

When it comes to the question of diversity today, we must once again prepare to force the issue. European societies are undergoing rapid transformation, and the increase in identity-related claims is a logical consequence of these changes. The virulence with which certain matters in particular are currently being debated – without wishing to focus exclusively on the question of the Islamic headscarf, it is clear that that question has become a sort of catalyst – convincingly show that the protections in place do not necessarily offer an adequate legal framework for preventing the escalation and radicalisation that we are currently witnessing.

Much work has been done on the way in which diversity should be approached in the context of a contemporary democratic society that can serve as a source of inspiration. As a rule it may be said that the vast majority of these works rest on three fundamental principles: the equality of all citizens, the fight against racism and xenophobia, and gender equality. In fact, however, things are not that simple. These principles are not, of course, absolute and coexist with other principles, which require rebalancing. Certain forms or acts of differentiation may therefore remain justifiable, and do not infringe the principle of non-discrimination. Thus it comes down to a question of proportionality.

In a sense, the Round Tables on Interculturalism (“*Assises de l’Interculturalité*”) came at the right time. Not because they were expected to offer ready-made answers, but because they made it possible to update the set of specific questions raised by the need for “peaceful coexistence” (the French [*vivre ensemble*] and Dutch expressions [*samenleven*] are “living together”) within Belgian society: where are the thorny issues and the tough problems, which phenomena would merit closer study, what is the role played by preconceived opinions – consciously or unconsciously – that prevent an entirely open debate, and do the principal protagonists really listen to each other?

2. The Round Tables (“Assises”) on Interculturalism: four objectives

The government accord of 18 March 2008 specifies that “in the context of the development of an open and tolerant society, the Government shall promote respect for our shared democratic values and shall organise ‘Round Tables on Interculturalism’ involving all representatives concerned by and tasked with making recommendations to the Government

for reinforcing the chances of shaping a society based on diversity, respect for cultural identities, non-discrimination and the affirmation of shared values”.

The government opted, in this accord, to speak of “interculturalism” rather than “multiculturalism”. The latter term generally refers to the coexistence of different cultures within a single entity. Interculturalism was the preferred term because it evokes interpersonal ties, dialogue, interaction that can at times be conflictual in nature, within the context of a shared social project that combines unity and diversity, respect for identities and a shared goal¹.

More particularly, the Deputy Prime Minister wished the Round Tables on Interculturalism to pursue the following four objectives:

1. *To launch a year of wide-ranging debate among all the actors and persons concerned that would lead to the formulation of new recommendations on various topics relating to interculturalism.*

The Round Tables on Interculturalism are to be seen as an extension of the work of the “*Commission du dialogue interculturel/Commissie voor Interculturele Dialoog*” (Commission for Intercultural Dialogue, or CID). The CID was established upon the initiative of Minister Marie Arena, and later came under the aegis of Minister Christian Dupont; it published its report in 2005.

To achieve this first objective a Steering Committee was set up, consisting initially of twenty-nine people – half Dutch-speaking and half French-speaking, representing civil society and including experts designated by the federated entities².

This Steering Committee was tasked with drawing up a final report on the Round Tables on Interculturalism and with drafting concrete recommendations to the federal government, the various public authorities and, whenever relevant, also to other stakeholders.

Several institutional partners, such as the Centre for Equal Opportunities and Opposition to Racism, the Belgian Institute for Equality between Women and Men, the Federal Public Service Employment, Work and Social Dialogue, and more than fifty civil society associations were invited by the Deputy Prime Minister to take part in the project.

In addition, a Sponsorship Committee was created, made up of public figures representing the diversity of cultures within society, in order to serve as “spokespersons for interculturalism and diversity”. They were invited at the launch of the Round Tables on 21 September 2009, in the presence of His Royal Highness Prince Philippe and of then-Prime Minister Herman Van Rompuy, to speak out on their convictions and experiences in the area of interculturalism.

2. *To develop numerous spaces for dialogue and citizen gatherings across the country.*

¹ For an in-depth analysis of the distinction between these two terms, and the political choices represented by each of them, see Gérard Bouchard, “What is Interculturalism?” *McGill Law Journal /Revue de droit de McGill* 56/2 (2011): 435-68.

² The constituent parts of the Belgian federation: the Flemish Community, the French Community, the Walloon Region, the Brussels-Capital Region, the German-speaking Community, the French Community Commission, the Flemish Community Commission and the Joint Community Commission.

More specifically, in response to three calls for proposals launched in 2009 and 2010, no less than 302 local projects were given support in order to organise various activities (expert meetings, seminars, cultural events, etc.) throughout the country.

The projects leaders were asked to make recommendations, at the end of their activity, which would eventually be taken into consideration in drafting the final report of the Round Tables.

3. *To elaborate a communication policy for the country, making it possible to promote cultural diversity, integration, racial mingling and the development of talents, and to seek to break down stereotypes and caricatures.*
4. *To enable practitioners, whether in civil society or public associations, and the public authorities to share “best practices” developed at the local level more or less broadly with other levels of authority.*

3. Details of the proceedings

The Steering Committee began its work in September 2009. For an entire year, from September 2009 to September 2010, twenty-two experts – whose names appear at the end of the Final Report – met regularly to take stock of the way in which Belgium as a country manages diversity, to see where the main problems lie and to suggest pathways for resolving them.

In order to organise the work as efficiently as possible in view of drafting the Final Report, the Steering Committee, which had been given complete freedom as to how to achieve this objective, appointed two co-chairs from among its members (one Dutch-speaking and one French-speaking) and two rapporteurs (one Dutch-speaking and one French-speaking).

In view of the declared objectives and of their considerable ambitiousness, the Steering Committee had to agree on a working method that was at once rigorous and respectful of the expertise of its members.

It was decided to work with a series of Commissions (with parity of Dutch- and French-speaking members) around five themes centred principally (but not exclusively) on interculturalism: Education; Employment; Goods and Services; and Associations, Culture and the Media.

Each Commission was headed by two co-chairs (one French-speaking/one Dutch-speaking) tasked with organising the body's work as efficiently as possible.

To ensure consistency in the work of the five Commissions, each was asked to organise the collection and processing of data around the following points:

- An evaluation of the follow-up to the recommendations of the 2005 report by the Commission for Intercultural Dialogue (CID).
- An assessment of the achievements and central questions arising on each of the five themes selected since 2005.
- The formulation of recommendations, whether new, updated or drawn from the CID.

In order to ensure that certain issues in particular are not omitted on the grounds that they are not directly linked to the topics considered by the aforementioned Commissions, it was decided in May 2010 to create a sixth Commission, on 'Governance'. This body tackled the

difficult but important task of putting forward proposals on a variety of questions such as, among others, housing, the need for preserving memory, and police action.

In order to support the reflections conducted by the Commissions, the Steering Committee tasked teams drawn from universities, associations and institutions with taking stock of the public policies and research carried out since 2005 in the domains covered by the Commissions. They were to identify, where applicable, best practices and/or signal problems that require special attention. The research was conducted among others by the King Baudouin Foundation (KBF), the “*Centre Bruxellois d’Action Interculturelle*” (CBAI, Brussels Centre for Intercultural Action) and the VUB Institute for European Studies, Migration and Diversity.

Three research projects in particular deserve to be mentioned here. The first consisted of a survey of the perception by cultural minorities of their participation in Belgian society (Centre for Equal Opportunities and Opposition to Racism, subcontracted to the IBS Agency). A second study concerned the practices of reasonable accommodation in employment (Centre for Equal Opportunities and Opposition to Racism, subcontracted to the ULB-GERME-VUB). Finally, a third study examined in greater depth the neutrality of the State and in particular the wearing of religious or philosophical symbols³ by public servants (VUB).

Regular meetings of the Steering Committee and of the co-chairs of all the Commissions were held to monitor the process and to identify any controversies that emerged from the debates.

Each Commission was asked to draft a report, the contents of which formed the basis of this final report.

The Commissions were free to determine how best to achieve their aim. Thus, in addition to drawing on above-mentioned research and the expertise of their members, they listened to numerous testimonies by practitioners, and occasionally participated in expert meetings held within the context of the Round Table process.

From the outset, the Steering Committee imposed upon itself strict confidentiality, with a view to staying out of the political and media limelight as long as the work was not finished.

Scheduled to be conducted outside any electoral context, the Round Tables on Interculturalism (initially planned to run from September 2008 to June 2009, but in the end postponed until September 2009, as noted above) had to overcome an unexpected obstacle: the early federal elections called for June 2010 and a caretaker government that has been in place ever since.

Nevertheless, the outgoing government decided to move forward with the Round Tables, given the high stakes involved in interculturalism, regardless of the future configuration of the Belgian State. Fortunately, this political situation did not affect the work of the Steering Committee, and we are grateful to all the members for having agreed to continue to participate in the Round Table process.

At the beginning of July 2010, Tom Naegels, a writer and journalist with the *Standaard* newspaper who for years had been interested in questions directly or indirectly related to the topics covered by the Round Tables, agreed to draft a first synthesis of the six thematic

³ The term used throughout in the original French and Dutch is “signes convictionnels/levensbeschouwelijke tekenen” which, though sometimes translated as “religious symbols” only, is in fact explicitly used to cover symbols that may reflect any type of belief, whether explicitly religious or not. Therefore throughout this document the term is translated as “religious or philosophical symbols”.

reports of the Commissions. His work, carried out at an absolutely crucial stage in the entire Round Table process, was highly appreciated by all.

Next, the Steering Committee debated Naegels' synthesis and sought to resolve the question of choosing among the recommendations to be put forward and finding the appropriate wording. A working retreat held in the Belgian town of Spa in late September 2010 proved to be a remarkable experience of openness to the various positions, as well as the occasion for a laborious search for a common ground among the different points of view represented around the table. We will return to this subject in greater detail below.

The task of moderating the debates was entrusted to Nadia Fadil, researcher at the Faculty of Social Science of the Katholieke Universiteit Leuven, and to Henri Goldman, a freelance journalist. They fulfilled this task with remarkable skill, chairing the debates with enormous competence and commitment. We are very grateful to them.

Moreover, the members of the Steering Committee were obliged to redouble their efforts, as over a period of several months they were asked to sacrifice several weekends or summer holidays in order to bring the Round Tables to a close. Without them, the Round Tables would have been in vain. May the impact of this report be, as we hope, a due reward for their efforts and dedication.

We wish at the same time to extend our warmest thanks to the support team who helped the Steering Committee throughout the process of the Round Tables on Interculturalism, and in particular Ms Véronique Lefrancq, Ms Cathy Van Remoortere et Ms Amina Nadi for their valuable assistance.

4. A collaborative endeavour, in search of viable solutions

The Final Report of the Round Tables on Interculturalism is thus the result of this long process. We owe much gratitude to the members of the Steering Committee, who in spite of difficulties and divergent points of view, never gave up. They aspire to a society that is more respectful of its pluralism, which is what makes for true democracy.

To carry out a collaborative project is never easy. In this case, this all the more true given that the topic of diversity, and thus of interculturalism and of its advancement through a "co-existence" that runs as smoothly as possible, awakens strong responses: what is at stake is the future of our society, one that is increasingly pluralistic in its demographic make-up.

The challenge of working on these questions in a group is not a purely intellectual matter. It is also a personal one and a profound commitment. It requires that one find the right balance between on the one hand that which each person regards as a cause that concerns him/her personally and, on the other hand, the need to set out signposts that are objectively justifiable and that make it possible to avoid disagreements multiplying: should one adopt a more confident, and above all a more open attitude to the increasing diversification of identity claims? And if so, to what extent? For some people, our democratic societies have opted for a secularised law that refuses to allow any religious, philosophical and/or cultural specificities to gain in power. This reality cannot be ignored or relativised. For others, this option does not in any sense present an obstacle to reassessing – substantially, if necessary – certain historical choices made with regard to policies on cultural and religious pluralism. This is a question of justice, in particular toward new communities in our midst.

There is a gulf separating these two positions, one that seems almost insurmountable given the opinions that underlie the social debate on the question. The Round Tables have in a sense been the emanation of these differences. We deliberately tried not to exclude any

particular position. The Round Tables were in essence an exercise in careful listening to society. The Steering Committee embraced the mandate of being first and foremost a sounding board that echoes the hopes and fears, illusions and disappointments as well as the expectations of many people who we had the chance to meet in the course of our work. This attitude excluded, right from the start, the possibility of siding with any one opinion expressed.

That is not to say that the Steering Committee claims to be in any way representative of all the opinions within Belgian society today on the question of peaceful coexistence. The added value of the work conducted lies elsewhere. The exchange of views to which the Round Tables gave rise and that are collected here highlight various ways of conceiving of interculturalism and the need, more or less urgent depending on the subject under discussion, to accompany those conceptions with concrete measures. Unlike other works or documents that express a well-defined opinion of organisations and/or philosophical groups, the Round Tables' Report is the fruit of pluralist debate that sought to advance compromise solutions, even if this sometimes meant leaving aside a line of questioning that called for further reflection.

As a result it is predictable that the Report will not elicit a unanimous response. For some, the selection of the proposals put forward here is too timid and insufficiently innovative. It merely reinforces the majority view on the issue of diversity by setting down its own conditions. For others, by contrast, we have gone too far in some of the proposals that in their view are imprudent because they fail to see the risks of excess that are raised by a greater openness to diversity. The risk lies, as they see it, above all with identity claims based on religious belief.

Undeniably, the advances made in recent years, within the domestic law of various countries worldwide, in the protection of cultural differences are without exception accompanied by strong protests on the part of those who see the risk of an extreme "culturalisation" playing out in the background, and with it, a fragmentation of the social fabric. Whether the issues at stake involve "reasonable accommodation", positive discrimination (or action), the cultural defence in criminal law, the incorporation of principles of religious law in civil law, or the perfecting of data monitoring techniques and quotas, etc., they are all regarded with the greatest reticence.

Yet whether we like it or not, sooner or later we will have to acknowledge that it will no longer be possible to avoid the debate in Belgium, no matter how difficult, on these (more categorical) types of measures. Such measures indeed raise vivid protest among a majority everywhere the debate has been launched, because they raise the question of how to manage diversity in a way that is more clearly protective of minorities and that may, therefore, be perceived as attacking a liberal understanding of peaceful coexistence. They express a political will to make diversity the foundation of the future of our democratic societies, and to privilege diversity over the principles of equality and equal opportunity, rather than the other way around. This perspective causes discomfort because it reminds us that freedom is a given, meaning that certain historical types of equilibrium, which we thought had therefore been definitively accomplished, are put back on the table: the appearance of neutrality in the public services, the withdrawal of religion from civil matters, the use of the criterion of representativeness when it comes to registered religions, ethnic monitoring, etc.

Various types of suggestions may be found in this report: some simply recall well-known fundamental principles, others, on the other hand, argue in favour of a more or less radical renewal or a more consistent legislative policy that does not give the last word to a case-by-case approach, as is commonly done so far in particular with regard to school holidays for religious reasons or the wearing of religious or philosophical symbols. The position taken here is at times universalist, at times particularist, depending on the topic. This diversity in

the positions is the result, in part, of the working method used: as we have noted above, this consisted of giving a voice to a large number of people who are either directly or indirectly affected by minority protection. What follows is a great diversity in the scope of various proposals that the Round Tables ultimately permit us to put forward. Some will no doubt reproach us for this. As a defence, let us recall that the goal of the Round Tables was not to take a position on behalf of politicians, but to reflect the different ways in which various very specific problems relating to interculturalism are lived out throughout Belgium and to point to a few pathways – some more audacious than others – that are based on practical experience and can therefore help refine the argument. At the end of our discussions, several members expressed the desire to be able to make a statement regarding some of the specific proposals, not to distance themselves from the entire work but to add a clarification on one or other argument that they considered essential. We have added their reactions to the report, which are intended to be read together with the main document, so that in a sense they take part in the debates and their follow-up.

5. Starting points: five preliminary clarifications

It may be useful to sum up briefly, by way of introduction, the five principal starting points that underlie this report. Each of these, in its own way, has informed the process of the Round Tables. They were, from the outset, agreed unanimously by the Steering Committee. We include them here in order to avoid having to return to them time and again when justifying a particular recommendation.

Interculturalism: a shared and reciprocal responsibility

The first of these positions concerns the addressees of this report. Who are they? At first sight, the recommendations put forward here are addressed mainly, if not exclusively, to the competent authorities, each according to its area of responsibility. The likelihood that any politician who fully commits him/herself – over the long term – to a policy of interculturalism will succeed depends on the strength of conviction of each person, public or private, minorities as well as majorities, regardless of political affiliation. It is in *reciprocity* that this vast project will have to be realised, that is, responsibility cannot be concentrated only amongst the politicians and/or the minorities in question. Greater openness to diversity is necessarily accompanied by accommodation: this may seem obvious, but on a day to day basis it sometimes requires fairly radical changes in behaviour(s).

The study of the practices of accommodation commissioned in the context of these Round Tables concentrated on employment. The significance of the notion of accommodation goes beyond the labour market, however, insofar as it reinforces the basic principle of reciprocity in the regulation of social relations in the context of interculturalism: it is up to society and not the disadvantaged individual to remove the obstacles to participating in the life of society, provided this does not impose unreasonable or disproportionate demands. The goal of accommodation is to allow a person who is in a disadvantaged position to rise above that situation and participate fully in social life. This approach is challenging, insofar as it defines the relationship between a disadvantaged person and the surrounding society in terms that take for granted that, provided the criterion of reasonableness is respected, the accommodation to be made is the responsibility of the public authorities, employers, contractors in general, etc. This point of departure is as respectful as possible of the vulnerable person, yet without imposing disproportionate requirements on those who are asked to take account of this particular vulnerability. The idea of reciprocity is hereby reinforced.

Taking inspiration from the analysis recently undertaken by the Council of Europe⁴, the Steering Committee commissioned the research on the advantages that may come from extending the concept of reasonable accommodation, as defined today in the Law of 10 May 2007, to arrangements that are not limited to employment but may also benefit persons (in)directly disadvantaged in other areas of social life on grounds of their origin, beliefs and/or culture.

Reasonable accommodation demands a commitment on the part of society in the face of the challenge of interculturalism. In return, one is entitled to expect that people who feel disadvantaged because of their origin, beliefs and/or culture should commit themselves to the success of peaceful coexistence. This, too, is reciprocity.

