

DaMigra e. V.

The umbrella association of migrant women organisations

-German registered-

Alternative report

under CCPR Art. 25

The right to vote and be elected

for the 133rd session

German 7th State report under review

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DaMigra Position Paper on Political Participation 2021:

Vote and Get Elected!

A feminist and migrant perspective on political participation

The right to vote is a human right—a human right must not be a privilege. Linking the right to vote to the condition of citizenship turns a human right into a privilege. This must not be allowed to happen. It is long overdue that ALL people living permanently in Germany are involved in the democratic process. ALL must be allowed to vote and to be elected.

Even though for about 21.2 million migrants and especially approx. 10 million migrant women in Germany there exists no right to vote. The 7th German State report doesn't even mention this as a critical state in a democracy and does not offer any ideas for a future solution. Additionally, the German state report under CCPR does not elaborate under Article 25 the dilemma of the general declining numbers of women in parliaments and the non-existing policy for establishing an adequate representative of women and other groups in parliament. We find the situation regarding to migrants, especially migrant women's rights and the state of democracy worrying, that's why we would like to draw attention to it and set out our demands.

When many voices have something to say, rules and instruments are needed to ensure that all voices are heard and perceived. For their concerns to be taken into account, there needs to be access to the institutions that set these rules. The equal all-inclusive political participation of all people living in a country is the foundation on which a pluralistic¹ society is built. Therefore, the right to political participation is a human right. Therefore, the right to vote and to be elected is also a human right. The human right merely presupposes the condition of being human. **Linking the right to vote to citizenship makes this human right a privilege. This must no longer be the case.**

The COVID-19 pandemic, which is still present, has already made existing inequalities visible before the crisis and further exacerbated them. It is predominantly migrants who risk their health in system-relevant occupations under precarious conditions. It is predominantly people from poorly situated and poverty-stricken social milieus who contract Covid-19 because they are less able to protect themselves. It was the descendants of migrants who were murdered in Hanau. The conditions that led to these racist murders and that there was talk about "xenophobia" in this context (although many of the dead were Germans) shows: Germany has not understood what it means to be an immigrant society. Germany has not understood that the fact-based recognition of being an immigration society must be followed by a counterpart in political co-determination.

2021 is an extraordinary election year. In September, eligible voters in Germany will elect a new Bundestag and numerous new federal state parliaments. The system-relevant part of an immigration society like Germany will predominantly not be allowed to participate in decision-making and will not see itself represented. **The right to vote as a privilege divides a society of diversity into an "us" and "them". This corrodes social cohesion. As long as all people living in Germany are not allowed to vote and be elected, a deep crack in the foundation of our democracy will remain.**

1. Promotion of democracy, human rights, and political participation—interrelations

Germany is considered to have a stable democracy. This is an essential prerequisite for a life in dignity and freedom for all. We can only speak of sufficient democratic conditions when the diversity of a diverse society is reflected in parliaments. All people living in a country must have the right to express their interests and have the opportunity to participate in political decision-making processes². All people should be allowed to state where they see problems. All should be able to advocate for the solutions and courses of

¹ Pluralism refers to the coexistence of different views on an equal basis.

² Article 21 of the "Universal Declaration of Human Rights" postulates a universal and free right to vote, understood as a right to political participation, as well as a right of all to equal access to public office.

action they believe are necessary. All must have the opportunity to present their views in concrete decision-making processes and to be heard.

Participation is not an end in itself **—it is the prerequisite for the coexistence of the many!**

The participation of all in democratic decision-making processes is an inevitable strengthening of a pluralistic democracy. Participation leads to people coming together despite all kinds of differences: whether they have different social, religious, or professional backgrounds, world views, diverse origins and backgrounds, gender, age, marital status, whether they have a disability or not. This diversity creates pluralism in the democracy of an immigrant society.

Those who are excluded from the process of political participation are, of all people, those who are already largely excluded socially, culturally, socially, and economically through multiple discrimination.

This particularly affects migrant and refugee women, persons read as such and their descendants. When persons affected by multiple discrimination are excluded from political participation, the needs and demands of an already excluded population group remain ignored.

