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Time for Improvement: Obstacles to Political Participation of Immigrants in Estonia, Latvia and Poland

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This policy brief is based on a study of legal frameworks and government policies related to political participation of third country nationals (TCN) in three EU countries - Estonia, Latvia and Poland. The study was conducted by three think tanks - Institute of Baltic Studies in Estonia, Centre for Public Policy PROVIDUS in Latvia and Institute of Public Affairs in Poland.

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Introduction

The European Union's commitment to ensuring political rights for all EU residents is reflected in the EU Charter of Fundamental Rights¹ and in The Common Basic Principles for immigrant integration policy in the EU². The Common Basic Principles include the principle of political participation:

The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.

A study conducted by three think-tanks based in Estonia, Latvia and Poland³ concludes that in these

¹ Articles 11 and 12, regarding Freedom of expression, Freedom of assembly and association.

² Council conclusions, 2004. Page 19-24

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf

³ M. Golubeva (2011). Political Participation of Third Country Nationals in Estonia, Latvia and Poland.

http://www.providus.lv/upload_file/Publikacijas/2011/Political%20Participation%20of%20Third%20Country%20Nationals%20in%20Estonia,%20Latvia%20and%20Poland_new.pdf last accessed on 01.08.2011. The study included analysis of the data regarding Political Participation from Migrant Integration Policy Index (MIPEX) III by Migration Policy Group (2011), interviews with immigrant organisations' representatives, civil servants responsible for the programmes of the European Fund for the Integration of Third Country Nationals and government coalition politicians in the three countries. The study also included an in-depth assessment of the multi-annual and annual programmes of the European Fund in Estonia, Latvia and Poland.

three EU countries, political liberties of immigrants (non-citizens and third-country nationals) are limited, and only Estonia has voting rights in local elections for permanent residents. Also there are no adequate consultative bodies involving immigrant organisations and communities. Politicians from ruling coalition parties tend to regard political participation of immigrants as unimportant or potentially suspect, and are not open towards improving the involvement of permanent residents and non-citizens in decision-making processes even at the local level.

The percentage of non-citizens and third country nationals among the population is especially high in Estonia and Latvia: in Estonia, approximately 16% of the population are either stateless (non-citizens) or have the citizenship of a non-EU country, in most cases Russia. Latvia has 14.5% non-citizens and about 2% of the population are third country nationals. In Poland, only about 0.1% of the population in 2009 were third country nationals.

Obstacles to political participation of immigrants in Latvia, Estonia and Poland

The opening of local elections to permanent residents of foreign nationality is one of the central ways of strengthening democracy recommended by the Council of Europe.⁴ Latvia and Poland so far have not granted voting rights in local elections to third country nationals - unlike Estonia, Hungary, Lithuania, Slovakia and Slovenia that allow permanent residents to vote in local elections (in Lithuania, permanent residents can also stand for election in local councils). None of the three countries has signed the European Convention on the participation of foreigners in public life at the local level.

Lack of voting rights in local elections for permanent residents in Latvia and Poland

Political liberties of immigrants are limited in all three countries. In Estonia, third country nationals do not have the right to be members of political parties and to form them. In Latvia, persons with the legal status of Latvia's non-citizens (Latvian non-citizen passport holders) are allowed to be members of political parties, but this right is denied to third country nationals. Only Latvian citizens, Latvian non-citizens and permanent residents are allowed to organise and lead public meetings, marches and protests. In Poland, third country nationals are not allowed to be members of political parties or to form political associations.

Limited political liberties

So far neither Estonia, nor Latvia, nor Poland has created effective government-level consultative bodies to ensure transparent and objective consultation processes in which immigrants and their associations can fully participate in the dialogue about policies that affect them.

Lack of effective consultative bodies

Consultative bodies in countries that follow best practice in this respect are permanent structures, sometimes composed exclusively of residents of foreign nationality, their members elected through

⁴ State of democracy in Europe. Measures to improve the democratic participation of migrants. Report. Parliamentary Assembly of the Council of Europe, 2008.
<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11625.htm> last accessed on 17.05.2011.

municipalities or through councils of NGOs and umbrella organizations representing immigrant communities. Where they include representatives of government ministries, consultative bodies are seen as a way to ensure the mainstreaming of immigrant integration issues through various policy areas, sometimes through inter-ministerial committees.⁵

None of these criteria – stakeholder representation or broad constituency among immigrants and minorities, inter-ministerial coordination and mainstreaming of immigrant policies - have been met by any of the consultative bodies that have existed in the past in Estonia, Latvia and Poland.

The absence of strong and accountable umbrella organisations representing immigrants as a constituency, with internal democracy and legitimacy to represent the voice of the immigrant community in policy dialogue, is a significant obstacle to meaningful political participation of immigrants in all three countries.

