Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1618 (2008)[1]

State of democracy in Europe Measures to improve the democratic participation of migrants

Parliamentary Assembly

1. According to the International Organization for Migration there are over 64.1 million migrants in Europe and the number is constantly increasing. Similarly, there is an increasing need to make sure that migrants are given a "fair share" in the democratic process in Europe.

2. The level of democratic participation across Europe remains low, particularly for migrants.

3. Integration is the key to the democratic participation of migrants and such participation favours integration. It not only facilitates participation but also leads to a better understanding of shared values and respect for cultural differences, both of which are essential for democratic development. It should always be regarded as a two-way process involving migrants and the majority population.

4. Democratic participation is important for all individuals in society, including migrants of first or later generations. For migrants, the earlier they are given the opportunity for democratic participation, the more likely they are to participate and integrate. Democratic participation for migrants in their countries of origin is also important.

5. Migrants are not a homogenous group. They have different nationalities and ethnicities and they come to Europe for different reasons. Some come for reasons of work or study, others to be reunited with their family or to flee persecution or because they have been victims of trafficking. A large number are irregular migrants. There are firstand later-generation migrants. Almost half the migrants in Europe are women.

6. Democratic participation can take many forms. It can include political participation through voting and standing for election; it can include exercising rights such as freedom of expression, thought, conscience and religion. It can cover freedom of association, including membership of political parties or trade unions and participation in demonstrations. Furthermore, it can include participation in civil society, whether in migrant-dedicated associations or other associations with wider remits such as sports, arts, charity, philosophy or religion.

7. Democratic participation can take place at European, national, regional or local level. In practice it is at the local level that the participation of migrants is most important and effective. The Congress of Local and Regional Authorities of the Council of Europe (the Congress) thus has a particular role to play at this level and has undertaken important work in the past, including the establishment of local consultative bodies for foreign residents. The European Commission for Democracy through Law (Venice Commission) also has a role to play, having drafted the Code of good practice in electoral matters.

8. The Parliamentary Assembly recalls its most recent Recommendation 1500 (2001) on participation of immigrants and foreign residents in political life in the Council of Europe member states. It also notes the important standard setting of the Council of Europe through the European Convention on the Legal Status of Migrant Workers (ETS No. 93), the European Convention on Nationality (ETS No. 166) and the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144).

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1. Assembly debate on 25 June 2008 (23rd Sitting) (see Doc. 11625, report of the Committee on Migration, Refugees and Population, rapporteur: Mr Greenway). Text adopted by the Assembly on 25 June 2008 (24th Sitting).

9. The Assembly recognises that much good practice has been developed concerning the democratic participation of migrants. Drawing on this and with the intention of improving the integration and democratic participation of migrants across Europe, the Assembly calls on member states of the Council of Europe to:

9.1. encourage integration as a facilitator for the democratic participation of both women and men through:

9.1.1. promoting integration as a non-discriminatory two-way process, with measures to combat racism and discrimination and encourage inclusiveness (such as diversity training for those working with migrants and benchmarking to ensure inclusiveness), steps to make members of the majority population aware of the different cultures of migrants and the need to avoid stigmatisation of migrants in the integration debate;

9.1.2. education and learning the language of the host society. This is particularly important for women and new arrivals, who should be provided with literacy courses, language training, civic awareness programmes and labour market training. Requirements relating to language skills should not constitute an obstacle for the exercise of the right to family life;

9.1.3. equal protection and recognition before the law, as well as action taken against racially motivated violence, to guarantee the access of victims to effective legal remedies and the right to seek just and adequate reparation, regardless of their immigration status. Particular attention should be paid to tackling racism, xenophobia, anti-Semitism, islamophobia and intolerance – including any tendency by officials, educators and the media to target, stigmatise, stereotype or profile members of "non-citizen" population groups – paying attention at the same time to gender-based discrimination and violence against women. Adequate follow-up should be given to the recommendations of the European Commission Against Racism and Intolerance (ECRI);

9.1.4. creating social bridges between communities, including in areas such as sports and education, and cultural, philosophical and religious activities;

9.1.5. developing social bonds within communities as a means of building confidence and acting as a stepping stone to other forms of participation;

9.1.6. creating social links via services and the communities to avoid exclusion and discrimination and to ensure that migrants, both women and men, are involved in the design and implementation of policies that affect them. Migrants should be represented and employed at all levels of administration and member states should consider establishing, where they do not exist, specialised ministries or departments of integration and mainstreaming integration issues within all relevant departments;

9.1.7. providing assistance with integration into the workplace, security in employment, flexibility in changing employment and work permits, and recognising the skills and qualifications of migrants. Special attention should be paid to migrant women, who often work in areas where they may face exploitation, including in the informal economy;

