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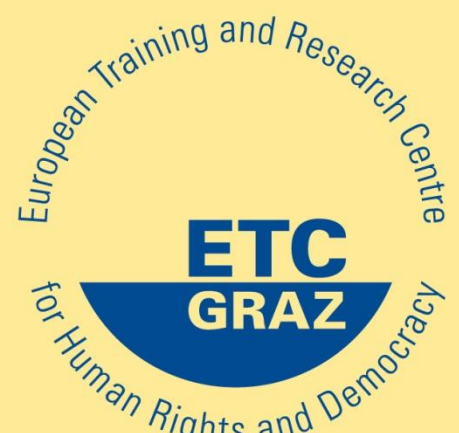
**European
Coalition
of Cities**  **against Racism**

TOOLKIT FOR EQUALITY: The Local Level

ECCAR's practical guide on the implementation
of effective policies against racial discrimination

May 2016

Chapter 4 – MIGRANT COUNCIL



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Researched and compiled by Paul Lappalainen, Isabella Meier, Ingrid Nicoletti, Klaus Starl.

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Get active in Action 2 ► Assessing Racism and Discrimination and Monitoring Municipal Policies

Cities as democratic institutions

MIGRANT COUNCIL

MIGRANT COUNCIL	4
Context Information	4
WHY IS IT NECESSARY AND WHO BENEFITS?	5
How does the city government benefit?	5
How do migrant city residents benefit?	5
Limitations - What cannot be achieved?	6
WHAT YOU NEED – Preconditions and Requirements	6
FOUNDATION	7
Planning and Engaging Stakeholders	7
STEP 1 Networking	7
STEP 2 Political support	7
STEP 3 Form a working group	7
Preparing the Concept	8
STEP 4 Take into consideration the relevant legislation	8
STEP 5 Develop the Council’s Statute	8
To do list for the migrant council:	11
STEP 6 Amendment of existing laws or bylaws	11
STEP 7 Calculate the budget	12
STEP 8 Negotiating	12
Structural Embedding and Sustainability	13
STEP 9 Council decision	13
STEP 10 Anchor in regional law	13
PUTTING INTO PRACTICE	14
Organizing Elections	14
STEP 11 Instruct the local election authorities	14
STEP 12 Inform the migrant population	14
Requirements for candidates:	15
STEP 13 Establish the administrative office	16
STEP 14 Elections	16
DAILY WORK	17
KEY FACTORS OF SUCCESS	20
IMPACT	21
Indicators to measure outcome	21

Get active in Action 2 ► Assessing Racism and Discrimination and Monitoring Municipal Policies

Cities as democratic institutions:

MIGRANT COUNCIL

A migrant council is an instrument to allow for a minimum of political representation of city residents who are not entitled to vote in local elections due to their citizenship. In this chapter, we will present the idea of a migrant council that is elected by its target group. The establishment of a migrant council aims at strengthening societal and political participation and an exchange of expertise in order to work together on a good living together of the city population.

A migrant council promotes **participation** in order to **prevent** discrimination in the enjoyment of fundamental rights.

Note! The establishment of a migrant council can never be a substitute for the right to vote. The council is a participatory instrument that a city can use to improve participation as long as the national legislation prevents city residents from voting or running for election!

Context Information

The following chapter is based on interviews with different actors involved in the establishment and daily work of the migrant council in the City of Graz (Austria) and information provided by the City of Potsdam (Germany) as well as the umbrella organisation of advisory councils on migration and integration in Rheinland-Pfalz (*AGARP Arbeitsgemeinschaft der Beiräte für Migration und Integration in Rheinland-Pfalz*, Germany)

Germany and Austria are among a dozen European Countries in which third country nationals are not allowed to vote in municipal, regional or federal elections.

WHY IS IT NECESSARY AND WHO BENEFITS?

Every person who permanently lives in a city should have the possibility of participating in the decision-making processes shaping the city. Having the opportunity to participate will increase identification with a city and the feeling of responsibility for becoming actively involved. To ensure a respectful living together the city should speak *with* its residents not just *about* them.

