



European Network Against Racism
Réseau européen contre le racisme
Europäisches Netz gegen Rassismus

FACT SHEET 26

on

Political Rights

April 2006

Introduction

Striking violations of political rights around the world provoke outrage in the European and global press. But daily infringements of political rights in the European Union hardly cause any reaction at all. Within the EU many people are deprived of their political rights. Ethnic and religious minority groups are often excluded from political rights by formal as well as informal barriers. Within the EU the formal standards for political rights are assumed; one of the requirements for accession countries is to have stable institutions guaranteeing democracy, the rule of law, human rights and respect for minorities. However there are many people living in Europe who do not fully benefit from these achievements.

Participation in political processes is a fundamental human right and a crucial requirement for integration. However ENAR has observed an alarming trend: certain political parties and leaders in Europe use xenophobic slogans and racist language in order to enhance their chances in election campaigns. ENAR supports the Charter of European Parties for a Non-Racist Society of 1998 and emphasizes the relevant role of political parties in the struggle against racism.¹ The success of social inclusion and integration is dependent upon hearing the voices of those experiencing discrimination.

This fact sheet aims to inform ENAR members about political rights and provide them with tools for raising concerns nationally and at a European level. It will give an overview of international standards of political rights and outline various concepts of citizenship as a gateway to participation in political processes.

¹ For further details such as the text of the Charter and a list of political parties signatory to the Charter see [http://assembly.coe.int/Documents/WorkingDocs/doc03/ASInf\(2003\)8_E.pdf](http://assembly.coe.int/Documents/WorkingDocs/doc03/ASInf(2003)8_E.pdf). All national political parties should be encouraged to endorse the Charter.

Political rights

Political rights often are discussed in the context of civil rights or liberties. While civil liberties focus on the freedom of expression and speech, and the right to develop views, institutions and personal autonomy, political rights enable people to participate freely in the political processes.

Political rights facilitate active participation in the democratic process of government. They include the right to vote and to stand for elections at the various levels of government. The right to vote and choose legislative representatives is a core condition of **representative democracy** - at local as well as at national level. But the formal right to vote is in many cases not enough to enable people to effectively participate in decision-making. Reaching everyone, especially minority groups, is the premise of **participative democracy**. Measures to enhance participative democracy include targeted information, dialogue and directly addressing those who are on the margins.

Conditions for enjoyment of **political rights** can be characterized by:

- Right to vote and stand for elections
- Free and fair elections
- Fair electoral laws, fair and honest tabulation of ballots
- Ability of voters to endow their freely elected representatives with real power
- Right to organize in different political parties
- Existence of a significant opposition vote
- Reasonable self-determination and self-government
- Representative of diversity in society.

Discrimination as a barrier to political rights

Difficulties in accessing political rights can emerge from formal as well as informal barriers. Minority groups like third-country nationals, migrants, asylum seekers, undocumented workers, refugees, linguistic and national minorities, Roma, Sinti and Travellers face various manifestations of discrimination in the enjoyment of political rights.

Third-country nationals, refugees and asylum seekers are confronted with **formal barriers** to access political rights, as they normally don't have citizenship of the country in which they live. The Roma, Sinti and Traveller communities can also face formal barriers in accessing political rights. For example, people from Roma communities are often not registered, they don't have birth certificates, personal identity documents, local residence permits or passports.

Ethnic minorities who are citizens can face **informal barriers** to political participation, such as language, social exclusion and lack of access to information, in addition to overt discrimination by state officials, such as at polling stations.

Overview of international standards on political rights

Political rights have long been at the heart of what it means to form and be a part of a nation state. Who enjoys full political rights is both a manifestation of, and a tool for, exclusion and inclusion. At the national level enjoyment of political rights is normally protected through the constitution or primary law.

International Standards

- 1948 Universal Declaration of Human Rights (UDHR)
- 1969 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- 1976 International Covenant on Civil and Political Rights (ICCPR)

European Standards

- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)
- 1992 Treaty of Maastricht: European Citizenship
- 1998 Charter of European Parties for a Non-Racist Society
- 2000 European Charter of Fundamental Rights of the European Union

At the **international level** political rights were first elucidated in the Universal Declaration of Human Rights of 1948 and, more specifically, in the International Covenant on Civil and Political Rights (ICCPR) of 1976. The latter provides that every citizen has the right to vote and to be elected at genuine periodic elections, by equal suffrage and secret ballot, which should guarantee the expression of the will of the elector. All State parties – including all 25 EU Member States – are obliged to submit regular reports to the Human Rights Committee that is assigned to monitor the implementation of the rights provided by the ICCPR.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) explicitly guarantees the enjoyment of political rights, in particular the right to participate in elections. State parties have to ensure that the elections are based on universal and equal suffrage and that everyone can take part in the Government. The Committee on the Elimination of Racial Discrimination (CERD) monitors the implementation of the Convention that is based on state reports and on individual complaints. In 2004 it affirmed that although the right to vote and to stand for elections might be confined to citizens, human rights were, in principle, to be enjoyed by all persons. State parties are under an obligation to guarantee equality between citizens and non-citizens (General Recommendation No. 30).

At the **European level** political rights are ensured by the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) proclaimed by the Council of Europe in 1950. State parties are obligated to hold free elections at reasonable intervals by secret ballot. They have to provide election conditions that ensure the free expression of the opinion of the people in the choice of the legislature. The European Commission against Racism and Intolerance (ECRI) of the Council of Europe makes recommendations and elucidates standards in the fight against racism. For example in its recommendation on “Combating racism and intolerance against Roma/Gypsies” ECRI recommended that member states develop institutional

arrangements to promote an active role and participation of Roma/Gypsy communities in the decision-making process.

