

LmunA 2024

Research report

Forum: United Nations High Commissioner for Refugees

Issue: Debating the right of refugees to vote in local elections in host countries

Student Officer: Teja Sule

Position: Chair



LMUNA

Lorentz Lyceum
Model United Nations
Arnhem

Introduction

LmunA 2024

Refugee voting rights in local elections in their host countries is a challenging and controversial topic as governments have debated for years the extent of protection of refugee rights. In most countries around the world, voting in federal elections requires citizenship while rules about voting in local elections are a bit laxer. Voting encourages migrants, IDPs, and refugees to actively participate in their community and voting in local elections can be seen as the first step to becoming fully naturalized in the future. Some argue that refugees who have lived in host countries for extended periods of time should be given the right to make decisions that directly affect their daily lives. Others argue that voting rights should only be given to those with citizenship, as done traditionally. It is up to the UN to decide on a fair solution that appeals to all parties and ensures that the rights of refugees are protected. Governments, NGOs, and the community must work together to come up with long-term solutions to this issue. In this session, delegates will debate the rights of refugees to vote in local elections.

Definitions of key terms

Refugee Status

The recognition by an EU member state of a third-world country national as a refugee. People are not eligible to receive refugee protection unless they have official refugee status as defined by their host country's government.

Naturalization

“The admittance of a foreigner to the citizenship of a country.” Currently, for a refugee to be eligible to vote in federal elections they must be naturalized. However, some local elections have different rules. Naturalization can be a difficult process depending on the country and in some situations, the refugee may even be denied citizenship. Some countries may also require refugees to denounce citizenship of their home country in order to be naturalized into another.

Host Country

The country where refugees and asylum seekers live and are protected. In most situations, host countries share a border with the refugee's home country, but this does not have to be the case. It is up to the host country to ensure that the rights of refugees are being protected.

Refugee

Someone who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being

LmunA 2024

outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

~1951 refugee convention

General overview

The debate on whether to grant refugees the right to vote in local elections is complex because of the cultural and legal diversity of host countries around the world that must be taken into account. By the end of 2023, UNHCR declared 117.3 million people worldwide as refugees, indicating that the issue is now clearer than ever. (Australian Refugee Council, 2024)

Generally, the right to vote in federal and local elections is restricted to naturalized citizens of a country, excluding refugees and IDPs, regardless of the length of stay in a host country. Sweden, the country with a large population of 258,000 refugees (SWEDEN FACT SHEET Sweden, 2024) has taken a major step towards granting refugees the right to vote in local elections by allowing refugees who have lived there for at least three years to vote. Ireland also agreed in 2024 to allow refugees with valid identification cards to vote in all local elections. New Zealand allows refugees with permanent residence, but not citizenship, to vote in local elections. These countries can be seen as leaders in the process of granting full voting rights to refugees in host countries.

However, many Western countries are opposed to this idea. European and American countries such as Germany and The United States believe that voting rights are linked strongly and only to citizenship and these rights should not be given to refugees. The United States is particularly confusing as many cities are strongly against and some are strongly for. San Francisco and three cities in Vermont allow non-citizens to vote in local elections such as school board elections. However, government officials from these cities have faced scrutiny from others in the country as they believe that allowing refugees the right to vote increases social tensions. (NPR, 2024)

Internationally, many NGOS and independent organizations have attempted to advocate for refugee voting rights in local elections. UNHCR is a notable one as it has consistently argued for

LmunA 2024

refugee integration into host communities through voting for decades. Sometimes the court needs to make these decisions as seen in 2021 when the European Court of Human Rights ruled that disallowing refugees from voting in local elections violates the rights given to them in the European Convention on Human Rights. (OHCHR, 2024) Refugees who live in host countries for extended periods of time without becoming naturalized are still impacted by decisions made locally and thus the European Court of Human Rights ruled that they deserve the right to vote. This prompted many European countries such as France and Greece to review their policies in 2024, however no action has been taken.