How does the city government benefit?

- The advisory council of foreign nationals supports local decision-makers through its knowledge and understanding of the concerns and needs within the migrant population
- The advisory council supports the city through recommendations and counselling for politicians and the administration in its role as an intermediary between the city authorities and migrant population groups.
- The advisory council is a positive signal to city residents excluded from voting rights that their suggestions and their engagement for a good living together in the city is welcomed and demanded.
- It is an easy and continuous communication channel between the city and its non-national inhabitants in order to
 - enhance residents' knowledge of the city's political and administrative system
 - enhance the knowledge of local politicians and civil servants concerning its non-voting residents and
 - increase the residents' understanding of and adherence to the city authorities' decisions and regulations

How do migrant city residents benefit?

- The advisory council provides some minimum of political representation for a population group that is otherwise excluded from the political process
- The advisory council raises awareness within the city administration about the concerns and needs of migrants
- Politically interested individuals can play an active role in city politics
- The advisory council works towards political action through recommendations and lobbying both within and outside the political parties

- The population benefits from programs and projects realized by the council
- The engagement in the migrant council can be a stepping stone into a political career once a person becomes a citizen

Limitations - What cannot be achieved?

Establishing an advisory council can never be a substitute for the right to vote in regular elections.

WHAT YOU NEED – Preconditions and Requirements

Preconditions:

- Active members of population groups that are not entitled to vote, who are committed to the idea of participating through a migrant council
- Local NGOs, who take on a role as multipliers and mediators
- Political will, political commitment to the importance of participation for all city residents

Action:

- Developing the concept
- Negotiation and lobbying
- Informing the public
- Holding elections

Functional requirements:

- Legal foundation (e.g. city council decision, law)
- Candidates
- Voters
- Administrative office for the migrant council

Operational requirements:

- Budget
- Premises and infrastructure
- Election information for the target group
- Election register

FOUNDATION

Planning and Engaging Stakeholders

STEP 1 Networking

Establish contacts among migrants who wish to push the initiative forward. Establish a network among migrants, migrant associations and local NGOs.

STEP 2 Political support

Find and engage politicians who are willing to take on the issue.

STEP 3 Form a working group

Form a working group of individuals who are motivated and have the perseverance to take the process to its goal. The working group should include: migrants, migrant associations, relevant local NGOs and local politicians.

Milestones

- The working group consists of individuals who are ready to engage in networking, lobbying and negotiation within the group as well as with the city authorities
- Working meetings take place regularly and progress is made in the development of a concept for the migrant council's specific tasks and competencies

<i>Risks, Challenges</i>	<i>Measures to mitigate risks</i>
Different perceptions and views among the working group members; conflicts between migrants and migrant associations	Include members from experienced NGOs into the working group who can act as mediators; Include key personalities who can take on the role of intermediaries
Newly arrived migrants have little knowledge and experience concerning the political structures in the municipality and about the rules of procedure	Include migrants who have been living in the city for a longer time and/or have a good knowledge of the local political landscape; Include NGOs experienced in working with city authorities
Fluctuation of working group members	You need to accept this and be prepare for it – the work at hand is voluntary

Preparing the Concept

STEP 4 Take into consideration the relevant legislation

Legal regulations concerning the city's powers provide the basic framework for the establishment and shape of a migrant council. Pay attention to election regulations.

STEP 5 Develop the Council's Statute

Discuss and negotiate the rights and duties that the migrant council should have in the city. The Statute should include:

1. Implementation, rights and duties:

Recommended tasks:

- To advise the municipal authorities through analyses, recommendations and statements
- To inform migrant residents about the city's agenda
- To represent the interests of the city's migrant residents
- To promote a peaceful and respectful living together of all residents
- To inform migrant residents on the migrant council's activities
- To publish an annual report on its activities and recommendations
- Underlining the importance of equal rights and opportunities concerning the city's activities

Recommended rights:

The mandate of the migrant council is usually restricted to "matters in the interest of migrants".

