

Fundamental rights as a catalyst for integration – The Flemish case

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Introduction

- Interdisciplinary PhD
- Tensions related to fundamental rights, identity, civic integration policy
- 2 biases: focus on 'Others' and absence of FR
- Could fundamental rights and conceptions of fundamental rights among individuals in society function as a catalyst for integration?
(If so, how could this be encouraged?)



Outline presentation

- Introduction
- Integration
- Fundamental rights
- Case study: Flanders



What is integration?

- Essentially contested concept (Gallie 1956)
- Broad all-encompassing process in society
 - Legal: personal, participation, measurable, ECJ
- Gradual, dynamic process
- Top-down, bottom-up
- Different perspectives, dimensions



The power of rights

- Integration and rights (Groenendijk 2004)
 - Securing legal status enhances integration
 - Rights as a reward for integration
 - Lack of integration as ground of admittance refusal
- Power of fundamental rights: inclusive, universal, all-encompassing
- The balancing exercise
 - Absolute and relative rights: boundaries and balances

Example

ARTICLE 9 Freedom of thought, conscience and religion

- 1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.*
- 2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.*

(Convention for the Protection of Human Rights and Fundamental Freedoms)

Flanders' integration policy

- Broad
- Migrants
- Traveller people
- People in deprived situations



- Emancipation, accessibility of regular facilities and social cohesion through diversity
- Thus: focus on 'Others'

Civic integration policy

- Basic course of Dutch
- Societal orientation
- Counselling towards work, education etc.
- Personal general guidance
- 'Tools' to function in society
- Foreigners
- Belgians born outside Belgium with one foreign parent
- Minors who turn 18
- Religious servants and leaders



Fundamental rights in Flemish policy

‘Societal orientation’:

- Freedom
- Equality (and non-discrimination)
- Solidarity
- Respect
- Citizenship

- Democracy
- Constitutional state
- Pluralism



The paradox of relative neglect

- Ad hoc and contextualised teachings
- Freedom for teachers
- Official teaching method: implicit
- Highly challenging teachings
- Superficial memory

Fundamental rights as a catalyst for integration

- Integration is society wide
 - Integration policy is not
 - Fundamental rights perspective need to become real
- Major role for the wider society (multiway!)
 - Demand from migrants and integration professionals
- What is integration?
- Future: more fieldwork, analysis, practical implications and policy recommendations



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