An obstacle: the socio-economic divide

The *second* starting point is more of a reminder. It relates to the troubling observation that many analysts have repeatedly made over the years, namely, the persistence of the fundamentally unjust gap between the well-to-do layers of society, who generally benefit from the array of social and economic rights made available to them, and those social groups – too numerous – who for various reasons remain excluded from these benefits. The needs of the latter groups, highly vulnerable, must be one of the top priorities of any policy, in whatever sphere.

The mandate of the Steering Committee was to focus in this report on the difficulties experienced, in particular, by the persons and communities to which we refer in this report as “ethnic, cultural and religious minorities”⁵. This does not mean, of course, that we were unaware of the issues relating more generally to social and economic injustice, which are profound and therefore intolerable forms of injustice. This is all the more true since persons who come from ethnic, cultural and religious minorities remain, to this day, considerably overrepresented among the socio-economically disadvantaged groups in Belgium.

If we do not address socio-economic problems directly in this report, this is because to do so would exceed the bounds of our mandate. But we share the concerns of those who warn that the problems related to coexistence and the struggle against discrimination (both direct and indirect) based on a person’s origin, beliefs and/or culture will worsen if these minorities remain trapped in a vulnerable and unfavourable socio-economic position when compared to the majority of society. The risk of backlash identities – which are not unique to minorities, as we emphasise several times in this report – is all the greater if a person and/or his or her community feels systematically excluded or disadvantaged. A recommendation that could, in a sense, accompany each of the pathways we put forward in this report, is to require that when drawing up policies relating to peaceful coexistence and interculturalism, efforts be made to strengthen the socio-economic position of the target groups.

Migration and integration: The difficulty of distinguishing these policy areas

The *third* starting point is of a different nature, seeking to warn against certain indirect consequences of a migration policy that, due to a lack of transparency, casts a shadow on the chances of achieving sustainable peaceful coexistence. What does this involve? In Belgium, as in most other Member States of the European Union, the legal framework for

⁴ *Institutional accommodation and the citizen: legal and political interaction in a pluralist society*, Council of Europe (Trends in social cohesion, no. 21,) Strasbourg, 2009.

⁵ On this concept, see below: *How to define “minority”?*

managing the international mobility of persons differs depending on whether the aim is to liberalise freedom of movement within the EU for its citizens or, on the contrary, to keep mobility under control in the case of third country nationals. Over the years, the rules have been relaxed for the former group, and tightened up for the latter. In practice, however, this tightening up is opaque, and the legislators of the different European countries enact laws that they have great difficulty enforcing. Belgium is no exception: public opinion is dominated by a sense of arbitrariness in the way in which the policy regarding access to the territory and the removal of foreigners is implemented. The perception of uncontrolled flows of new immigrants – whether the image of these is positive or not – may give rise to a feeling of insecurity. In reality, it arouses anxieties that are expressed in various ways, both in terms of a social cohesion that appears to be imperilled, and in terms of migration policies that should be followed more strictly. These issues have implications for the future and call for a debate that exceeds the mandate of the Round Tables. But it is true that the two subjects are closely related. Openness to diversity would be less difficult if the public's mind were put at ease on these questions.

In the meantime, the gap between an official discourse on controlling borders and the reality of steady migration unfortunately redounds against the minorities we discuss in this report. These persons have in some cases lived in Belgium for many years and can therefore claim rights based on their position (e.g. under social law, family law, employment), yet simply on account of their origin, beliefs and/or culture, they are treated like newcomers whose residency status is uncertain. This assimilation between newcomers and long-established immigrants is particularly burdensome for people who have experienced such confusion, for they see it as a rejection and a complete failure by the majority society to understand their personal life trajectory in Belgium.

Moreover, a vague and non-transparent migration policy is also unfair, from different points of view, vis-à-vis newcomers, but this would be the topic of another discussion. The Steering Committee repeatedly wondered what sort of attention ought to be paid to the situation of newcomers, who are in many ways a particularly vulnerable group. To address this question would have required an analysis that would be quite far outside the topic of the Round Tables.

How to define “minority”?

How should we refer to the groups of persons sometimes known as “people of immigrant origin”, “cultural minorities”, “*allochtones*”, etc., and who are mentioned repeatedly throughout this report?

In 2005, the Commission for Intercultural Dialogue raised the same question. It had rejected the term “*allochtones*” (a term widely used in Flanders) and “immigrants” (used mainly in Wallonia and Brussels) on the grounds that these words should be applied only to people who have arrived recently, and certainly not to their children and grand-children: the latter, born here, are strictly speaking “*autochtones*” (indigenous). They are not even “immigrants”, nor should they be reduced forever to the category of persons of immigrant origin, although a different cultural or religious heritage may be (very) important to some of them.

The Commission for Intercultural Dialogue had suggested designating them with the term “cultural minorities”, an expression “that expresses both a reality that is specifically cultural and a de facto status of inequality in relation to a dominant cultural model.” The Commission added this fundamental distinction: “It is not a matter of locking individuals up within identities turned in on themselves... but, on the contrary, of enabling them to gain recognition for the complexity and richness of their situation.” These minority groups are not, in other words,

fixed for all time. They owe their existence to the free choice of persons who claim membership in them, while being conditioned “from the outside” through the view that society as a whole has of them. The Commission also stressed that it is the right of individuals to affirm a collective identity if they wish to do so, and to gain recognition for this identity within the public space.

This report nevertheless considers that the adjective “cultural” does not cover all possible situations. The struggle against discrimination, which plays an important role in our study, concerns “visible minorities” who are identifiable by the colour of their skin or their surname, independently of any cultural characteristic. Then there are persons who differ from the majority only by virtue of their religion, as is the case with Jews or converts to Islam.

This is why we have preferred to opt here for a more complete expression and to speak of “ethnic, cultural and/or religious minorities”, placing the emphasis on one or other qualifier depending on the context.

What kind of follow-up should there be?

A final starting point on which members of the Steering Committee were in agreement is the format the report should take: the document is not structured in the manner of a scientific analysis, and therefore references in it are kept to a minimum. Instead, the report conveys the result of a collective effort, as concrete as possible, to move forward on a number of difficult and often delicate questions relating to interculturalism, on which we reflect in what follows and for which we advance concrete solutions.

The members of the Steering Committee who agreed to bring this exercise to fruition did so at the cost of many long hours of discussion and intense preparatory work. The aim was to arrive at solutions that are as specific as possible on questions where politicians have, often for many years, had difficulty reaching a compromise. This report must be read as the result of an exercise of rapprochement between positions that are sometimes diametrically opposed to each other. Out of a concern not to ignore the arguments and reservations of those who, in the end, agreed to accept the solution put forward and did so in the first instance out of loyalty to the spirit of collective work, we have opted for the solution that would permit divergent opinions to be expressed. These can be found throughout the various arguments as well as in the annex to this document.

Finally, as we have already noted, the report does not cover all topics related to interculturalism. Thus, for example, we do not express an opinion on certain questions that feature prominently in the media, such as the debate on wearing the full body veil; nor do we take a position on the European dimension of policies on interculturalism. But that is not the key concern. What matters, in our view, is that the Round Tables will have made it possible to continue a process that was begun with the Commission for Intercultural Dialogue in 2004 and that it is very important not to interrupt. In a brief conclusion to this report, we bring forward those recommendations that, in our opinion, best illustrate the outcome which the year-long search for solutions by means of the Round Tables has enabled us to achieve; we wish to emphasise as well the importance of a proper follow-up. The latter should ideally be ongoing, providing for periodic evaluation – this is the only way to address the injustices that we signal in this report, while advancing as concretely as possible along the way to realising the ideal of interculturalism. In our view, it would have been a missed opportunity.

On behalf of the Steering Committee:
Marie-Claire Foblets & Christine Kulakowski,

Co-chairs
October 2010

Chapter I: Education

Introduction

In the realm of education, our study was inspired by three guiding principles. First, the fact that we had to understand the issue of interculturalism at school in the broad sense, beyond what is generally considered to be the key issues, and we had to treat it as a challenge and an opportunity to improve the quality of our educational system. Then the fact that it was essential for our approach to be guided solely by the interest of students, teachers and school staff in a context in which, we are convinced, these issues have a direct impact on social inequities and the inequality of opportunities. Lastly, notwithstanding the fact that education in Belgium is the responsibility of the Communities (Flemish, French-speaking and German-speaking), we opted for a study that would go beyond a strictly Community-based approach and suggest pathways that could be followed, if possible, in all three language Communities and throughout the educational systems.

One cannot understand the issue of interculturalism at school in Belgium without taking into consideration structural problems, namely that school remains a place where inequality is produced or reproduced, that discrimination linked to ethnic origin or cultural identity is correlated to social discrimination and that segregation is – amongst other reasons – linked to discrimination in enrolment. From the outset, it was our conviction that equality of educational opportunity can only be created in a system that guarantees the pre-conditions for it rather than simply formulating best practices with regard to interculturalism.

Persistent educational segregation puts a strain on resolving numerous problems that trouble schools⁶. The final report of the Commission for Intercultural Dialogue in 2005 stated that the most serious situation concerning the intercultural issue in education was the multiplication of schools (usually, but politically incorrectly, referred to as “ghetto schools”) that mainly teach students from ethnic, cultural and religious minorities. In general, therefore, all schools have simultaneously to manage the social inequalities of their students, their identity claims and the daily discrimination that affects a great many of them, while remaining true to their educational objectives and underlying common values; at the same time they need to adapt to a changing world by integrating cultural diversity into their mission.

Ethnic and social segregation therefore intersect, and it is necessary to get to work on resolving this crucial problem by refusing to accept that segregation should continue to produce a two-speed education. Five years on from 2005, the same situation still obtains and a radical change of perspective is needed if we want to break down the status quo that is at the very foundation of the often elitist character of the Belgian educational system and that runs counter to one of the fundamental pillars of what school should be: a framework for emancipation, a venue where the various inequalities are compensated for and where the opportunities and the success of students no longer depend largely on what their social and family environment can offer them.

⁶ Jean Hindriks and Marijn Verschelde remind us that the results of the 2006 PISA survey made it possible to conclude that 1) the rate of segregation in Belgium is the second highest in the European Union (after Hungary), 2) half the difference among students’ results can be explained by the differences among schools, 3) that “the countries scoring highest have an equitable educational system in which the socio-economic origin of pupils has little influence on scholastic results”. J.Hindriks and M.Verschelde, “L’*école de la chance*”, *Regards économiques* no.77, February 2010.

School is the mandatory institution par excellence dedicated to achieving equality. Its main tasks are: to teach knowledge as objectively as possible, to socialise by means of shared values, to improve equality of opportunity and of success, to help students take an active part in their personal formation, in particular through cultural openness and their relationships with others, and to enable them to grow up without being determined, favoured or disadvantaged by characteristics such as gender, social class, ethnic origin, cultural or religious identity.

Without wishing to skip parts of the sometimes very lively debates on religious and philosophical symbols in education – a topic we shall return to at length – it seemed more important, in the eyes of the Steering Committee, to look for means of reducing major inequalities in the educational system. A study conducted at the request of the King Baudouin Foundation shows that **students “of Belgian origin” achieve better results on average than their fellow students from ethnic and cultural minorities, both in the French-speaking and in the Flemish communities.** In mathematics, an average of 18% of students of “Belgian origin” in the French-speaking Community do not attain the basic level generally required for access to the workforce, while this percentage increases to 36% for children from ethnic and cultural minorities and rises to as much as 53% for newcomers. In the Flemish Community, these figures are 9%, 35% and 35% respectively. The results for reading skills are just as distressing. While 21% of French-speaking students of “Belgian origin” have serious gaps, the same is true for 35% of students from ethnic and cultural minorities and for 50% of newcomers. In the Flemish Community, these figures are respectively 12%, 44% and 40%. Similar disparities are seen in all systems (state schools and other subsidised schools) and at all levels of education: nursery, primary, secondary, post-secondary and adult education.

Both the French-speaking Community and the Flemish Community are making great efforts to close this gap. On the French side, there has been a “positive discrimination” policy since 1988, which aims to enable all students to develop their talents to the full. In Flanders, the decree on equal opportunities in education (normally referred to as the “GOK decree” – *Gelijke Onderwijskansen decreet*) was issued in 2002. Its goal is to combat exclusion, social segregation and discrimination and to offer better support to children from disadvantaged backgrounds. Our recommendations in this report are not meant as replacements for these policies, but rather as a fervent continuation of them.

The Steering Committee is convinced that an **interculturalisation of our schools** is vital if we want to guarantee the equality of opportunities for all students. This interculturalisation must be pursued consistently across various targets: teachers, students, curriculum, school culture (in particular with regard to use of language), attitude to philosophical and religious beliefs and, lastly, relationship with parents and the environment beyond the school.

We will examine each of these aspects one by one.

1. The teacher

The challenges that teachers must face in today’s society are not negligible. A teacher not only has to master the material he/she teaches but in order to succeed must also be capable of managing the social, cultural and individual differences in class, convey a sense of respect for them and have excellent communication skills in contacts with students and parents.

One of the first stumbling blocks to overcome is the **blatant lack of teachers with all these skills** – true, this is asking a great deal – which in practice leads school boards to recruit people who do not always have the requisite competencies. These teachers soon feel unable to cope with problems for which they cannot find a solution. This is why they lose motivation and/or end up quitting.

The Steering Committee recommends reaffirming the value of the teaching profession in order to ensure that there will be enough teachers who, moreover, are well prepared for the reality of diversity in school. Initiatives must be taken in order to encourage young people, especially those from ethnic, cultural and/or religious minorities, to choose this profession. One must avoid putting people in front of a class who have not had sufficient pedagogical training.

Encouraging young people from minority backgrounds to become teachers is a vital task. Vital because a body of teachers of diverse origins and affiliations can set an example not just for students (and parents) from these minorities, but also for others. Because of these origins and affiliations, they can play an especially valuable role in contacts with parents and students and boost their involvement (even though they should not be made to bear all the responsibility for this).

However, it is also a difficult task because the under-representation of minorities in the teaching profession is also due to the low number of students from these milieus who go on to higher education, a general sociological observation that we shall return to later on. In addition, if a career in teaching does not always appeal to minority students, this may be because they have often had negative experiences during their own schooling: a sense of exclusion, gaps between the school environment and the education received from one's parents, dropping out, lack of encouragement in case of difficulty successfully completing the programme, etc. The ban on teachers wearing the headscarf has, in fact, also contributed to keeping many young Muslim women from careers in teaching.⁷

The Steering Committee feels that there is good reason to urge schools to diversify their staff and to help them to do so
→ by creating awareness among the school management and teaching staff;
→ by symbolically rewarding establishments that succeed in significantly diversifying their teaching staff. The more a school is confronted with major social and intercultural challenges⁸, the more it needs teaching skills. There must be targeted recruitment of teachers, taking into account their intercultural skills and their motivation to teach in this type of establishment. This motivation must be supported and these skills must be actively developed.

It is just as important to **include diversity in the training of teachers**. In both the French-speaking and Flemish Communities, this topic is dealt with in theory and in practice, in the training courses of future elementary and lower secondary education teachers, but the number of class hours devoted to these topics could be increased. As for university education, it is clearly behind in this area.

⁷ Nonetheless, this statement does not mean that we are taking a position here on the right of teachers to wear or not to wear religious or philosophical symbols at work. The latter question has to do with the concept of neutrality in public services. It will be dealt with later in this report (see Chapter III.3.).

⁸ Intercultural skills are the skills of individual citizens. They enable people and groups to cope, more or less effectively, with complex and difficult situations caused by the multiplicity of cultural referents in the areas of psychology, sociology, economics and unequal policies. For example, these areas may be characterised by social denial, discrimination, competition, tensions or conflicts, communication difficulties, etc. The effectiveness in such situations, i.e. the ability to produce good results enhancing the status of the individual and his/her group as having specific affiliations, requires in particular the ability to shift one's focus away from a number of elements of his/her own culture in order to understand – which does not necessarily mean accept – those of others. See Manço Altay, *Compétences interculturelles des jeunes issus de l'immigration, Approches théoriques et pratiques*, Editions L'Harmattan, Paris, 2008.

The acquisition of intercultural skills – the ability to communicate successfully with people from various cultures – must be an integral part of any educational training. Teachers and administrators who did not have the chance to acquire these skills during their initial training must be urged to complete it through continuing education.

It is often in schools which are faced with the greatest social and intercultural challenges that a severe shortage of teachers is felt. In addition, these schools, where there is often a population from at-risk environments, generally have problems attracting the best teachers. An interesting concept in this context and which could serve as an inspiration is the “Teach First” programme that a number of English-speaking countries have been experimenting with. They recruit young graduates (Masters) who obtained very good grades during their studies but did not initially intend to go into teaching. Several months of intensive teacher training prepares them to teach for two years in schools that have a high concentration of students from socio-economically disadvantaged backgrounds, most of whom are usually from ethnic and cultural minorities.

The **support given to teachers** is ultimately just as important. We are referring here to the recommendation of the Commission for Intercultural Dialogue that is not specifically aimed at teachers in contact with children from ethnic, cultural or religious minorities, although the latter will be its main beneficiaries:

The teachers must have the ability to distance themselves from daily events, to exchange experiences and question their practices, to envisage specific solutions that will help them break out of a recurring feeling of helplessness and isolation and to design coherent group projects. Structural resources for assisting teams should be made available.

In both the French-speaking and the Flemish Communities, there are a series of stakeholders (schools, socio-educational associations, universities, etc.) that have created tools for working with multicultural classes using an intercultural approach. It would be interesting first of all to make an inventory, selecting an authority/organisation in each Community that could be put in charge of providing the appropriate support. The best hands-on practices could be disseminated in the form of a website, a database or other suitable means. Such sites already exist, so it is not a totally new approach. But the existing ones do not cover sufficiently systematically experiences which, by being made accessible to a broader group of public users, could serve as an inspiration to those facing similar situations.

2. The student

A number of students, whether or not from ethnic, cultural and religious minorities, experience a gap that seems to separate their family culture from the one at school. This experience makes their educational career more difficult for them. How can a solution be found?

In some cases, it would not take much to fill the gap, at least partially. In particular, we have in mind children who **start their schooling at a later age**, sometimes not until the age of six, which is the compulsory school age. Even though attendance at nursery school is becoming widespread in all milieus, it remains relatively less frequent within populations stemming from ethnic, cultural and religious minority communities, exactly where it is undoubtedly the most necessary since the languages of instruction – French, Dutch or German – are not usually spoken at home. As it turns out, a child who goes to nursery school has earlier contact with these languages which are simultaneously the “language spoken at school” and “the more abstract language of learning”.