Tip! Pay attention to that notion, the understanding of the scope of "interests of migrants" will be decisive for whether the migrant council has a representative or just an alibi function. Many migrant council statutes include this term but the interpretation can vary from matters explicitly addressing migrants to practically all matters, as basically all city decisions also affect migrant residents. Mainstreaming the representation of interests is best achieved if possible consequences on the migrant population are taken

into consideration in all matters. To give an example: traffic and mobility might not be considered a “topic of interest for migrants” but in reality city districts with a higher percentage of migrants might be disadvantaged concerning transportation accessibility.

- The right to present written statements and suggestions. These inputs have to be taken into consideration by the relevant city authority and must be answered within a fixed time period.
- The right to receive all protocols, minutes, draft legislation and proposals from the municipality
- The right to participate in committees and other working bodies
- The city has to inform the council and consider its opinion when invited to give a statement concerning proposed legislation at the regional or national levels.
- The city administration has to include the council in the development of projects and initiatives.
- At request of the Migrant council, the mayor has to present a matter to the city council.
- The right to speak in the city council (at least once a year to present the annual report)
- The right to issue petitions to the city council

2. Voting rights, candidature:

Define who is entitled to vote and to run as a candidate.

The migrant council is an instrument for providing for political participation by migrants who are not entitled to vote in municipal elections. In a narrow sense that means that only foreign (non-EU) nationals¹ can vote and run as candidates in elections to the migrant council.

Disadvantage: The restriction of council voting rights to third country nationals may cause difficulties in finding enough qualified candidates. The council also loses more experienced members when politically interested long-term residents apply for citizenship and therefore

¹ According to EU law, EU migrants have a right to vote in local elections in all Member States. Whether or not non-EU migrants should have the right to vote in local elections is a decision left to the Member States themselves.

lose their right to stand as a candidate for the council. Candidates, who have been living in the city for a relatively short time may be less familiar with the city's particular political structures and the contacts and networks necessary for lobbying. Learning the country's language also takes time.

To keep qualified persons in the council, discuss the following alternatives (not exhaustive):

- Right to vote for third country nationals. Right to stand as a candidate for third country nationals and naturalized citizens.
- Right to vote and right to stand as a candidate for all foreign nationals including EU-nationals.
- Right to vote for third country nationals. Right to stand as a candidate for third country nationals and for naturalized citizens / national citizens with a migrant background / the mentioned groups and their children / all citizens.
- Right to vote for third country nationals and for naturalized citizens / national citizens with a migrant background / the mentioned groups and their children. Right to stand as a candidate for third country nationals and for naturalized citizens / national citizens with migrant background / the mentioned groups and their children / all citizens.

The council however should keep its nature as a body of political participation for migrants who are not entitled to vote and therefore keep this target group in the dominant position, e.g. by reserving a majority number of seats in the council for candidates with third country nationality.

3. Bylaws

Bylaws should clarify membership, membership terms and re-election (including to the presidency), meetings (frequency, right to summon a meeting), procedures concerning decision making, as well as personnel and tasks of the administrative office.

4. Election day, Election procedure, Election, Election results

Migrant council elections should take place on the same day as the regular municipal elections and follow the same procedures.

5. Electoral register

The election authorities need to establish an electoral register.

Tip! The establishment of the electoral register can be challenging due to data protection and/or lack of data. The election authorities usually have data on citizenship but not on the migration background of naturalized or native born citizens. If other groups other than foreign nationals are also eligible to vote, individuals must be required to register in the electoral register.