Affected persons of (multiple) discrimination are diverse. What they have in common is that they are all excluded from political and social processes or are not represented in them. Whether migrated and refugee people, people from the so-called working class, people with disabilities, black people or BIPOC³ people, people from the LGBTQIA+⁴ community: they are not represented in politics. Some have the right to vote and stand for election, others do not. But it's not just about the written right—it's mostly about the implementation of that right. This can only be guaranteed through access to and representation in parliaments and institutions. Just as we need a Commissioner for Eastern Europe, we also need other representatives who stand up for the needs of affected people: nationwide intersectionality commissioners, commissioners for the rights of people with disabilities, sexism, and racism commissioners. This is not a given. The lack of political participation is a clear democratic deficit.

2. Who are the people?

Although some of us have been living in Germany for decades, actively shaping society and raising the children who will keep pensions stable, nearly 12 million residents are not allowed to participate in political processes. Why? The Federal Constitutional Court ruled in 1990: "According to the Basic Law, the people of the state are formed by Germans, i.e., German citizens. Thus, for the right to vote, the status of a German is a prerequisite."⁵

The interpretation says that only those who have a German passport belong to the people. In the Basic Law, however, it is stated that "[All state authority] shall be exercised by the people through elections and other votes"⁶, not "[exercised] by the German people through [...] votes."

This misinterpretation shows how Germany reduces eligible voters to nationals, which underlines that **the state's denial of the right to political participation for all is not due to legal but to political will.**

According to the information platform Mediendienst Integration, the number of residents without German citizenship varies between 10.1 and 11.4 million, depending on the survey—that is a good 10% of the people living in Germany⁷. In comparison, since the introduction of EU citizenship in the Treaty of Maastricht (1992), an EU citizen has been allowed to participate in decision-making and to vote at the local level after three

3 Acronym: Black, Indigenous People of Color (Black people, indigenous people, or people with visible migration background).

4 Acronym: Lesbian (read more feminine term); Gay (read more masculine term); Bisexual; Trans - transgender; Queer / Questioning / non-binary; Intersex - intersexual; Agender / asexual (sometimes also Ally); + the plus sign means everything on the spectrum of sexuality and gender that cannot (yet) be explained by letters and words.

5 Voting rights and immigration | bpb (in German)

6 Article 20 of the German Basic Law.

7 Population | Migration | Facts and Figures | MEDIENDIENST INTEGRATION (mediendienst-integration.de, in German)

months in Germany. Yet EU citizens are also excluded from the democratic process at the state and federal level.

How can the state explain to someone who was born and raised here in the third generation that this person is not allowed to vote because he/she apparently does not belong to this so-called "people"? The degree of injustice is not only shown by which people with which citizenship have an active and passive right to vote according to German law.

The injustice is also shown by the fact that there are hardly any representatives who could elect them to represent their interests and concerns in parliaments at the federal and state levels as well as in the municipalities.

The representation of their interests must be understood and guaranteed as an integral part of democracy. The right to vote must not be linked to citizenship—all people who live permanently in Germany have a right to equal political participation. Whether they are German citizens, long-term residents from EU or third countries must not determine how and where they exercise their human right to co-determination.

The fact that third-country nationals, no matter how long they have lived in Germany, are not granted the right to vote and stand for election clearly shows that their opinions and representation are not considered equal at the political level. This can only be understood as arbitrary exclusion as well as the continuation of an entrenched, outmoded, and short-sighted policy that denies people basic rights or grants them in gradations.

The exclusion of migrant and refugee populations from political participation perpetuates structures of multiple discrimination. This particularly affects us, migrant and refugee women.

We are discriminated because we are women. We experience additional exclusion due to ascribed or actual migration biographies⁸. Exclusion from political participation impacts all other areas of life. The explosiveness is particularly evident in the tightening of marriage-dependent residence permits or the criminalization of abortions. Here, the political will behind the law violates human rights in a gender-specific way. Should we, migrant and refugee women, not be allowed to have a say in this?