Every effort should be made to ensure that children attend school on a regular basis from nursery school on. In this respect, a number of Steering Committee members are calling for a lowering of the compulsory school age.

Talent should be the key concept in education. Knowing how to detect, discover and develop talents and convert them into skills is not only an ethical and social choice, but also an economic necessity. In view of the greying of the population and decreasing birth rates, talents are all the more invaluable. Yet, all too often, the practical abilities of children are not spotted in time and sometimes are not spotted at all. Too often, even the school and guidance counsellors do not believe sufficiently in the abilities of children belonging to ethnic, cultural and/or religious minorities and, for this reason, steer them too readily towards a level of education that does not match their potential.

Teachers should pay close attention to detecting the talents of their students. If necessary, they should pay special attention to those who from ethnic, cultural and/or religious minority backgrounds and encourage students who have the skills and ability to aspire to higher education. For their part, the “psycho-medical-social (PMS) advisors” should not limit the information they give students to educational options alone, but should pay attention to the specific needs of these students that may arise from social difficulties and from the sense of being treated as a minority, as well as from the lack of self-esteem which is often the end result.

In addition, the Steering Committee recommends the creation of a **tutoring** system in both secondary and higher education. The tutors will be students who are graduating (or have graduated) from higher education and who provide educational guidance to pupils, particularly those from ethnic, cultural and religious minorities. The Steering Committee is calling for the tutoring system to be introduced as early as possible in the curriculum, before gaps in learning or skills development have become too significant.

The Steering Committee recommends the creation of a Reference Centre for the development of the tutoring system in the French-speaking Community⁹. This Centre will see to the tasks of coordination, information, training, research and representation. In the Flemish Community, the “Centre for Diversity & Learning” (*Steunpunt Diversiteit en Leren*) that is already active in this area could be entrusted with the same tasks.

The Steering Committee is also requesting that two very specific groups of students be the object of special care: on the one hand, **refugees, and on the other, the children of Roma and Travellers**. For the first group, it is especially important that the school should serve as a stabilising element in their existence and helps them overcome their traumas. For the second group, the Steering Committee recommends working closely with **cultural mediators**. In its methods, content, educational and teaching practices and ambitions, the traditional Belgian teaching system is in many ways very far from the system of learning familiar to the Roma and Travellers. In many cases, therefore learning models must be adapted. One could follow the example of the tried and tested method of “Personal Development Pathways” (*Trajets de développement personnel/Persoonlijke Ontwikkelingstrajecten*).

⁹ As recommended in a study by the King Baudouin Foundation titled ‘Le tutorat en Communauté française de Belgique – Inventaire des pratiques, éléments d’évaluation et recommandations’, by Pascale Lepage and Marc Romainville, Centre de didactique supérieure of the Académie universitaire Louvain, Facultés Universitaires Notre-Dame de la Paix-Namur, Department of University Education, March 2009.

Lastly, still in connection with students from ethnic, cultural and/or religious minorities, the Steering Committee would like to point out that there are **numerous financial obstacles** in the Belgian educational system and that it thereby seriously disadvantages categories that are at risk socio-economically speaking, including many families from ethnic, cultural and/or religious minorities.

In accordance with the Belgian Constitution, compulsory education must be effectively free of charge. Financial subsidies, such as study grants, must therefore be accessible to those most at risk and, where necessary in order to ensure this accessibility, be granted automatically. Likewise, the institutions of higher education should be able to offer flexible hours to students who must work to pay for their studies.

3. The school curriculum

Generally speaking, education must count among its objectives the transmission to all students, whatever their identity, of **intercultural skills** that prepare them to become responsible citizens who are open and sensitive to cultural, ethnic and religious diversity no matter what job they will be doing in the future.

In similarly general terms, the Steering Committee calls to mind are a number of basic principles on which no compromise is possible. Hence, **no cultural, religious and/or philosophical arguments may be invoked to avoid compulsory courses or to withdraw from the mixed gender education.**

The recommendations that follow are based on two principles: interculturalisation of the content of the education and the imperative nature thereof.

The Steering Committee notes that despite the efforts made so far, there is still a long way to go for the integration of diversity into school curricula. **In the human sciences (history, geography, literature, etc.) in particular, education must depart from its still highly ethnocentric representations** and become truly universal by giving non-European cultures all the space they deserve.

The Steering Committee insists that a place be provided in curricula, manuals and school libraries for the history of colonisation, immigration and discrimination as well to preserving the memory of ethnic, cultural and/or religious minorities present in Belgium.

In this respect, the Steering Committee reiterates that part of this recommendation was already included in the 2005 report by the Commission for Intercultural Dialogue. On the one hand, the broadening of the content of human science courses is an enrichment for all students and on the other, it can contribute to fostering a positive sense of identity in those who come from ethnic, cultural and/or religious minorities, who will feel more involved in the material being taught.

The Steering Committee is in favour of making **active and responsible citizenship part of the core skills taught**. This is already the case in Flanders.¹⁰ In the French-speaking

¹⁰ <http://www.ond.vlaanderen.be/dvo/>; <http://www.ond.vlaanderen.be/dvo/secundair/1stegraad/a-stroom/eindtermen/burgerzin/htm>

Community, the possibility of integrating it into the curriculum has been contemplated since the decree on “Citizenship at school”.

In addition, with regard to the organisation of separate religious and secular ethics courses in public schools as provided for by the “*Pacte scolaire/Schoolpact*” (Education Pact), the Steering Committee is not questioning their usefulness for the spiritual formation of students within their own beliefs and convictions. However, the drawback of this separate organisation is that it may thwart learning about different traditions and, what is more, impede dialogue between them. Yet the citizens of a pluralist, intercultural society must not only know their own traditions but also those of others, including secular ones. On their own initiative, many teachers of what are referred to as ‘philosophy’ courses are already practising such dialogue. These initiatives should be actively encouraged.

The Steering Committee recommends that in keeping with the existing secular philosophy and ethics courses, preference be given to teaching comparative religion and philosophy courses from a philosophical, anthropological and sociological viewpoint.

This educational programme may, depending on the circumstances, take the form of a specific course or proceed by revising the existing courses.

With regard to religion teachers, the Steering Committee stresses **the importance for them to have their educational training in Belgium** or, if they had training beforehand, for them to at least be familiar with the reality of Belgian society and its legal system.

Lastly, the Steering Committee is worried by the fact that in a number of schools, students (or their parents) are challenging, sometimes aggressively, the contents of certain subjects and in particular, the theory of evolution. This observation must, however, be placed in a wider context. It turns out that a majority of students is **not able to recognise a scientific hypothesis**. This observation is linked partly to the shortage of science teachers, which results in school boards drawing on teachers from other disciplines. From the perspective of the protestors, the science being taught is often perceived as dogmatic and part of a tradition that is different from theirs. Nevertheless, an adequate response must be offered. The intercultural approach does not mean that concessions have to be made on the importance of the scientific knowledge to be acquired.

The Steering Committee stresses that the acquisition of intercultural skills, either in their initial training or via continuing education, also applies to science teachers.

4. School Culture

By “school culture” we mean the concepts, views and customs that are in effect in a given school environment. They can have an impact on the chances of success of students from ethnic, cultural and religious minorities. We will look at three concrete examples: the languages spoken at school, the attitude vis-à-vis religious and philosophical concepts and relationships with the environment outside school, the family in particular.

4.1. Teaching in a multilingual context

Most schools today function in a multilingual context, especially in the cities. Besides the official language – French, Dutch or German – used at school, students introduce the use of other languages they speak in public or at home. Some of them do not know the official

language of instruction well, if at all. Others have mastered it but spontaneously speak a different language amongst themselves.

Schools generally respond to this *de facto* multilingualism with an overly strict policy of unilingualism: only the official language may be spoken within the school walls, in communication with teachers, student and parents, as well as in class and during recess.

The Steering Committee recommends continuing and even increasing investments intended to ensure that all students master the language of instruction. To this end, schools must define a horizontal policy across the different subjects. However the Steering Committee stresses that such an approach must be positive and stimulating. The object is not to punish students who have language-related difficulties, even – and especially – in courses in which they excel.

However, the rules for using the official language of instruction do not mean that unilingualism must be the norm everywhere and at all times. Research shows that a good knowledge of one's mother tongue forms a solid foundation for learning a second language (or even a third, a fourth, etc.). Conversely, forbidding the use at school of the language spoken at home does not necessarily result in better knowledge of the official language, quite the contrary. Moreover, the mother tongue also conveys the full cultural heritage. For many young people, it is a means of communication (with their parents and relatives, for example) and constitutes a vital element in the development of their individual and multifarious personality. To acknowledge their mother tongue is to acknowledge who they are.

The schools must approach the *de facto* multilingualism of the school population realistically and consistently. The school and usually the parents, too, are concerned about the mastery of the official language and of the mother tongue. The classroom, playground and the street are different worlds in which different languages and different registers are used. What is important is for the school to allow young people to master all these registers, without necessarily compartmentalising communication.

A number of the languages spoken within ethnic, cultural and/or religious minorities are connected to major languages of culture, the mastery of which could be an asset for Belgium's international position in the long run. In accordance with the goal of interculturalisation, the opportunity to learn some of these languages must be offered to all students. Only this option can offer full recognition of these languages, which can be useful for all, while being part of the symbolic heritage of students from ethnic, cultural and/or religious minorities, even if they do not speak the language.

The Steering Committee suggests that teaching the main languages normally spoken in the countries of origin be organised in parallel with other foreign languages and according to the same terms, i.e. under the same heading of "foreign languages" and offered to all students.

4.2. Religious and philosophical beliefs at school

Independently of what are referred to as "philosophy" courses, the place of religious and philosophical concepts in the daily school routine has caused heated debates in recent years. The principles at stake are neutrality with regard to official education, on the one hand, and on the other, freedom – religious in particular – and pluralism, which are the rule in a democratic society.

Neutrality in official education is one of the cornerstones of the Education Pact, which, in 1958, put an end to the 'school war' that opposed Catholic and official school systems. By

virtue of its neutrality, the state school may not manifest any philosophical or religious belief, but at the same time must allow beliefs to be expressed by its students and their parents, and respect them.

In today's new intercultural context, the application of this neutrality of state education has raised a new debate. The controversies have centred on secondary education. More and more schools want to restrict or forbid the right to express religious beliefs through dress, for example by wearing a headscarf or a turban, whilst at the same time increasing numbers of students are demanding the very same right. There are also sporadic requests for halal or kosher food to be offered in the school canteen.

What is more, cases of pressure (to ban the headscarf, etc.) or, conversely, of religious proselytism (to wear the headscarf, etc.) have been reported to the Steering Committee. In some quarters, this occurs even in the vicinity of the school. The phenomenon does not concern Muslims alone; other communities are also affected. Evangelical movements and "revivalist churches" in particular come to mind in this regard.

The problem is now well known and has been debated over and over again. Very often, the debate is revived after a court ruling, the more so since the courts have not spoken with one voice on this matter.

Up to now, the legislature has always chosen not to take any initiatives itself and to leave it up to the schools themselves to set their own policy regarding dress codes. This legislative hesitation has not simplified matters. The result in practice is a profusion of measures, rules and regulations, which, in the event, have generalised the ban on wearing religious or philosophical symbols, in particular with regard to the Islamic headscarf (and, by extension, to other religious symbols like the turban or the kippa). The headscarf is currently banned in nearly 95% of schools of the French-speaking Community, both for teachers and students. In Flanders, too, more and more schools are showing a distinct preference for a generalised ban on all religious and philosophical symbols. The reason most often cited is to avoid fanaticism or pressure on young girls.

Designed in the image of society's religious landscape, the Steering Committee was divided, initially, as to the kinds of measures that would help escape from this ambiguity and break out of the current impasse. Even if all its members adhere to the principles of individual freedom (including of religion), neutrality (in public education) and pluralism, and acknowledge that the fundamental role of the school is to ensure the emancipation of its students and form adults capable of being autonomous, their positions differ when it comes to determining which framework best respects the spirit of these principles and this objective. For some, the school has to guarantee that the adolescents it is responsible for can receive their schooling sheltered from all objective or subjective pressure, which, in their opinion, demands a ban on the wearing of religious and philosophical symbols by students. For others, the concern to emancipate students must start by respecting what shapes their personality most intimately, which entails the authorisation of these same signs.

Nevertheless, a majority of Steering Committee members, without renouncing their initial standpoint, are of the opinion that expressing any preference between two such radically opposed points of view will not bring appeasement in such an extremely tense situation. It is not only a question of imposing one point of view, but also about the latter being judged acceptable by a majority of the population, including those groups that are the most exposed to discrimination and stigmatisation. Only a balanced compromise can avoid endless series of court appeals, the outcome of which no one can predict.

This is why, on this highly sensitive issue, the Steering Committee is backing a compromise solution and invites the legislature to adopt it.

This solution must be proposed by decree so that it applies to all establishments of public education. In the current situation only very few schools authorise wearing the Islamic headscarf, thereby turning themselves into “ghetto schools”. This situation is unanimously judged unacceptable by the Steering Committee members.

As regards religious and philosophical symbols at school and within the framework of compulsory education, the Steering Committee recommends general freedom¹¹ for students to wear religious or philosophical symbols in the last three years of secondary school and a complete ban during the first three years of secondary school. These rules must be laid down by decree in order to ensure that they are generalised.

Independently of the fact that this represents a compromise between two opposing points of view, it should be noted that this recommendation can be justified solidly on its own merits. In Belgium, a young person from the age of 12 can nowadays be asked to testify before a court. The age of consent (for sexual intercourse) is 16, but under certain circumstances it can be lowered to 14. Criminal majority is set at age 18, but some are proposing to lower it to 16. Lastly, parliamentarians from several parties would like to lower to age 15 the age at which a minor would have the right to request euthanasia for him/herself. Thus society is giving multiple signals that the age of adulthood is reached at around age 15.

Clearly, this reasoning is not useful for non-compulsory education, in particular for higher education or adult further education (usually offered part-time in the evenings). The latter types of education are intended for adults, who have free will and must be fully respected in the exercise of their freedoms.

The Steering Committee is worried about the general trend that consists of forbidding the wearing of religious and philosophical symbols in public institutions of higher education. The Committee once again affirms that when it comes to adults, freedom of expression is a fundamental right. It congratulates those universities that scrupulously respect this principle.

Whatever the solution that is chosen in the end, it must be applied as broadly as possible to all establishments in order to avoid the detrimental effects of the “education market”, in which religious symbols will continue to be a distinguishing factor between “elite schools” – where these symbols are banned – and “second-rate schools”, where they are allowed. The state-subsidised religious (usually Catholic) schools that educate the majority of children should preferably become involved with this issue.

The Steering Committee suggests that during the process that is to lead to the promulgation of decrees regulating the wearing of religious or philosophical symbols at school, an avenue of dialogue be opened with the network of subsidised religious schools in order to unify as much as possible the way the various school systems tackle this issue.

But the issue of the place of religious and philosophical concepts in the daily life of a school is not limited to the matter of wearing religious or philosophical symbols. Just as often, students or parents ask the school to take religious holidays into account.

¹¹ Within the limits that apply to the exercising of all fundamental freedoms, of course.

As regards the organisation of the school calendar in Flanders, there is already a ministerial decree of 8 July 2005 relating to school holidays in the Community¹² (entitled “Afwezigheden en in- en uitschrijvingen in het voltijds gewoon secundair”, i.e. “Absences and registration and withdrawal in regular full-time secondary education”); with a written statement by the parents or an official document, students have the right to an authorised absence in order to take part in holidays “inherent in the student’s religion as recognised by the Constitution”. The Steering Committee is in favour of using the system of justified absences in effect in Flanders as inspiration for the French Community schools, with the major reservation, however, that even if this provision is likely to create empirically greater equality among students who adhere to different religious and philosophical beliefs, nonetheless it does not ensure the equality under the law of all religions because Christian holidays are imposed on all as a reference point. This is why a more ambitious goal has to be set.

The Steering Committee recommends a reform of the school calendar so it can take into account cultural or religious holidays that are not linked to just one tradition. In addition to the “secular” holidays (1 January, 1 May, 21 July, etc.), a balance has to be found between Christian holidays and those of other religious and philosophical traditions.

The Steering Committee is aware of the reactions this recommendation may provoke among other reasons because of the enduring traditions relating to the school calendar. Moreover, any reform of the school calendar must be coordinated with a reform of the civil calendar, which we are also recommending¹³.

Accommodation of religious and philosophical diversity in school also gives rise to discussions on a different, quite practical level, namely on a number of dietary rules. Some students or their parents are requesting that the school take these into account. To what extent is an educational establishment supposed to acknowledge these requests?

As regards food in the school canteen, the Steering Committee recommends being **pragmatic**. For example, providing vegetarian menus could be a welcome alternative – albeit not an entirely satisfactory one – for some students.

4.3. Relations with the environment outside school: parents, associations, local intermediaries, neighbourhoods

Lastly, it is important for the school to maintain constructive relationships with all stakeholders directly or indirectly involved: parents, family, neighbourhood residents, etc.

Parents are key partners of the school, just like the school is a partner in the children’s education. So it is important to aim for optimal communication between them and an active participation of the parents in school life.

In practice, contacts between the school and parents are not always very easy. Even if, generally speaking, the parents of children from ethnic, cultural and/or religious minorities think highly of school and have correspondingly high expectations, many of them have difficulties communicating with the and teachers and school administration. The latter have also drawn attention to the difficulties they encounter in communicating with parents.

¹² <http://www.ond.vlaanderen.be/wetwijs/thema.asp?id=209>

¹³ See Chapter II.3.

The Steering Committee advocates that each school adopt a policy of positive involvement of the parents, with a clear vision and a programme of communication and participation.

