

# CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

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## **Recommendation 115 (2002)<sup>1</sup> on the participation of foreign residents in local public life: consultative bodies**

The Congress, bearing in mind the proposal of the Chamber of Local Authorities,

1. Recalling in particular:

*a.* the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level, which was opened for signature in 1992 and has been signed to date by 9 and ratified by 6 of the 44 member countries;

*b.* its Resolution 92 (2000) adopted following the conference on the subject jointly organised in Strasbourg on 5 and 6 November 1999 by the CLRAE, the city of Strasbourg and its Consultative Council for Foreigners;

*c.* the conclusions of the hearing on 14 December 2001 organised by the CLRAE at the invitation of the mayor of Stuttgart, the main focus of which was exchange of European experiences in the field of consultative councils for foreign residents;

2. Also recalling the principles of the European Urban Charter with regard to effective participation by immigrants in local political life;

3. Recalling in addition the recent work of the Parliamentary Assembly, particularly Recommendation 1500 (2001) on participation of immigrants and foreign residents in political life in the Council of Europe member states and Recommendation Rec (2001) 19 of the Committee of Ministers to member states on the participation of citizens in local public life – and specifically paragraph 5 of section D of Appendix III – concerning foreigners and asking states to be guided by the mechanisms referred to in the 1992 Council of Europe Convention, even when its provisions are not legally binding on states;

4. Thanking the mayor of Stuttgart for having hosted the recent CLRAE hearing in his city, and for the readiness which he has already expressed to host a further and larger-scale conference on this theme in 2003;

5. Taking note of Mrs V. Dirksen and Mr W. Schuster's report (CPL (9) 5 Part II), CLRAE Resolution 141 (2002) on the same subject, and the synopsis of discussions at the Stuttgart hearing;

6. Convinced that there can be no true local democracy without participation by all residents of the community, and that consequently foreign residents who are legally and lastingly settled in the territory of European states ought not to be excluded from local public life, whatever their country of origin;

7. Observing that many towns already face situations where a very large proportion of the population, though not nationals, contribute significantly to the cultural, social, and economic life of the community;

8. Convinced that these foreign residents who are lastingly and legally settled in the territory of a state should be granted rights, including political rights, in return for their acceptance of duties towards the host community;

9. Observing that many towns across Europe have already taken initiatives at their own level to remedy this democratic deficit, especially by setting up consultative councils for foreigners;

10. Convinced that the presence of immigrants and foreign residents is a source of human as well as cultural and economic value for our societies;

11. Regretting the inadequacy of information about the position in the various European states, the lack of exchange of experiences at European level between the towns concerned, and the sparseness of public debate on these issues;

12. Believing that this question is of crucial concern for democratic societies, which will inevitably have to contend with increasing population movements whether in the near or the remote future, and that it raises a fundamental issue of human rights and democracy;

13. Noting that the Treaty of Maastricht paves the way for recognition of a residence-based citizenship clearly distinguished from the concept of nationality, but that it unfortunately restricts such citizenship to nationals of European Union member countries alone, thereby creating a form of discrimination between residents of foreign origin, contrary to the principles upheld by the Council of Europe and set forth in the European Convention on Human Rights;

14. Recalling the approach used in the 1992 Council of Europe convention, with its firm stance of non-discrimination between foreigners whatever their country of origin, and its definition of three principal categories of measures for progressively conferring on foreigners political rights tied to residence criteria:

*a.* measures to keep foreigners fully informed of their civic rights and duties and to guarantee their freedom of expression, peaceful assembly and association on the same terms as for nationals, together with measures that strive to involve them in consultation processes and referenda on local matters;

*b.* setting-up of consultative committees or other institutional mechanisms enabling foreign residents to assert their point of view before the local authorities;

*c.* conferment of the right to vote and stand in local elections, subject to specified residence criteria;

15. Gratified that one of the two integrated projects launched by the Secretary General of the Council of Europe for 2002-2004 addresses this range of issues within

the broader project area Making Democratic Institutions Work under one of the designated objectives, promotion of participation, and noting with satisfaction that it also proposes to support relevant CLRAE proposals and projects,

16. Invites those member states which have not yet done so to sign and ratify the 1992 Convention on the Participation of Foreigners in Public Life at Local Level as soon as possible, to be guided in the meantime by the measures which the convention advocates in the three essential fields mentioned above, and to encourage active implementation of the first two categories of measures by local and regional authorities;

17. Invites the Committee of Ministers to ask the Secretary General to initiate an in-depth enquiry into the fulfilment of the principles of this convention in the Council of Europe member states, being aware that several countries apply certain of its provisions at least to a certain extent without having signed or ratified it;

*a.* suggests to the Committee of Ministers that the Directorate General of Legal Affairs and specifically its Directorate of Co-operation for Local and Regional Democracy, together with the Directorate General for Social Cohesion, assist with the conduct of this enquiry which will make it possible to fill the serious information gaps in this respect and also to supplement the data which the CLRAE may gather in its sphere by contacting its privileged partners, namely the local and regional authorities of Europe and their associations;

*b.* proposes that the Directorate General of Human Rights and in particular the European Commission against Racism and Intolerance (ECRI) contribute to the efforts of the other Directorates General and the Congress to gather this information, promote exchange of experience, identify good practices and predict their likely evolution in the

local, national and European contexts, as set out in CLRAE Resolution 141 (2002) on participation of foreign residents in local public life: consultative councils;

18. Invites the Parliamentary Assembly and especially its Committee on Migration, Refugees and Demography as well as its Committee on the Environment and Agriculture to associate itself with this work in order to give it the proper impact at all levels of government and stimulate a major Europe-wide public debate founded on objective documentation which politicians may subsequently use as a basis for developing the relevant procedures and practices;

19. Welcomes the fact that the Parliamentary Assembly Committee on Migration, Refugees and Demography, in conjunction with the Directorate of Youth and Sport, already organised a hearing on the specific situation of young migrants in Budapest on 15 and 16 November 2001, and expresses its readiness to co-operate with the committee in exploring the question, being convinced that special attention should be paid to the participation and integration of young first and second generation migrants in view of the implications for social and democratic cohesion in our present societies and in the years ahead;

20. Invites the European Union to follow the non-discriminatory approach recommended by the Council of Europe and its conventions, and accordingly to re-examine its current policies on the participation of foreign residents in public life at local level so as to secure residence-based citizenship for all foreigners whatever their country of origin and grant them the same political rights on the basis of common criteria of residence.

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1. Debated and approved by the Chamber of Local Authorities on 5 June 2002 and adopted by the Standing Committee of the Congress on 6 June 2002 (see Doc. CPL (9) 5, draft recommendation presented by Mrs V. Dirksen and Mr W. Schuster, rapporteurs).