



Resolution 1617 (2008)¹

The state of democracy in Europe Specific challenges facing European democracies: the case of diversity and migration

Parliamentary Assembly

1. The Parliamentary Assembly recalls and reaffirms its [Resolution 1547 \(2007\)](#) and its [Recommendation 1791 \(2007\)](#) on the state of human rights and democracy in Europe, as well as [Recommendation 1500 \(2001\)](#) on the participation of immigrants and foreign residents in political life in the Council of Europe member states.
2. The Assembly considers that cultural diversity is an inevitable development in contemporary democratic societies and an inevitable result of modernisation, globalisation and liberalisation of economies and changing demography.
3. The nature and speed of transformation in cultural diversity and the consequences are constantly evolving.
4. Migration is a major cause of this cultural diversification in European nation states. According to reliable estimates, there are 64.1 million migrants in Europe, which amounts to 8.8% of the total population, and this figure is increasing. All Council of Europe member states are involved.
5. Diversity constitutes a challenge for our democracies. Most of them were originally designed for more homogeneous societies. Today they are not always able to accommodate and seize the opportunities arising from more diverse societies. These shortcomings of democracies which, in extreme cases, can lead to violence, should be tackled and remedied without further delay.
6. The Assembly is aware of the important challenge facing European democracies in reconciling respect for diversity in society with the inclusiveness of the democratic polity and process, while ensuring full respect for the rights of all human beings in a country.
7. It welcomes the considerable progress that has been achieved in this respect, and the fact that the situation of migrants, as regards the exercise of their political rights, has generally improved significantly in recent years. The Assembly hopes that the principle of inclusiveness will continue to improve in democracies.
8. At the same time, the Assembly recalls that the essence of democracy is that all those concerned by a decision must be directly or indirectly part of the decision-making process. Otherwise the dignity of a person is not respected. That is why representativeness is of crucial importance and it is unacceptable that large groups of the population are excluded from the democratic process. This situation must be remedied by facilitating access to citizenship² or extending political rights, including voting rights, to non-citizens.
9. Moreover, the Assembly fails to see any justification for migrants who are lawful long-term residents in a country to be treated differently solely on the basis of their country of origin. For example, there should be no differentiation between migrants who are citizens of Council of Europe member states irrespective of whether or not their country of origin is a member of the European Union.

1. Assembly debate on 25 June 2008 (23rd Sitting) (see [Doc. 11623](#), report of the Political Affairs Committee, rapporteur: Mr Gross; and [Doc. 11653](#), opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Memecan). Text adopted by the Assembly on 25 June 2008 (24th Sitting).

2. The term "citizenship" refers to national affiliation



10. One of the ultimate objectives of every democratic system should be to ensure equal opportunities to allow all people to exercise their political rights.
11. Further concerns relate to the effective exercise of rights where they have been granted. Low participation and representation of migrants and people of migrant origin in political life must raise questions about the barriers to their more active involvement in the democratic process. These barriers need to be removed.
12. Striking the right balance between respect for diversity and the need for integration is essential for the proper functioning of democracy. Integration, which is basically aimed at eliminating exclusion and segregation of society, has to go hand in hand with respect for diversity, different cultures, languages and religions, in full respect for human rights. Integration is not to be confused with assimilation and would be undermined by it.
13. At the same time, however, integration does imply a degree of involvement in the society as a whole, including knowledge of the language(s) of the country of residence and respect for the constitutional values in that country, in particular respect for the principles of human rights, democracy and the rule of law. Easy access and motivation for language learning should be provided to migrant women. Cultural and educational policies should be developed to raise migrant women's awareness of constitutional values and the principles of human rights.
14. Integration is both a necessary condition and a criterion for evaluating the quality of democracy.
15. Furthermore, the Assembly notes that democracy also represents a substantial means to guarantee fair opportunities for all. However, the way democracy is practised at present means that it cannot entirely deliver its promises. The way to overcome the shortcomings of today's democratic polity is to expand it to the transnational level.
16. The Assembly recognises that various historical, geographical, social and cultural circumstances may have influenced the shape of democracy in different countries and may therefore have influenced its present-day picture. This needs to be taken into account when assessing the quality of democracy.
17. With a view to improving the inclusiveness of the democratic process and the quality of democracy, the Assembly calls on the Council of Europe member states to:
 - 17.1. as regards access to citizenship:
 - 17.1.1. facilitate access to citizenship;
 - 17.1.2. consider, when appropriate, removing restrictions on dual citizenship where such restrictions exist in national legislation, except in cases of possible misuse of dual citizenship by those charged with war crimes in order to escape justice;
 - 17.1.3. in cases where dual citizenship is not possible, consider removing restrictions placed on citizens who renounce their citizenship where such restrictions exist in national legislation;
 - 17.1.4. sign and/or ratify the European Convention on Nationality (ETS No. 166) if they have not already done so;
 - 17.1.5. consider giving migrant women a legal status independent of that of their spouse;
 - 17.2. as regards voting rights, consider granting the right to vote and to stand in elections at local and regional level, at least to citizens of Council of Europe member states who are lawful residents in the country as the first step before granting such rights to all lawful resident foreigners, irrespective of their country of origin;
 - 17.3. as regards other political rights:
 - 17.3.1. consider removing restrictions on the exercise of individual freedoms of migrants who are lawful foreign residents concerning, in particular, the freedom of association, and other restrictions even in cases where they may be in conformity with Article 16 of the European Convention on Human Rights (ETS No. 5), where such restrictions exist in national legislation;
 - 17.3.2. consider supporting the deletion from the European Convention on Human Rights of Article 16 allowing restrictions on the peaceful political activity of foreigners;
 - 17.3.3. sign and/or ratify the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144) if they have not already done so;

17.4. as regards registration of migrants:

17.4.1. ensure that there are no impediments placed on applications for the registration of migrants and for long-term residence status, where applicable;

17.4.2. contribute to the establishment, at European level, of a harmonised system of collection of statistical data on migrants, including gender-disaggregated data.

18. The Assembly calls on the member states of the European Union to reconsider and address the differential treatment of third-country immigrants in comparison to immigrants from other European Union countries as regards the exercise of political rights.

19. The Assembly encourages the Congress of Local and Regional Authorities of the Council of Europe to pursue its activities in the field of participation of foreigners in local and regional democracy and to examine the question of their effective political participation, including their representation at local and regional levels of power.

20. The Assembly invites the relevant committees of national parliaments to examine the 2008 report on the state of democracy in Europe with a view to ensuring relevant follow-up in the framework of national legislation and policies.