Obstacles: civil society

Politicians in all three countries continue linking all forms of political participation to nationality and persist in seeing naturalisation as the one true venue for access to political participation. At the same time, the politicians' argument that access to political participation is open through access to nationality is made weaker by the relatively low scores of Estonia and Latvia in the area of Access to Nationality according to MIPEX III. Some important steps – such as limiting administrative discretion regarding who should and who should not be entitled to nationality – still need to be taken in order to make citizenship truly accessible to immigrants.

Obstacles: politicians' reluctance to support immigrants' political participation

While expressing support for civil society engagement of immigrants in principle, politicians are not aware that some civil liberties necessary for such engagement - such as the right to call a protest meeting (not allowed to temporary residents in Latvia) or to form a political association - are lacking for third country nationals. Moreover, in some cases in Estonia and Latvia prominent members of governing parties believe that it is wrong for immigrants to form associations representing their own specific interests.

European Fund for the Integration of Third Country Nationals

The European Fund for the Integration of Third Country Nationals (EIF) is the main source of public funding for the integration of immigrants in all three countries. The multi-annual and annual programmes of EIF in Estonia, Latvia and Poland in 2007-2010 have not explicitly supported the enhancement of civic and political participation of immigrants (especially of the kind addressing policy and decision making processes). Very few projects supported by EIF have in fact promoted political participation of immigrants in Estonia, Latvia and Poland.

Lack of commitment to participation

⁵ T. Huddleston (2010). Consulting immigrants to improve national policies. European Economic and Social Committee.

When they did, the forms of participation supported were dialogue platforms and dissemination of information about local authorities and public services available from them. Sometimes the projects supported by the Fund raised the administrative capacity of immigrants' organisations and organisations seeing immigrants as their constituency.

Support for the establishment of platforms such as the *National Platform for Cooperation for Integration* (Poland) and *“Round Table of Nationalities”* (Estonia), enabling immigrants, including third country nationals, to take part in policy dialogue with government and other civil society organizations, has been the most tangible contribution of EIF towards improving political participation of third-country nationals in the countries in question. The establishment of such platforms is a step in the direction of political participation. In this regard, Latvia currently lags behind Estonia and Poland, with no such platform for policy dialogue established.

**Support for
dialogue
platforms**

It is important to remember, however, that civil society initiatives such as *“Round Table of Nationalities”* cannot substitute for a permanent and legitimate consultation mechanism in which immigrant civil society would appoint its own elected representatives to enhance the policy dialogue with government and local authorities.

Policy recommendations

Removing unjustified limits to basic political liberties

Estonia, Latvia and Poland should follow the example of Hungary and allow third country nationals to be members of and to form political associations. Latvia should also remove the legal barriers to foreigners (including persons with temporary residence permits) to be the organizers, leaders, leader assistants and guardians of meetings, marches and protests.

Right to vote and stand in local elections

As long as elections remain the central form of participation in representative democracy, the absence or presence of the right to vote and stand in elections remains the litmus test of a country's commitment to ensure political participation of various groups of residents. Latvia and Poland should follow the majority of EU countries in granting permanent residents of any nationality the right to vote in local elections. Given the importance of participation of foreigners in public life at the local level, it also makes sense for all three countries to follow the example of Lithuania in allowing third country nationals and non-citizens to stand as candidates in local elections.

Creating adequate consultative bodies

Estonia, Latvia and Poland should create effective government-level consultative bodies to ensure transparent and objective consultation processes in which immigrants and their associations can fully participate in the dialogue about policies that affect them. The representatives of immigrant

population in these bodies should be elected through councils of NGOs and umbrella organizations representing immigrant communities or through municipalities.

Support for political participation of immigrants through the programmes of EIF

Because the European Fund for the Integration of Third Country Nationals in Estonia, Latvia and Poland is the main and sometimes the only source of public funding for the integration of immigrants in these countries, the next programmes of EIF should include as one of their main goals direct support for measures for the enhancement of civic and political participation of immigrants (especially of the kind addressing policy and decision making processes). The programmes should assist governments in forming effective and transparent permanent consultative bodies. In order to arrive at that level of stakeholder representation and to establish permanent and transparent policy consultation mechanisms, EIF would have to give more targeted support to immigrant civil society, thus helping to raise the policy capacity of organisations representing the interests of immigrants. This support should enable immigrant civil society to form strong and accountable umbrella organisations representing immigrants as a constituency, with internal democracy and legitimacy to represent the voice of the immigrant community in policy dialogue. The European Commission can help this process by recommending member states that the future programmes of EIF accord greater role to projects promoting political participation of third-country nationals and ensure methodological support to immigrant NGOs to form policy-oriented coalitions.