To do list for the migrant council:

- internal	Elaborating a working programme for the period of action Regular meetings Preparing and maintaining a database of migrants and migrant associations Networking with city stakeholders, local NGOs and other municipal councils
- addressing the local authorities and politicians	Examining and screening of materials (protocols) Preparing for city council meetings Elaborating statements, proposals and recommendations addressing the local authorities Actively participating in committees, boards and other panels Lobbying and networking
- addressing the migrant population in the city	Networking, visiting and mutual exchange with migrant associations and diaspora organizations Gathering recommendations and opinions and elaborating them in statements presented to the city Informing members of migrant communities about the migrant council and its tasks Develop, organize and carry out projects and events Preparing elections, informing about elections and standing as a candidate, election campaigning
- addressing the general population in the city	Public relations Publishing opinions and statements in local newspapers Informing about migrant issues, projects and events

STEP 6 Amendment of existing laws or bylaws

Incorporate the rights and procedures involved in the cooperation between city council and migrant council into the city council's laws and/or bylaws.

STEP 7 Calculate the budget

Interviewees reported that you should count on one full-time position in the administrative office per 10,000 represented persons (e.g. in a city with about 30,000 migrant council voters 3 full-time job equivalents). This is necessary for sufficient outreach and information activities.

Add about 30% in overhead costs for projects, information material, expense allowances for migrant council members and events (in our example about 40,000 €/year).

In addition provide for an office – in an easily accessible location – with computers, telephones and internet access

Tip! It is very challenging for the elected members to carry out good political work on a merely honorary basis. A person who needs to earn a living through full time employment (or even overtime, as third country nationals face difficulties in finding a good job) often lacks the time resources for political work and important but time-consuming outreach activities to migrant communities. Discuss the establishment of one or two part-time positions for elected council members to enable them to better engage in the political work.

Milestones:

- There is a consensus on the purpose, objective and rules of procedure of the migrant council
- The rights and duties of the migrant council are formulated
- Budgeting is completed

STEP 8 Negotiating

Lobby and negotiate to achieve acceptance of the initiative and the necessary majority to implement the migrant council

Milestones

- Influential politicians and party leaders support and promote the implementation of a migrant council
- A political majority in the city is in favor of the implementation of the migrant council

<i>Risks, challenges</i>	<i>Measures to mitigate</i>
Opponents do not want migrants to have an influence in the city	Long-term awareness raising for a broad target group, education
Politicians and local authorities are skeptical or disapprove of the initiative	Engage politicians or local authorities in the working group, who negotiate in their own networks; Inform members of all parties about the initiative to create a migrant council; It should not be the aim to achieve 50+1 votes, but rather to comprehensively convince the local authorities. This is a better basis for the later work of the council
Counterargument “the city does not have enough resources”	This is a spurious argument because a migrant council can be implemented with a very small budget; A great deal of work is done by the elected migrant representatives on an honorary basis; The city profits from the council’s expertise
Counterargument “the city has more urgent tasks and worries”	Migrant community members have a needed expertise and offer to work with the city through the migrant council. Emphasize the strong argument of social harmony.

Structural Embedding and Sustainability

STEP 9 Council decision

Have a council decision on the migrant council’s implementation.

STEP 10 Anchor in regional law

Sustainability of migrant councils in municipalities is best achieved if the right to form a migrant council is determined by regional law. The regional law should adopt regulations that make the establishment of a migrant council obligatory in municipalities with more than 1000 inhabitants of third country nationality.

Milestones

- The migrant council is anchored by a local council decision
- The budget for the migrant council is a fixed part in annual budgetary planning

<i>Risks, challenges</i>	<i>Measures to mitigate</i>
Local authorities decide to abolish the migrant council	Negotiate parallel with public authorities at the provincial level (if relevant in your country) aiming at anchoring the migrant council in provincial law. The implementation of the Migrant council at the provincial level secures the independence of the migrant council.

PUTTING INTO PRACTICE

Organizing Elections

STEP 11 Instruct the local election authorities

The elections of the migrant council should be connected to the general municipal elections. It should be held parallel and follow the same procedures. Therefore the local election authority needs to be charged with administration of the council elections. It needs to create an electoral register, officially inform the listed electors about the vote, submit the candidate lists and count the votes.