Such a programme could include the following initiatives:

- **Accessible information.** All schools should make sure of the accessibility of their information and communication materials. The educational coordinating bodies and parents' committees play an important role in this respect.
- The Steering Committee calls for a **flexible language policy** vis-à-vis parents. The official language is always the reference point, and one is entitled to expect that parents adopt a positive attitude towards that language. On the other side of the coin, the school must also adopt a positive attitude towards other languages. Consequently it is unacceptable to obligate parents to speak to their children only in the official language at the school gates or even at home. Communication with parents comes before language-related principles.
- The schools must also provide formal channels for contact and participation (meetings, parents' committee, school council) – and to “interculturalise” these channels – as well as opportunities for informal contacts (such as a chat in front of the classroom door or during a school party or celebration). They must make sure that the information flows in both directions. Indeed, schools should not forget that parents can also be sources of useful information that greatly benefits the education of the child.

The public authorities can also provide (financial) incentives for the schools and other organisations to set up, where useful, **courses in the official language in use (French, Dutch or German)** for parents whose native language isn't the official one. The added value of this initiative would be at two levels: the parents would improve their proficiency in the official language, in particular in the school context (vocabulary and situations connected to school life). At the same time, these courses can be an opportunity to look at informative aspects (for example, difficulties regarding the choice of studies) and eliminate a number of communication-related obstacles between the parents and the school.

The scholastic success of a child must never depend on his or her parents' attitude. **The task of education consists precisely in giving each child the same chance to develop, whatever his or her family circumstances.** It may be good to foster parents' sense of responsibility but this can never be done at the expense of the child. The objective must not be to impose norms on parents but to encourage dialogue on their children's education and open up opportunities to participate.

Associations and a number of **local stakeholders** can play a pivotal role in bringing the school and parents closer together. A number of schools are already turning to professional mediators who are tasked with following up on and (re)motivating students whose performance is uneven, intervening in disputes and increasing awareness in families and guiding them so that they invest more consistently in the education of their children. This is done in close collaboration with the players concerned, such as associations that offer educational support.

The Steering Committee notes that there is currently a lack of awareness regarding **local intermediaries**, and that their position is not structurally anchored in the education landscape.

The Steering Committee emphasises the added value that can be contributed by intercultural mediators, social translation and interpreting services and other local

intermediaries, in particular those from ethnic, cultural and religious minorities. Their work should be supported and promoted, which entails, notably, giving them a structural place in education and an officially standardised status (qualifications, title, etc).

Chapter II: Employment

Introduction

In the previous chapter, we made the troubling observation that students from ethnic or cultural minority backgrounds had a markedly lower rate of success in school than their fellow students. Unfortunately but quite logically, we find the same gap in the statistics on participation in the labour market. Nearly four adults out of ten of Moroccan, Turkish, Algerian or Congolese origin are currently without work. In certain neighbourhoods, particularly in Brussels, where these minorities are strongly represented, the unemployment rate exceeds 50%. At the same time, 10.3% of the active population of Belgian origin is without work, and 16% among naturalised Belgians¹⁴.

We are, moreover, seeing what might be called an “ethnostratification” of the labour market: persons of European origin are overrepresented in the upper segments (the primary market) while persons of immigrant origin from outside of Europe (whether or not they are Belgian citizens) are concentrated more heavily in the lower segments (the so-called secondary market). By comparison with the primary market, this secondary market is characterised by a higher risk of unemployment, lower salaries, less favourable working conditions and more unstable jobs. In other words, adults from ethnic or cultural minorities often not only have more difficulty finding a job, but also in keeping it.

This high level of unemployment has serious consequences, and not only for the workers themselves. Their exclusion from the labour market leads to a greater level of exclusion from social life, this is especially the case among young people. **Those who worry about integration, radicalisation and the rise of “ghettos” should not reduce the causes thereof to on language, religion and culture alone, but seek instead to develop a more proactive economic policy to include persons belonging to ethnic, cultural or religious minorities in the public space and on the job market.**

The Steering Committee is aware that several measures have already been adopted to this end. But its members are concerned by the long time it takes for effects to be felt. This is the reason why we have decided to formulate these additional, voluntarist and ambitious proposals. This is probably the only way forward if we wish to defuse what might otherwise risk becoming a social and economic time bomb.

1. Fighting discrimination

Among people with the same level of education or training, there are considerable gaps between the unemployment rates among Belgians of European origin and among persons from ethnic and cultural minorities, recent immigrant adults and foreign nationals. Persons belonging to these minorities who have a higher education diploma have twice the risk of being employed than other Belgians with the same level of education. For persons of Turkish

¹⁴ Source: *L'ascenseur social reste en panne. Performances des élèves issus de l'immigration en Communauté Française et en Communauté Flamande /De sociale lift blijft steken. De prestaties van allochtone leerlingen in de Vlaamse Gemeenschap en de Franse Gemeenschap*, King Baudouin Foundation, May 2009.

and Moroccan origin, this risk is even six times as high. And for other foreigners (from outside the EU), it is four times higher. Finally, workers from ethnic, cultural and religious minorities and newcomers are three to four times more likely to hold part-time or temporary jobs¹⁵.

These statistics reinforce the importance of measures that make it possible to fight **discrimination on the labour market** as effectively as possible. However, the unlawful practices in this area are often not easy to detect.

At all stages of one's working life – whether during the recruitment process, on the job itself or when being laid off – candidates and workers from ethnic, cultural and/or religious minorities are often treated differently. It happens that practices that are at the very least dubious are applied in order to keep them out; these include a clearly disproportionate requirement that one be a French or Dutch native speaker, whereas in fact a fair knowledge of the language in question would suffice for the job being offered. More subjective aspects can also come into play, such as the personality of the person conducting the job interview, who may be subconsciously influenced by prejudices against persons from ethnic, cultural and/or religious minorities. We cannot, of course, generalise, but the observation that such situations still exist today demands that special, and especially critical, attention be paid to this issue.

In the workplace, problems relating to identity are diverse in nature. The studies we have been able to consult during the course of the Round Tables mention several types of situations, some of which are linked to the specific context of the workplace, while others are structural in nature and thus require that appropriate measures be taken. In the first category, there is concern about jokes – whether or not intended in good faith - about a person's religious or ethnic minority, and that may be perceived as particularly hurtful by the worker who is its target. Such incidents may cause tension among co-workers that is in itself damaging to peaceful coexistence within the workplace. A more structural form of discrimination is the experience of the so-called “glass ceiling” which persons belonging to ethnic, cultural or religious minorities may experience, as women have done, preventing their promotion to upper-level positions. Another example of the problem on a structural level is the reality – often denounced – that it is persons of ethnic, cultural and/or religious minorities who are the first victims of lay-offs in the event of a restructuring.

Another potential source of concern from an intercultural perspective is the recent trend to invoke the **principle of neutrality in private companies** which require, as do some public authorities, that members of their staff wear no religious or philosophical symbol. These situations are not, of course, identical for all types of businesses, since some private companies fulfil public service tasks (publicly funded schools, associations, etc.), while others carry out activities that require a particular code of ethics (training, research, health care, etc.). Whatever the position taken in the debate on the neutrality required in the public services¹⁶, neutrality is not a legal obligation for private companies – notably those whose activities are purely commercial in nature¹⁷ – and we must therefore avoid it being arbitrarily used to oppose “the freedom to manifest one's religion or beliefs... in public or private” guaranteed by Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Steering Committee is aware that several praiseworthy initiatives have already been taken in Belgium to fight discrimination, notably in the approval of the Anti-discrimination Law of 10 May 2007. The proposals that follow are intended to focus on the effective application

¹⁵ *Ibid.*

¹⁶ See Chapter III.3.

¹⁷ The question of private companies that provide public services is addressed in the chapter on Governance.

of the law and to make the existing legal measures more effective and supplement them or propose new ones.

1.1. Socio-economic monitoring

We cannot fight discrimination without first observing it empirically. And we cannot observe its impact without objective instruments of measurement.

At the request of the Inter-ministerial Conference on Employment, a statistical instrument was developed by the Centre for Equal Opportunities and Opposition to Racism and was made public in 2007 under the name “socio-economic monitoring”. This instrument integrates the objective data already available in population registers and at the Crossroads Bank for Social Security. By cross-checking the data, it is possible to sketch an outline of diversity based on these criteria within various sectors or businesses, and thereby to highlight those places where de facto discrimination is not only observable, but also the most problematic. The monitoring process, which scrupulously respects privacy and individual anonymity, has been submitted to the social partners and the Regions of Belgium. As far as we know, three years later the project is advancing, but the Steering Committee insists that its implementation be finalised as soon as possible.

The Steering Committee is aware that socio-economic monitoring is not fit to measure diversity in the labour market on the basis of all the criteria that could give rise to discrimination. For example, the low representation of people of minority origin may not have been correctly identified. But any extension of this monitoring process to other categories is called into question either on the grounds of technical difficulties (how to measure subjective differences in an irrefutable way?) or on the grounds of principled objections (is it permissible to classify persons according to such categories?). The members of the Steering Committee differ among themselves regarding the possibility of resolving these difficulties over the short term and of refuting all these objections: reflection on the pros and cons of “monitoring equality” must therefore continue, ultimately making it possible to measure discrimination based on broader criteria (such as skin colour or religious beliefs).

All agree, however, on the urgency with which a tool, imperfect as it may be, must be improved with a view to eventually being able to provide essential information on the persistence of certain forms of discrimination in employment. Clearly, such a tool must be based on “objective” criteria (such as nationality or origin), without which no targeted policy of combating discrimination can be carried out in a way that addresses these deep-seated problems.

The Steering Committee insists that the project aimed at putting in place a system of “socio-economic monitoring” be brought to fruition as soon as possible. Such monitoring is the indispensable minimum condition for taking stock objectively of discrimination in employment and to engage sufficient resources in order to reduce its occurrence.

The Steering Committee advises, moreover, extending the scope of the Law of 22 December 1995 concerning measures in execution of the multi-annual plan for employment. This Law requires every company to submit, when it files its annual accounts, a list of its staff and the changes in personnel that have taken place. The Steering Committee proposes that the social partners study the possibilities of **providing, on that occasion, information on diversity in the company**, taking care to examine the degree to which such information would make it possible to combat, more effectively, discrimination in the labour market while respecting the bounds of privacy.

1.2. Establishing quotas

Quotas are a very sensitive issue, and hence the benefits of their use must be scrupulously weighed up against the risk of giving rise to other forms of discrimination. The proposals made by the Steering Committee here, and which consist of setting “quotas” for hiring people from groups that are subject to discrimination, shares the same logic as the previous proposal on “socio-economic monitoring”. For it is not enough to give employers incentives to stop discriminating: the “diversity plans”, to which so far only a small number of companies have signed up voluntarily, show the limits of an approach based only on the good will of employers.

The Steering Committee has decided to limit itself to the “objective” categories applied in socio-economic monitoring (nationality and origin), and insists that the public authorities set an example by correcting their own recruitment policy with a view to achieving equality among the various populations within our country.

The Steering Committee calls upon the public authorities set up a quota system, for a limited period of time, which while careful to respect the limits placed by the constitutional principle and the means available for prohibiting discrimination, allows for the recruitment of persons of minority origin. Specifically, the Steering Committee recommends that the federal government finalise as soon as possible the royal decree that is provided for in the Anti-discrimination Law of 10 May 2007 and that is to lay down the conditions for positive action.

The Steering Committee is clearly not arguing that candidates who are not suited to a given job be hired solely because of their nationality or their foreign origins. What is needed is, rather, for the public authorities to set a good example by committing themselves to seeking out candidates within disadvantaged groups who possess the requisite profile.

These quotas could also be applied to publicly owned companies or private businesses as a condition to obtain certain government contracts.

The Steering Committee is aware that this recommendation does not address the type of discrimination that targets factors which cannot be objectively measured – such as religious belief or ethnicity. It nonetheless judges that it is essential for public authorities to make a voluntary gesture that could measurably offset forms of discrimination that have endured for too long.

1.3. Fine-tuning collective labour agreements

A large number of companies and organisations already have labour regulations that contain a non-discrimination code. The national Collective Labour Agreement (CLA) no. 38 also provides not only for a ban on all forms of discrimination during recruitment and selection, but also a certain number of rules of behaviour for recruitment specialists, employers and candidates. A national CLA such as this one is drawn up within the Conseil national du Travail /Nationale Arbeidsraad (National Labour Council), a body composed of equal numbers of representatives of trades unions and of employers’ organisations. The agreement applies in principle to all sectors of the economy, but remains subject to labour and non-discrimination legislation.

Under the terms of the 2007-2008 interprofessional agreement, the social partners had made known their intention to extend the prohibition against discrimination from CLA no. 38 (recruitment and selection) to all stages of the labour relationship. They chose to modernise CLA no. 38 and, at the same time, to conclude a new national CLA no. 95, which covers all

stages of the labour relationship. In point I of the annex to CLA no. 38, the social partners affirm: "Inequality of treatment does not always take place in a fully conscious manner. It may result from longstanding habits or job requirements that are outdated. That is why a conscious commitment on the part of employers is necessary. This is an evolutionary process: the present text is intended to make recommendations that point in the right direction."

The Steering Committee is delighted, of course, at the above-mentioned progress made by the social partners, even if in practice the concrete implementation of the CLA remains to be implemented. The main objection is that the current recommendations of the code on non-discrimination are still too vague. In practice, employers who are indifferent or hostile to this code could simply sign it and then proceed to ignore it.

The Steering Committee advises the social partners to amend CLA nos. 38 and 95 in order to include in them more precise measures concerning equality and non-discrimination.

The Steering Committee also makes a recommendation to the Minister of Justice regarding Circular COL 6/2006 of the public prosecutors, which defines a system for detecting cases of racism and discrimination. The criteria mentioned in the circular are strongly based on racist acts that are easy to identify and punish. Yet racism may also be more subtle in nature and therefore difficult to detect using this particular tool. In practice, complaints of discrimination are often still not given the necessary priority.

The Steering Committee recommends that the Minister of Justice, in collaboration with the College of public prosecutors, issue a circular that insists on giving priority to the fight against racism and discrimination.

As regards employment more specifically, the Steering Committee asks the social inspection services to give full attention to the often subtle forms of discrimination of which workers from ethnic, cultural and/or religious minorities are victim.

1.4. The anonymous curriculum vitae

The anonymous curriculum vitae (CV) is a tool for preventing discriminatory behaviour on the part of employers. Its use would make it impossible for the latter to eliminate an application based on a presumed ethnic, cultural and/or religious identity, since the details that would lead to such a presumption would be protected by the anonymity of the CV.

It should be noted that this suggestion is not always greeted with enthusiasm by job applicants, since far from challenging directly the causes of discrimination, it inflicts on its victims the symbolic violence of blindness. It is nevertheless recommended that for lack of a better alternative at this stage, this technique be used as one tool among others for combating discrimination.

In Belgium, a royal decree that entered into force in October 2005 introduced the anonymous CV within the federal administration. The Brussels Region recently considered introducing it in its own administration. In France, use of the anonymous CV is mandatory since 2006 in companies of more than 50 employees, but the implementing decree has not yet been issued.

The Steering Committee recommends that the social partners envisage introducing the anonymous selection procedure – without name, nationality or photo – for companies employing at least 50 people.

1.5. Centralising complaints

The Centre for Equal Opportunities and Opposition to Racism, responsible for leading the fight against discrimination, has been operating since 2009 with a new IT system, METICE, which centralises all complaints of racism and discrimination.

The advantage of this system is that other players can also use it and that various types of data can be combined within it. This makes it possible to enter into protocols for collaboration with other institutions. Thus, a partnership has been set up with Actiris and with the Federal Public Service Employment's Labour Inspectorate.

The METICE system presupposes the existence of protocols for collaboration. Moreover, the Steering Committee supports this impetus to collaboration, and encourages other similar protocols to be concluded between the Centre for Equal Opportunities and Opposition to Racism and certain institutions, such as outplacement services (VDAB, Forem), anti-discrimination contact points, as well as between social partners and organisations dedicated to fighting racism and discrimination.

2. Reasonable accommodation¹⁸

At the time they were launched, the Round Tables on Interculturalism had proposed a non-limitative list of thirteen thematic areas¹⁹. One of these had to do with “the analysis of the notion of ‘reasonable accommodation’ and its possible implementation”. A short time later, the new government of the French Community in Belgium incorporated this matter into its “Community policy statement”: “In coordination with the Round Tables on Interculturalism and with the Centre for Equal Opportunities and Opposition to Racism, the Government will hold a debate on the notion of reasonable accommodation and on the way in which it could be implemented in order to prevent and resolve difficulties or conflicts linked to interculturalism.”

From these words, we could infer the considerable interest that the Quebec experience with reasonable accommodation held for Belgium at the time and the sense that it constituted a pathway from which we could draw inspiration. We therefore took up the question in the Round Tables. Our discussions, as well as the various studies we drew upon for the purpose, revealed a profound gap between those in favour of accommodations following the Quebec example, and their opponents. Up to a point, this polarisation was also felt within the Steering Committee.

To understand what was at stake in this debate, we need first to flesh it out further.

¹⁸ In the French version of this report, the decision was made to use the term “aménagements” for what in Quebec is known as “accommodements”, a literal translation of the English term “accommodations”. This decision is justified by the terminology in use within the francophone legal tradition in Europe, where “aménagements raisonnables” already exist for the benefit of persons with a disability. However, it is above all the terminology of “accommodements raisonnables” that was used in the course of the discussions, most often using the Quebec experience as the starting point.

¹⁹ www.interculturaliteit.be / www.interculturaliteit.be.

It sometimes happens that measures or rules of general application and that pursue a legitimate goal may nonetheless disadvantage certain people because of their own particular characteristics. In such cases it is customary to speak, rightly or wrongly, of “indirect discrimination”. These do not necessarily proceed from a desire to discriminate: it is in its consequences that the generally applicable rule affects certain people more severely than others. In some cases, it is possible to modify the rule to avoid its undesirable or harmful consequences. In others, this is impossible. Therefore, particular arrangements need to be made in order to ensure that in practice, all remain equal before the rule in question.

Initially, such specific accommodations – which primarily concern employment but may also apply to schools or to the “goods and services” sector (health care, housing, leisure, etc.) – were envisaged only on behalf of persons with disabilities. The latter may – in spite of themselves, it should be said – claim that theirs is an “objective” characteristic. According to the Law of 10 May 2007, this is the only form of legally binding “reasonable accommodation” so far provided for in Belgian law. It should be noted that this obligation of accommodation is not absolute and that it must not impose an “undue constraint” on the employer, with the effect that what is excessive needs to be determined on a case-by-case basis.