As war and poverty continues to affect our world, the need for protection of refugee rights is necessary now more than ever. It is up to the international community to cooperate and create laws to protect the rights given to refugees under UNHCR resolutions.

Major parties involved

Amnesty International

Amnesty International is an international NGO that focuses on protecting human rights. They have gone above and beyond in the right to protect refugee rights. Amnesty International believes that community sponsorship is a key role in assisting refugees, therefore they reach out directly to citizens for funding. Amnesty Argentina, their Argentinean subbranch, has done tremendous work in supporting voting rights for Syrian nationals internationally.

LmunA 2024

International Organization for Migration

The International Organization for Migration works directly with host governments to advocate for changes in legislation to allow refugees and non-citizens to vote in local elections. They have seen significant success globally, but especially in Syria and Lebanon. Syrian refugees in Lebanon are not allowed to vote in local elections, however IOM has made it possible for them to vote internationally in Syrian federal elections. While this does not solve the issue, it is a huge step forward. IOM has also supported Afghan refugees and given them the rights to vote in small scale elections in Pakistan. IOM advocates for peace and believes refugee votes are crucial for this. (International Organization for Migration, 2021)

International Refugee Assistance Project

IRAP focuses mainly on providing legal assistance to refugees and asylum seekers. While IRAP has not seen success directly related to the issue, they have seen success elsewhere. For example, IRAP has helped thousands of refugees in the US become naturalized so they can vote in federal and local elections. IRAP has also attempted to welcome refugees to the EU and reunite them with their families. They have provided legal assistance to refugees in Jordan and Lebanon to help them obtain passports and other identification so they can vote in host countries.

Timeline of Key Events

1951	UNHCR Refugee Convention which officially defines a refugee and outlines the protections that refugees are entitled to receive
2003	The Council of Europe adopts Recommendation 1625 which encourages UN member states to allow non-citizens and refugees to vote in local elections.
2005	Sweden allows refugees who have lived in the country for at least three years to vote.
2019	New Zealand allows refugees with permanent residence to vote in local elections.
2021	The European Court of Human Rights rules that it violates the rights of refugees to disallow them from voting in elections in their host countries.

LmunA 2024

Several European countries are forced to rethink their laws, however no action is taken.

2024 Ireland grants refugees and asylum seekers the right to vote in local elections.

Source: Transatlantic Council on Migration (Local Voting Rights for Non-Nationals in Europe)

Previous attempts to solve the issue

Giving refugees the right to vote in local elections is an ongoing topic for decades and thus many solutions have been presented by legal bodies.

1. Council of Europe Recommendations: The Council of Europe has adopted many recommendations stating that the ability to vote is a right that should be awarded to refugees in their host countries. They believe that “voting rights emphasize the particularly close relation between a person and the community where they reside.” (Congress of Local and Regional Authorities of the Council of Europe Democratic elections Local Voting rights for the integration of migrants and IDPs, n.d.) Many governments such as France and The United States have rethought their policies following these recommendations, but they are not legally binding, so no real resolution as occurred.
2. Legal changes in host countries: Certain host countries, specifically Sweden, Ireland, and New Zealand, have edited local laws to allow specific refugees to vote in local elections. For example, Sweden allows all refugees living there for more than three years, and Ireland and New Zealand allow refugees with permanent residence to vote in local elections. These measures have significantly helped refugee populations in these countries to integrate into society. Politicians in France and The United States have attempted to introduce proposals similar to these, however, they have been denied by governing bodies.
3. Court Decisions: In 2021, the European Court of Human Rights decided that it was unethical and violated the European Convention on Human Rights to disallow refugees from voting in local elections. Again, this decision is not legally binding, so no real action has occurred, however it has put pressure on European governments to rethink their laws. (Guide on the case-law of the European Convention on Human Rights Immigration, 2024)
4. Ireland: In April 2024, the Irish government granted refugees and asylum seekers the right to vote in local elections. Previously to vote in Ireland, valid identification

LmunA 2024

documents were required which did not allow the identification carried by refugees (as they do not have passports of their host country). The Irish Minister for the Environment, Heritage, and Local Government extended the list of documents accepted by voting centers to allow refugees the right to vote in local elections. (UNHCR, 2023)

Possible solutions

The solution of awarding voting rights to refugees in host countries is a complex one, and as such there are many complex solutions.

