**International Foundation for Electoral Systems**

**Submission to** **United Nations Special Rapporteur**

**on the Human Rights of Internally Displaced Persons**

***on The Right of Internally Displaced Persons to Participate in Elections***

**Case Study from Ukraine**

Prior to 2019, millions of Ukrainians who are displaced by conflict or are voluntarily residing in places that differ from their registered places of residence face significant barriers to participating in elections. This stems from an antiquated, and overly burdensome voter registration system which creates obstacles for Ukraine’s “mobile” communities, and prevents internally displaced persons (IDPs) from voting in local elections and in parliamentary majoritarian elections. Today, a newly adopted election code has removed the majoritarian component and made IDP and mobile group participation less of a challenge.

**Ukrainian Context**

Since the beginning of the Russia backed military conflict in Ukraine’s east and the illegal occupation of Crimean Peninsula by the Russian Federation in 2014, more than 1.4 million Ukrainian citizens who fled from these areas live in internal displacement in communities across Ukraine.

The national elections in 2014 and local elections in 2015 brought to the surface existing practical and legal barriers for election participation of IDPs created first and foremost by Ukraine’s civil registration system that remain largely unchanged since Soviet times. Although officially deemed anti-constitutional in 2001, the permission-based residence registration or *propyska* system continued to be a real obstacle for election participation of millions of Ukrainians such as internal labor migrants, students and other mobile group of citizens until 2020. IDPs were particularly affected as they had *propyska* in temporarily occupied territories and did not have the option to travel to place of registration on election day to vote. Furthermore, change of official residence would be difficult and potentially entail the risk of not being able to cross check-points and visit relatives in occupied territories. This effectively barred Ukrainian IDPs from voting in local elections and in the majoritarian component of parliamentary elections.

A peculiarity of the legal situation in Ukraine until 2020 was that IDPs could stand for elected office in all elections, but only vote in presidential elections and the proportional part of parliamentary elections.

A procedure for temporary change place of voting entitled IDPs to vote in the presidential election and the proportional component of parliamentary elections in 2019, if they prior to election day applied in person for such change. However, the process was cumbersome, poorly organized with long queues and had to be repeated before the second round of the presidential election. As a result, only some four percent of the IDP voter population used the procedure. Still, IDPs were barred from voting for half of the members of parliament elected in majoritarian districts.

Considering this practice discriminatory, IFES in 2015 together with its civil society partners including IDP-led *Group of Influence* and the main election watchdog *Civil Network OPORA* began a five-year advocacy campaign for IDPs’ right to vote which included countering societal prejudices about IDPs and addressing election integrity concerns associated with removing the legal barriers for their election participation.[[1]](#footnote-1) International organizations soon joined the advocacy campaign.[[2]](#footnote-2)

The breakthrough came in 2019, when the newly formed parliament adopted the new [Election Code](https://www.legislationline.org/download/id/8990/file/Ukraine_Election%20Code_%20as%20of%202020-07-16.pdf) and on petition by the President introduced the possibility for voters to request an electoral address different from their civil registration address for all types of elections. This procedure now allows any voter including those in internally displacement to register an electoral address and vote at current location.

Thus, Ukraine has ensured protection of IDP electoral rights in line with its international obligations.

In 2021, the European Court of Human Right ruled in the case [Selygenenko and Others vs. Ukraine](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-212439%22]}). The case was filed in 2016 by four IDPs from Crimea and Donetsk, who had been denied inclusion in voter lists at their new location in Kyiv for the 2015 local elections due to absence of *propyska* in Kyiv. The Court held that there had been a violation of article 1 of Protocol no. 12 to the European Convention on Human Rights (discrimination) and awarded all four applicants pecuniary damage. The court noted that Ukraine since the admission of the case had remedied the flaws in its legislation and now allowed IDPs to request inclusion in voter lists at place of current stay in local elections.

**Challenges for Minority Groups**

Displaced student youth face the risk of disfranchisement when they end their education and moves out of a dormitory. The procedure for civil registration of students, who moves to a dormitory requires them to give up their permanent residence registration in occupied territories, which is not automatically reinstated when they discharge from the dormitory. This leaves significant segments of IDP youth without any registered address and consequently no electoral address after end of education.

**Laws and Policies Adapted in Ukraine**

As outlined above, IFES and its partners Group of Influence and civil network OPORA have over the years worked relentlessly for bringing the electoral legal framework for IDP election participation in line with international standards and best practice. This included the development of a model law, the provisions of which were subsequently included into the 2019 Election Code benefitting not only the 1.4 million Ukrainian IDPs but also the country’s estimated 3 million internal labor migrants and 1 million Ukrainian citizens who are registered without an electoral address. Instrumental in achieving this significant policy change was IFES’ and partners’ direct engagement with the Office of the President in August 2019.