Since one of the objectives of the Round Tables was, as we wrote in the introduction, “to promote cultural diversity, integration, racial mingling and the development of talents, ...”, it was legitimate for the Steering Committee to study the question of the transposition of the accommodations approach to persons who claim membership in a particular culture or a particular religious or philosophical belief: can we compel Jewish employees to work on Saturday if their working hours could be arranged otherwise; could one prohibit Muslim employees, as a matter of principle, from saying their prayers in the course of the working day if the nature of their tasks and the configuration of the premises make this possible?

Accommodations in these areas can take several forms. The first, which is to be preferred, is what Quebecers call the “citizen route” (“*la voie citoyenne*”), and which looks for “concerted adjustment”: among people of good will, it should be possible to find solutions that are mutually satisfactory. The second is the “legal route” (“*la voie juridique*”): in the absence of agreement, the request is put before a judge, who rules either to dismiss the request on the grounds that it is “unreasonable”, or to impose an accommodation on the other party.

This is the point on which the Steering Committee found itself divided. Some considered that they ought to examine to what extent a right to reasonable accommodation on grounds of a number of other criteria privileged by the Anti-discrimination Law (notably for reasons relating to culture or religious or philosophical beliefs) would make it possible to offer more thorough protection. Other members found it difficult if not impossible to find objective grounds on which to assess the reasonableness of a request for accommodation of a “subjective” characteristic: how to evaluate the sincerity of such a belief? For the former group, the Law of 10 May 2007 should be amended. For the latter, the law must decidedly be left unchanged.

The majority of the Steering Committee members think, however, that these arguments need to be developed further and that reflection must be continued, just as the Council of Europe recently invited us to do²⁰. This is the reason for the following recommendation.

The Steering Committee invites people to give further scrutiny to any benefits or disadvantages that may result from extending the concept of reasonable accommodation, as defined in the Law of 10 May 2007, in order that such

²⁰ *Institutional accommodation and the citizen: legal and political interaction in a pluralist society*, Council of Europe (Trends in social cohesion, no. 21,) Strasbourg, 2009.

accommodations no longer be limited solely to persons with disabilities, but may also be applied to other situations, notably those relating to religious or philosophical convictions²¹.

But without waiting for the result of such a reflection, the Steering Committee wishes to extend the “citizen route” and provide society with tools enabling it to satisfy in a pragmatic way the requests for accommodation made for cultural or religious reasons. This means:

- becoming better acquainted with the demands of accommodation as formulated by the target groups, the way in which these demands were satisfied and the procedure used. A study of the matter in the field of employment, carried out at the request of the Centre for Equal Opportunities and Opposition to Racism and for the purposes of the Round Tables by the VUB and the ULB, provided the first few valuable components. Thus, it appeared that the two accommodations most frequently requested had to do on the one hand with the possibility of taking fixed religious holidays off and, on the other, with the possibility of taking one’s holidays in a longer block in order to return to the country of origin during the summer;
- assuming that most of the situations that gave rise to complaints came about involuntarily, sharing best practices and raising awareness among the social partners;
- putting in place a body of formally authorised intercultural mediators who can facilitate negotiation, where necessary, concerning requests for accommodation on cultural or religious grounds;
- modelled on the practice of the Commission for Equal Treatment (*Commissie voor Gelijke Behandeling*) in the Netherlands and the *HALDE* in France, provide for a perfectly neutral and expert body that can issue quasi-judicial opinions (that is, judicial in their form but not executive in nature) on requests for reasonable accommodation.

As regards reasonable accommodation, the Steering Committee wishes to expand the “citizen route” by creating a series of useful tools for handling legitimate demands more effectively, and thus avoiding the need to have recourse to the legal route.

After some time, it will be necessary to evaluate the extent to which, in practice, the tools proposed here have in fact reduced intercultural tensions.

3. Adapting the calendar of legal holidays

At present, the civil calendar gives a pre-eminent place to Christian holidays, which account for six legal holidays out of ten. In practice, this situation leads to an inequality in the treatment of Christians and of persons of other religious or philosophical beliefs: the latter must in each case take a day of personal leave for their own holidays, and can only do so with their employer’s consent. Moreover, the goal of interculturalisation should also apply to the calendar so that the division of time is not associated with only one religious tradition.

The Commission for Intercultural Dialogue had deemed it legitimate “for holidays of cultural groups other than the northern European ones to be taken into account in organising the cultural agenda”, but without putting forward any concrete proposals.

²¹ The Anti-discrimination Law of 10 May 2007 establishes the list of criteria that are protected from any direct or indirect discrimination: “age, sexual orientation, civil status, birth, wealth, religious or philosophical beliefs, political beliefs, trades union commitment, language, current or future health, disability, physical or genetic feature, social origin”.

The Steering Committee advocates that social partners should, within the National Labour Council, put this question on their agenda and draft solutions that more clearly include the principle of equality among different religions and recognised philosophical beliefs as regards their insertion into the calendar of legal holidays.

The Steering Committee proposes that the calendar of legal holidays be reformed as follows:

- 1. Retain the following five holidays: 1 January, 1 May, 21 July, 11 November and 25 December.**
- 2. Allow each person to choose two holidays freely, depending on his or her culture or religion.**
- 3. Create three new non-religious legal holidays. These could coincide with international days that celebrate diversity and the fight against discrimination such as International Women’s Day (8 March), the International Day for the Elimination of Racial Discrimination (21 March) and the World Day for Cultural Diversity (21 May).**

The Steering Committee is perfectly aware of the fact that, in making this proposal, it is touching on a sensitive area, since the calendar of public holidays is perceived by many as a historic legacy that has become an acquired social right. However, the interculturalism project involves a long-term commitment. As such, it demands at least that one be open to discussing questions that will enable persons belonging to ethnic, cultural and/or religious minorities, now full members of society, to participate in framing that heritage and its renewal. Shared holidays and the reshuffling of the current calendar would represent a symbolic form of participation, one that would make it possible to strengthen peaceful coexistence while respecting diversity.

4. Encouraging the entrepreneurial spirit

A recent study conducted for a “Research Centre for Entrepreneurship” has shown that more than a third of refugees and asylum seekers who arrive in Belgium plan to start their own business in order to facilitate their integration into their new surroundings and to launch a profit-making activity of which they will be in charge.

The Round Tables did not address the situation of recent immigrants, although some of the difficulties which they encounter deserve special attention. We also advise a few simple measures to be taken, but without involving ourselves further in this question.

Information on how to set up one’s own business should be provided clearly at the time when new immigrants meet the conditions for working in Belgium.

Access to business management training for entrepreneurs should be provided to new immigrants who meet the conditions for working in Belgium, given the importance of such training in beginning self-employment.

The Steering Committee also suggests that the microcredit formula be encouraged, as it is especially suited to the needs of small start-up businesses in the sectors in which many new immigrants are involved: the catering business and itinerant trade.

Provided a person is able to establish his or her identity, anyone residing in Belgium should be able to have access to bank credit – this is a question of social justice and banking ethics.

5. Recognising competencies

Persons who have obtained their qualifications abroad generally have difficulty getting their skills formally (and effectively) recognised on the Belgian labour market. Training programmes taken abroad are generally not treated as equivalent to their Belgian counterparts, and therefore it is not easy to gain recognition for them.

A specific and more detailed system for collecting data on the programmes taken and the skills acquired abroad could help enhance recognition of foreign diplomas. Such a system would have to be based on a clear and uniform classification of the different levels and forms of education.

Moreover, the Steering Committee insists that work experience – whether acquired in Belgium or abroad - be validated and used in as targeted a way as possible in the case of people who come under Article 60 (recipients of social benefits for whom the Public Welfare Centre (CPAS/OCMW) has found a job). This could increase their self-confidence and provide them with useful work experience for preparing a career.

6. Supporting specific groups

The Steering Committee wishes to draw attention to two particularly vulnerable groups among members of ethnic, cultural and/or religious minorities: low-skilled young people and women. Special measures may be necessary to promote their access to work.

6.1. Low-skilled young people

In 2007, nearly 60,000 low-skilled young people (under 25) were unemployed and were no longer engaged in study or training. Nearly half of these had been looking for work for at least a year. The vast majority of these young people, often from ethnic or cultural minorities, left school without a diploma. They constitute the largest group among job seekers.

A recent study conducted by the Facultés Saint-Louis (Brussels) and the HIVA (Leuven)²² identified the key factors that would help increase the chances of this group entering the job market. The qualitative approach should take precedence: a personalised accompaniment is to be preferred, and should be intensive and conceived over the long term, and, finally, access to training should be guaranteed.

For young people who leave school too early, the link between education and the job market should be strengthened through the creation of an intensive individual accompaniment and integration process. This could be done under the joint responsibility of the employment services and the schools.

For young people who have few qualifications, access to employment does not, however, guarantee that they will be able to retain their jobs. If they are to be integrated in a

²² Raphael Darquenne & Line Van Hemel, *Une autre approche pour l'activation des jeunes chômeurs peu qualifiés*, Brussels, King Baudouin Foundation, March 2009.

sustainable manner in the labour market, it is essential to work on the relationship between the young person and the employer.

Orientation and integration services, social services and businesses are the partners who are best placed to cooperate among themselves, in order to ensure that a young person who is committed to his or her work will not too readily lose his or her job.

The tasks of those who **mentor** young people and especially unskilled and therefore vulnerable workers should, moreover, be redefined. Given the difficult and complex nature of this target group, it is desirable that those who work with them receive **specialised training**.

When recruiting mentors, emphasis should be placed on certain specific skills: using appropriate means of communication for reaching the target group, being available for field work (where relationships can be formed with young people), being able to serve as a direct interlocutor with employers and professional employment services, having the profile of a coach who suggests an integration trajectory based on negotiation rather than one-way communication, and being able to put themselves in the shoes of their clients.

Certain measures are, moreover, simple to implement and yet would make it possible to take action on behalf of the young people in question. We provide two examples:

Short-term temporary jobs are frequent among young people. This experience should be taken fully into account as work experience

One might also consider encouraging businesses, **as much as possible, to create** summer jobs **that would be limited to young people in difficult situations**, notably those from ethnic, cultural and/or religious minority backgrounds, and to do so in consultation with associations based in the neighbourhoods suffering from social exclusion, in particular those inhabited by groups from the aforesaid minorities.

6.2. Women

For several years now, we have witnessed a feminisation of immigration. This phenomenon is especially striking in the case of Moroccan and Turkish migrants, two major source countries in Belgium, as well as of migrants from sub-Saharan Africa. In the case of Morocco, in the early 1990s, there were 100 women for every 234 man who immigrated; today, the proportion is 100 to 125. These figures are significant, and reflect an underlying reality, namely that the rate of participation by women in the active workforce is much lower than that of men, both among native-born Belgians and among persons of foreign origin²³.

Add to this the fact that as regards women who immigrate to Belgium, it is often difficult to find out, from the outset, the extent to which their education/experience/qualifications will meet the needs of the labour market. A better and more comprehensive view of the requirements of the labour market could help them prepare more effectively for their career path here.

The Steering Committee proposes that the specific competencies of new immigrants

²³ The gap has been even greater for the latter group: 27% as compared to 14% for Belgians. (Source: King Baudouin Foundation, *Synthèse des recommandations issues des travaux de la Fondation Roi Baudouin depuis 2001/Koning Boudewijnstichting, Synthese van de aanbevelingen die volgden uit het werk van de Koning Boudewijnstichting sinds 2001*, Brussels, March 2010, unpublished document).

be examined more closely with a view to offering them the best possible guidance in entering the labour market.

Chapter III: Governance

Introduction

The concept of “Governance” may give rise to some confusion. Traditionally it covers the vast field of political action and management of public services, thus implicitly covering a considerable part of the matters addressed in this report.

The Steering Committee opted for a different approach, consisting in grouping, under the heading of “Governance”, various points of tension that revolve around interculturalism and that elicit discussion and thus play an important part in this report.

The aim is not to be exhaustive, nor to provide ready-made solutions, but on the contrary to trace a few pathways that, on the urgent questions regarding the management of public affairs, raise the question of how best to manage these from the perspective of the interculturalist project. The work carried out by the various Commissions have shown that the following topics deserve particular attention: harmonising migration and integration policies; the relevance today of the “Cultural Pact” of 1971; reasonable accommodation; religious and philosophical symbols in the public services; ritual slaughtering; police and court action as part of their service to the public; and, finally, the demands of preserving memory.

There should be no mistake, therefore, on the scope of this chapter, which is illustrative of a number of questions that touch on Governance in the context of a pluralist society, but which cannot of course cover them all.

1. Consistency in policies toward ethnic, cultural and religious minorities

The policy on ethnic, cultural and religious minorities is currently divided among the various levels of power in Belgium. The admission of foreigners to the country falls within the scope of **asylum and immigration policy** which is a **federal competence**. **Equal opportunity** is an **inter-federal matter**. As for the integration policy for new immigrants and the promotion of **diversity and interculturalism**, it is the responsibility of the federated entities.

Moreover, other policies on topics that are inseparably linked to diversity are conducted at each of these levels. This is true, in particular, for employment, education, housing and health. One of the major challenges consists therefore in ensuring that the “diversity policy” is not handled as a distinct political domain, but as a commitment shared by the authorities in charge, not only using specific measures but also by subjecting every policy to a “diversity test” (mainstreaming). Moreover, action taken in the various domains and at various political levels need to be coordinated in such a way that the outcome is a consistent policy which is better equipped to face the challenges.

The Steering Committee advocates that anti-discrimination policy and diversity policy be inseparably linked to all political domains and to each level of power in Belgium. Actions undertaken in these different domains must be coordinated and be subjected to an integrated evaluation.

2. The “Cultural Pact”

The Cultural Pact of 1971 guarantees the participation of all ideological and philosophical currents (including religious ones) in public cultural policy. The latter term should be understood in its broadest possible sense and includes a whole series of domains: culture in the strict sense (arts, libraries, museums, etc.) as well as youth, sport, leisure, media, languages and science. All ideological currents must have access to cultural policy, no one may be discriminated against. Following the example of the “Education Pact”²⁴, the Cultural Pact came into existence at the end of a long conflict between the Catholic and the secular “pillars” in Belgium. It is therefore intended principally to overcome one of the major historic rifts that have divided Belgian society. But for obvious reasons linked to the circumstances of its adoption, that pact did not take into consideration the presence within the Belgian population of “new” cultural minorities. This leads to a situation of structural inequality that is contrary to the principle of the equality of all citizens.

The Steering Committee proposes that a reform of the Cultural Pact of 1971 be examined in light of the new multicultural reality in our country. As a place of reflection, the Senate could, for example, examine this question within an existing committee or one yet to be created for the purpose.

3. Religious or philosophical symbols in the public services

There has been so much debate on the wearing of religious or philosophical symbols in the public services – in particular at the counter of local administrative offices and in school²⁵ – that the question is met with a combination of boredom, irritation and bitterness on the part of decision-makers, commentators and the public, whether religious or not. This is all the more true since to this day, the debates in question have not made it possible to reach an unambiguous conclusion or even to achieve a clear delineation of the problem itself: are we talking about the civil service, State-owned companies, private companies that fulfil tasks on behalf of the public services, whether as a matter of course or only occasionally? As one of the negotiators put it during the discussions on the formation of the next government: “This is the BHV²⁶ of multiculturalism”.

At present, it is generally left to the various authorities in charge – municipalities and public social welfare centres (CPAS/OCMW), organisers, directors of public institutions, etc. – to take a position on the question, and they do so quite independently of each other.

The Steering Committee recalls that the starting point of any position on religious and philosophical symbols must be the freedom of expression, of religion and of conscience within the meaning given to them by the European Court of Human Rights. It is up to each person to define for him- or herself what obligations arise from his/her beliefs, while

²⁴ See Chapter I.3.

²⁵ We will not address here the question of wearing religious and philosophical symbols by students, a question that does not fall within the requirement of neutrality in the public services since the requirement in that case affects only the users (students). This point has been covered in Chapter I.4.2.

²⁶ BHV stands for the name of the electoral and judicial district of Brussels-Halle-Vilvoorde, which combines many residents in Flemish communes with the population of Brussels. A plan to split up this district has long been a stumbling block in discussions on the reform of the federal structure in Belgium.

respecting, of course, the requirements imposed by the principles of a democratic society as regards religious freedom. This right is not, it is true, absolute. It is the task of the legislative branch to specify, very clearly, the restrictions it considers necessary to place on this principle, and this is possible only for legitimate and clearly-defined reasons.

The requirement that State authorities and their representatives be neutral is a legitimate one here. But the notion of “State neutrality” is not clearly defined in positive law. Hence, the fact that the neutrality of the State requires that “where, in the course of its duties, it comes into contact with the public, a representative of the State shall avoid any words, attitude or presentation that could be such as to erode the confidence of the public in his or her complete neutrality, competence or dignity” (Royal Decree of 14 June 2007), does not automatically mean that the wearing of religious or philosophical symbols must be prohibited for State representatives. In the opinion of some, the principle that every citizen should be treated equally by the public authorities – regardless of belief – does not require that representatives of that authority be prohibited from expressing their own beliefs. Conversely, if a State representative manifests his or her own beliefs, that does not mean he or she is incapable of treating people equally. Others, however, consider that the presumption of neutrality is indispensable in order to guarantee the public’s confidence in public servants²⁷, and such a presumption requires that State representatives be neutral in appearance, so that they are asked not to manifest in any way their own philosophical or religious beliefs.

In short, what is needed is to agree on an unequivocal definition of the concept of neutrality, and in particular on the distinction to be made between the acts performed by State representatives and their appearance. It is precisely on this point that different positions have been put forward, since case law is also divided on the question.

We can identify four such positions.

Position 1: Ban on wearing religious or philosophical symbols applied to all State representatives.

Position 2: Ban limited to those State representatives who are in contact with the public.

Position 3: Ban limited to State representatives in a position of authority.

Position 4: permission given to all.

Although the Steering Committee was divided on this question, it rejected option 2 (ban on wearing religious or philosophical symbols limited to officials in contact with the public) as compromising the equality of all officials, without thereby guaranteeing the impartiality of the public service. The three other positions found advocates within the members of the Steering Committee.

However, for a majority of the members of the Steering Committee, and without denying their starting position, the need to make an authoritative decision between several positions – two of which are radically opposed to each other – could hardly make for a peaceful solution to a tense situation. It was also necessary to propose a viewpoint that would be deemed acceptable both by the majority of the population and by those groups most exposed to discrimination and stigmatisation.