We no longer want to fight against these structures only from the "outside"—we demand the right to change them from the "inside" as well!

Gender-specific role models, patriarchal experiences of violence and structural as well as institutional discrimination generate direct exclusion and disadvantages for refugees and migrants, especially for women. These cases of multiple discrimination reinforce each other. The need for independent political participation for women at all levels is obvious. When migrant and refugee women have access to political participation, it enables them to lead more self-determined lives. It gives them the opportunity to change social structures that oppress and exclude women. In order to lead a self-determined life, women need the right to intervene, participate and make a change. Access to political participation for migrant and refugee women goes hand in hand with a commitment to a society that takes diversity and gender justice seriously and thus also recognizes the existing patriarchal power imbalance. Only a true representation of the interests of those affected by multiple discrimination in politics guarantees the chance to fight structural discrimination.

3. Enabling Political Participation for All

Third-country nationals in Germany are a diverse group. Asylum seekers and refugees face different barriers to settlement and residence than third-country nationals who have lived in Germany for decades. In addition, there are "tolerated" people who are granted a right to stay. **Due to the fact that for these groups of people different regulations prevail, DaMigra pleads for the right to vote from a residence period of 5 years, based on the European norm**, for our democratic and state relationship must presuppose principles of equality for all.

⁸ Intersectionality or intersectional discrimination describes different forms of discrimination that can be directed against a person at the same time. The term is derived from the English word intersection, which means intersection or point of intersection. These forms of discrimination do not occur in isolation from each other but overlap and occur simultaneously.

The German state keeps telling third-country nationals: "If you want to vote, get naturalized". However, this approach leaves out the fact that not everyone wants to renounce their own citizenship, that structural and bureaucratic barriers severely limit many third-country nationals, or that certain access points to the naturalization process do not exist at all. In addition, naturalization procedures involve a hierarchy. German citizenship and participation in Germany are presented as more valuable than citizenship and participation in the country of origin.

Yet it should be politically clear: for years German politicians have been pleading for "more immigration to strengthen German society and economy". But in all areas—economy, education policy, care—Germany can only be an attractive country if all people living here have room for maneuver and can drive change! By not allowing third-country nationals to participate, strong barriers continue to exist. Multiple identities are not accepted. **This reflects a clear message for DaMigra: in Germany, multiple identities and diversity are not desired.**

This shows that only those who have assimilated into German living conditions and accept the political climate of the dominant society, characterized by discrimination, racism, and the exclusion of minorities, are naturalized. **DaMigra does not acknowledge naturalization as a way of political participation. It is about implementing the right to full political participation without compromise. Equal political participation at all levels is a cornerstone of a democratic society.**

Dual citizenship, half allegiance

Dual citizenship is mentioned as another option for political participation. Arguments against dual citizenship regularly come from the right-wing and conservative political camps, which doubt the "loyalty of dual citizens to the Federal Republic." Interestingly, this argument does not apply to EU citizens with dual citizenship or to children from binational families. Proponents emphasize the integrative effect of dual citizenship. One thing is clear: belonging to a country or society is influenced by how welcome and valued people feel. Political participation and the right to vote are integral parts of this sense of belonging.

Who has the right to dual citizenship, and under what conditions?

There is no general regulation on this, only bilateral and multilateral exceptions for EU states and Switzerland. However, Germany does not have such regulations or agreements with Turkey, for example, although 1.46 million people living in Germany still have Turkish citizenship⁹. Some of them are already living in Germany in the third generation. This again shows us how highly politicized and exclusionary the right to political participation is in Germany.

DaMigra sees the refusal of the federal government to introduce dual citizenship as the clear exclusion of many people who have lived in Germany for a long time.

