

Political Participation of Third Country Nationals in Estonia, Latvia and 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.

Unlike the right to the freedom of assembly and of association, the right to participate in local elections for third-country nationals is left at the discretion of the Member States. However, the Council and the Commission have repeatedly made statements in favour of extending the right to participate in elections to immigrants (implying non-EU nationals resident in EU Member States). The Council's explanation of the above quoted principle reads: „Allowing immigrants a voice in the formulation of policies that directly affect them may result in policy that better serves immigrants and enhances their sense of belonging. Wherever possible, immigrants should become involved in all facets of the democratic process. Ways of stimulating this participation and generating mutual understanding could be reached by structured dialogue between immigrant groups and governments. Wherever possible, immigrants could even be involved in elections, the right to vote and joining political parties. When unequal forms of membership and levels of engagement persist for longer than is either reasonable or necessary, divisions or differences can become deeply rooted. This requires urgent attention by all Member States.”

The Commission's Communications have also repeatedly stressed that extending local voting rights to non-EU nationals was part of the Council's interpretation of the Common Basic Principles (Huddleston, 2009).

In the Stockholm Programme adopted in December 2009,³ the Member States have agreed that "the successful integration of legally resident third-country nationals remains the key to maximising the benefits of immigration. (...) The objective of granting comparable rights, responsibilities, and opportunities for all is at the core of European cooperation in integration, taking into account the necessity of balancing migrants' rights and duties".

Even before the formulation of the Common Basic Principles, the Council of Europe - as the intergovernmental organization with the greatest emphasis on human rights, democracy, and the rule of law - has made continuous effort to promote political rights for immigrants through European Conventions, especially "Convention on the participation of foreigners in public life at the local level"⁴, and the European Convention on Nationality⁵. The former was only signed by 13 countries, and ratified by 8, including all of the Nordic countries, the Netherlands, and Italy - the countries that, along with the non-signatories Spain and Portugal, currently show the most

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

² Council conclusions, 2004. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf
Page 19-24

³ http://www.se2009.eu/polopoly_fs/1.26419!menu/standard/file/Klar_Stockholmsprogram.pdf

⁴ Convention on the participation of foreigners in public life at the local level, 1992, ETS No. 144.

⁵ European Convention on Nationality, 1997, ETS. No. 166.

favourable conditions for migrant integration among EU Member States⁶. Italy opted out of the Chapter C of the Convention (granting voting rights in local election after maximum five years of residence), while other EU countries that have ratified the convention included this right (in the Netherlands, applying to municipal elections). Of the 'new' EU Member States in Central and Eastern Europe, only the Czech Republic, Lithuania and Slovenia have signed the Convention on the participation of foreigners in public life at the local level although none of these countries have ratified it.

This report presents the results of a study by three think-tanks based in 'new' EU member states on the opportunities and barriers to political participation of third country nationals (TCN) in their countries - Estonia, Latvia and Poland.⁷ The purpose of the study is to establish, whether these three Member States are going in the direction indicated in the Common Basic Principles and the Stockholm Programme, fulfilling their promises on immigrant integration.

The study addresses the following aspects of political participation of immigrants:

- the existing forms of political participation for immigrants in the selected countries (legislation and practice);
- pro-active government policies, including the projects implemented via the European Fund for the integration of the Third Country Nationals.

The first part of the report analyses the legal framework for political participation of third country nationals in the 3 countries and measures the countries' performance against the best practice in the EU according to the Migrant Integration Policy Index (MIPEX).⁸

MIPEX indicators are designed to benchmark laws and policies regarding the integration of migrants in 31 countries in Europe and North America. The laws and policies are benchmarked against the highest scores in each respective area of policy and legislation.⁹

The following indicators make up the MIPEX composite indicator on political participation:

- Electoral rights - right to vote in national, regional and local elections; right to stand in local elections;
- Political liberties - right to association; political parties; creating media;
- Consultative bodies - consultation at national level; regional level; capital city level; local city level;
- Implementation policies - information policy; public funding/ support for national immigrant bodies; for regional immigrant bodies; at local level in capital city; at local level in city.

⁶ Huddleston, T. et al (2011). Migrant integration policy index. British Council, Migration Policy Group, page 11.

⁷ Institute of Baltic Studies in Estonia, Centre for Public Policy PROVIDUS in Latvia, and Institute of Public Affairs in Poland.

⁸ Huddleston, T. et al (2011). Migrant integration policy index. British Council, Migration Policy Group.

⁹ The scoring is done by experts dealing with migration and integration policy analysis in each of the 7 areas of MIPEX. For each indicator, there are three options (the maximum score is 3 points, for practices closest to the highest standard, the medium score – 2, for practices half way to the highest standard, and the lowest score – 1, for practices furthest from the highest standard or for no policies in respective area).

The first part of the report also analyses the extent to which the countries in question used the funds available through the European Fund for the Integration of Third-Country Nationals (EIF) to foster the political participation of immigrants. The multi-annual programmes and annual action plans of the EIF are analysed from this perspective. The reason for choosing the programmes of EIF as the main area of proactive policies regarding the integration of immigrants implemented in the three countries is the fact that EIF remains the only significant source of funding for activities aimed at the integration of new immigrants in the countries in question.

The first part of the report also includes analysis of the governing party positions regarding the political participation of immigrants.

The second part of the report presents the results of interviews with non-governmental organisations defining immigrants as (part of) their constituency, including immigrant associations but also policy-oriented organisations and service-oriented organisations working with issues of integration and having the issues of participation of immigrants in public life on their agenda. The opinion of representatives of such organisations was asked on two main issues:

- the impact of the actions implemented with the support of the European Fund for the Integration of Third-Country Nationals on political participation of immigrants (both fostering participation through existing venues and creating new venues), and
- the barriers to better political participation of third-country nationals in each country.

1. State actors, national and European policies

MIPEX describes the following situation as best case on political participation of immigrants, which is a composite of national policies found in May 2010 in at least one of the 31 countries:

“When states open political opportunities, all residents can participate in democratic life. Newcomers enjoy the same civil liberties as nationals. An immigrant can vote and stand in local elections, and enjoy basic political liberties, just like nationals, after a limited number of years of legal residence. She can also vote in regional elections. She can be elected and even lead a strong and independent immigrant consultative body in her community, region, or for the whole country. The state informs her of her political rights and supports the emergence of immigrant civil society.”¹⁰

This best practice-based situation is not in evidence in any of the ‘new’ EU member states. As the latest edition of MIPEX points out, ‘most immigrants have few opportunities to inform and improve the policies that affect them daily. 11 countries, mostly in Central Europe, still have laws denying immigrants basic political liberties’.¹¹ Nevertheless, the situation regarding opportunities of political participation varies between Member States in Central Europe. Thus, Hungary differs from other Central European countries in having laws that do not deny foreigners basic political liberties, such as the right to form associations, parties and media.¹² Estonia, Hungary, Lithuania, Slovakia and Slovenia have extended voting rights in local elections to permanent residents (on

¹⁰ Huddleston, T. et al (2011). Migrant integration policy index. British Council, Migration Policy Group., page 18.

¹¹ Ibid.

¹² Ibid, page 101.

the whole, 18 EU Member States have voting rights for third-country nationals in local elections). Lithuania also allows permanent residents to stand as candidates in local elections.

