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Policy Brief on Political Rights

The project aims	EMILIE PROJECT OVERVIEW <p>EMILIE examines the migration and integration experiences of nine EU Member States and attempts to respond to the new challenges that multiculturalism is facing in Europe in the early 21st century. EMILIE studies three important areas: Education; Discrimination in the workplace; Voting rights and civic participation, in Belgium, Denmark, France, Germany, Greece, Latvia, Poland, Spain and the UK. EMILIE aims to:</p> <ul style="list-style-type: none">• track the relationship between migration-related diversity and citizenship, i.e. multicultural citizenship, across these EU countries; and• identify whether multicultural citizenship is emerging in Europe, and if so what distinctive patterns and types can distinguished.
Case studies	EMILIE conducted three policy-related case studies in each country. The first set of case studies focused on education policy and the measures and practices adopted in dealing with cultural diversity in secondary education. The second set of case studies assessed the implementation of the EU 2000 Anti-Discrimination Directives in the different national contexts. And the third set of case studies investigated voting rights and overall issues of political participation and representation of migrant communities and ethnic minorities in the countries studied.
Definitions	(Multicultural) Citizenship: The notion of citizenship requires a self-governing political community in which individuals have rights and correlative duties enforced by law but are likely to also have a sense of shaping and being shaped by a public space that goes beyond law and politics. Multicultural citizenship debates ask how citizenship can be fully enacted for and by individuals that are culturally diverse.
Methods, data and period of reference	Each case study focuses in the last twenty year period (from 1989 till today). Data collected include policy documents, media coverage, scholarly studies, statistical data, qualitative interviews with key informants, and where it has been possible discussion groups with civil society actors and policy makers.
Focus	The project is concerned with migration-related cultural diversity and not with historical, native ethnic minorities. Special attention is paid to religious diversity and issues concerning Muslim migrants as their integration in European societies has been approached as increasingly challenging in these EU Member States.

Towards a European Multicultural Democracy

International migration has reshaped societies and politics around the world in recent decades. European societies in particular changed deeply and have been pluralized further in social, cultural, economic, ethnic, racial and religious terms through various waves of migration in the post World War II era. Migration intensified again after the end of the Cold War towards both old and newer European receiving countries. Although there are very distinct migration patterns and different migrant populations in each EU member state, all European countries face comparable challenges as multiculturalism is already a reality at the grassroots level.

This multiculturalism is associated with a challenging set of political and democratic needs and expectations. There is significant variation in the 'integration philosophies' of each country, which in the political sphere, translates in different approaches to citizenship; different degrees of political participation for migrants and minorities; and different kinds of migrant political mobilization.

- On the one hand, over the past fifteen years, advocacy groups, intellectuals and proponents of a *multicultural demos* have been arguing for the need to revisit and redefine sustainable democratic forms of citizenship that are able to integrate and address the needs of minority groups and new collective identities. The redefinition of citizenship and its ensuing implications, namely expanding access to political rights to new citizens and revisiting the constitutive elements of national identity, are based on the following principles: political equality, human rights, respect for diversity and quality of democratic governance.
- On the other hand, the democratic debate at the European Union level has reshaped understandings of citizenship through the introduction of voting rights for European citizens at local and European elections if they are residents of another EU member state. In several continental European countries, the debate on the political rights of non-European resident foreigners (i.e. third country nationals, abbreviated as TCNs in the European jargon) has been an offshoot of the implementation of a supra-national form of citizenship at the European level, and the traditional, restrictive linkage between citizenship and nationality has been challenged as provoking a form of democratic deficit.

Main Findings

Comparable issues, different approaches and different levels of political inclusion

There exists a significant degree of national and local variation in how multicultural political debates are structured in the EU countries studied. Whereas some countries have gone through very advanced experiences of political inclusion, the debate in other countries remains essentially focused on the conditions of access to political citizenship and rights. Thus, while the approach is distinct in every national context, what is common among the nine EU countries examined in this project is that migration-related diversity was the core trigger for raising a public debate on the redefinition of a more civic understanding of citizenship across Europe. The debate itself may be subdivided into three principle sub-themes: *political rights*, *political participation* and *political representation*.