9.1.8. applying a policy of employing migrants in the public sector, such as in health, education and public administration;

9.1.9. signing and ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families;

9.1.10. providing fair access to quality housing, achieving balanced neighbourhoods and preventing and reducing segregation;

9.2. remove the impediments to democratic participation by:

9.2.1. facilitating access to nationality through:

9.2.1.1. reducing residency requirements for acquisition of nationality to five years or less;

9.2.1.2. ensuring that other requirements such as naturalisation tests, language tests, income and housing requirements, fees and oaths do not become unduly onerous in terms of their number and requirements;

9.2.1.3. removing or reducing restrictions on dual nationality;

9.2.1.4. taking into account the special situation of refugees, both women and men, and their urgent need of nationality;

9.2.1.5. signing and ratifying the European Convention on Nationality;

9.2.1.6. ensuring that no unreasonable impediments to obtaining nationality are placed on second- or later-generation migrants;

9.2.2. granting long-term residence status to those who have been in the country for five years or less without imposing extensive bureaucratic hurdles, high fees or onerous linguistic, housing, income or employment requirements;

9.2.3. regularising the situation of irregular migrants who are not going to be returned to their countries of origin, in line with Assembly Resolution 1568 (2007) on regularisation programmes for irregular migrants;

9.2.4. granting migrants voting rights, including the right to vote and the right to stand in local and regional elections after a residence period of five years or less;

9.2.5. signing and ratifying the Convention on the Participation of Foreigners in Public Life at Local Level;

9.2.6. lifting – in accordance with international standards on the right to freedom of assembly, association and expression – restrictions on the political rights of migrants to join political parties or form political associations and encourage political parties to include women and men of migrant background amongst their members;

9.3. facilitate participation by:

9.3.1. ensuring that migrants enjoy the right to consultation through the establishment of consultative bodies, in accordance with the Convention on the Participation of Foreigners in Public Life at Local Level. These bodies should ensure they are representative of migrants and members of the local or other authorities and that women and men are represented equally. They should allow migrants and migrant associations the right to put forward candidates, have clearly defined objectives and give priority to political activities, including consultation and promotion of citizen participation. Furthermore, these bodies should have the right to be informed and consulted, to initiate consultation and to receive a response;

9.3.2. supporting civil society initiatives for and by migrants which provide choices and options for migrants, lead to bridge-building between communities and help create bonds within them while facilitating links with the authorities. Particular attention should be paid to supporting initiatives from local organisations for migrant women;

9.3.3. encouraging the media to portray a fair and positive image of migrants which does not typecast them and which takes into account the double stereotyping that migrant women face in the media; furthermore, ensuring that migrants are represented among media professionals and that they are seen and their views heard;

9.3.4. supporting projects that encourage migrants and other members of the community to volunteer and participate in civil society;

9.3.5. supporting research, including work undertaken by migrants, on democratic participation of migrants, including research on good practices in participation and integration, barriers to participation, impact of integration and voting patterns of migrants;

9.4. ensure that irregular migrants are not excluded from any forms of democratic participation and that they enjoy their basic rights in accordance with Assembly Resolution 1509 (2006) on human rights of irregular migrants;

9.5. ensure the specific needs of women migrants are taken into account and distinguished from men in line with Assembly Recommendation 1732 (2006) and Resolution 1478 (2006) on the integration of immigrant women in Europe;

9.6. facilitate the increased democratic participation of migrants in their countries of origin.

10. The Assembly calls on the Congress to continue its work on the participation of foreigners in public life at local level and in particular to promote further the use of consultative bodies and the right to vote at local level. Furthermore, it calls on the Congress to strengthen its activities encouraging the integration of migrants at local level, including through the European network of cities for local integration policies for migrants (CLIP).

11. The Assembly calls on the Council of Europe Commissioner for Human Rights to encourage member states to remove the impediments to the democratic participation of migrants.

12. The Assembly invites the European Union to support, through the European Integration Fund, projects aimed both at the integration and democratic participation of migrants. Support is also needed for projects providing indicators of the democratic participation of migrants across greater Europe, gender-disaggregated where possible, and not just limited to the 27 member states of the European Union.

13. The Assembly invites trade unions and employers' associations to continue and strengthen their commitment to promoting the integration of migrant workers and their families.

14. The Assembly invites political parties to step up their efforts to include persons from different ethnic backgrounds among their candidates at all elections.

15. The Assembly invites its Bureau to consult the Committee on Rules of Procedure, Immunities and Institutional Affairs on whether any steps could be taken to ensure a better representation of persons of migrant origin in the membership of the Assembly.