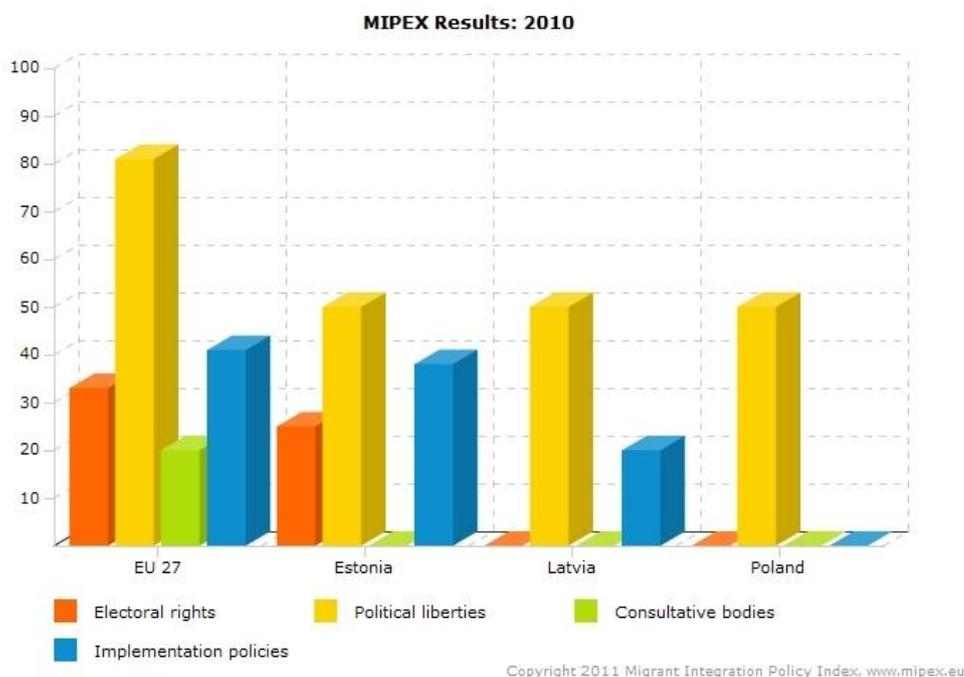


Figure 1: Political participation in Estonia, Latvia and Poland according to MIPEX (data for 2010).

All three countries included in the current study lag behind the EU average in the area of political liberties and do not follow the trend towards best practices spearheaded in the region by Hungary. So far they also have not followed the example of Lithuania in allowing third country nationals to stand in local elections, although Estonia has voting rights in local elections for permanent residents. The three countries have no effective consultative bodies that would enable immigrants to contribute to the political decisions that most affect them (see Figure 1). The lack of direct participation channels such as the right to stand in local elections and even to vote in them in Latvia and Poland is not compensated even by halfway measures such as effective consultative bodies. Poland has the lowest overall political participation rating according to MIPEX, with no points in the areas of electoral rights, consultative bodies and implementation policies. None of the three countries has signed the European Convention on the participation of foreigners in public life at the local level, and some of them deny non-nationals the right to form political associations.

The concepts of statehood and nationhood differ greatly within Europe, and these conceptual differences have great impact on citizenship policies. As Baubock, Perchinig and Sievers point out in their study on citizenship in the new Europe, differently from the old Member States, many of the new ones have not existed as independent states within their present borders before the twentieth century, and their relationships with ethnicity, citizenship and belonging (also in legal terms) are complex and vastly different from the historic models in most ‘old’ member states (Baubock, Perchinig and Sievers, 2007). In Eastern and Central Europe, where citizenship policies have been shaped by large scale emigration and immigration, shifting state borders, and conflicts over ethnic minorities, and where citizenship laws often tend to rely heavily on *jus sanguinis*,

extending political rights to immigrants is often a challenge and any initiative in this direction comes up against massive political opposition.

Nevertheless, the often repeated argument that granting greater political opportunities and some form of *jus soli* citizenship is only good for traditional immigration countries does not stand up under closer scrutiny. New immigration countries such as Greece have successfully reformed their nationality laws to allow greater participation for new immigrants.¹³

Similar opposition at political level exists to granting voting rights to permanent residents of foreign nationality and to non-citizens in Latvia and Poland. At the same time, 18 European countries, including Estonia, Hungary, Lithuania, Slovakia and Slovenia, have already extended voting rights in local elections to permanent residents.

1.1. Legislation

1.1.1. Estonia

Third country nationals in Estonia:

- Have the right to vote in local elections, but cannot stand for election,
- Do not have the right to be members of political parties and to form them,
- Have the right to establish non-governmental organizations, or engage in already existing civil society organizations and trade unions,
- Have the right to take part in marches and protests.

Political participation of third-country nationals is limited. Estonian legislation provides them the right to vote on municipal elections with some restrictions, however, without the right to run for elected office. Additionally, the participation in state administration is limited through the citizenship requirements for certain categories of state (public) officials. For example, they are not allowed to work at the government, police and as a judge, thus leaving primarily the civil society and private sector as the areas of interest representation and political activity for non-citizens and other third-country nationals.

Since Estonia is the only one among the three countries included in this study where third-country nationals can participate in local elections, it is interesting to see that their level of activity in those elections is high and has grown in the recent years. According to a survey, if in the 2005 municipal elections, only about 50% of Russian citizens (by far the biggest group of third-country nationals in Estonia) voted in municipal elections, 75% of Russian citizens legally registered in Estonia took part in municipal elections in 2009. Also among stateless persons (former Soviet citizens who were not entitled to Estonian citizenship and did not naturalise) the percentage of those who take part in municipal elections has grown and reached 63% in 2009 (Toomla, 2010).

Indirectly, in Estonia, TCNs' votes also count in the case of unclear outcome in the Parliament of the presidential elections. In some circumstances (for example if the Parliament fails to elect a new President as it happened during the last presidential elections in 2006) the president will be

¹³ Huddleston, T. et al (2011). Migrant integration policy index. British Council, Migration Policy Group, page 96.

elected by the Electors' Assembly, which consists of 345 members - legislators from the Parliament (*Riigikogu*) and municipal officials. Thus, local municipality officials elected, among others, also with the votes of third-country nationals, can take part in deciding the fate of the Presidency.

1.1.2. Latvia

Third country nationals in Latvia:

- Do not have the right to vote and cannot stand for election in parliamentary and local elections,
- Do not have the right to be members of political parties and form political associations,
- Have the right to establish non-governmental organizations, or engage in already existing civil society organizations and trade unions,
- Have the right to take part in marches and protests, but not all third country nationals have the right to organize such events.

According to Latvian legislation, fully taking part in the democratic life of the country is reserved only for Latvian citizens, in some cases extending this right to the citizens of other EU countries residing in Latvia. Only Latvian citizens have the right to vote and stand for election in national elections, while Latvian citizens and EU citizens residing in the country have the right to vote and be elected in local elections.¹⁴ Just like Latvian citizens and EU citizens residing in the country, an additional group – Latvia's non-citizens – are allowed to be members of political parties. However, no political party can be established without a significant number of Latvian citizens, since the law requires that in a party with 400 members at least 200 of them should be Latvian citizens.¹⁵

Any person has the right to establish and be a member of a non-governmental organization. The leaders of non-governmental organizations should be 18 years old and have a declared residence in Latvia, while there are no restrictions as to the members of these organizations.¹⁶ In addition, every inhabitant of Latvia has the right to take part in assemblies, marches and protests. At the same time, third country nationals with a temporary residence permit don't have the right to organize or lead such events. Only Latvian citizens, Latvian non-citizens and persons with permanent residency permits are allowed to be the organizers, leaders, leader assistants and guardians of meetings, marches and protests.¹⁷

1.1.3. Poland

Third country nationals in Poland:

- Do not have the right to vote or stand in parliamentary or local elections,
- Do not have the right to be members of political parties and form political associations,

¹⁴ The Law "On the Election of City, County and Rural Councils" (Article 5, Article 8) and the Saeima Election Law (Article 1, Article 4).

¹⁵ "The Law on Political Parties", Article 26.

¹⁶ The Law "On nongovernmental organizations and their associations" says that members of these organizations should be 16 years old or – if they are younger than 16, they should have a written parents/ guardian's approval (Article 5, Article 6). The "Society and Foundation Law" says that any individual has the right to establish and be a member of such an organization (Article 23).

¹⁷ The Law "On Assemblies, Marches and Protests" (Article 3, Article 4).

- Have the right to join non-governmental organizations and trade unions, or engage in already existing civil society organizations, but do not have the right to form them,
- Have the right to take part in marches and protests and to organise them.

There has been no major political debate in Poland so far regarding the possibility of extension of the voting rights in local elections to third country nationals. Even extending the voting rights in local and European Parliament elections to citizens of other EU member states residing in Poland has in the past met with severe political opposition from some parties in the Parliament.

The restriction of the right to form associations to Polish nationals has been criticized as unduly limiting the application of the constitutional norm (Hubert Izdebski of Warsaw University) and in contravention of the European Convention of Human Rights (Maciej Bernatt of the Helsinki Foundation of Human Rights).¹⁸

1.2. Proactive Government Policies

1.2.1. Estonia

In Estonia third-country nationals (TCN) can be divided in two groups:

- Citizens of non-EU countries (mostly Russian Federation, but also a considerable number of Ukrainian and Belarusian citizens)
- People who do not have the citizenship of any country (so called stateless persons or people with 'undetermined citizenship').