1. World peace: Of course, the only real solution to this issue is world peace as it eliminates the need for refugees to leave their home countries in search for safety. However, this is not a feasible solution, therefore we will examine others.
2. Granting voting rights to refugees based on permanent residency: Similarly to laws adopted in New Zealand, host countries could award refugees the right to vote in local elections based on permanent residency. This would allow refugees who have lived in the host country for a significant period of time the right to make decisions about their home. However, receiving permanent residency status is a different process in different countries so some refugees may feel they have to wait longer than others to vote in local elections. This solution would also upset those who believe that voting should be linked only to citizenship rather than the period of time lived in a country.
3. Allow refugees to vote in only certain elections: Granting refugees voting access for specific local elections such as school board or town council rather than all local elections could be a solution to slowly integrate full voting rights to refugees. This would promote interaction between refugees and the immediate community without greatly affecting politics in the host country. However, this solution may spark debate into which elections refugees are allowed to vote in and consistency across host countries.

In conclusion, UN member states should think carefully when proposing solutions and consider all stakeholders affected. Solutions should above all, advocate for peace between countries.

Further reading

- Council of Europe Recommendations on Local Voting Rights of Migrants: <https://rm.coe.int/booklet-a6-en-local-voting-rights-for-the-integration-of-migrants-demo/1680931f2e>
- European Convention on Human Rights: https://ks.echr.coe.int/documents/d/echr-ks/guide_immigration_eng

LmunA 2024

- Local Voting Rights for Non-Nationals in Europe: <https://www.migrationpolicy.org/sites/default/files/publications/Groenendijk-final%5B1%5D.pdf>
- Voting Rights for Non-Citizens in Sweden: <https://www.diva-portal.org/smash/get/diva2:1825436/FULLTEXT01.pdf>

Bibliography

- The Center for Migration Studies of New York (CMS). (2022). *How the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 Has Undermined US Refugee Protection Obligations and Wasted Government Resources - The Center for Migration Studies of New York (CMS)*. [online] Available at: <https://cmsny.org/publications/illegal-immigration-reform-immigrant-responsibility-act-1996-undermined-us-refugee-protection-obligations-wasted-government-resources/> [Accessed 6 Aug. 2024].
- International Organization for Migration. (2021). *Elections Support*. [online] Available at: <https://www.iom.int/elections-support> [Accessed 8 Aug. 2024].
- UNHCR. (2023). *Ireland grants refugees and asylum seekers right to vote | UNHCR*. [online] Available at: <https://www.unhcr.org/news/ireland-grants-refugees-and-asylum-seekers-right-vote> [Accessed 8 Aug. 2024].
- Refugee Council of Australia. (2024). *How many refugees are there in the world? - Refugee Council of Australia*. [online] Available at: <https://www.refugeecouncil.org.au/how-many-refugees/#:~:text=UNHCR%20most%20recently%20estimated%20that,another%206%20million%20Palestinian%20refugees.> [Accessed 8 Aug. 2024].
- Macrotrends.net. (2024). *Sweden Refugee Statistics 1960-2024*. [online] Available at: <https://www.macrotrends.net/global-metrics/countries/SWE/sweden/refugee-statistics#:~:text=Sweden%20refugee%20statistics%20for%202022,a%202.25%25%20increase%20from%202018.> [Accessed 8 Aug. 2024].
- NPR. (2024). *Some cities allow noncitizens to vote in local elections. Their turnout is quite low*. [online] Available at: <https://www.npr.org/2024/05/04/1248787453/noncitizen-voting-local-elections-vermont> [Accessed 8 Aug. 2024].

[United Nations High Commissioner for Refugees]

LmunA 2024