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The state of democracy in Europe

Specific challenges facing European democracies: the case of diversity and migration

Measures to improve the democratic participation of migrants

Reply to Recommendation¹: Recommendation 1839 (2008) and Recommendation 1840 (2008)
Committee of Ministers

1. The Committee of Ministers has given close attention to [Recommendation 1839 \(2008\)](#) on “The state of democracy in Europe – Specific challenges facing European democracies: the case of diversity and migration” as supplemented by [Resolution 1617 \(2008\)](#) and [Recommendation 1840 \(2008\)](#) on “The state of democracy in Europe – Measures to improve the democratic participation of migrants” as supplemented by its [Resolution 1617 \(2008\)](#). It has brought both recommendations to the attention of the governments of member states and has forwarded them to a number of intergovernmental bodies².

2. Promoting democracy and active citizen participation in democratic processes is a core objective of the Council of Europe. The common values which it strives to promote – democracy, human rights, the rule of law, pluralism, tolerance, non-discrimination and mutual respect – are also the cornerstones of a political culture valuing diversity. In this respect, the Committee of Ministers would recall the relevance of the Council of Europe's White Paper on Intercultural Dialogue, launched at their 118th Session, which provides, *inter alia*, orientations for the promotion of democratic citizenship and participation.

3. The Committee of Ministers recalls that a prime objective of the Council of Europe in the field of migration is to promote and facilitate the integration of migrants, while respecting and preserving the diversity of the societies in which they live. It considers that integration is the key facilitator to democratic participation. It is not simply to provide equal access to rights and services for legally resident migrants, but also to ensure that migrants become fully-fledged, active, valued and contributing members of societies they live in. This belief also resonates with the view of the Ministers of the Council of Europe member states responsible for Migration who, in the Final Declaration of their 8th Conference (Kyiv, 4-5 September 2008), agreed that the Council of Europe should “reinforce social cohesion and the integration of migrants by developing policies to improve the interaction between migrants and receiving societies and the participation of migrants and

1. Joint reply to Recommendations [1839 \(2008\)](#) and [1840 \(2008\)](#), adopted at the 1057th meeting of the Ministers' Deputies (20 May 2009)

2. [Recommendation 1839](#): European Committee on Migration (CDMG), European Committee on Legal Co-operation (CDCJ), Steering Committee on Human Rights (CDDH), Steering Committee for Equality between Women and Men (CDEG), European Committee on Local and Regional Democracy (CDLR) for information and possible comments and to the European Commission for Democracy through Law (Venice Commission) and to the European Commission against Racism and Intolerance (ECRI) for information.

[Recommendation 1840](#): European Committee on Migration (CDMG), European Committee on Legal Co-operation (CDCJ), Steering Committee on Human Rights (CDDH), Steering Committee for Equality between Women and Men (CDEG), European Committee on Local and Regional Democracy (CDLR) for information and possible comments and to the European Commission for Democracy through Law (Venice Commission) and European Commission against Racism and Intolerance (ECRI) for information.



persons of immigrant background in civil society, including, where appropriate, local and national political life". This conclusion of the 8th Ministerial Conference is currently being implemented through the activities of the European Committee on Migration (CDMG) in the context of the project "Empowerment of migrants and strengthening social cohesion".

4. Regarding the harmonisation of systems for collecting and processing data on migrants – the importance of which was also highlighted in the Final Declaration of the 8th Ministerial Conference – the Committee of Ministers considers that this issue should be addressed in a broader context of improving co-ordination and interaction between different agencies working in the migration field nationally and internationally. It has taken note of the readiness of the CDMG to assist member states in improving the interaction between relevant services and changing the modes of international information exchange, should such a request be made by an interested member state.

5. The Committee of Ministers acknowledges the value for long-term legal residents to be registered. It also considers that public authorities should encourage active participation in public life at local level by all those legally resident in their jurisdiction, including possibly the right to vote in local and regional elections on the basis of principles provided for by the Convention on the Participation of Foreigners in Public Life at Local Level. It would recall³ that the idea of granting active and passive electoral rights in local elections to all legal residents is in accordance with the Venice Commission's Code of Good Practice in Electoral Matters.⁴ However, the Committee of Ministers does not consider it opportune at present to prepare common guidelines or pursue harmonisation of such procedures in the 47 member states. It would nevertheless point out that the European Committee on Local and Regional Democracy (the CDLR) has as a standard practice to regularly review the state of implementation of the above convention. Furthermore, for the next Council of Europe Conference of Ministers responsible for local and regional democracy (Utrecht, 16-17 November 2009) a report on developments on citizen participation in member states, covering also the integration of foreigners in local life, is to be prepared.