Compared to other EU member states the proportion of these two groups among the country's population is very high – approximately 16% of the population are either stateless (non-citizens) or have the citizenship of a non-EU country, in most cases Russia (Russian citizens constitute 48% of all persons with residence permits) (Toomla, 2010).

In 2008, Estonia adopted a new Estonian Integration Strategy 2008-2013, which among other activities puts more emphasis on the integration of Russian speaking minorities and people with undetermined citizenship as a separate target group. The programme states that common state identity is a prerequisite for being part of the political and social life of Estonia. In other words, the programme does not set out a clear framework for participation for third-country nationals or persons residing in Estonia for the time being but intending to naturalise and to develop a permanent political affiliation with the Estonian state. Besides general and strategic declarations emphasizing the importance of participation, specific measures regarding political participation of TCNs are stated in the new integration strategy only to a small extent. It mentions increasing civic activism and involvement of people with different mother tongue and permanent residents in decision-making process as one of the targets of the programme. The programme also mentions the inclusion of civic organisations in the democratic dialogue process. Therefore, the political participation of third country nationals - not defined separately as one of the target groups of the strategy, as in this regard it intermittently speaks of people with different mother tongue,

¹⁸Ewa Grączewska-Ivanova, „Rejestracja stowarzyszeń sprzeczna z prawem Unii”, *Gazeta Prawna*, 27 April 2009, http://prawo.gazetaprawna.pl/artykuly/313767,rejestracja_stowarzyszen_sprzeczna_z_prawem_unii.html (accessed on 3 April 2011)

naturalised people or permanent residents - is mostly seen in terms of civil society activities and covered in related sections of the programme.

1.2.2. Latvia

Latvia still has a high percentage of non-citizens (about 14.5%), however, Latvian legal documents do not count them as third-country nationals. Most third-country nationals residing in Latvia are Russian citizens – 1.6% of Latvia's population, followed by citizens of Ukraine and Belarus. A majority of them have lived in Latvia for a few decades and obtained their citizenship recently¹⁹, which explains why two thirds of approximately 55 000 foreigners residing in the country possess permanent residence permits.²⁰

Latvia's immigrant integration policy has been marked as the least favourable among 31 European and North American countries by the latest Migrant integration policy index. It stresses that Latvia has projects "but no coherent strategy" for immigrant integration.²¹ This has not been among the priorities of the country because the numbers of newly arriving third country nationals are relatively small and the integration of third country nationals is inevitably linked to the general social integration policy in a country with a sizeable Russian-speaking population that arrived here during the Soviet era. Integration Programme has been designed in the late 1990s, targeting mostly Soviet-time settlers many of whom at that time did not have Latvian citizenship (due to strict naturalisation laws before the 1998 referendum on citizenship). New Integration Programme has been in the process of development since 2008, during which time several versions of the programme have been drafted and discarded. None of those has tackled the issue of political participation of third-country nationals substantially.

1.2.3. Poland

According to Eurostat, 0.1% of population in Poland were third country nationals in 2009. In Poland, National Migration Strategy has been announced in 2011 and has now entered the phase of public consultations. The Strategy places significant emphasis on issues of integration of foreigners, concluding, *inter alia* defining the objective of integration: enabling a migrant to function independently in Poland. The document presents migration as a phenomenon with negative connotations for the country: the document foresees "potential social tensions and lack of tolerance on the part of the host country's citizens due to cultural distance as well as implicit and explicit competition on the labour market".²²

The Strategy gives some indication of the forms of migrants' participation in public life, which are to be promoted. Among recommendations pertinent to this issue are the following:

- increasing the role of diasporas in foreigners' integration,
- support to migrant organizations in "active coexistence in civil society", defined, *inter alia*, as interest representation and promotion of own community

¹⁹ For example, 3000 non-citizens acquired the citizenship of another country in 2009, with more than 2300 becoming Russian citizens. Source: OCMA

²⁰ Source: OCMA <http://www.pmlp.gov.lv/en/statistics/residence.html> (Last time visited on 31 March 2011)

²¹ Huddleston, T. et al (2011). Migrant integration policy index. British Council, Migration Policy Group..

²² *Nowa polityka migracyjna Polski* (national migration strategy) page 12.

- building “cooperation platforms”, enabling migrants’ associations and individual migrants to cooperate with Polish associations, foundations and communities on cultural and social issues.²³

1.3. European Fund for the Integration of Third Country Nationals: Programmes and Projects

One of the objectives of the European Integration Fund is “to increase civic, cultural and political participation of third country nationals in the host society, in order to promote their active citizenship and recognition of fundamental values.” Council Decision 2007/435/EC also suggests the ways in which the Member States and the European Commission can use the Fund to promote civic and political participation, including, among other, dialogue platforms, consultative bodies, information campaigns, active citizenship initiatives and activities for all types of immigrant and mainstream organizations.

Below is the analysis of multi-annual programmes and annual plans of the European Integration Fund in Estonia, Latvia and Poland regarding the objective to increase civic and political participation of third country nationals.

1.3.1. Estonia

In Estonia, the goals of the multi-annual programme of the European Fund for the Integration of Third-Country Nationals are based on the Estonian Integration Strategy 2008-2013 (EIS).

All actions are divided within priorities by the EIF thematic areas (education and cultural integration; social and economic integration; legal and political integration). The multi-annual programme of EIF and EIF annual programmes for 2007, 2008 and 2009 include some actions that are strongly related to political participation of third-country nationals, even though political participation as such is not mentioned among the explicit objectives of the programme.

The multi-annual program includes actions which aim to foster youth organisations to promote intercultural exchange, dialogue and also promote everyday contacts between NGOs and other civil society organisations. These activities may create a supporting framework for the future participation. However, they do not deal directly with the political participation of TCNs.

It includes actions fostering multicultural communication and intercultural dialogue between employers and employees, as well as a mentoring scheme for newly arrived TCNs. Under this thematic area, the introduction programme for newly arrived TCNs in order to introduce them to the political system of Estonia can be seen (indirectly) as one of the preconditions for their eventual political participation.

The multi-annual program includes free courses to prepare TCNs for the language test and the test on Citizenship Law and the Constitution (these tests are a pre-condition to naturalisation). For those third-country nationals that intend to stay in Estonia for the long term and to naturalise,

²³Ibid, page 72.

such measures may be seen as a direct precondition for full political participation in the future. Developing dialogue platforms and organizing debates may be relevant actions directed at increasing the participation of TCNs in public life. However, the programme does not specify that actions have to aim at presenting the perspective of TCNs to wider society and public authorities or to give voice specifically to the associations of TCNs.

Annual plan 2007 has no actions directly fostering political participation, however, some of the actions are directed to involve TCNs in preparatory course for naturalisation (preparing for the test on Constitution and Citizenship Act).

Annual plan 2008 has at least two proposed actions which indirectly can promote civic skills of TCNs, for example, supporting joint study visits of Estonian citizens and TCNs to state institutions, or fostering dialogue between persons from different ethnic background in order to reduce mutual negative attitudes and preconceptions. One action gives support for media programmes targeting Estonian citizens and TCNs and discussing issues such as integration, cultural traditions, and Estonian civic identity elements.

Annual plan 2009, when compared to the plans of 2007 and 2008 is much more linked with the ideas of promoting political participation. It includes actions with an aim of activation of social debates and forums on inter-ethnic relations and integration through support to various dialogue platforms and projects which organise various forums and debates on involving the TCNs into the society, dialogue platforms (dialogue between local governments and TCNs, dialogue between the host society organisations (mostly NGOs representing Estonian citizens) and TCNs) will be organized under this activity. Also training programmes for local government officials and other public sector employees are mentioned with the aim to support TCNs indirectly who will have better environment for integration through the increase of this activity. Development and implementation of a system for dissemination of information for TCNs on public services at local government level is also one of the actions, with the objective to create a good knowledge level among the TCN regarding the public services provided by the local government (for example information about the different opportunities).

Implemented Projects

In 2009, the project „Third sector without borders” was implemented by the NGO „SEBRA”, whose aim was to increase the capacity and level of activity of civil society organisations among TCNs and other citizens living in Narva (city located at the Russian border in eastern Estonia). The project helped to train civil society leaders from immigrant NGOs in organising public events.