STEP 12 Inform the migrant population

For the first election, the working group is in charge of reaching out to migrants and associations in order to provide information about the election and its procedures, and to ask for the formation of election lists as well as encouraging people to vote as well as standing as candidates. Concerning later elections, the outgoing migrant council should perform this task.

Tip! It is preferable to have a variety of candidates, e.g. women and men, younger and older, different origins, religions, political orientations. Actively approach potential candidates and look for the right channels (e.g. a women's association to find female candidates). Provide interested individuals with realistic information

- on time and other requirements and
- on duties and the limited powers of the migrant council.

Specify the names of people that a potential candidate can contact to discuss details and concerns.

Requirements for candidates:

- Do I have enough time?

The migrant council holds regular meetings. The meetings however only make up a small percentage of the workload, additional time-consuming tasks are the organization of events, preparation of statements, lobbying and networking activities etc. Events and projects might take place in the evenings and on weekends.

- What qualifications are required?

Engagement and willingness to take responsibility; Sociability and openness; Ability to work in teams and be loyal to the other migrant council members; Ability to accept criticism, to handle conflicts in an unemotional way and to make compromises

Candidates should be aware that they are undertaking a political activity and committing to various responsibilities (particular attend meetings) for the whole election period.

Additional requirements concerning the migrant council chairperson:

Political knowledge and skills; Knowledge of the local structures and political landscape; Ability to act as a bridge between migrant communities as well as between migrant council members' different points of views; Ability to present and negotiate the migrant council's positions

Milestones

- *Creation of an electoral register*
- *Submission of candidate-lists*

<i>Risks</i>	<i>Measures to mitigate</i>
Data protection issues impact the creation of an electoral register (at the first election)	The election authorities usually have data on citizenship but not the migration background of naturalized citizens or citizens by birth. If groups other than foreign nationals are also eligible to vote, individuals must be asked to register in the electoral register.
The migrant council is not known among the migrant communities in the city	Establishment of a council administrative office that is easily accessible; Outreach work, visiting migrant associations and providing information about the council's tasks

Adequate candidates/lists cannot be found

Out-reach work: visit the migrant communities and organizations, motivate them to develop lists and carry out electoral campaigns;
Organize workshops in migrant associations to address issues, like “What does it mean to stand as a candidate? What qualifications are needed?”;
Candidates should be equipped with: political experience, knowledge of the local political structures, language skills, trust from within the migrant communities

STEP 13 Establish the administrative office

Establish an administrative office at an easily accessible location.

<i>Risks</i>	<i>Measures to mitigate</i>
Finding qualified personnel for the migrant council's administrative office	Look for a migrant person who has experience in project and personnel management, organizational skills, and knowledge of the structure of the local political landscape and administration

STEP 14 Elections

Elections take place.

<i>Risks and challenges</i>	<i>Measures to mitigate</i>
Small voter turnout	The city: Allocate resources to the migrant council to allow for adequate campaigning and election information. Promote elections via official city channels and ask the migrant council for advice on how to reach the target group (e.g. translation of election information into various languages, dissemination of information material); The council: Out-reach work, election campaigning, explaining the tasks and

	potential of the migrant council and the benefits of the elections
Criticism that a small voter turnout is a sign that the council lacks legitimacy	<p>Voter turnout in certain types of elections, like referendums, is often even lower, without these instruments being questioned; The migrant council is an advisory body and as such is a tool for increasing participation, but it is not a legislative body.</p> <p>Even if a small number of voters participate, this is still a more democratic way of giving a voice to those who are not allowed to vote than the appointment of candidates by persons they have not voted for.</p>
Candidates present strictly ethnic lists	<p>Try to raise awareness and build connections of interest between migrant communities; Communicate that a position is stronger if it is not attributed to a particular ethnic group but presented as a common concern. One shared focus is for example the need to counteract ethnic discrimination and racism.</p>

DAILY WORK

It is recommended that the council start with limited and realistic goals and initiatives with a focus on producing concrete results (e.g. development of a multilingual teacher's information package to improve communications between teachers and parents). The achievement of more limited goals will contribute to teambuilding among council members, and help in developing mutual respect and trust between city authorities and council members.