6. The Committee of Ministers would also inform the Assembly that under the responsibility of the European Committee on Legal Co-operation (CDCJ), work is also currently being carried out with a view to promoting and contributing to the reinforcement of the existing instruments of the Council of Europe in the field of nationality, in particular the European Convention on Nationality (ETS No. 166). A visibility tool is being prepared which will in clear terms underline the importance of acceding to the Council of Europe nationality conventions and which will give at least 10 good reasons to do so to member states which have not yet signed nor ratified the conventions. The leaflet, once published, should be disseminated to ministers, high officials and parliamentarians. The CDCJ also regularly takes stock of the signatures and ratifications of the Council of Europe nationality conventions. The Committee of Ministers welcomes the recent signatures and ratifications in this respect.⁵

7. The Committee of Ministers shares the view of the Parliamentary Assembly that a gender-based perspective is relevant when addressing the participation of migrants and persons of immigrant background. This view will be reflected in activities to be focused on migrant women in 2009-2012, which will include a report on women and elderly migrants as agents of integration. It notes that the evaluation of the democratic participation of migrant women and men of different origins when monitoring the implementation of Recommendation Rec(2003)3 to member states on balanced participation of women and men in political and public decision making could contribute to these activities. The recommendation encourages "greater involvement of ethnic and cultural minorities, and especially women from these minorities, in decision making at all levels".

8. The Committee of Ministers has taken note with interest of the recommendation of the Assembly outlined in paragraph 3.6 of [Recommendation 1839 \(2008\)](#). It draws attention to Recommendation CM/Rec(2009)2 of the Committee of Ministers to member states on the evaluation, auditing and monitoring of participation and participation policies at local and regional level, adopted on 11 March 2009, which is also

3. Also see the reply by the Committee of Ministers to Parliamentary Assembly [Recommendation 1714 \(2005\)](#) on the "abolition of restrictions on the right to vote" (CM/AS(2006)Rec1714 final).

4. This code elaborated by the Venice Commission has been given political support by the Committee of Ministers by way of a Declaration on the Code of Good Practice in Electoral Matters adopted on 13 May 2004 at its 114th Session. The Code provides that "it would be advisable for foreigners to be allowed to vote in local elections after a certain period of residence" (point I.1.b.ii). This right could be granted for example after 5 years of permanent residence.

5. Bosnia and Herzegovina (22 October 2008) and Finland (6 August 2008) ratified the European Convention on Nationality (ETS No. 166) and the Council of Europe Convention on the avoidance of statelessness in relation to State succession (CETS No. 200) has been signed (1 December 2008) and ratified (7 January 2009) by Hungary and will come into force on 1 May 2009.

relevant in this respect. Furthermore, the Committee of Ministers recognises the importance of effective participation of migrants through dedicated organisations and acknowledges the work carried out by the Conference of INGOs in drafting the Code of Good Practice for Civil Participation.

9. With reference to paragraph 4.2 of [Recommendation 1840 \(2008\)](#), the Committee of Ministers informs the Assembly that the Steering Committee of Human Rights (CDDH) has taken note of [Recommendation 1840 \(2008\)](#), and in particular the suggestion to examine restrictions on the political and other fundamental rights of migrants, and will bear it in mind when examining possible future activities of the committee. It recalls, in this respect, that the specific rights of association and assembly are guaranteed not only by the European Convention on Human Rights, but also by other instruments, including the revised European Social Charter and the Convention on the Participation of Foreigners in Public Life at Local Level.

10. The Committee of Ministers also signals, particularly with regard to paragraph 4.7 of [Recommendation 1840 \(2008\)](#), that the European Commission against Racism and Intolerance (ECRI) regularly recommends that governments take measures in favour of the integration of migrants. ECRI considers that the participation of migrants in democratic life and society is an essential element of the fight against racism and racial discrimination towards this group and conversely that racism and racial discrimination are obstacles to the democratic participation of migrants. It therefore recommends, in particular through its country-by-country reports, that governments take measures to remove such obstacles.⁶ The Committee of Ministers encourages member states to give due consideration to its recommendations.

11. Finally, with particular reference to paragraph 4 of [Recommendation 1839 \(2008\)](#), the Committee of Ministers would inform the Assembly that it has brought the recommendation to the attention of the Advisory Board of the Forum for the Future of Democracy.

6. In its reports, ECRI recommends, amongst other things: that arrangements be made to consult foreigners when policy decisions are taken; that provision be made for the right of foreigners who have been resident in the country for a long time to vote in local elections; and that measures be taken to facilitate the acquisition of the nationality of the country of residence by foreigners who have been living there for a certain length of time. It also recommends the ratification of the Convention on the Participation of Foreigners in Public Life at Local Level and of the Convention on Nationality, considering that they play a significant role in the process of integration of migrants.