In 1992 the Treaty of Maastricht introduced the concept of **European citizenship**: “Every person holding the nationality of a Member State shall be a citizen of the union”. This citizenship provides the right to vote and to stand as a candidate at municipal and European elections in the Member State under the same conditions as nationals of that state. Nationals of third countries do not benefit from the rights proceeding from European citizenship.

Another relevant European instrument is the Charter of Fundamental Rights of the European Union that has been proclaimed in Nice in 2000. It provides all EU-citizens with the right to vote and to stand as a candidate at elections to the European Parliament and to municipal elections in the Member State in which he or she resides. Its provisions to date are not binding Member States, however the Charter of Fundamental Rights is incorporated in full in the draft of the Constitution for Europe.

Citizenship as a gateway to political rights

In most countries a basic requirement for taking part in democratic processes is citizenship. This raises the question of what it means to be a citizen. Citizenship has been at the forefront of the European debate in recent years. A variety of concepts have emerged which recognise the rights guaranteed by formal citizenship, as well as the need to promote active participation in all levels of the political debate: European, national and local.

Legal citizenship	formal nationality of a country, documented by a passport or identity card
Active citizenship	effective realisation of participation in political processes by empowering people
Civic citizenship	guaranty of core rights to long-term resident third-country nationals
European citizenship	for nationals of EU Member States: right to vote and stand for elections at municipal and European elections
Citizenship of residence	European citizenship also for third-country nationals resident in the territory of the EU (proposed by ENAR)

Formal access to political rights is guaranteed by **legal citizenship**. Legal citizenship is gained by birth or by naturalization and means the formal connection between an individual and a nation state which is legally sanctioned by the possession of an identity card or a passport. Citizenship gives people the formal right to take part in elections and decision-making in their resident country. At European level the requirements for naturalisation differ from Member State to Member State. Therefore there are inequalities across the EU in accessing formal citizenship.² A communication from the European Commission has recommended that naturalisation

² Before third-country nationals can apply for naturalisation, most Member States require that they have knowledge of the language of the host country, prove that they are not a threat to public order, have no criminal conviction and have sufficient income to support themselves. In many Member States naturalisation procedures are very restrictive and can serve to undermine the rights of third country nationals.

should be rapid, secure and non-discretionary and criteria should be clear, precise and objective.³

But the formal possession of political rights does not guarantee genuine political participation, especially for members of minorities that find themselves in marginal economic and social situations. In an increasingly diverse society our understanding of citizenship needs to focus on the economic, social, cultural and political inclusion of ethnic minority groups. This requires active measures to empower people such as providing information about how to have their voice heard and make them appreciate the power of their vote in society. The tone and the content of any political debate must not undermine this participation. The concept of **active citizenship** is the effective realisation of participation in political processes, which requires creating the conditions for active participation.

The concept of **European citizenship** provides the right to vote and to stand as a candidate at municipal and European elections solely for nationals of EU-countries. There are several million people living in the EU territory that are excluded from the benefits of European citizenship. In 2005 the European Parliament took the view, that “EU citizenship based on residence should be the ultimate goal of the dynamic process which will make the EU a genuine political community”.⁴ ENAR welcomes that opinion and argues for a **citizenship of residence**. By including established immigrants, asylum seekers and other foreigners, the EU could create a feeling of belonging and promote a European identity and culture.

Civic citizenship was proposed by the European Commission in 2000.⁵ Civic citizenship guarantees certain core rights to third-country nationals who are long-term residents in the EU, so that they are treated in the same way as nationals of their host state, even if they are not formally naturalised. This is defined as an incremental approach: the longer the period of residency, the more rights an individual gains. A first step forward in this direction is the Directive on the status of long-term residents of 2003 (2003/109/EC).

Conclusion

Active participation in democracy and decision-making is a paramount condition for the integration of minority groups. Minorities in Europe are largely invisible in representational political processes. Discrimination against minorities by excluding them from political processes casts a damning light on democracies. If governments and the European institutions are to be truly representative, it should reflect the make up and cultural diversity of society as a whole.

³ COM (2003) 336 final.

⁴ EP Report on the Commission’s Fourth report on Citizenship of the Union of 15.12.2005, PE 362.826v03-00.

⁵ COM (2000) 757.

Key Documents

International Covenant on Civil and Political Rights:

<http://www.ohchr.org/english/law/ccpr.htm>

International Convention on the Elimination of All Forms of Racial Discrimination:

<http://www.ohchr.org/english/law/cerd.htm>

European Convention for the Protection of Human Rights and Fundamental

Freedoms: <http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/EnglishAnglais.pdf>

Charter of European Parties for a Non-Racist Society:

[http://assembly.coe.int/Documents/WorkingDocs/doc03/ASInf\(2003\)8_E.pdf](http://assembly.coe.int/Documents/WorkingDocs/doc03/ASInf(2003)8_E.pdf)

Charter of Fundamental Rights of the European Union:

http://www.europarl.eu.int/charter/pdf/text_en.pdf

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ENAR is a network of some 600 European NGOs working to combat racism in all EU Member States. Its establishment was a major outcome of the 1997 European Year against Racism. ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives.



ENAR is funded by the European Commission, DG Employment and Social Affairs, Anti-Discrimination Unit.