The migrant council should be aware of its duties and role, as

- an advisory board that functions to bridge interests
- a representative of the interests of the migrant population
- an expert board that takes clear positions
- an active council

Milestones:

- Local authorities take the migrant council seriously
- Migrant council provides high quality position statements
- Concrete measures are implemented in accordance with migrant council recommendations

<i>Risks, Challenges</i>	<i>Measures to mitigate risks</i>
Meetings of the migrant council are open to the public but no one participates	Hold the meetings in different locations (to come to an official city building might be a high threshold) e.g. rotating visits in different migrant associations; Keep contact through personal visits in churches, associations, key persons, etc.
The preparation of the working programme	Keep in contact with the target group and ask for suggestions, impulses and ideas to improve the daily living of migrants in the city (e.g. "How is your housing situation? How are your children in school? Do you have difficulties in understanding important information, in which situations?")
Proposals of the migrant council are not heard	Approach individuals of generally open political groups who might support you, then work to convince the group as a whole. Bear in mind, that big parties fear the loss of votes, therefore start with suggestions that are easy to implement; Be well prepared for council sessions; Present recommendations that are thought through; Create networks with other advisory councils and present, where appropriate, common recommendations; Be proactive and take the initiative in making recommendations. They should not come only as a reaction to local politics.
Resources are insufficient to do good work (to prepare and draft recommendations and	The city: Allocate adequate resources to the migrant council to profit from its expertise:

statements, to do outreach work to the community, to engage in networking and lobbying)	Work of high quality requires sufficient resources. In a city with the size of about 250.000 inhabitants, this requires 3 fulltime job equivalents. It is suggested that these be split this into 2 fulltime jobs at the administrative office and 2 part time jobs for the elected officials. Grant expense allowances for elected officials.
Knowledge of the local language is not sufficient to understand technical, legal and political texts; The elected lack experience with the local political processes;	Inform migrants, associations and potential candidates about the qualifications that are important for a migrant council member; Discuss if migrants who become national citizens can still be eligible to be elected (to a small percentage of council positions); Discuss if experienced politicians (e.g. former migrant council members who have applied for citizenship) can be invited as coaches
Underrepresentation of women in the migrant council	Actively reach out to women's organization and encourage candidature
Divergent interests and opinions among the council members who represent different migrant groups; The council does not speak with one voice	Networking with other advisory councils to agree on common positions and recommendations; Raising awareness among members that a united position is stronger; while at the same time recognizing and respecting that there will be dissenting voices. A chairperson who works to bridge the interests of various groups;
Unbalanced power relations among council members; The administrative office takes the lead in decision making	Invite members of local NGOs into the meetings that can take the position of a neutral intermediary and/or moderate the meeting
Migrant council members do not come to meetings	City: Take the migrant council and its recommendations seriously in order to motivate members to actively take part; Migrant council: The chairperson needs to remind the members of their commitment and responsibility
Disappointment and unfulfilled expectations among migrants in the population; Insults	Inform everyone about the limited powers of the migrant council; Communicate what is

directed at migrant council members	realistically possible and present achievements through events and direct interaction with migrant associations
Get in contact with the migrants living in the city	Open office-hours and open migrant council meetings for the public; Hold meetings/office-hours in the locations of different migrant associations, using a fair rotation system (not excluding any community groups)
Facing the growing popularity of right wing parties, political parties might fear that supporting the migrant council costs votes; Political groups want the migrant council gone; Political groups argue that the migrant council collaborates with terrorist groups	Lobbying and intensive working together with favourably disposed politicians and political groups; Competent, high quality work; Making sure that the migrant council is well known in the population; Making recommendations that can be implemented in a realistic effort