It is for this reason that, on this delicate question, the Steering Committee rallied around position 3 as a compromise position, and invites the legislators to draw on it as well for inspiration. This position means granting broad permission for wearing religious and philosophical symbols to all officials of the public service (regardless of whether or not they are in contact with the public), except for cases where exclusive neutrality in appearance is

²⁷At this stage, we leave to one side the definition of the term “representative”. Does this refer only to public servants – a narrow definition – anyone providing a public service – a broad definition? This question will be addressed below.

required. The latter applies in particular to those officials whose positions involve a power of coercion vis-à-vis citizens, or whose decisions may affect their lives in a significant way.

The Steering Committee insists on the restrictive nature of the exception and the interpretation that should be given to it: the notion of a “position of authority” appears to be limited to regalian functions: the army, the judiciary and the police. For some members of the Steering Committee, teachers in the compulsory school system should at the very least be included as well. But this position was not held by the entire Steering Committee.

As regards the wearing of religious or philosophical symbols by public servants, the Steering Committee advocates general freedom to wear such symbols, with a ban applicable to those State representatives who hold positions of authority.

Legislation should lay down in an unequivocal manner the positions (certainly the police, judiciary, army) to which this ban applies.

It should be noted that this recommendation allows a closer definition of the categories referred to under the heading “State representative” or “public servant”. The elaboration of a restrictive list of positions, as per our recommendation, is intended notably to avoid any arbitrariness in the application of the principle of neutrality.

4. Ritual slaughtering

The Jewish and Islamic religions contain specific rules governing the slaughtering of animals. The way in which these practices are to be carried out – out of respect both for religious freedom and for animal welfare – is governed by European and Belgian law. The European Court of Human Rights confirms that ritual slaughtering is a “rite”, an essential religious practice that as such is protected by the freedom of religion. Belgian legislation (Royal Decree of 14/08/1986, supplemented by the Royal Decree of 11/02/1988) added the three following restrictions:

1. the animal must be stunned before being slaughtered, except in the case of ritual slaughtering;
2. the animal must be slaughtered in a public slaughterhouse;
3. the slaughtering may only be performed by persons designated by the Central Jewish Consistory of Belgium (in the case of the Jewish religion) or by the “representation of Muslims in Belgium” (in the case of the Islamic religion).

This balanced set of regulations, which for twenty years now has laid down the boundaries within which Jews and Muslims can exercise their religious practices, is now being called into question. Several draft laws introduced in Parliament in recent years have sought to eliminate the exemption in the law which allows religious ritual slaughtering without stunning the animal: an animal would, under such an amendment, have to be anaesthetised under all circumstances. This runs counter to what a majority within both the Jewish and the Islamic religion consider binding rules and would mean that the latter groups would be unable to obtain meat in Belgium that has been prepared in accordance with their rites.

The Steering Committee recommends that the current regulations on ritual slaughtering be maintained.

5. The importance of collective memory

5.1. Memory and negationism

The Steering Committee is aware of the importance of history and memory for the identity of every human being. This is also true, and may be even more so, for those who belong to an ethnic, cultural and/or religious minority. The history of migration, of the home countries, and in particular of the community to which one belongs, plays an important role in the “self-awareness” of people.

Often, history is a source of pride. But sometimes, as well, this pride is wounded. Someone whose history is not recognised, or is caricatured or even denied, may feel that his or her identity is also being denied. When, in addition, a particularly painful episode of that history is concerned, this can have a negative impact on the development of a positive identity and self-esteem.

In extreme cases, negation of history can be used to humiliate, stigmatise and discriminate against a category of people or to attack its memory. This is the case, for instance, of the negation of the genocide against the Jews, and is the reason why Belgium voted the Law of 23 March 1995 making it illegal to “deny, play down, justify or approve of the genocide committed by the German National Socialist regime during the Second World War”.

Since its adoption, this law has often been criticised. Is it not contrary to freedom of expression? Does it not restrict historical research? Is it up to the legislature to define what history is? Yet it must be said that today the majority of democrats who are opposed to the idea of making negationism a criminal offence recognise that abrogating this law would send a very negative message to the public as regards racism.

The Steering Committee recommends maintaining, within Belgium’s legislative arsenal, the Law of 23 March 1995 making it a criminal offense to deny, play down, justify or approve of the genocide committed by the German National Socialist regime during the Second World War, for the simple reason that in the present circumstances, it remains an essential tool in the fight against racism.

The principal argument made against the Law of 1995 is that it seriously infringes the freedom of expression. The legislators of the 1995 law deemed, nonetheless, that the free expression of opinions must be limited where:

- on the one hand, they threaten our democracy by tending to rehabilitate a racist ideology;
- on the other hand, they offend the memory of victims and survivors of genocide.

It was in light of these two conditions that the Constitutional Court validated the Law of 1995. Adding them in the Law itself would both enhance its readability while strengthening legal certainty.

It is thus not the simple fact, in itself beyond reproach, of challenging the reality or scope of the genocide of the Jews that is prohibited by the Law, but any action that consists in inciting hatred against the Jews – that is, anti-Semitism – by putting forward the notion, for example, that the Jews themselves “invented” their own extermination to serve their own interests.

The Steering Committee recommends that the legislators insert into the text of the Law of 1995 the two conditions that specify its scope: that is, the threat posed to democracy by the risk of rehabilitating a racist ideology, and the offense given to the memory of the victims and survivors of genocide.

Situations other than those targeted by the Law of 1995, to which reference is often made and which raise the question of the need for an amendment to that Law, are the genocide committed by the Ottoman Young Turk regime during the First World War and the genocide committed by the so-called “Hutu power” regime in Rwanda in 1994. The trauma endured by the Armenians and the Rwandan Tutsis now living in Belgium is still very much alive. Since in Europe today they are activists who disturb public peace by denying the genocide of the Jews, of the Armenians or those of the Tutsis in Rwanda, this type of denial is inseparably linked to incitement to hatred against one of these groups. It would therefore be advisable to expand the scope of the Law of 1995 to criminalise these sorts of incitements as well.

The Steering Committee recommends eliminating the explicit reference in the Law of 23 March 1995 to the genocide committed by the German National Social regime during the Second World War, in order to enable judges to apply the law to other genocides.

5.2. Memory and colonialism

Belgium must also examine its own history critically. Among other things, if today Belgium has a large Congolese community living in its midst, this is a direct consequence of the colonisation of that country, first by King Leopold II and then by the Belgian State. The ideology that has gone hand in hand with this colonisation, certain forms of violence that that involved, the usurpation of its wealth and the fact that this page of Belgian history is today still largely kept silent are the source of pain for many members of communities now living in Belgium but whose origins lie in sub-Saharan Africa.

The Steering Committee recommends that the political authorities express recognition of this history, so that young generations, most of whom are now Belgian nationals, may grow up in a country that recognises this troubled history and acknowledges its responsibility and expresses regret for these wrongful events.

At a symbolic level, the Steering Committee recommends expressing this acknowledgement in a visible way in the naming of places and public spaces. Names that could offend people from countries that were once colonised should be avoided.

The Steering Committee recommends recognising the problem of “métis” children abandoned by Belgians in Congo, Rwanda and Burundi. Assistance should be offered to those among them who may wish to reconnect with their Belgian origins, and in meeting their parents if the latter are still alive and also wish to do so.

The Steering Committee recommends with urgency paying the pensions of former soldiers of the armed forces who fought for Belgium alongside the Allies during the Second World War.

No acknowledgment is possible without knowledge. Since the various waves of migration have reshaped contemporary societies, in particular in the big cities, it is important that the history of these migrations should be made accessible to the widest possible public. The Steering Committee deplores the fact that the plan for a Museum of Immigration, the creation of which seemed to have been assured in 2002, has to this day remained a dead letter.

The Steering Committee therefore recommends relaunching the plan for a Museum of Immigration, the educational function of which is essential in view of making everyone, and particularly students, aware of an important aspect of our society.

6. Police and court action in their capacity as public services

The police occupies a key role in a society governed by the rule of law: they have a monopoly on “legal violence”. Any unjustified acts of violence on their part are therefore completely unacceptable.

The Steering Committee has examined the complaints of persons of ethnic, cultural and/or religious minority background who are targets of ethnic profiling: this expression may be shocking, but too many testimonies have reported identity checks or searches justified solely on the basis of a person’s foreign origin or skin colour. Similarly, there are far too frequent physical assaults and injuries inflicted on persons, whether or not they are suspected of an offence. Most of the time, this violence takes places during or after someone has been stopped for questioning.

In many cases, victims of police violence are themselves prosecuted for resisting arrest, verbal or physical assault or injury, or incitement to riot. If some of the victims of such violence have in fact committed one of these offences during an escalation of violence, even the P Committee, the “police of the police”, is aware that these allegations are too often used to “cover” the unlawful behaviour by police officers.

The increase – or at any rate the continuation – of discriminatory and violent behaviour by the police is a serious concern of the Steering Committee, as it is not without effect on the target groups: it leads to a loss of confidence in the institutions entrusted with protecting and guaranteeing respect for their fundamental rights. The sense of impunity that results from the very low number of convictions of police officers accused of such behaviour leads, in turn, to calling into question the judicial institutions and, in the end, a discouragement or even rejection of public institutions as a whole.

However, various significant efforts have been made in order to reduce the incidence of discriminatory behaviour on the part of the police. Thus, a good practice has been identified within the 5344 police zone (a zone comprising Schaerbeek, Saint-Josse and Evere), which decided to install surveillance cameras in police stations. Their presence could serve both preventive (dissuasion) and punitive (monitoring) purposes. This project should be supported and extended to all police stations.

Similarly, the training of police officers and the development of a more multicultural police force, one that reflects the population as a whole, should undeniably become priorities.

While rejoicing in the positive trends that have been observed here and there, the Steering Committee has decided to privilege those pathways that are realistic, that is, able to lead to a quick result without demanding an excessive investment in time and human or financial resources.

The Steering Committee recommends:

- Keeping a complete register of detentions, in which any injuries occurring at the time of incarceration must be recorded;
- Installing surveillance cameras in police stations and vehicles;
- starting a reflection process on the means, composition and mandates of the “police of the police”, that is the P Committee, in view of guaranteeing its greater independence and effectiveness;
- a legislative reform that makes it mandatory to initiate (and suspend) disciplinary proceedings in cases of criminal charges (to avoid exceeding the statute of limitations);
- the systematic conjunction of cases initiated by a victim (of racially based police violence) and those against the said victim (for resistance), in order that a single judicial body hear all the facts of the case at the same time.

7. A few general recommendations for fighting racism and discrimination

Belgium must comply with the European anti-discrimination directive, which obliges Member States to create one or several independent institution(s) to support victims of discrimination. This objective may be attained, notably, by signing a cooperation agreement between the federal government and the federated entities in order to transform the Centre for Equal Opportunities and Opposition to Racism from a federal into an inter-federal body; another option would be to create, at the level of the federated entities, independent institutions that will in any case have to work closely with the Centre for Equal Opportunities and Opposition to Racism.

The Council Framework Decision 2008/913/JHA “on combating certain forms and expressions of racism and xenophobia by means of criminal law” must be transposed into Belgian law. This transposition will, of course, have to be done in a way that complies with constitutional rights and freedoms.

Belgium must continue the work begun in view of drawing up a European directive on equal treatment of all citizens, regardless of origin, religion, belief, disability, age or sexual orientation.

Chapter IV: “Goods and services”: Housing and health care

Introduction

We have brought together in one chapter two areas, those of housing and health care, which is commonly designated by the heading “Goods and services”. In these areas, persons are regarded as “clients” or “users”. It is in this capacity that they can be victims of discrimination or may wish to obtain recognition for particular characteristics that are specific to the ethnic, cultural and/or religious minorities to which they consider that they belong.

As a general rule, the constraints that may limit the freedom of service providers to manifest their beliefs²⁸ cannot apply to clients or users. Under no circumstances are they required to comply with any requirement of neutrality or secularity. For “clients” and “users”, freedom is the pre-eminent principle, within the limits imposed on any exercises of a fundamental freedom, namely that the exercise of one freedom may not infringe on another’s freedom or fundamental rights.

As mentioned in the introduction and at various points in this report, persons from ethnic, cultural and/or religious backgrounds often belong to the most vulnerable social groups. They are therefore among the first beneficiaries of “generalist” policies that aim at more equality. This is manifested, among other things, in the two areas that we address here in greater detail: housing and health care. But these policies are not sufficient to ensure the harmonious participation of such persons in society. In order to attain that goal, more “targeted” measures are needed. We will briefly mention the former types of policy, but in accordance with the aim of this report, our recommendations are focused essentially on the latter.

1. Housing

A house means more than a roof over one’s head. It is a safe place, a refuge for both individuals and families. It is also a place of liberty to live according to one’s cultural habits. Moreover, it is a universally recognised fundamental right. This is why enduring discrimination on the housing market is felt in a particularly acute manner, and must be vigorously combated.

1.1. The private housing market

On the private housing market, rental prices in Belgium are set by the landlords, in keeping with the law of supply and demand. Particularly in big cities, where pressure on the real estate market is high and where landlords can thus charge high rents for attractive dwellings, persons with low incomes, which includes many people of foreign origin, are often obliged to accept mediocre housing, for which they nevertheless pay high rents.

In order to limit this phenomenon as much as possible, it is necessary to create a system that can counter the prohibitive rise in rental prices.

²⁸ See Chapter III.3.

One of the tools for achieving this aim is to allow social housing agencies to manage private housing, in order to make them available to low-income households. This system, now in full development, only manages a very small percentage of the housing available. The resources available to these agencies need to be increased, enabling them to acquire more private properties and return to the market dwellings that have been unoccupied due to the lack of active management.

Finally, various premiums (for insulation, renovation) should be given as a priority to modestly priced dwellings whose owners have fewer resources to invest (or less motivation to do so when it comes to income properties).

Yet the problems experienced by members of ethnic, cultural and/or religious minorities are not solely economic in nature. Even if they have the necessary resources, they may find themselves the victims of discrimination on the housing market. It is very difficult to prove the existence of such discrimination, especially where it is very subtle, as is generally the case. It is rare for owners to say outright: "I don't want to rent my property to an Arab or a black person." They prefer to claim that the property has already been rented out, or that they intend to live in it themselves.

In this regard, (private) real estate agencies play an important role in allocating the housing available to those in search of a home. In this sense, they are jointly responsible for the segregation that occurs on the housing market, and which simply reinforces the ethnic stratification of certain neighbourhoods. If landlords ask them to "quietly" avoid would-be tenants of one or other ethnic or cultural background, they must categorically refuse to do so: for this amounts to direct discrimination, which is forbidden by law and to which they would be accomplices. Generally speaking, their staff should be trained in intercultural skills.

The Steering Committee stresses the role of the Centre for Equal Opportunities and Opposition to Racism in the task of centralising complaints for discrimination on the housing market. The tenants – as well as all other players involved (associations, trade unions, landlords, social and private real estate agencies, etc.) need to be made aware of the ongoing existence of such discrimination and encouraged to report any such cases that may come to their attention.

Between 2005 and 2007, "local joint committees" made up of landlords and tenants were set up in three Belgian cities (Brussels, Ghent and Charleroi). These consultations proved to be very fruitful.

The Steering Committee recommends creating committees of landlords and tenants throughout the country, which could serve as mediators between these two parties, reach tenancy agreements and promote collaboration among associations devoted to fighting racism and promoting tenants' rights. The composition of these committees should as far as possible reflect the population concerned.

1.2. The social housing market

In Belgium, the majority of households are owner occupied. However, this is not the case for the Brussels Region, which continues to have a majority of tenant households. Moreover, there is a clear correlation between access to home ownership and socio-economic level.

Even if many people from ethnic, cultural and/or religious minorities have been able to purchase their own home (and even, in some cases, own income properties), these minorities remain over-represented among those who rent their homes.

It is clearly to these people that public social housing policy should give priority. However, the latter covers no more than 6.3% of the total number of dwellings on the rental market. This proportion must imperatively be increased. We can only deplore the manifest bad faith of certain local authorities, who refuse to respect the legal obligation to offer a certain quota of social housing within their municipalities, thereby exacerbating a spatial segregation of which members of ethnic, cultural and/or religious minorities are the principal victims. **The supervisory authorities must enforce this legislation much more strictly.**

At present, the social housing stock consists primarily of small apartments. Social housing companies invoke financial arguments for this: given the few resources available to them, they prefer to buy more units than investing in larger ones. This choice leads in effect to an indirect form of discrimination, since large families are thus unable to obtain social housing. Yet it is the case that certain ethnic, cultural and/or religious minorities have a fairly high proportion of large families, often spread across three generations.

The Steering Committee recommends providing a greater number of larger social housing units, suited to the needs of large families. This commitment must be reflected both in new buildings and when renovating existing ones.

Moreover, when allocating dwellings, flexibility needs to be shown as regards the housing norms applied, taking into account the cultural habits of tenants. Thus, for some families, it is customary for children to share a room - with girls and boys being separated – and so it is not necessary to have one room per child. Nevertheless, general standards of health and hygiene (which includes the ratio of surface/number of occupants) must always be applied.

Finally, in order to combat “ghettoisation” of social housing estates, many social housing companies conduct a policy of “mixed housing” and accept tenants with higher incomes. They seek thereby to avoid an excessive concentration of low-income residents and/or those with common ethnic or cultural characteristics, as well as to avoid stigmatisation of tenants that could result from such a concentration.

Nevertheless, the drawback of such a policy is that many candidates who cannot afford to rent a home on the private housing market must yield to persons who could have the means of doing so. This would not be a problem if the supply of social housing was sufficient and, in particular, if the efforts at socially mixed housing also applied to middle-class neighbourhoods, which is not the case. In cases where there is a shortage of social housing, the goal of mixed housing may end up depriving the very people who are in greatest need of social housing.

In a situation where the supply of social housing is insufficient, the Steering Committee emphasises that the aim of mixed housing should under no circumstances have the effect of depriving of housing the very people who most need it.

In itself, a policy of socially mixed housing is not enough to resolve the problems of peaceful coexistence. There is great need for social and intercultural assistance. Moreover, it is important to undertake actions that can foster social cohesion and encourage tenants to take on their responsibilities to create a more peaceful climate in their neighbourhood.