Different models and levels of political participation and inclusion can be identified in the various European countries. In the UK, France, Denmark and Belgium, for instance, large segments of the permanent migrant population have been enfranchised either through naturalisation or through specific enfranchising legislation. These minority groups have significantly progressed in terms of electoral participation and representation over the last decade in local and national politics and in the European Parliament. In other countries where TCN migrants have faced both restrictive naturalisation procedures and have had no formal political rights (Germany), this has not been synonymous with political exclusion from the public space. In effect, forms of consultation with public authorities have been set up –even if in some cases these are still in very elementary stages- allowing TCNs to express their political expectations outside the traditional channel of the vote. Finally, in some EU member states (Greece, Latvia, Poland), the naturalisation processes remain long and restrictive and rather limited formal consultative institutions or other alternatives are offered to encourage the political participation of TCNs in the receiving society.

Political Rights

- Finding a point of access to political rights is a precondition for any formal political participation. In most countries, naturalisation remains the most direct access to full political citizenship. Our research has shown that the obstacles to **political participation have increased in countries where naturalisation legislation has evolved restrictively**. The background security check by intelligence agencies of naturalisation applicants, the limitation towards dual/multiple citizenship and the citizenship test implemented in Germany are a case in point.
- Over the last decade, the most significant change in terms of access to political rights has been the enfranchisement of EU citizens living in a country of which they do not possess the nationality (established in the Maastricht Treaty of the EU). The nine countries studied have all transposed the provision on the citizenship of the European Union within their internal legal order. Even though some countries have opened their political citizenship with reluctance, the **harmonisation of the political rights of EU foreign residents** within the territory of the European Union is now an established fact.
- There is **no similar harmonisation of the political rights of TCNs** and it is unlikely to happen in the foreseeable future since a modification of the Treaty on the European Union would be necessary for this. Contrary to the top-down approach that has expanded the notion of citizenship and related rights for EU foreign residents, the enfranchisement of non EU citizens can only occur through bottom-up initiatives decided at the national levels. In some countries (Germany, Spain), this is rendered difficult due to the necessity to pass a prior Constitutional change at a broad majority.
- In countries with no prior experience of migrant enfranchisement, EU citizenship has given **more intellectual and political legitimacy to the claim for the enfranchisement of TCNs**. A growing political consensus is currently being constructed between centre and left wing political parties across Europe on the need to concede voting rights at the local level to TCNs.

- A fieldwork analysis (Table 1) of the nine EU countries studied, allows us to distinguish between **four categories of countries in terms of who, how and at which level they enfranchise foreign residents**.
- In countries with **historical minorities** (Germany, Greece), there is a policy of 'positive discrimination' towards co-ethnic return migrants and their descendants who are granted quicker access to citizenship and are accorded political rights and encouraged to engage in active political and civic participation.

Table 1 - Categories of enfranchised citizens according to type of election by administrative levels

	First category: Enfranchisement of EU citizens				
	Local	Provincial	Regional	National	European
France	EU citizens	X	X	X	EU citizens
Germany	EU citizens	X	X	X	EU citizens
Greece	EU citizens	X	X	X	EU citizens
Latvia	EU citizens	X	X	X	EU citizens
Poland	EU citizens	X	X	X	EU citizens
	Second category: Enfranchisement of EU and non EU citizens				
Denmark	EU and non-EU citizens	EU and non-EU citizens	X	X	EU citizens
Belgium	EU and non-EU citizens	X	X	X	EU citizens
	Third category: Enfranchisement of EU and former citizens of colonies				
UK	EU and Commonwealth citizens (+ citizens of Cyprus, Malta and Ireland)	EU and Commonwealth citizens (+ citizens of Cyprus, Malta and Ireland)	EU and Commonwealth citizens (+ citizens of Cyprus, Malta and Ireland)	Commonwealth citizens (+ citizens of Cyprus, Malta and Ireland)	EU and Commonwealth citizens (+ citizens of Cyprus, Malta and Ireland)
	Fourth category: Enfranchisement of EU citizens + bilateral reciprocal agreements				
Spain	EU and Norwegian citizens	X	x	X	EU citizens