In 2010 – 8 local governments were supported to produce information materials for Third Country Nationals on public services at local government level. Creation of internet-based communication materials for promoting integration as a two-way process was also a part of the annual plan for 2009. Within this action, in total 7 projects were supported, among them a project implemented by Harju Economic Development Centre. The project’s aim was to increase the active participation of TCNs in Estonian civil society. The project also helped to employ a Russian-language consultant in order to offer immigrant NGOs consultation and information sharing through the internet.

In 2010, SA Eesti Koostöö Kogu (Estonian Cooperation Assembly) convened a “Round Table of Nationalities”. The Supervisory Board of this roundtable consists of 15 persons, among them third country nationals and other national minorities in Estonia. The goal of the action is to have a platform for dialogue for minorities with the additional goal to develop proposals and recommendations to be presented to the President of the Republic of Estonia and to relevant legislative and executive authorities.

1.3.2. Latvia

The **multi-annual programme** of the Fund only indirectly addresses the issues of political participation of third country nationals via the following goals:

- Enhancing social contacts between Latvian society and third country nationals by engaging them in common activities, thus developing mutual trust and understanding;
- Strengthening the competences of state institutions and non-governmental organizations and their cooperation on immigrant integration;
- Analyzing imperfections and problems of Latvia’s immigrant integration system, including political participation.

Annual plan 2007 includes the following objectives with regard to participation:

- Enhancing the establishment of social contact networks between third country nationals to assess their needs and provide help - improving the social capital of third country nationals as an important factor that would help them to establish contacts to local population;
- Supporting dialogue and common activities among third country nationals and local population - encouraging cooperation and learning about different cultures;
- Strengthening the competences of NGOs and international organizations as information resource centres for third country nationals.

The **2008-annual plan** does not include any activities even indirectly related to political or civic participation of third country nationals.

With regard to political participation, the **2009 plan** intended to:

- Support activities that help immigrants use their rights and integrate into Latvian society. Among others, the fund would support the promotion of civic participation of immigrants and the promotion of societies, foundations and associations for the advocacy of their interests, to increase the possibilities to participate in political processes and consultative mechanisms as well as provide a support system for immigrants. This would also include involving third country nationals in the development and implementation of integration programmes, serving as a bridge between immigrant communities and government or local institutions.
- Support the National Integration centre and regional support points for immigrants. Among other activities, this would also include the establishment of a consultative board with the goal of integrating and promoting immigrant participation in social and political life and improving relations between immigrants and the rest of society, including state institutions, non-governmental organisations and the majority of society.²⁴

²⁴ The call for proposals for the 2009-annual program was issued in November 2010, so the activities will take place

Civil servants working with the European Integration Fund programmes point out that instruments to increase civic participation of TCNs were included in the evaluation of projects: *“We tried to enhance such activities by the choice of criteria for implementation, i.e. applicants could earn extra points for their project proposal if they envisaged the establishment of immigrant NGOs or NGOs that represent the interests of immigrants; or if immigrants are involved in or introduced to voluntary work in an NGO.”*(Ministry official responsible for implementing the programmes of the European Fund)

Implemented projects

Out of the projects already implemented via the European Fund, no project has specifically addressed the enhancement of political or civic participation of third country nationals in its objectives. There are, however, some instances of activities promoting participation of TCN in implemented projects:

- The NGO Workshop of Solutions compiled a compass on living in Latvia for students who are third country nationals. This compass includes information on opportunities to get involved in social activities like voluntary work and philanthropy, or getting involved in student organizations or other civil society organisations and religious organisations. The compass also includes basic information with links to more resources on how to establish an association or a foundation.²⁵
- The website of the National integration centre, developed with support from the Fund, includes information on how to establish a non-governmental organization.²⁶
- Another exception was training for third country nationals that included a module on public institutions and legislation, and cooperation possibilities with non-governmental organizations.²⁷

1.3.3. Poland

In Poland, **multi-annual programme** features issues related to civic participation of migrants mainly under the priority “Building the intercultural dialogue”:

- activities supporting migrants’ organizations “with regard to active co-existence in the civil society (representation of interests, promotion of their own community)”;

until summer 2011. The call for National integration centre will most likely be moved to the 2010-annual program so these activities are likely to start in 2012.

²⁵ Workshop of Solutions (2009) “Compass for living in Latvia for students – third country nationals”.

²⁶ The National integration centre for immigrants was opened to provide third country nationals with all the information necessary about public and private services – free of charge lawyers and social workers’ consultations, organization of Latvian language classes, re-qualification and qualification improvement courses. But it was operational in November – December 2009 (3-4 specialists helped approximately 30 immigrants) due to specific requirements for the management of the fund (this activity was financed from the 2007 annual program, so the funding ended on December 2009. There are plans to finance this centre as a multi-annual activity organized by the Ministry of Culture in 2012-2014 (via annual programs of 2010, 2011, 2012 and 2013).

<http://www.integration.lv/lv/bied.php>

²⁷ Biedrība “Izglītības attīstības centrs”, program of the training (in Latvian)

<http://www.iac.edu.lv/3valsts/programma.pdf>

- building cooperation platforms, including one between representatives of associations of migrants and individual migrants on the one hand and Polish associations, foundations, cultural organizations on the other.

Another Component, “Creation of integration offer for third-country nationals”, highlights the need to launch “training courses in social and civil knowledge”.

These objectives are found in exactly the same wording in the **2007 annual plan**, which also connects ‘exchange of opinions’ to intercultural dialogue: “While building the national integration strategy in Poland, particular attention should be paid to the activities aimed at building intercultural dialogue, creating the common fields of understanding and exchange of opinions in order to prevent the occurrence of conflicts caused by cultural and religious differences.”

Low activity of associations of migrants was mentioned as “a particular problem in Poland”.

The proposed measures do not mention enhanced political participation as an outcome. The two impact indicators listed are: “Starting position for integration of third-country nationals enhanced” and “Mutual understanding of diverse societies’ cultures and values improved”.

The intercultural dialogue objective disappears from this **annual action plan for 2008**, and is replaced with one of the “measures for the creation of the institutional system for integration”, including the creation of “a system of cooperation with non-governmental and research organisations as well as organisations uniting migrants”. The cooperation platforms referred to in the multi-annual plan become “platforms for exchanges between government and local government administrations with the milieu representing third-country nationals”.

The 2009 plan reiterates the importance of an intercultural dialogue “in order to prevent conflicts caused by cultural and religious differences”, found in the 2007 document. At the same time, it builds on the assumptions of the 2008 plan by viewing “communication with migrants” as a way of ensuring that “information on the integration offer should reach as many interested persons as possible.” Here again migrants are not viewed as active participants of the political process but as recipient of a government-generated integration offer.

The 2009 plan repeats the two objectives of the multi-annual plan related to the creation of cooperation platforms:

- Creating platforms of cooperation; including building a platform for meetings and cooperation between the representatives of Polish associations, foundations, cultural institutions and all other communities with the representatives of immigrant organisations and individual migrants;
- Actions supporting third-country nationals’ organisations in respect of active coexistence in civil society (*inter alia* representing their interest and promoting their community identity).

The 2010 plan again refers to the need to avoid conflicts as the foundation for building intercultural dialogue: “The participation of immigrants in the life of the society of the receiving country is a basic mechanism of integration. While building the national integration strategy in Poland, particular attention should be paid to the activities aimed at building intercultural

dialogue, creating the common fields of understanding and of exchanging opinions, in order to prevent any conflicts caused by cultural and religious differences, as well as by marginalisation of migrants.”

The objectives for building cooperation platforms for 2010 are worded in the exactly same way as in 2009.