Moreover, the political, economic, and social level of participation should not be left out: the political participation of third-country nationals includes a multitude of possibilities. If those affected are allowed to vote, they can make self-determined decisions about their lives. What resources are available to me? What health insurance do I need? What education can I provide for myself or my children? Which politicians can truly represent my interests? Here, it is clear that the legitimacy of politicians is only true if all those who are affected by their policies have the right to decide whether this politician represents their needs. **Thus, politicians who take their democratic duty as representatives and stakeholders of society seriously should also clearly stand up for the political participation of all residents.**

All of this can only lead to the strengthening of a democratic and diverse society in the long run, have positive effects on society as a whole and bring us one step closer to breaking down and changing outdated, discriminatory structures. Long-outdated nation-state thinking prevents an appropriate approach to the right to vote. **It is absurd to repeatedly call on migrants to "integrate into society" while at the same time denying them political participation!**

⁹ [Foreigners in Germany until 2019: Country of origin | Statista \(in German\)](#)

4. Pioneer countries: from whom can Germany learn?

Many EU countries, for example **Portugal, Sweden, or Belgium**, have at least introduced the right to vote in municipal elections for third-country nationals—with predominantly positive results, such as the strengthening of intercultural, social coexistence and pluralistic, political exchange of opinions. **DaMigra views this approvingly, but with reservations. Municipal voting rights are not enough—third-country nationals must have the right to vote at all levels (municipal, state, and federal).**

Finland introduced at least the right to vote and stand for election for third-country nationals at the municipal and regional levels as early as 1991, before the signing of the Maastricht Treaty in 1992. The only requirement is a residence period of at least two years. Thus, Finland has already taken a fundamental step 30 years ago to guarantee all residents their human right to political participation. This is a clear signal: third-country nationals are considered equal and are welcome. Finland thus opposes symbolic politics - and stands up for democracy, diversity, and equality.

In **Spain**, third-country nationals have had the right to vote and stand for election since 1985, linked to an agreement with their country of origin. This agreement determines which third-country nationals are entitled to vote at the municipal level and which are not. This would also be a possibility in Germany.

At the global level, things look even better: **New Zealand** already decided in 1993 that every third-country national is entitled to vote at the state level if this person has the status of a permanent resident¹⁰ and lives in New Zealand for more than one year. This is an important and significant step in guaranteeing a voice for all people affected by New Zealand politics. Interestingly, New Zealand was also the first country in the world to introduce women's suffrage in 1893, with passive suffrage following only in 1919. This, as well as nationwide suffrage for all residents, does not seem to have harmed New Zealand—on the contrary, New Zealand is considered one of the most stable and equal democracies in the world.

Even if the examples of the EU states have only introduced local voting rights, they show how third-country nationals can have obstacles removed from their path both socio-politically and legally, instead of walling off access. **Multiple discrimination, racism and extremism are omnipresent in these societies as well—but in the context of political participation, those affected have better opportunities to counter these discriminations and to fight them in an empowered way. Thus, the introduction of political participation for third-country nationals should also be understood from an anti-racist and feminist perspective: it is a recognition of the relevance of participation and equality policies.**

5. Political participation FOR ALL: Appeal

The right to vote for all is a clear signal to the people who shape and help shape this country: "You are equal, respected and welcome." It would be an act against symbol politics and would show that multiple identities are a completely normal part of a globalized and interconnected society. Multiple identities make up a modern and representative democracy. A democracy can only be conscientiously linked to a diverse society if the political system allows everyone to participate. **Without the right to vote, third-country nationals are second-class citizens. In view of the globalized and interconnected world of which Germany is a part, this is an outmoded and untenable situation.**

When we talk about political participation, we ask: What history do we want to write and what experiences do we need to focus on to achieve this goal? We do not want to be the excluded and the placeholders in the stories of patriarchal political decision makers.

We want to write OUR OWN story and have a say in the policies that influence our stories! In the struggle for a culture of equality and solidarity, the voices of women with diverse identities and backgrounds are essential. Democracy is only truly inclusive when it includes all voices. The stories and experiences of multiple discrimination shape the lived realities of migrant and refugee populations, especially women.

We must have the right of co-determination to shape our own stories, to look at our experiences, and to remove our barriers! The introduction of the right to vote for all third-country nationals is long overdue!

¹⁰ similar to a residence permit in Germany.

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