Political participation

- For migrant and minority communities, **political participation goes far beyond electoral participation**. Where large segments of migrant and minority populations remain disenfranchised, significant **political mobilization occurs, by necessity, through voluntary associations**.
- **Institutional dimensions such as whether voting is obligatory or optional** impact upon the degree and level of participation by migrants and minorities. In countries where voting requires registration, such as Britain and France, it was found that ethnic minority voter registration posed a challenge because it was generally at lower levels than those registered among the native majority. This is also the case in countries where voting is compulsory for nationals (Belgium and Greece). Although, these are exceptional cases, the problem of voter registration remains important in these countries insofar as EU citizens and TCNs must vote only if they have freely registered in advance.
- Data on migrant and minority voters is not readily available in all the nine countries studied. Where available, as in the case of France, Germany and the UK, these have been analysed by the EMILIE team. Available data suggests that there are **lower levels of electoral participation among migrant and minorities** than among nationals. This participation increases however when political parties proactively 'reach out' to include migrants and minorities.

- Certain studies have also suggested that migrants tend to have a **preference for political parties positioned on the centre left** of the political spectrum. In France, 63% of French citizens of immigrant descent associate themselves with the Left (37% among native French) and nearly 50% with the Socialist Party (33% among native French). An opinion poll in Germany among Turkish citizens (both enfranchised and disenfranchised) showed that 74% would vote for the Socialist Party SPD (36% among natives). A similar trend has been observed in favour of the British Labour Party even though the 2005 General elections result indicated a decreased support on the part of Muslim minorities.
- The **degree of success of immigrant and minority political participation is influenced by the national political opportunity structure and by the degree of inclusiveness of the national political culture**. These may impact political participation in positive or negative ways. Countries, with a strong assimilationist tradition, have a national political culture that makes it difficult to recognise the collective dimension of ethnic minority political interests. Countries influenced by a legacy of more clientelistic forms of political affiliation and patronage (such as Greece or Spain) tend to undermine the diffusion of civic citizenship values among migrant and minority population and may even inhibit their political participation.
- Considering that migrants and minorities often live in neighbourhoods with high concentration of ethnic communities, it seems important to distinguish between the impact of migrants and minorities at the local and national level. In Denmark and Belgium, for instance, **the political impacts triggered by migrants are greater at the local than the national level**.

Political representation

- The qualitative and quantitative data gathered within the framework of the EMILIE project suggest that **migrants and minorities remain politically under-represented**. Conditions have, however, evolved positively during the last two decades. Signs of an ethnic diversification at the level of elected assemblies are observable in several countries, especially among old immigration countries of north west Europe (Belgium, Britain, Denmark, France, Germany). There are also examples of successful individual political trajectories in countries that have experienced less diversity in politics (Poland, Greece).
- A key factor influencing the degree of multicultural political representation lies in the selection processes implemented within **political parties**. Although contemporary political systems are becoming increasingly open to ethnic minority politicians, this has not avoided more instrumental strategies based on tokenism which may have perverse effects on migrant and minority populations.

Consultation

- In several countries under study, **consultative and advisory institutions** at the local and sometimes at the national levels of governance have been specifically devised in order to include migrants. These councils or advisory committees are set up in order to encourage migrants' political participation and representation and lie at the heart of integration policies.
- In principle, consultation is generally perceived as a good strategy; in practice, it faces substantial limitations and criticism. Consultative bodies are sometimes assessed as 'toothless' instruments that need to be reformed in order to meet their objectives. This tension between the normative aim to increase participation and dialogue between all actors, and the practical limitations associated with consultative bodies means that even though they are often assessed in rather critical terms, they **remain in place in several of the EU countries** studied (Spain, Germany, France, Denmark).
- Overall, there is a tendency to consider that **consultative bodies are not decisive in channelling immigrant claims**. In some instances, they are reported to actually have provoked **perverse effects** on multicultural recognition. For instance, the Paris Consultative Council for Foreigners is considered to have marginalised ethnic demands, while in Denmark, there is a concern that consultative bodies' lack of efficiency will in the long run have demobilisation and disillusionment effects on the migrant population.

Key Messages for Policy Makers & Proposed Priorities

Political participation encompasses rights and representation, and it constitutes a core determinant of the quality of a country's democracy. Democracy is a dynamic concept.