Implemented projects

The projects implemented under the annual programmes of 2007 and 2008 rarely addressed issues of public participation. In 2007 among measures aimed at building intercultural dialogue, two projects had as their objective the establishment of platforms of cooperation through meetings between Polish authorities, NGOs and migrants’ associations. The primary objective was to “persuade immigrants to take part in organised civil society actions”. In 2008, a project establishing the National Platform for Cooperation for integration was established, aiming to improve interaction between migrants and public institutions responsible for providing services to immigrants.²⁸

A recent study on the effectiveness of measures facilitating labour market and social inclusion of migrants in European assistance programmes in Poland notes a key role that the European Fund for the Integration of Third Country Nationals has come to play in stimulating migrants’ participation in public life and in building platforms for communication between the state and migrants.²⁹

1.3.4. Analysis

On the basis of the information summarized above, it is safe to say that in none of the three countries, the multi-annual programmes and annual plans of the European Fund for the Integration of Third Country nationals have focused on promoting political participation of immigrants as a value per se. In Poland, actions supporting the participation of migrants in public policy dialogue have been consistently present in the Fund’s programmes through the years, but their main emphasis has been on encouraging intercultural dialogue and avoiding a hypothetical conflict based on cultural and religious differences. Participation has been seen (at the level of policy documents) as an instrument to avoid cultural conflicts. In Estonia and Latvia, goals explicitly related to enhancing political participation of third-country nationals have been absent. In both countries, the EIF multi-annual programmes reveal a shortage of actions and measures explicitly defining support for political participation of TCNs as one of the programme’s goals.

Civil servants implementing the programmes also often do not see political participation of third country nationals as a desirable goal, instead, their statements point at a hierarchy of participation in which third-country nationals are entitled to ‘civic’ participation which they see as different from political participation:

²⁸ *Final Reports on Implementation of the Annual Programme (EFI) 2007, 2008*, Implementing Authority for European Programmes, Warsaw.

²⁹ Piotr Kazmierkiewicz, *Country report on ESF measures enhancing the labour market and social inclusion of migrants and minorities*, European Commission 2011 (forthcoming).

“Political participation has to be seen as the highest stage of participation. We are more talking about civic participation, and we are working to enhance informal engagement.” (Civil servant working with European Fund programmes, Latvia).

However, this does not mean that the actions promoting political participation are completely missing. Rather, the decision on how much space to give to direct involvement of third-country nationals in public policy dialogue is left to programme implementers. For example, developing dialogue platforms and organizing debates - one of the actions defined in the Estonian programme - can be very relevant to the involvement of TCNs in political processes, if their own organisations and representatives are accorded a prominent role in the debates. But it can also imply dialogue about integration between organisations composed of exclusively or predominantly Estonian citizens. Also the choice to support „media programmes targeting both Estonian citizens and TCNs and discussing issues such as integration, cultural traditions, and Estonian civic identity” can have various messages. On the one hand, knowledge of the civic traditions of the country of residence provides necessary context for participation. On the other hand, the media supported through such programmes may also choose an exclusivist stand on issues of national identity, promoting a narrow understanding of citizenship according to which immigrants are expected only to adapt to the cultural traditions of autochthone population and not to assume equal role in shaping and re-shaping the future of the political community. Examples of media using integration-related public funding to promote this narrow vision of integration can be found in Latvia in recent years, e.g. *Latvijas Avīze*, recipient of grants of Society Integration Fund, has consistently promoted anti-immigrant rhetoric (Golubeva and Gould, 2010).

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 the European Fund towards improving political participation of third-country nationals in the countries in question. The establishment of such platforms is an important 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, although there are new plans to establish a consultative council with the help of the European Fund for the Integration of Third Country Nationals.³⁰ According to the plan, the consultative council would “gather persons and organizations working on immigrant integration”.

However, even when platforms for policy dialogue involving third country nationals are established, the question remains how to make them an effective tool for third country nationals themselves to represent their interests and to maintain their voice in public debate. 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 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

³⁰ There are plans to organize the consultative body within the activities of National Integration centre that will be a multi-annual activity organized by the Ministry of Culture in 2012-2014 (via annual programs of 2010, 2011, 2012 and 2013). Source: Latvian ministry of Culture.

policy areas, sometimes through inter-ministerial committees (Huddleston, 2010).

None of these criteria - representativity 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 and Latvia. As some studies in Latvia demonstrate, experts often point out the lack of evaluation of the effectiveness of consultative bodies (Brands-Kehris, 2010) or stress their formal nature, unclear principles of operation and lack of clear membership/ representativity criteria, as a result of which consultative councils in the recent past have not enabled national minorities to influence decision-making process on issues affecting their interests and rights (Zankovska-Odiņa, 2009). The few representatives of immigrant associations that have been involved in such consultative bodies admitted that sometimes their participation was seen as just a formality (Ķešāne, Kaša, 2008).

“The problem with these councils is that they meet after decisions are taken, and the role of these councils is to get NGOs informed about decisions. These councils do not work as forums where NGOs can do the agenda setting or influence decisions.” (Expert interview, Latvia).

Project-based ad hoc solutions in any case cannot substitute permanent consultative bodies providing input for government policies concerning immigrants. Best practice in this respect involves bodies fully or partly composed of third country nationals, acting as compliment to parliamentary or executive structures shaping policies (Huddleston, 2010).

The absence of measures clearly targeting the capacity of third-country nationals to take part in policy dialogue and measures ensuring better opportunities for their political participation (including political participation at the level of local municipalities) sends a clear signal that policy makers in the countries in question do not consider political participation of third-country nationals a priority. Instead, the intercultural dialogue, improving services and institutional capacity building approaches signal that the funds accorded by the European Union for the integration of third-country nationals are being used to equip the state and organized civil society (represented mostly by NGOs composed of citizens and not organizations of third-country nationals representing their interests) to ‘deal’ with immigrants. In the countries in question, these funds are seldom used to empower the immigrants to acquire an independent and effective voice in public policy debate, or to prepare wider society for broadening the political rights of immigrants (including the right to form political associations and to vote and stand in local and municipal elections). Therefore, this kind of cosmetic or mechanical representation of the immigrants may lead to the marginalization of immigrants by giving them the illusion of direct political participation (Martinello 2005) or by neutralising immigrants themselves while benefiting governments that gain legitimacy and politically correct image at the same time (Huddleston 2009).

There is a need to put more emphasis on measures empowering third-country nationals for political participation in future programmes and action plans of the European Fund for the Integration of Third Country Nationals in Estonia, Latvia and Poland.

1.4. Position of political parties in the governing coalition regarding the political participation of immigrants

In order to assess the readiness of political parties currently in power to extend the political rights of third country nationals in their country in the future, the researchers have interviewed politicians from all ruling coalition parties in each of the three countries. The summary of politicians' views represented below provides some context to what changes in the situation regarding political participation of third country nationals can or cannot be expected in the form of government initiatives during their mandates.

1.4.1. Estonia

Representatives of the parties of the Estonian government coalition, The Reform Party and the The Pro Patria and Res Publica Union, who were interviewed for this study, expressed the general consensus of the ruling coalition that the current Estonian policies on immigration and integration issues have been reasonable and therefore there is no strong need to carry out significant changes. At the same time representatives of both parties have expressed negative views of immigration as such, seeing it mostly as a threatening phenomenon:

„Immigration is a huge problem for Europe... Immigration always brings some problems with it... Immigration could be a very serious danger for Estonia, because it is a very small nation.” (MP, „Pro Patria”).

„Massive immigration would be a danger to the Estonian state.” (MP, Estonian Reform Party)

The statements of the Reform Party and the Pro Patria and Res Publica Union politicians regarding the political participation of third-country nationals demonstrate a lack of understanding of the nuanced nature of participation, not limited to citizenship, and a perception that it is 'wrong' when third country nationals can influence policies:

“The state should have a dialogue with immigrant organizations, but they should not have a say in the formulation of policies. Political decisions should be made by citizens.” (MP, Pro Patria).

Nevertheless, representatives of both parties support the participation of third-country nationals in local elections:

“It is very necessary that third-country nationals have the right to vote in local elections. They should have a voice in designing local policies, because decisions of local government have a large effect on their everyday lives.” (MP, Estonian Reform Party).

While there seems to be a consensus among coalition parties to continue support for local election rights for third country nationals, there is no commitment to or even openness toward greater participation of third-country nationals in political life. Moreover, it is seen as 'unnecessary' that third-country nationals should create associations advocating 'their own immigrant topics' (MP, Estonian Reform Party).