The Steering Committee recommends organising social and intercultural activities that are likely to promote social cohesion and the quality of life in general in social housing estates.

1.3. The Roma and Travellers

The expulsion of Travellers from the lands they occupied in Flemish and Walloon municipalities in July and August 2010 drew the attention of the public to focus on a particular situation that is often the object of stigmatisation.

The number of Travellers who still live a fully nomadic existence is on the decline. The majority of them now live a sedentary life, even if in a caravan and on sites reserved for the purpose. This is part of their culture and their identity. However, in Belgium there are far too few such sites that allow for permanent as well as temporary accommodation: five in Flanders, one in Wallonia (in Bastogne) and none in Brussels. The Flemish government grants subsidies for the purchase, installation and expansion of such sites, for which it covers 90% of the costs. The Walloon Region allocates a subsidy covering 60% of the costs of municipalities that open up sites for Travellers, but few actually take advantage of this offer. This lack of space means that many Travellers live in lamentable conditions and are perpetually in fear of being evicted.

The Steering Committee recommends that supervisory authorities encourage cities and municipalities to make more sites available to Travellers.

Every municipality that offers such sites should be able to call upon the services of a mediator who has the intercultural skills necessary to serve as a contact between the local authorities and these groups.

The Steering Committee recommends that caravans be recognised as dwellings in their own right and therefore protected against breach of domicile. It further recommends that the necessary distinctions be introduced into the text of the “Napoleonic law on parking” prohibiting spending longer than 48 hours in one place on pain of expulsion, in order not to penalise the Travellers unnecessarily when they are in a situation without any immediate alternative.

2. Health care

Within the meaning given by the World Health Organization (WHO), “health is a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity”²⁹. To be in a state of good health thus requires taking into consideration the values, beliefs and culture of each citizen, including those of persons belonging to ethnic, cultural and/or religious minorities.

²⁹ See the preamble to the Constitution of the World Health Organization (WHO), New York, dated 22 July 1946, available at: www.who.int/governance/eb/who_constitution_en.pdf

Thus, minorities who are subject to a threefold vulnerability (through illness, cultural and/or religious marginalisation, and social situation) remind us of the importance of an intercultural approach in the health sector. Health professionals in particular should be invited to acquire the necessary skills and to develop a culture of creative negotiation. Concretely, the Steering Committee notes that the intercultural approach is more and more essential to health care professionals, particularly in medical centres and psychological consultancy centres, especially in areas that are densely populated by people from ethnic, cultural and religious minorities.

In the area of health as in many other sectors (e.g. education), interculturalism is thus both an objective and a process. It is crucial that it be successful.

2.1. Measurement and prevention of obstacles to good health

a. *Monitoring*

One of the first observations to be made on this subject is that in Belgium to date, accurate data on the state of health of the various segments of the country's population, including of people from ethnic, cultural and/or religious minorities, is sorely lacking. As was outlined in the chapter on "Employment", it is essential to put in place a tool that makes it possible to observe and measure the state of affairs in this regard. As long objective information is not available, specific solutions cannot be designed for any existing problems.

The Steering Committee advocates a systematic collection of data on the health of the population of Belgium, and particularly on persons belonging to ethnic, cultural and/or religious minorities, by means of a monitoring system, modelled on the "socio-economic monitoring" that we advocated in the chapter on "Employment"³⁰.

b. *Prevention*

"Prevention is better than a cure", as the saying goes. The Steering Committee notes, however, the ineffectiveness of several prevention campaigns among ethnic, cultural and/or religious minorities.

The Steering Committee recommends decentralisation (to avoid the Eurocentrism, even if inadvertent, of certain prevention campaigns) and the use of all available and appropriate means to optimise the dissemination of information programmes regarding health, and that can contribute to the success of prevention campaigns: schools and the educational sector in general, associations and, where possible, certain specialised communication channels used by minority groups (radio, websites, community centres, etc.).

An example of good practice that could be emulated in our country: in the United Kingdom, Muslims in different sectors (health, education, media, business, cultural and religious associations) have founded the Muslim Health Network (MHN) to improve the health of members of their community and to distribute information on health and wellness topics. The MHN collaborates both nationally and locally with British public and private organisations (by means of networks of health care institutions and specialised associations, such as in the area of diabetes). It has for instance launched the campaign "Smoke Free Ramadan", which aims to take advantage of that period, when observant Muslims may not smoke from sunrise to sunset, to encourage British Muslims to quit smoking altogether.

³⁰ See Chapter II.1.1.

The Steering Committee recommends that an analysis of the obstacles and brakes on prevention within ethnic, cultural and/or religious minorities be undertaken by professionals from various disciplines (sociology, anthropology, psychology) with the aim of setting up information and awareness programmes as well as taking effective preventative actions. These programmes and actions should be designed jointly with the audience concerned and with the physicians who work with them.

2.2. Interculturalisation of health care

In recent years, certain polemics or draft legislation have alerted the public as well as legislators to demands, deemed excessive, made by patients from ethnic, cultural and/or religious minorities. The Steering Committee considers that given the current state of research on the matter, there is insufficient evidence to give an objective assessment of these demands or to verify whether they are being handled properly.

In this regard, two excesses must be avoided. The first is to take for granted, uncritically, the dominant majority's standards and values, abusing the position of authority enjoyed by the medical profession. The second is to accept, at face value and without questioning, all demands based on cultural or philosophical identities,

In this area, as in that of employment (cf. Chapter II), the Steering Committee urges that the technique of "reasonable accommodation" be used: in order to avoid indirect discrimination that violates the fundamental rights of patients, health services should, as a matter of principle, respond to demands based on cultural or religious grounds, as long as these do not give rise to an "excessive constraint" on the said services; whether or not it does will have to be evaluated on a case by case basis. For example: there is no reason to refuse a woman who asks for it the right to consult a female doctor, unless the health institution does not have the means of honouring this choice within reasonable time (e.g. in the case of an emergency).

The Steering Committee advocates that, as in the study commissioned in the course of these Round Tables on the practices of harmonisation within the field of employment, a similar study be launched in the field of health care to gain objective insight into particular demands of patients on cultural or religious grounds, the way in which these have or have not been met, and the degree of satisfaction among the parties as to the solutions offered. It is only on the basis of such a study that it will be possible to assess whether it is necessary to reinforce the tools of intercultural mediation or to put in place new normative provisions.

As regards interculturalism in health services, the Steering Committee suggests four major principles that can help develop a more adequate and harmonious vision in this area.

1. Every patient has the right to **high quality care that respects his or her integrity (cultural, philosophical or religious, etc.)**.

Let us take the example of persons of immigrant background (from North Africa, Turkey, Congo, Balkans, etc.), a group that is rapidly ageing. New challenges are raised by the need to adapt residential structures, health services and social security and intergenerational relations to the needs of an aging population born abroad, having immigrated as adults and now permanently resident in Belgium. For various reasons, these older persons and their families are generally sceptical of nursing homes and the health care sector. Moreover, the geriatric care sector needs to diversify, for instance by recruiting staff from ethnic, cultural and/or religious minorities, or at least intimately familiar with those minority groups. This

would in fact kill two birds with one stone: for the residents or patients, this would be a source of reassurance, and for the staff, a means of integration (through access to employment). This is all the more essential since, as indicated in the proceedings of the colloquium on “*Bien vieillir à Bruxelles: les rides de l’immigration*” organised in 2006 by the Community Commission for the Brussels Capital Region, the number of senior citizens of foreign origin who will call upon the relevant services – be that home care or placement in a retirement or nursing home – continues to increase.

2. Offering high quality care requires, on the part of the care givers, an **attitude of empathy and sensitivity to the cultural (and intercultural) dimension**. This is especially important in contacts with social services, where the standards and values of the user are sometimes at odds with those of the caregiver. The latter needs the intercultural skills to be able to close this gap, and ultimately needs an entire set of abilities, attitudes and knowledge that will enable him or her to deal in a professional manner to cultural diversity.
3. Every patient is unique, and has a unique life story within a unique context. Therefore we must not give in to the temptation of “**overculturalisation**” either; the fact that a patient is of a particular origin or belief does not sum up that person. First, because every community is subdivided into a large number of sub-communities. Second, because one needs to take into account as well the personal history of each patient. This calls for a fresh look at his or her culture, inspired by a dynamic conception in which an individual’s personal experiences, choices and behaviours, the demographic and social circumstances as well as the socialisation process are important factors.
4. **The individualisation of health care**. The fact that the care given is conceived on a “customised” basis presumes an autonomous and properly informed patient. Yet patients from ethnic, cultural and religious minorities are often ill informed on their illness and its treatment, and as a result are less able to exercise their autonomy. Add to this the fact that there are often problems of communication and mutual comprehension between the caregiver and the patient.

The Steering Committee encourages giving maximum support and developing intercultural skills among health care professionals, increasing the number of intercultural mediators who work at centres and particularly in primary care, and to make available the skills of translation and interpretation services to the medical sector.

Chapter V: Associations, culture and the media

Introduction

This part of the report is the outcome of numerous exchanges with associations and cultural actors, both from ethnic, cultural and/or religious minorities and others. The aim of engaging in true intercultural dialogue was systematically tested, highlighting the possibilities and conditions for achieving such a dialogue as well as the rich fruit it may yield. This was not to turn a blind eye to the difficulties inherent in such dialogue.

As we have stated in the introduction to this report, the risk that individuals and groups turn in on themselves is one of the great challenges facing our society. Unlike what is often claimed, this turning inward is not specific to ethnic, cultural and/or religious minorities. Western societies have, since 9/11, also turned in on themselves and no longer wish, or only with great difficulty, to open up to the new minorities in their midst, especially those that are linked to Islam. It is mainly distrust, fear, and the resulting aggressiveness, racism and discrimination that lead to the social isolation of people from these minorities and, sometimes, to their radicalisation.

During our meeting with several actors, it became clear that minorities often develop their own cultural dynamic that is not necessarily in line with the expectations of the majority society. Among the various examples, one thinks of two particularly sensitive issues: the role of women and the role of religion. Where certain groups with ethnic, cultural and/or religious minority backgrounds remain attached to their own family models, the dominant culture tends to intervene, for instance by means of actions aimed specifically at women with a view to encouraging them to emancipate themselves from the constraints of the family. Similarly, religion is considered an obstacle to emancipation, whereas in fact, it may constitute an important component of identity.

Culture, the media and civil society or associations are three intangible levers that may be able to counter this centrifugal tendency. They offer privileged platforms for encounters and intense interaction among individuals or groups of persons, on condition that the latter agree to communicate among each other to exchange information, life experiences and points of view on what touches and concerns them. This was the tenor of the discussions conducted in the course of the work of the Committee on "Culture, media and civil society", and it is in this context that one should situate the reflections and recommendations that follow.

1. Associations

The progressive federalisation of Belgium had a profound impact on civil society. The financing of associations now falls within the competence of the three Communities: the French Community³¹, the Flemish Community and the German-speaking Community. This also explains the disparities in the way they operate, as well as in their expectations vis-à-vis political decision-makers.

³¹ On the French-speaking side, the Walloon Region and the COCOF (French Community Commission) also provide support to associations.

The Steering Committee takes the view that the social capital represented by associations, and especially the commitment of persons through the network of these associations, could play a greater role in establishing a true intercultural project.

It is often the case that associations set up by persons from ethnic, cultural and/or religious minorities are made up of members who share the same national or ethnic origin, or who may even come from the same region, town or village.

Their aim is generally to keep alive and reinforce the identities that result from those origins by organising cultural activities, maintaining links with the country of origin, organising acts of solidarity with it or providing information about their own identity. This is all part of the social capital to which associations contribute.

This contribution is all the more valuable since in a country such as Belgium, divided into two large linguistic communities, identity is an important factor. The Walloon, Flemish or Brussels identity is intertwined with Belgian identity in all possible combinations. However, new immigrants, who are urged to identify with Belgium, become aware that among “native-born” Belgians, some find this more and more difficult to do. This hardly makes things easier for the newcomers, and the work of associations can in this regard sometimes serve as a counterweight. For young people in particular, who are fully engaged in developing their identity – something that in a pluralist context could turn out to involve making difficult personal choices – a clear and positive identification can be a basis for acquiring a stronger and thereby more assertive personality.

Associations may contribute in their own way to this positive construction of identity, all the more so when they strive to maintain good contacts with people of all origins. This possibly also enables the “outside world” to get to know the culture and community in question better. For the public authorities, the associations can indeed be a valuable interlocutor in developing integration policies; this does not mean reducing the network of associations to a mere instrument, but on the contrary, entering into dialogue with them in order to involve them in the development of suitable policies.

In Flanders, the dialogue between the public authorities and the associations takes place via the Minorities’ Forum (*Minderhedenforum*), which includes associations founded on an ethno-cultural basis and which is active in Brussels as well. In the Walloon and Brussels regions, contact with the associations that are active among ethnic and/or cultural minorities is based principally on a local development principle. In Wallonia, this policy is encouraged by the Walloon Region. The Regional Integration Centres coordinate and assist local initiatives, whether undertaken by associations or by public entities. In Brussels, these associations come into play via the provisions of social cohesion policies. The French Community also supports associations, including those of ethnic and/or cultural minorities, by implementing the decree on continuing education.

Nevertheless, some members of the Steering Committee consider that the French-speaking authorities should, like their Flemish counterparts, recognise associations established by ethnic and/or cultural minorities directly, subsidise them on that basis, favour their collaboration and treat them as privileged interlocutors for intercultural policies.

The Steering Committee asks regional and Community authorities to make every effort to encourage the professionalization of the sector of associations, by providing a stable basis for their operation and subsidies for their staff. They should, by means of

decrees, seek to recognise the value of cultural diversity, notably through a greater recognition of the expertise of persons of ethnic or cultural minority backgrounds in this domain.

2. Culture

The Steering Committee focused on three major themes that are both interdependent and cut across all the different cultural areas: identities, diversity and cultural policies in the Regions. The questions of identities and of diversity have already been mentioned above, and so this section will focus on cultural policies.

The public authorities ought to encourage initiatives that allow various ethnic and/or cultural minorities to promote their heritage. This would at the same time permit many native-born Belgians to become more open to the contributions of these different cultures and to people of diverse cultural backgrounds. To date, people of these minorities are still manifestly under-represented in the cultural sector, and this is equally true for the cultural activities themselves and for the work that precedes them as well as the participation of the public. This probably explains, proportionally speaking, the low visibility of the artistic work of persons of minority background in Belgium.

A policy that seeks to encourage a veritable “interculturalisation” of the cultural sector must address several objectives: to facilitate access to culture and leisure for members of minorities, in such a way that they can increase their cultural capital (a weakness of the most vulnerable groups, and one that is passed on from one generation to the next), favour their emancipation (sociocultural objective) and enrich their existing artistic production (artistic objective). In short, it is a matter of encouraging and making possible the promotion of artistic expressions by cultural minorities, as well as intercultural exchanges.

The cultural and social institutions have much to gain by collaborating with the network of associations, by involving groups from ethnic and cultural minorities more closely in the decision-making process and by striving for as diverse a staff, audience and programme as possible.

In Flanders, steps have already been successfully taken in this direction with the “Interculturalisation Action Plan” (*Actieplan Interculturaliseren*) drawn up in 2006.

As regards Flanders, the Steering Committee recommends that the efforts of the Interculturalisation Action Plan be continued. Further progress could be made to include the principle of interculturalisation in every segment of cultural life. There is also work to be done in better informing the public of this action plan and in improved training for those responsible for implementing it.

On the part of the French Community, it is regrettable that although there is clearly interest in intercultural actions, no major programme exists to date, so that support for these sorts of activities are funded via non-specific subsidies such as those for “les Arts de la scène” (theatre arts) or continuing education.

3. Media

The media in Belgium still only imperfectly reflects the multicultural diversity that is now a feature of society, whether in terms of the content they distribute – there are few reports on the subject, and when there are, these are often about sensationalist topics – or in their

internal operations. Members of ethnic, cultural or religious minorities are still only rarely represented on production teams or in the decision-making structures of Belgian media. It can only be regretted that the reasons for this situation are very likely, on the one hand, the insufficiency of professional networks open to diversity and, on the other hand, a perceptible mistrust on the part of persons of ethnic, cultural or religious minorities vis-à-vis the ways in which they are portrayed in the mainstream media.

A recent report by the Council of Europe³² emphasised the need to encourage media professionals to produce and disseminate high-quality information promoting intercultural dialogue and the fight against discrimination in Europe. This report presents the actions carried out in the course of the campaign entitled “Speak out against discrimination” launched by the Council of Europe in 2008, the objectives of which were as follows:

- to prepare and train media professionals through lasting partnerships with European training schools for journalism to be better equipped to work in a multicultural Europe, with a view to fostering high quality, professional media coverage of intercultural and discrimination issues,
- to contribute to an enhanced expression of diversity within European societies by giving strong support to access for people from minority backgrounds to the media profession and to media productions,
- to inform the public about intercultural issues and anti-discrimination policies pursued at the national and European levels, particularly at the instigation of the Council of Europe, by working in partnership with the media.

The Steering Committee recommends that, when organising traineeships in the media, care be taken that there is a fair representation of journalists from ethnic, cultural and/or religious minorities.

The Committee also recommends promoting by means of scholarships, traineeships and exchanges, collaboration between the various media (national and local, and if possible international, as well as those addressed specifically to the groups in question). This will help create a set of practices that question and in the long run change the dominant view, permitting journalists with few available networks to come into contact with key figures in the world of the media.

Since 2008, the French Community’s Higher Council for the Audiovisual Sector (*Conseil supérieur de l’audiovisuel*, CSA) recognizes five different profiles for radio stations, including community radio. There are eight of the latter type, and they broadcast programmes in Italian, Turkish, Arabic, Berber, Spanish and Greek. 50% of the programmes are bilingual (French and the foreign language). In Brussels, 50% of the frequencies are reserved for the Flemish Community and 50% for the French Community, but only the latter took into account the diversity of Brussels in managing its radio stations.

Recently, following on its own initiative one of the recommendations of the Commission for Intercultural Dialogue, the CSA took “stock of the community radio stations within the French Community of Belgium”, analysing the role of interculturalism in these programmes and proposing ways of increasing the place of interculturalism on these radio stations.