The ways in which it is defined depends on the processes through which it is exercised and on the degree of its inclusiveness. A core pillar of democracy is its representativeness; in other words, that all those concerned by a decision are directly or indirectly able to participate in the decision-making process by expressing their position and defending their stake. Where significant portions of the population living within a constituency are excluded from formal means of political expression and representation, this translates into a democratic deficit. In fact, The Council of Europe's *Group of Specialists on Nationality* (2008) has argued that being excluded from the decision-making process when concerned by a decision, infringes the dignity of a person, and that the essence of democracy is its representativeness. Thus, a fundamental aim of democratic governance in Europe is to ensure that all groups and segments of a polity's population are included in the democratic process.

In today's diverse societies, strengthening the civic identity of its constitutive members is necessary for multicultural societies that are socially cohesive and tolerant. Political participation and representation are necessary for residents and citizens to have a stake in the community in which they live. It adds the dimensions of responsibility and obligation to that of rights and this is important for the quality of a society's democracy and development. Based on our research in nine EU member states, we propose the following:

Political rights and Naturalisation

- Given that full political rights are restricted to citizens, naturalisation is at the core of any discussion on political rights of non-nationals. Therefore,
 - Naturalisation requirements should be realistically achievable in order to facilitate access to citizenship for permanent, long-term settled migrants, and attention should concentrate on avoiding discrimination on the grounds of nationality of origin or religious affiliation;
 - Obstacles to the acceptance of multiple/dual citizenship should be overcome by countries that are still reluctant to do so [such as Denmark and Germany];
 - Descendants of non-nationals who are permanent residents [or so-called second generation migrants] should be granted preferential access to citizenship.
- In parallel, an inclusive approach towards all TCNs access to political rights at the local level should be advanced. In essence, length of stay in the receiving society rather than country of origin is a more objective criterion upon which to determine political participation rights for permanent or long term migrants in their receiving society. For this reason, we argue that non-EU residents' voting rights should be brought on a par with those of the citizens of the European Union as regards local elections.
- The principle of reciprocity [i.e. in the case of Spain] should be avoided as a strategy for extending voting rights of third country nationals because it is based on a discriminatory approach on the grounds of nationality.

Political participation

- Public information campaigns and education programmes on civic values should target the entire population, while more focused efforts should emphasise on migrant and minority populations and in particular on women;
- Efforts to encourage voter registration should be intensified and both material (such as frequent change of residence in social housing and re-registration obligations) and symbolic obstacles (e.g. fears of harassment, anxieties over residence status) need to be addressed and dismantled;
- Where voting is compulsory for nationals but not for non-nationals, the registration of the latter on the electoral rolls should be pro-actively stimulated and encouraged;
- Access to funding and media outlets are important for minority and migrant organisations in order to improve and support their contribution to the national debate and encourage a wide and democratic level of representation.
- Quantitative research allowing the collection of reliable and valid data on the political participation of immigrant ethnic minorities should be further encouraged. Such research would help clarify the notion of the 'ethnic vote' and its potential impact and importance.

Political representation

- Political parties should be encouraged to reflect on the degree of their intercultural composition and membership. Political parties have a fundamental and pivotal role to play in practically and tangibly improving the levels of ethnic minority participation and representation in mainstream politics at local, national and European levels;
- Political parties have mainly selected their ethnic minority candidates through co-option. They should be encouraged to train their newly elected candidates to the functionalities and requirements of public and political life;
- Political parties should be encouraged to implement more inclusive policies vis à vis minorities in their internal decision-making structures and where necessary strengthen anti-discrimination strategies inside the party system.

Political consultation

- Consultation and the development of formalized networks between public authorities and political actors at the national, regional and local levels on the one hand, and representatives of the migrant population on the other should be promoted if and only if it nurtures and expands an on-going and effective dialogue;
- Publication and dissemination of the work of consultative bodies to the relevant political and policy-making authorities must be improved in order to maximize their visibility and ensure that their proposals are discussed and taken into consideration by the relevant political authorities. This is particularly important for policies relating to integration, asylum, social and employment policy and anti-discrimination. It is fundamental for a more dynamic and participatory democratic process that includes all members of society irrespective of their 'formal' status (i.e. citizen or long-term resident).

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CITIZENS AND GOVERNANCE IN A
KNOWLEDGE-BASED SOCIETY

For general information on the Project please contact Prof. Anna Triandafyllidou, Project Coordinator, at anna@eliamep.gr.

For more information on the Social Sciences and Humanities Research Programme of the European Commission please see:

http://ec.europa.eu/research/social-sciences/index_en.html