1.4.2. Latvia

Government coalition parties in Latvia are not outspoken on issues of migration policy and their position in this policy area is conservative. The current government is made of two political alliances – centre-right Unity and centre Greens' and Farmers' Union. Unity would support labour market-related immigration of third country nationals only in specific professions as a last-resort solution, to solve the shortages of labour. As to Unity's goals in integration, the party sees the need to create a 'consolidated society' but not primarily by improving opportunities for participation – rather, linguistic and cultural integration is stressed as the primary goal:

"A consolidated society that has a common foundation and it has to be Latvian language; the creation of a common social memory; unique Latvian cultural space. Integration means feeling belonging to a state, i.e. civic integration." (Minister of Culture, responsible for integration policy, Unity).

Neither Unity nor Greens' and Farmers' Union support granting local election rights to third country nationals. Political participation is seen by both as a privilege of citizens, to be obtained only through naturalisation, while civil society activities are to be open also to third country nationals:

"Until they become naturalized, all options but voting rights are open to them. When they become Latvian citizens, then they can also participate in elections. We know that among Unity there was one candidate who was not born in Latvia,³¹ so I don't see obstacles to political participation. They can be engaged in NGOs, active civic position – meeting with MPs and state institutions telling of their problems and finding solutions. I don't see problems here." (Greens' and Farmers' Union)

"Consultative councils on municipality and ministry levels exist but they are councils of minorities, not councils of 'new immigrants'. But taking into account that the largest group of immigrants coming to Latvia right now arrive here for family reunification or are otherwise linked to people who already live here (...) they are already represented in the ethnic minority organizations. The new groups are not adequately represented." (Unity)

It should be stressed that until now no ethnic minority organization has applied to the European Fund for the Integration of Third Country Nationals, although they have been informed about this possibility by the responsible ministry. According to the ministry representative, these NGOs mostly work with preservation of cultural heritage, not engaged in promotion of political participation.

Both coalition parties are not open towards granting voting rights in municipality elections to third country nationals, but Greens' and Farmers' Union seems more flexible: *"We are not saying "never ever", but right now we don't see possibilities to grant voting rights for next municipal elections."* (Greens' and Farmers' Union)

³¹ Latvian doctor of Lebanese origin Hossam Abu Meri run for election in Latvian Parliament in the elections in October 2010 from the political alliance Unity. He was not elected, but since early 2011 he is the freelance advisor on migration for the Minister of Interior.

Unity representative has expressed adamant refusal to expand voting rights in local elections to third country nationals *“Absolutely not – Latvia is not among the last EU countries where voting rights in municipality level are not granted to third country nationals. Latvia has a very liberal naturalization procedure – it is relatively easy to naturalize in Latvia, so by becoming a Latvian citizen the person receives all political participation rights on municipality and national level.”* (Minister of Culture, responsible for integration policy, Unity). This quotation demonstrates that there is a refusal to consider political participation at the local level as a form of participation to which all persons living in the municipality should be entitled.

1.4.3. Poland

Electoral programmes of major political parties in Poland are silent on issues of immigration.

The interviewed politicians recognized that the issue of the presence of migrants in the Polish society was still marginal in the political debate in Poland. However, in general, they saw citizenship as the prerequisite for full participation (that was especially pronounced in the case of a representative of the Polish Peasant Party). The representative of the Polish Peasant Party also doubted whether immigration brings any real benefits, except “emotional and aspirational aspects of welcoming foreigners” in one’s land.

Both parties’ representatives noted the perception of immigrants as “guests” especially among local-level politicians and officials, who in their view preferred to “solve local matters on their own”. Nevertheless only one interviewed politician (from the Civic Platform) saw its party as supportive of granting voting rights in local elections to immigrants while two other politicians found this to be ‘premature’. Thus, while there is no adamant refusal to expand the rights of immigrants to participate in political life in the future, there is also no pro-active commitment to expanding those rights and a generally sceptical attitude towards putting the issue of political participation of third country nationals on the agenda.

The openness of political parties towards immigrants’ political participation varies from party to party, according to NGO representatives. The socially liberal SLD (Democratic left alliance) was mentioned as the most open, while Polish Peasant Party was described as the less favourable.

2. Immigrants’ political participation: view from the inside

Many immigrant NGOs in the three countries have not implemented projects supported by the EIF. Yet their work with third country nationals as their constituency and/ or their membership gives them an insight into the existing opportunities of and obstacles to political participation among this group. Therefore the researchers have interviewed representatives of NGOs that either represent immigrants as their membership or see them as the main target group, independently of the fact whether respective NGOs have implemented EIF activities.

2.1. Estonia

Most of the immigrant organizations are cultural organizations, which represent different ethnicities or nationalities living in Estonia, and usually their activities are connected with the

preservation and presentation of culture and traditions, without having explicit political or policy agenda. The scope of activities of organisations dealing with immigrant integration is strongly biased in favour of activities fostering tolerance or multiculturalism and activities preparing target groups (e.g. Estonian youth) to 'deal with' immigrants: intercultural exchange, dialogue and promotion of everyday contacts, supporting the ideas of multiculturalism and tolerance, training young people who work with TCNs, distribution of leaflets which inform TCNs about the issues of integration etc.

There is also a range of NGOs promoting immigrant rights that are seen as more 'political' and have not received funding from the EIF. , Some of them consist also mainly of immigrants (of the Russian speaking minority) - Estonian Human Rights Centre, Legal Information Centre for Human Rights (LICHR) and Estonian Institute for Human Rights (EIHR), and to some extent also Jaan Tõnisson Institute. Their focus is mainly on the equal rights of immigrants and different ethnic groups in Estonia.

Finally, there is a small number of organisations ("Open Republic", "KoosVmeste", "Integration Centre of the Eastern-Virumaa", voluntary association „SEBRA") that have a certain percentage of TCNs among their members (between 20% and 50% in the case of two organisations interviewed for this study). They combine activities promoting tolerance and multiculturalism with activities promoting 'milder' forms of political participation for immigrants, such as meetings with members of parliament.

Under the funding of EIF, the promotion of political participation of immigrants was addressed in three projects implemented within the scope of the 'Debate of Nationalities – a More Successful Estonia' competition round. They aimed at creating dialogue platforms for various groups (including third country nationals) about issues that are important for the society in Estonia. For example, the Estonian Cooperation Assembly organized a number of events drawing the attention of policy makers to issues of participation, including a seminar on the topic of "Ethnic Minorities in Decision Making".

NGOs Evaluation of the Impact of the Projects for the Integration of Third Country Nationals

Interviews with NGOs, state officials and Delegated Authority for the European Fund for the Integration of Third-country Nationals (Integration Foundation Our People) reveal that the overall assessment of the impact of projects supported by EIF is ambivalent. Some NGOs evaluate the impact of their own projects supported by the Fund as positive, e.g. the project "Round Table of Nationalities" and the project "Increasing the cooperation between Estonian and Russian NGOs within NENO network" run by the Network of Estonian Nonprofit Organizations (NENO). They have also conducted several surveys within their target group in order to have more feedback on their activities, and the majority of participants wished for the continuation of such projects. However, EIF funding impact on the projects analysed in this report concerned mainly increased public awareness either about the organisations involved, or (in the best cases) also of the issues concerning immigrants. No direct impact on policy processes transpired through the self-evaluation statements of the NGOs concerned.

At the same time those immigrant organisations, where a large number of members have a migrant background, stated that they are aware of the European Fund for the Integration of

Third-country Nationals, but it had not come to their mind to apply for the fund's finances for the implementation of their projects.

Immigrant NGO's views regarding the desired directions of development of political participation among immigrants and main challenges on their way

The interviewed NGO representatives' views regarding the openness of Estonian political elite towards NGO integration have also varied considerably. One representative (of an organization mostly consisting of Estonian citizens, and citizens only in the Board) has stated that 'in general the political elite in Estonia is open towards the participation of immigrants in policy debates and in politics'. But the representative of another organization (mixed membership and also mixed Board) has stated that the political elite is closed towards immigrants' participation.

Interviewees - including representatives of government institutions dealing with immigrants - have stated that lack of Estonian language proficiency may be a serious barrier to participation in any form of political life in Estonia, including membership in bigger civil society organizations. Some have pointed out that, when there is no sufficient Estonian language proficiency, the only participation possible is 'directed towards another country', implying Russia.

NGO representatives have also criticized the behaviour of the media, looking for sensations and not engaging the public in a wider and more diverse debate about issues concerning immigrants between the general election periods. The same criticism was directed at politicians.