The Committee welcomes the recognition of community radios as an initiative that contributes to the important task of valuing linguistic and cultural diversity among the audience, and recommends that the initiative be taken up in Flanders as well. It also

³² Council of Europe’s “Speak out against discrimination” campaign. Report on *Media and Diversity: The next steps to promote minority access to the media*, by Stephen Whittle, December 2009.

recommends that a frequency be allocated to cultural minorities from sub-Saharan Africa.

Moreover, the Committee supports the attention paid to interculturalism in the programming on these radio stations.

If the principal media sources remain generally speaking strongly focused on a “Belgian-born” audience, there are numerous “ethnic” media of various types (print media, radio, television, blogs, etc.) that are addressed to the different communities. These can help meet the identity needs of ethnic, cultural and/or religious minorities, situate news in a perspective that is better suited to their audience, and give them a voice, sometimes in a polemical manner, within social debates. These media can perform a useful function as a link to the public stations, informing or raising the awareness of members of ethnic, cultural and/or religious minorities. Moreover, they can prove to be an essential partner to companies seeking to engage in “ethnomarketing”.

The Steering Committee recommends that political authorities help “community media” to establish a stable base over time.

At the same time, it recommends that these media collaborate more closely among each other, developing a perspective that is truly intercultural.

Finally, the Steering Committee recommends intensifying the struggle against racism on the Internet, in particular on the sites of official media, where public fora are still too often used as means for disseminating hatred.

Conclusion

At the end of this work, it would seem useful to highlight some of the elements that, with a certain distance, sum up in the most honest way possible what the Round Tables have been able to achieve. The multicultural society is a fact. In order that it may be successful, however, a plan is needed. The Round Tables have, in their own way, sought to contribute to this plan, which is that of interculturalism. The work carried out is the result of a process that lasted several months and that has been described in the introduction. The resulting recommendations are numerous and diverse.

By way of reminder, the Round Tables took over the tasks from the Commission for Intercultural Dialogue, five years after the publication of its report. The context was not the same, but we may nonetheless draw certain parallels. With the creation of the Commission for Intercultural Dialogue in 2004, the federal government of the day sought to respond as constructively as possible in the face of a context that, after 11 September 2001, was deeply marked by intercultural tensions and there was a growing tendency to Islamophobia. Five years later, the tensions have not disappeared. The climate remains a difficult one, in the face of the challenges of globalisation, the economic crisis and the concern about uncontrolled migration. A convenient scapegoat is often invoked to explain the source of the problems, and the targets most readily to hand are in many cases the cultural, ethnic and/or religious minorities.

This is all the more worrisome given that the situation seems to be enduring, and even worsening, and that a society that allows itself to be so permeated by fear exhibits a dangerous tendency to turn in on itself. This in turn raises the risk of its corollary, the fear for one's identity.

Will Belgium escape from the risks of this identity crisis? We must not avert our eyes, the situation is troubling. Between the members of the majority culture and those belonging to the ethnic, cultural and/or religious minorities that owe their existence for the most part to post-war migration but that now constitute a part of the social fabric, mutual suspicion and misunderstandings are still too often the rule. This was already the case in 2005, and continues to be so, if not even more acutely, today. In particular, the hardening of positions as regards questions relating to Islam is quite evident. This attitude in turn is met by a tendency on the part of Islamic communities to turn in on themselves and rely on their own social networks and their cultural and religious heritage. All too often, several groups within the population confront each other. "Minority" groups wish to affirm their place in the shared public space, and this can feed the fears on the part of the "majority" of being culturally challenged.

This picture is no doubt oversimplified, and does not do justice, or only insufficiently, to the political authorities at all levels who in recent years have committed themselves to the fight against discrimination. Furthermore, it would be wrong to neglect the role of the famous "Belgian culture of compromise" which has until now succeeded in attenuating the sharp edges and managing social and cultural tensions with pragmatism and at the most practical level. Finally, there is a well-developed network of associations that represent a major asset to social life and that helps protect the most vulnerable members of society from isolation or despair. But all this is no longer enough. The Round Tables thus also made it their aim to put forward a few signpost measures, with a strong symbolic and practical impact, that would help to go against the tide of pessimism and isolation. All this being, of course, conditional on their being the political will to do so.

Not surprisingly, this was no easy task. The Steering Committee of the Round Tables on Interculturalism was made in the image of its society, which is sharply divided, including among those who consider themselves to be very open to cultural diversity and to the noble

goal of interculturalism. On many questions, both concrete and theoretical, we had to juggle disparate perspectives, with some favouring the affirmation of common values and a shared civic culture, and others placing greater emphasis on an inclusive society that values differences, albeit on condition that they are compatible with fundamental rights. The two points of view are not necessarily irreconcilable, but in practice, combining them is not easy. These disparities were expressed very naturally and freely during the work of the Steering Committee, and fortunately did not prevent it from reaching agreement on numerous subjects.

The procedure adopted by the Commission for Intercultural Dialogue in 2005 was a different one: the authors of the final report had deemed it preferable not to reach a decision on the most sensitive questions, notably those relating to the wearing of religious or philosophical symbols in schools and by representatives of the State. Instead, they limited themselves to inventorying the various positions held. Five years later, the controversies surrounding these questions continue to weigh heavily on the public debate on an intercultural society, without any one solution emerging. This Steering Committee could have set out the positions of all sides of an issue whenever there was disagreement – which no one will be surprised to learn occurred quite frequently – and put them forward as is to the political bodies who commissioned the report. However, it preferred to take responsibility for reaching a common position.

Whatever the personal convictions of the members of the Steering Committee on the controversial questions, they deemed it their responsibility under the terms of the mandate entrusted to it by the government, to propose compromise positions that might be acceptable both to the majority of the population and to the groups most exposed to discrimination and stigmatisation. Both groups today are anxious, and for the same reasons, and both need to be reassured. But no one will be if the positions that lean towards a maximalist interpretation – of freedom or, on the contrary, of its limits – carry the day, even if these positions are otherwise perfectly legitimate and if certain Committee members defended them to the end. The procedure adopted by the Steering Committee guided it on a number of particularly sensitive issues, those on which guidance was especially sought, and which in the end are the same as they were in 2005: the wearing of religious and philosophical symbols by students in compulsory education and by State representatives.

By putting forward compromise positions on these two questions, and giving arguments for them, the Steering Committee launches an appeal to all those who, on either side of the question, will not be fully satisfied that their concerns have been met: by accepting compromise solutions, several members of the Steering Committee gave way on their personal convictions. This is as true for those seeking maximum inclusion of diversity as for those who, while also fighting for inclusiveness, do not see diversity as a condition for attaining it.³³ The Steering Committee hopes that the constructive process between both positions at the Round Tables will inspire the political authorities when it comes to introducing legislation.

Out of all the recommendations made in this report, we have identified seven whose symbolic and practical impact is undoubtedly the strongest, and the combined adoption of which would be likely to give new and voluntary impetus to interculturalist policies in Belgium. The first two concern religious and philosophical symbols. The next two have to do with discrimination in employment. The fifth addresses the controversial question of reasonable accommodation. The sixth aims to introduce greater equality into the calendar of public

³³ Out of a concern to do justice to the divergent views, we have granted the request of certain members who, without wishing to distance themselves from the process and the outcome of the Round Tables, wished to set out their own arguments. These are contained in annex to this report.

holidays. And finally, the seventh concerns the important matter of collective memory. We end with an eighth point regarding the follow-up on the work of the Round Tables.

Each of the recommendations has been given a fuller discussion within the report.

Recommendation 1

As regards religious and philosophical symbols at school and within the framework of compulsory education, the Steering Committee recommends general freedom³⁴ for students to wear religious or philosophical symbols in the last three years of secondary school and a complete ban during the first three years of secondary school. These rules must be laid down by decree in order to ensure that they are generalised.

Recommendation 2

As regards the wearing of religious or philosophical symbols by public servants, the Steering Committee advocates general freedom to wear such symbols, with a ban applicable to those State representatives who hold positions of authority.

Legislation should lay down in an unequivocal manner the positions (certainly the police, judiciary, army) to which this ban applies.

Recommendation 3

The Steering Committee insists that the project aimed at putting in place a system of “socio-economic monitoring” be brought to fruition as soon as possible. Such monitoring is the indispensable minimum condition for taking stock objectively of discrimination in employment and to engage sufficient resources in order to reduce its occurrence.

Recommendation 4

The Steering Committee calls upon the public authorities set up a quota system, for a limited period of time, which while careful to respect the limits placed by the constitutional principle and the means available for prohibiting discrimination, allows for the recruitment of persons of minority origin. Specifically, the Steering Committee recommends that the federal government finalise as soon as possible the royal decree that is provided for in the Anti-discrimination Law of 10 May 2007 and that is to lay down the conditions for positive action.

Recommendation 5

The Steering Committee invites people to give further scrutiny to any benefits or disadvantages that may result from extending the concept of reasonable accommodation, as defined in the Law of 10 May 2007, in order that such accommodations no longer be limited solely to persons with disabilities, but may also be applied to other situations, notably those relating to religious or philosophical convictions³⁵.

³⁴ Within the limits that apply to the exercise of all fundamental freedoms, of course.

³⁵ The Anti-discrimination Law of 10 May 2007 has drawn up the list of criteria protected from all discrimination, direct or indirect: “age, sexual orientation, civil status, birth, wealth, religious or philosophical

Recommendation 6

The Steering Committee proposes that the calendar of legal holidays be reformed as follows:

1. Retain the following five holidays: 1 January, 1 May, 21 July, 11 November and 25 December.
2. Allow each person to choose two holidays freely, depending on his or her culture or religion.
3. Create three new non-religious legal holidays. These could coincide with international days that celebrate diversity and the fight against discrimination such as International Women's Day (8 March), the International Day for the Elimination of Racial Discrimination (21 March) and the World Day for Cultural Diversity (21 May).

A reform inspired by the same principle could also apply to the school calendar.

Recommendation 7

The Steering Committee recommends:

1. As regards negationism: maintaining, within the Belgian legislative arsenal, the Law that makes it a criminal offence to deny, play down, justify or approve genocides, since this is an essential tool in the fight against racism. However, it also recommends eliminating the explicit reference to the genocide committed by the German National Social regime during the Second World War, in order to enable judges to apply the law to other genocides.
2. As regards colonialism: that the political authorities express recognition of this history, so that young generations, most of whom are now Belgian nationals, may grow up in a country that recognises this troubled history and acknowledges its responsibility and expresses regret for these wrongful events.

Recommendation 8

By way of conclusion, we consider it necessary to add an eighth recommendation to the above selection. This is the consequence of the assessment that was made back at the start of the Round Tables as regards the legacy of the final report drawn up by the Commission for Intercultural Dialogue in 2005. At the time of its publication, the recommendations of the CID were received very favourably, but it must be said that with a few exceptions, they have remained a dead letter.

At the end of the work of the Commission for Intercultural Dialogue, no institution was tasked with following up on its proposals, even if some traces of the latter can be found in numerous specialised, though fragmentary, reports produced by Belgian institutions (such as the Centre for Equal Opportunities and Opposition to Racism) or European bodies. The absence of systematic follow-up over five years is in fact the reason why no evaluation of or conclusion about the report's impact is possible. This is a reproach frequently made

belief, trade union commitment, language, present or future health, disability, physical or genetic characteristic, social origin”.

regarding the way the public authorities work: the failure to follow up – to verify whether the recommendations have been implemented, and to what extent – or to exercise meaningful evaluation – to verify that the implementation of the recommendations has yielded the desired results. In the absence of evaluation or follow-up, a new series of Round Tables would be necessary five years from now, without being able to rely on what this one has achieved.

To the extent that most of our recommendations require the establishment of appropriate and ongoing procedures, such procedures must be promoted, guided and coordinated.

At the end of its work, the Steering Committee of the Round Tables on Interculturalism advocates that for all its recommendations, a mechanism for follow-up and evaluation be quickly put in place, at each of the relevant levels of the State, designating the appropriate institutions that will carry these out and setting out a precise timetable for their implementation. The recommendations that involve enacting laws or decrees require special attention.

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Annex

Minority position on the Round Tables Edouard Delruelle

The Final Report of the Round Tables is of a high quality and does honour to Belgium. Observing the debates, often interminable, on the same subject in numerous European countries should suffice to convince us of this. After having been co-writer of the Report on Intercultural Dialogue (*Rapport du Dialogue interculturel / Eindrapport van de interculturele dialog*) of 2004-2005, I am fully aware of the difficulty of such an undertaking.

The Steering Committee made the decision not to give expression systematically to *dissenting opinions*. This is why I would like here to note my disagreement with two important recommendations, as well as with the general philosophy that governed our work. I do so on a strictly personal basis.

As regards the wearing of religious or philosophical signs at school, I agree with the twofold recommendation made to the legislators of Belgium's three Communities to prohibit wearing such signs until the first years of secondary school and the respect for the freedom of belief in the upper years of secondary education. However, I believe educational institutions should be allowed to impose a total ban under conditions clearly laid down in the Decrees.

As regards "reasonable accommodation" in cultural and religious matters, I am opposed to amending the Anti-discrimination Law of 2007. Making an analogy with the situation of a person with a disability and freedom of belief seems to me a fundamental error in law. The anti-discrimination law is intended to protect the equality of individuals in exercising their rights (which includes the right to hold or manifest one's beliefs), but it should not be instrumentalised to resolve a different problem, namely that of peaceful coexistence in a culturally pluralistic society. The latter problem can only be solved by a *concerted adjustment* by social actors.

More generally, I regret that the Report endorses the vision of a society that is divided between a culturally dominant "majority" culture and "minorities" that are alleged to have insufficient recognition as such. Certainly the polarity between cultural majority and minorities is present in society, but in my view, the polarity between capital and labour remains structurally decisive for explaining what is at stake in our society. This is why I am convinced that ultimately the solution to intercultural problems is not *cultural* but consists in re-establishing the European social state and in "generalist" policies as regards employment, housing, urban development, etc. To follow through on this logic, and to articulate more clearly the specific questions regarding diversity and on general policy matters, the work done by the Steering Committee would have had to be organised according to a different method.

In spite of these critical remarks and other minor disagreements that I have not had the space to set out here, I approve the majority of the recommendations found in this Report. I hope that it will give rise to a wider and more fruitful public debate than the *Intercultural dialogue* of 2005...

Minority position on the Round Tables

Naima Charkaoui

Certain members of the Steering Committee did not share the “compromise” as regards the wearing of religious or philosophical symbols, on the one hand by students at school and on the other hand by civil servants. These members consider that the limitations on freedom in these two cases are neither necessary nor even desirable.

Their proposal, when it comes to schools is to apply the regulation that is valid for students from the second year of secondary school to all ages, namely, that all symbols are tolerated within the limits laid down by the law. It should be noted in this regard that if the most current practices prevail mainly from secondary education on, certain ones such as the wearing of turbans by Sikhs, is also prevalent in primary school.

The arguments advanced by the advocates of this position are as follows:

- In terms of universal human rights, the mandatory starting point is **freedom of religion and the freedom to manifest one's religion**. Only nullifying reasons, such as public security or physical integrity may limit this freedom. Such limitation must, moreover, be necessary and proportional. The proposal of a partial ban as contained in the report does not, to our mind, meet these conditions.
- The freedom of parents to educate (or not to educate) their children in accordance with a given religious or philosophical tradition also applies in the area of schooling. This freedom is now well established in our educational system. Parents enjoy the right to choose the religious education class their children will take starting in the first year.
- The prohibition on forms of religious manifestation is, in our view, a form of **discrimination based on religion**. This is the reason why we cannot agree to the proposed compromise: we cannot accept the least form of discrimination, even if it is institutionalised
- The **neutrality of the public authorities** is a major concern, and one that is shared. It is by adopting an **actively pluralist approach** that this neutrality can best be realised. The differences should not be concealed under the guise of a supposedly uniform neutrality. It is only the visible presence of differences that can reassure the user of public services as to the neutrality of the authorities.
- The neutral stance of the public servant (or of the teacher, etc.) as a person is equally important. Each public servant has his or her beliefs (political, social, philosophical, etc.) and has visible characteristics that may elicit a certain affinity among members of the public (for instance, sex, skin colour). It is right to expect that such beliefs and characteristics should not play any role in the way any public servant exercises his or her duties. If it should do, this would constitute serious professional misconduct, against which appropriate measures must be taken. On the other hand, users of public services are expected to judge the quality of the service provided on the basis of facts and not perceptions. It is not enough for a person to display a certain religious characteristic to infer unequal treatment. The neutrality of the service provided cannot – and should not – be judged on any grounds other than the facts.
- An apparent diversity in key areas of society provides added value for the **management of diversity**. Since they are in direct contact with the provider of a public service, a large number of users can thus learn from experience that diversity in daily life need not be problematic. Our educational system should inculcate in children and young people the importance of **managing diversity** in a respectful and positive way. Concealing differences is therefore absurd. It is clearly preferable for students to learn that the expression of one's own identity must go hand in hand with respect for the expression of another's identity.
- Education and work play an important part in the **emancipation process**. Moreover, we are very concerned about the consequences of prohibitive measures that are increasingly numerous in the area of schooling and on the labour market, for instance for a significant group of young Muslim girls and women. A prohibition against wearing religious symbols may present a strong impediment to the educational trajectory of young people: they cannot exercise their right to free choice of educational institution or even their right to an education. On the labour market, a prohibition in the public sector is soon copied in the private sector.

Thus, because of the manifestation of their beliefs, many men and women are deprived of a chance to enter the workforce. Our economy thus also loses out on many talents. Our society excludes an entire group of persons from participating.

- A ban on religious and philosophical symbols is not a reasonable solution to problems of **proselytism, militancy or harassment on religious grounds**. Where such problems arise, the best thing is to address them directly. Every educational institution is expected to have a policy against harassment. School regulations can prohibit proselytism. Schools can impose sanctions on persons who undertake such activism. Prohibiting religious and philosophical symbols leads not only to an impasse, but is more likely to conceal rather than resolve the problems in question.
- Permitting the wearing of religious or philosophical symbols in all contexts, whether school or at work (including in the public service) ought to be an obvious decision given the existing legislative framework. However, since it does not appear to be the case, we ask **political leaders to render this position explicit** via clear instructions to all public authorities and services and for all educational system. The principle of freedom in education is, after all, an aspect of the prohibition against discrimination. As such, there is already a broad regulatory framework in place that subsidised education must comply with, and permission to wear religious or philosophical symbols could without difficulty be rendered explicit therein.