KEY FACTORS OF SUCCESS

Interviewees named the following aspects as key factors for successful implementation:

- A legally based model defining the cooperation patterns (rights and duties between politics, administration and the advisory council)
- The city major makes cooperation with the advisory council a top-level issue and in addition (!) assigns one employee the responsibility for continuous cooperation with the advisory board
- Competent council members as well as civil servants in the administrative office
- Sufficient resources to allow for high-quality work
- The political will to consider the advisory council of foreign citizens as a municipal, democratic duty and not as an act of charity
- City authorities need to take the migrant council seriously in order to ensure that council members are motivated to put effort and their free time into this work; Vice-versa the

migrant council needs to provide qualified work to be taken seriously by the city authorities.

IMPACT

A migrant council promotes the interests and views of the city's migrant communities. Decision-makers are more aware of the population's needs and decisions, strategies and programs reflect this awareness. Recommendations and suggestions by the migrant council are adopted. Members of the migrant population believe that their interests are better represented in the city and that the migrant council's work has improved their everyday life situation.

Indicators to measure outcome

- Migrant council members are taken seriously by the city's decision makers. Suggestions by migrant council members are seriously discussed. The council is asked to give its opinion.
- Recommendations by the migrant council are implemented.
- Recommendations of a migrant council lead to effective and comprehensive strategies to counteract discrimination.
- Decision-makers are aware of the effects policies may have on non-national residents. The decisions taken take these effects into consideration.
- Members of minority groups feel represented by the migrant council.
- Voter turnout in migrant council elections increases.
- Migrants in the city experience improvements in their daily lives.
- Equal opportunities have been promoted, increased or actually achieved.

RESOURCES AND INSPIRING PATTERNS

UNESCO Fighting Racism and Discrimination – Identifying and sharing good practices in the coalition of cities

<http://unesdoc.unesco.org/images/0021/002171/217105e.pdf>

Fundamental Rights Agency – Toolkit Joined up Governance

<http://fra.europa.eu/en/joinedup/about>

Migrant council Graz

<http://www.graz.at/cms/beitrag/10025961/414913/>

Rules of procedure (in German only)

http://www.graz.at/cms/dokumente/10023927_414913/585a01e5/GO%20MigrantInnenbeirat.pdf

Provincial Law on the implementation of Migrant councils in the Austrian Province of Styria (in German only)

http://www.graz.at/cms/dokumente/10023927_414913/4eb477e0/Landesgesetz%201999_Einrichtung_.pdf

Migrant council Leipzig (in German only)

<http://www.leipzig.de/buergerservice-und-verwaltung/stadtrat/fachbeiraete/migrantenbeirat/#>

Migrant council Potsdam (in German only)

<http://www.potsdam.de/content/migrantenbeirat-der-landeshauptstadt-potsdam>

Migrant council in Freiburg (in German only)

http://www.freiburg.de/pb/site/freiburg_mundenhof/node/413950/Lde/migrantenbeirat.html

Umbrella organisation of advisory councils on migration and integration in Rheinland-Pfalz (AGARP Arbeitsgemeinschaft der Beiräte für Migration und Integration in Rheinland-Pfalz, Germany): useful checklists, model statute etc.

<http://agarp.de/index.html>

Other ideas regarding cities as democratic institutions

Stockholm Human Rights (Swedish only)

<http://www.stockholm.se/OmStockholm/Politik-och-demokrati/Sa-arbetar-kommunstyrelsen-/Kommunstyrelsens-rad-for-manskliga-rattigheter/>

Toronto Equity, Diversity and Human Rights Division

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d84ae03bb8d1e310VgnVCM1000071d60f89RCRD>

San Francisco Human Rights Commission

<http://sf-hrc.org>

San Francisco Contract Monitoring Division

<http://sfgov.org/cmd/how-comply-equal-benefits-ordinance-0#item%201>

New York City Human Rights Commission

<http://www.nyc.gov/html/cchr/html/home/home.shtml>