2.2. Latvia

In Latvia, there are only a few organizations that directly represent the interests of immigrants or provide services to third country nationals. Some of those – like Afrolat, Arab cultural centre and the Latvian-Lebanese society – have striven to work on combating intolerance and discrimination, while state funding priorities have continuously pushed them more towards cultural activities.³² They have also been engaged in consultative political discussions which indirectly affect the issues of immigration, but overall the self-organization of the non-governmental organizations dealing with the immigration is rather weak and their political and social participation is not noticeable.³³

Five NGOs were selected for interviews:

- 4 of them have worked with the integration of immigrants by implementing activities via the European Fund for the Integration of Third Country Nationals - Dialogi.lv, Latvian Centre of Human Rights, Patvērums "Drošā Māja"/ Shelter "Safe House", Risinājumu darbnīca/ Workshop of Solutions.
- One NGO represents third country nationals - Afrolat.

Most of the organizations were established recently and their membership is limited. Most do not have a significant representation of third country nationals among their members. The only

³² Zankovska-Odiņa, S. Immigrant Integration and Participation in Latvia. In Muižnieks, N. (ed.) (2009) Immigrant Integration in Latvia. Advanced Social and Political Research Institute University of Latvia.

³³ Ķešāne, I., Kaša, R. Learning to welcome: the integration of immigrants in Latvia. In Akule, D. (2008) Learning to welcome: the integration of immigrants in Latvia and Poland. Centre for Public Policy PROVIDUS. Riga

exception is Afrolat (The Latvian African Association) – 26 out of 30 members of this organization are third country nationals, while the rest (4 members) are naturalized first-generation immigrants.

The selected NGOs define their constituency by different criteria. Some focus on third country nationals from one country of origin or one ethnic/ linguistic group, for example, Afrolat mainly works with migrants from African countries, while Dialogi.lv has worked with third country nationals from Ukraine and planned to extend their activities to Russian-speaking third country nationals. For others the target group is linked to the location of the NGO – Shelter Safe House work with migrants based in or close to the capital. Workshop of Solutions works with third country nationals who are university students.

For most of the organizations work with immigrant integration is among many of their areas of activities. Although it may not be included in the statutes or NGOs mission statement, most of them work with providing assistance to immigrants, organizing cultural events but also representing their interests in policy making processes.

NGOs Evaluation of the Impact of the Projects for the Integration of Third Country Nationals

Out of the 5 NGOs interviewed in this study, 4 have implemented a project funded by the European Fund for the Integration of Third Country Nationals (activities in 2009) and 3 of them will continue to do so in 2011. At the same time, Afrolat – the NGO established primarily by third country nationals – has never been supported by the Fund. It had applied for funding once, but the proposal was rejected.

Two of the NGOs projects financed by the fund focused on provision of information and awareness raising among third country nationals, while two centred around the training of professionals working with immigrants (e.g. a training material on intercultural communication, diversity management, anti-discrimination, affirmative action and best practices from other EU countries was compiled). Only one NGO directly worked with advocacy and promotion of political participation of immigrants. Workshop of Solutions realized that students – third country nationals can't be involved in existing student bodies because it is not permitted by their statutes. *"Therefore we plan to enhance the involvement of these students in the existing student bodies and to increase the understanding of student organizations about the needs of students - third country nationals."*

The interviewed NGO representatives acknowledge the impact of the European Fund for the Integration of Third Country Nationals on their NGO capacity. Several said they would not be able to work with third country nationals without this fund, while others appreciated the opportunity to gain additional experience with this specific target group.

At the same time, several NGOs criticised the administration of the fund - the calls for proposals were issued later than planned, but due to the limited eligibility period of activities for the Funds' annual programs, the NGOs had to rush their work in a couple of months.

Immigrant NGO's views regarding the desired directions of development of political participation among immigrants and main challenges on their way

NGO representatives named five challenges to immigrant integration and their political participation in Latvia – the exclusivist attitude of the political elite, negative public opinion, negative coverage of immigrants in the media, the weak capacity of immigrant NGOs and the language barrier.

As to the political elite, according to the NGOs, it is either “closed” or “deeply indifferent” towards political participation of third country nationals. Some mentioned individual politicians that are more favourable and have helped the NGO in the past, however, they were described as exceptions.

“In general, the society thinks of political participation as only voting rights, and the general attitude is not supportive of granting voting rights in municipality elections. Their argumentation – people have the right to naturalize; and [there is] fear of consequences for large municipalities with non-citizens. Nobody even talks about these rights for third country nationals.” (Latvian Center for Human Rights)

All interviewed NGO representatives agreed that media coverage of immigrants was not helpful – the media were either mostly writing about the negative consequences of immigration or covering incidents. One NGO representative said that media write about migrants from the “exploitation discourse perspective” i.e. telling the readers that migrants are workers who will pay for the Latvians’ retirement pensions.

Language barrier was mentioned as a significant obstacle for the political participation of third country nationals. *“Without Latvian language these doors are closed. All communication in state institutions is in Latvian, with the exception of more Russian cities where it’s possible to communicate in Russian.” (Shelter “Safe House”)*

2.3. Poland

Polish citizens’ non-profit organizations dealing with migration issues have been more active than immigrant organisations during the debate on new migration policy and in promoting immigrant activism while - simultaneously - conducting research on migration and engaging in raising the host society’s awareness of migration-related issues. Immigrant organizations focus mostly on providing direct legal and material assistance to their constituency and also organize various cultural events intended for minorities and host society.

Polish organizations do not name third country nationals as their defined constituency. Nevertheless, many of them focus on refugees, among other reasons due to the nature of their situation and needs. They cooperate with volunteer immigrants, but mostly employ Poles. The majority of immigrant organizations have been registered relatively recently - in the past they functioned informally. Among these organizations, a greater specialization may be observed, i.e., their actions are orientated towards their own ethnic group, e.g., Vietnamese or Ukrainian.

Immigrant organizations have not developed a structure for consulting their target groups. As one of the interviewees said, *“it is an ongoing process,”* and it happens through face-to-face contacts. Employees of one of the interviewed organizations reach out to their target group and try to form

relationships with migrants, e.g., at bazaars and markets. Interviewed representatives also recalled many events undertaken in order to sensitize the host society members to migration issues, petitions signed and demonstrations organized concerning the legalization of residence issues, and participation in public debates. For the most part, these actions have been undertaken on the basis of voluntary civic engagement, and not funded by outside donors.

NGOs Evaluation of the Impact of the Projects for the Integration of Third Country Nationals

Of the NGOs interviewed for this study, one immigrant organization independently managed a project supported by the European Fund for Integration of third-country nationals and another participated in a project as a social partner. Although none of the projects were in fact focused on political and civic participation, the project implemented by the immigrant association (directing its actions at immigrants from Africa) has, in the words of its representatives, significantly increased its organizational potential to represent the interests of the target group.

The most often recalled positive example of an action aimed at promoting immigrant activism was an EIF grant for the International Organization for Migration (IOM) for a project titled “Active and competent. Migrants in civic society” aimed at developing civic society competences of members of immigrant organizations mostly through a cycle of seminars and workshops. Thanks to the support of the IOM, it was possible to establish several migrant organizations.

Immigrant NGO's views regarding the desired directions of development of political participation among immigrants and main challenges on their way

According to the interviewed representatives, Polish authorities do not see a need to promote immigrant activism. The authorities mostly understand migration policies in terms of labour market access and border control, and are not interested in issues associated with integration in the broader sense, including also participation. The organizations' representatives stress, however, that NGOs, including immigrant organizations, are now being consulted more often than previously. In interviews, meetings at the Ministry of Labour and Social Policy, Immigrants' Forum, and consultations during the “Multicultural Warsaw” project were given as examples. But according to the interviewees, much work is still required in order for this dialogue to have satisfactory outcomes.

NGO representatives have varying opinions regarding the openness of political parties towards immigrants' political participation, they tend to see the socially liberal SLD (Democratic left alliance) as the party more open to including the voice of immigrants in policy dialogue.

Media coverage on migration was criticized for being limited to extreme crisis stories, for instance, issues related to legalizing an illegal immigrant's stay. All interviewees stressed, however, that the coverage is becoming more objective over time.

According to civil society representatives, greater political participation of immigrants is desired and necessary. Intercultural dialogue and meetings are effective forms of civic engagement as they allow for exchanging opinions and getting to know each other. However, third country nationals that have stayed in Poland for some time should be granted voting rights and possibly also the right to stand as candidates in local elections. Immigrant participation in local elections would

draw the attention of political parties to immigrant issues.