Group of Influence with IFES support built a well-functioning coalition of IDP-activists and human rights defenders and ran a nationwide advocacy campaign targeting MPs, local government officials and the wider public. Approaches included flash mobs, street actions, advocacy forums, media breakfasts with stakeholders, local community meetings and letter-writing campaigns. The NGO ensured messages from the field were consolidated and delivered to central decision-makers. This – together with findings from surveys conducted by IFES among IDPs – was instrumental in raising awareness of IDP demands and gradually changing attitudes towards IDPs’ election participation.

Prior to the 2020 local elections, the Central Election Commission (CEC) invited IDPs to comment on the draft regulation for electoral address change. As a result, the CEC lifted all documentation requirements and introduced the possibility for online applications. The simplified [procedure](https://zakon.rada.gov.ua/laws/show/v0145359-20#Text) for electoral address change allows voters with disabilities to apply through a trusted person issued with power of attorney.

**Impact of IDP Participation**

Prior to the adoption of the Election Code in 2019, survey results indicated that IDPs’ lack of the right to take part in local elections and influence who gets elected as mayor and local council member negatively affected their perception of being integrated in their new communities. In 2020, they could elect local representatives, and they now take part in shaping policies in their new communities.

**Advocacy and Outreach to Increase IDP Participation**

There is a continued need for outreach and educational efforts to make IDPs aware of their electoral rights and how to exercise them. Before the 2020 local elections, the CEC and Group of Influence with IFES support ran a [voter education campaign](https://www.youtube.com/watch?v=5dFV_oaK-m8) for youth, IDPs, and other mobile groups on election procedures, including change of electoral address. More than 100,000 voters seized the opportunity and changed electoral addresses. These [efforts](https://www.youtube.com/watch?v=ydiPL9khiEE) continue with a view of getting IDPs ready for future elections.

The Group of Influence and other IDP NGOs work closely with UN protection cluster participants including humanitarian aid workers, hot-line operators, and social protection personnel to ensure they are able to pass correct election-related [information](https://www.globalprotectioncluster.org/wp-content/uploads/Advocacy-Note_-Voting-Rights-of-IDPs_ENG.pdf) to IDPs encountered in their line of work.

IFES’ video on “[Ensuring the Electoral Rights of Internally Displaced Persons in Ukraine](https://www.youtube.com/watch?v=hcwDkoQ3av4&feature=emb_imp_woyt)” was developed, parallel to a nationwide, IFES-led outreach campaign, to raise awareness on and promote the electoral rights of IDPs in Ukraine. It includes interviews with IDP civic activists, and an overview of good practice and international standards with regard to IDPs and electoral participation, stemming from IFES’ white paper on the topic. The video is available in Ukrainian with Ukrainian and English subtitles on the IFES Ukraine YouTube channel. This initiative is part of an ongoing, united effort to strengthen democratic progress in Ukraine.

**Concluding Remarks**

There is a constant need to defend achievements for IDPs. Some Ukrainian lawmakers and experts continue to raise concern that electoral address change procedures open a potential for abuse (“electoral tourism”). However, rather than seeing such violations as a task for law enforcement, they continue to propose legal limitations that will infringe on the voting rights of IDPs and other highly mobile voters.

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1. For an overview of efforts with links to material and additional literature, see Durnyeva, Jepsen & Roberts: IDPs’ electoral gaps, Journal of Internal Displacement, Volume 9, Issue 1, January 2019, [pages 5-35](https://www.ifes.org/sites/default/files/journal_of_internal_displacement_durnyeva_jepsen_roberts_idps_electoral_participation_gap_july_2019.pdf). See also Shujaat, Roberts & Erben: [Internally Displaced Persons and Electoral Participation.](https://www.ifes.org/sites/default/files/idps-electoral-participation-october-2016.pdf) A Brief Overview. IFES white paper 2016. [↑](#footnote-ref-1)
2. See the 2018 [report](https://rm.coe.int/voting-rights-at-local-level-as-an-element-of-successful-long-term-int/16808e49f4) and [press release](https://www.ukrinform.net/rubric-polytics/2574683-council-of-europe-calls-on-ukraine-to-uphold-voting-rights-of-idps.html) by Council of Europe’s Congress of Local and Regional Authorities. See also the IFES feature [Promoting electoral participation of internally displaced persons](https://www.ifes.org/news/promoting-electoral-participation-internally-displaced-persons). [↑](#footnote-ref-2)