Immigrant organisations' representatives have also strongly voiced the need for advocacy on behalf of the immigrants themselves, not advocacy by others: *"The goal is to be heard; to speak for ourselves in debates, like the one on whether the term "nigger" is ok. (...) Our voices are not heard. (...) Until a person who is really involved speaks out, the discussion is pointless, i.e., abstract and theoretical."*

Conclusions

The MIPEX data and the analysis of legal arrangements and policy frameworks for the political participation of immigrants in Estonia, Latvia and Poland demonstrate that all three countries included in this study lag behind the EU average in terms of opportunities for political participation for immigrants. None of them has developed to date adequate consultative bodies to ensure effective, legitimate and objective consultation processes in which immigrants and their associations can fully participate in the dialogue about policies that concern them.

In terms of implementation policies targeting the capacity of immigrants and their associations to participate in public policy processes, or informing immigrants about opportunities for political participation in the country of residence, Estonia is close to the EU average, but Latvia and Poland are far behind. In terms of political liberties, all three countries still have unjustified limitations regarding the right of association in their legislation, e.g. not allowing third-country nationals to form political parties. In this, they are lagging far behind not only those EU countries where laws are most favourable to immigrant integration (e.g. Sweden), but also the leaders in best practices regarding political liberties for immigrants in Central Europe, such as Hungary. Thus, in Poland a third country national cannot establish an association, and in Latvia he or she cannot be the organiser of a protest action or demonstration.

Consultative bodies

Recent policy research demonstrates that countries with robust consultative bodies do more to promote civic participation, support the emergence of immigrant civil society and grant basic political liberties to all, as well as grant voting rights in local elections to immigrants and make citizenship more accessible to them (Huddleston, 2010).

In countries where robust consultative bodies are established, those composed entirely of foreign residents are frequently NGOs or umbrella organisations that are entirely organised and led by foreign residents themselves. 'Mixed' consultative bodies often bring together representatives of different ministries in order to 'mainstream' integration into different policy areas, but also include employers, trade unions, and civil society organisations serving immigrants (Huddleston, 2010, 10). While providing legitimacy for government policies concerning immigrants, mixed consultative bodies must also ensure that immigrants are not marginalized and their participation in consultations is not a mere token.

None of these criteria have been met so far in the consultative bodies that have existed at the national level during some periods in Estonia (consultative council appointed by the president) and Latvia (consultative council of minorities appointed by the president, formerly consultative

councils of minorities attached to branch ministry).

Current forms of consultative councils in the three countries in question are also far from satisfactory. Some form of a consultative body including immigrants has been established by a non-governmental organisation in Estonia as part of activities supported by the European Fund for the Integration of Third Country Nationals. In Poland, the National Platform for Integration is seen more as a platform for dialogue between diverse groups including immigrant associations and government, and less as a consultative body that has impact on public policy. In Latvia, there are plans to establish a consultative council that would “gather persons and organizations working on immigrant integration”.

Voting rights in local elections

As long as elections remain the central form of participation in democratic processes as part of the system of 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. 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.³⁴ Latvia and Poland so far have not granted voting rights to third country nationals - unlike Estonia, Hungary, Lithuania, Slovakia and Slovenia that allow permanent residents to vote in local elections.

Statements by coalition party politicians interviewed during this study demonstrate that in Latvia and Poland, there is a refusal to consider political participation at the local (municipal) level as a form of participation to which all persons living in the municipality should be entitled, as decisions made locally affect primarily the persons living in a municipality, and usually do not affect the entire body of citizens of a member state. Instead, politicians continue linking all forms of political participation to nationality and persist in seeing naturalisation as the only venue for access to political participation. At the same time, politicians’ argument that access to political participation is open through access to nationality is made weaker also by the relatively low scores of Estonia and Latvia in this area according to MIPEX III. Without either removing some of the barriers to political participation of immigrants or making their citizenship more accessible and limiting administrative discretion regarding who should and who should not be entitled to nationality, these countries will continue to remain among those EU members where democratic participation for immigrants is lower.

Civil society engagement, on the other hand, is seen as the legitimate venue for immigrants’ participation. However, even then politicians are not aware that some civil liberties necessary for such engagement - such as the right to call a protest meeting or to form a political association - are lacking for this target group. Moreover, in some cases prominent members of coalition parties believe that it is wrong for immigrants to form associations representing their own specific interests, and that participation in civic life jointly with nationals of the respective state is more

³⁴ 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.

legitimate.

Policies supporting the emergence of immigrant civil society

Without strong immigrant organisations acting as dialogue partners for government and mobilising immigrants for political participation, ways of participation such as consultative bodies become formal and often meaningless (see, e.g., Martinello, 2005).

Very few projects supported by the European Fund for the Integration of Third Country Nationals have in fact promoted political participation of the target group in Estonia, Latvia and Poland. When they did, the forms of participation supported were dialogue platforms (for civil society and dialogue with policy makers) and establishment of immigrant organisations representing the interests of migrants (in the case of Poland). In other cases, projects supported by the Fund have disseminated information about local authorities and public services available from them (thus creating information base for possible future participation) or raised the capacity of immigrants' organisations and organisations seeing immigrants as their constituency to engage more meaningfully in policy dialogues. The lack of direct support for the enhancement of civic and political participation (especially of the kind addressing policy and decision making processes) is nevertheless apparent.

Civil society actors that see third country nationals as their constituency exist in all three countries, however, their level of engagement in political activism or policy debate varies from case to case. In some cases, organizations without a substantial membership among third-country nationals nevertheless adopt a rights-based approach and engage with policy makers in order to promote the rights of immigrants. In some cases, immigrant associations engage mostly with their own community and do not sustain continuous efforts to influence policy or to advocate for greater rights of political participation. Nevertheless, there are organizations composed partly or mostly of third country nationals that engage consistently in advocacy and policy dialogue and advocate for greater opportunities for political participation of third country nationals. As one representative of such an organization from Poland has stated, "*the goal is to be heard; to speak for ourselves in debates*". 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 so far a significant obstacle to meaningful political participation in all three countries.

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Appendix

List of interviews - Estonia

1. Reform Party, Member of Parliament, former minister of Ethnic Affairs
2. Reform Party, Member of Parliament
3. Pro Patria and Res Publica Union, Member of Parliament
4. Pro Patria and Res Publica Union, Member of Parliament
5. Ministry of Culture, Cultural Diversity and Integration Department, advisor
6. Police and Border Guard Board, Citizenship and Migration Department
7. Migration Foundation, ESF and EIF Programme Manager
8. Migration Foundation, Head of Civil Education and Migration Unit
9. Migration Foundation, Multicultural Education Unit
10. NGO "Koos/Vmeste", head of the organisation
11. NGO "Open Republic", member of board
12. NGO "Open Republic", member
13. NGO "Estonian Cooperation Assembly", implementing EIF project
14. NGO "Network of Estonian Nonprofit Organizations", implementing EIF project

List of interviews – Latvia

1. Ministry of Justice, Project department, Planning and control department, Senior desk officer
2. Office of Citizenship and Migration Affairs, Deputy chief
3. Minister of Culture, Political Alliance Unity
4. Member of Parliament, Political Alliance Greens' and Farmers' Union
5. NGO Dialogi.lv, former head of organisation
6. Latvian Centre of Human Rights (NGO), expert
7. NGO Patvērums "Drošā māja" / Shelter "Safe House", head of organisation
8. NGO Risinājumu darbnīca / Workshop of solutions, member
9. NGO Afrolat, member of the board

List of interviews – Poland

1. Specialist, Ministry of Labour and Social Policy (EFI)
2. Head of Department for Foreigners, Mazovian Provincial Office
3. Member of lower house of Parliament (Civic Platform), deputy head of the Administration and Home Affairs Committee
4. Member of lower house of Parliament (Polish Peasant Party), deputy head of the Administration and Home Affairs Committee
5. Senator (Civic Platform), member of the Human Rights, Rule of Law and Petitions Committee
6. NGO representative, Forum for Social Diversity
7. NGO representative, Foundation for Somalia
8. NGO representative, Ternipolska Foundation
9. NGO representative, Foundation Our Choice Ukraine