**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***

The International Foundation for Electoral Systems welcomes the effort of the United Nations Special Rapporteur in collecting perspectives concerning the electoral rights of Internally Displaced Persons (IDPs). In this submission, IFES respectfully provides comments drawn from on our global experience promoting the political rights of internally displaced people in our work that has spanned over 146 countries over the past three decades. IFES advances good governance and democratic rights by providing electoral technical assistance, empowering people to engage in the political processes, and applying field-based research to improve the electoral cycle. That all people are afforded the opportunity to safely participate in civic and political life on an equal basis is a core pillar of IFES’ work.

Q1: What are the challenges encountered by internally displaced persons to participate in elections as voters, candidates and other means in your country or in the countries where you work?

Electoral participation by IDPs, though a fundamental right provided for under international law, faces numerous political and practical challenges. First, political sensitivities and vested interests can reduce state commitment to the interests of displaced persons. Special modalities may be required for displaced persons to vote and run as candidates, and these may need changes in legislation and the work of the election administration so that the overall integrity of the election process is maintained, and outcomes are accepted. The obligations regarding political enfranchisement, as well as the benefits, costs, and risks, all need to be considered methodically and, ideally, consensus reached among parliamentary parties and other key stakeholders.

Other challenges encountered by IDPs, and resistance to IDP participation, may include:

* Change in voting location being seen as accepting displacement and/or territorial loss;
* Change in constituency allocations altering electorates, and therefore potentially affecting electoral outcomes;
* IDPs being seen as belonging predominantly to one party or ethnic group, thereby creating an incentive for other parties / ethnic groups not to address enfranchisement issues; and,
* Uncertainty over when IDPs may or may not be able to return to their constituencies of origin.

Conditioning the right to vote and stand for office to residency in a constituency is seen as an acceptable restriction in general, as this link leads to ballots reflecting the will of the population concerned and candidates having a better understanding of the needs of the electorate they serve. However, such a condition is often problematic for IDPs and can result in de facto disenfranchisement, whereby IDPs have the legal right but don’t have the practical opportunity to take part in an election It can likewise be practically difficult for IDPs to return to their constituencies of origin, and often involves security risks to return and register, vote, get information, or run as a candidate.

The Ukrainian national elections in 2014 and local elections in 2015 provide an example of 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 unconstitutional in 2001, the permission-based residence registration or *propyska* system continued to be an obstacle for election participation of millions of Ukrainians including 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 their 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.

Additional barriers to electoral participation for IDPs may include:

* Language barriers and low literacy rates that isolate or intentionally exploit displaced voters;
* Difficult security conditions because of IDPs returning to vote in conflict-ridden constituencies of origin or sensitivity around voting in their current constituencies.

Q2: What are the particular challenges encountered by internally displaced women and young persons, internally displaced persons with disabilities, internally displaced persons belonging to minority or indigenous groups or other groups?

Within IDPs, historically excluded groups, such as women, people with disabilities, ethnic, religious, and linguistic minorities and the LGBTQ community, experience additional compounded barriers and discrimination to participation in elections. People who identify with one or more of these identities, such as women with disabilities or young people who are displaced, have unique intersectional experiences that are often not considered in the design and implementation of electoral and political activities. IDP women face significant threat of violence, sexual harassment, and gender-based discrimination that obstruct their full participation in elections. Additional barriers for people with disabilities who are IDPs can include inaccessible voting processes or materials or can be related to discrimination and stigmatization. People with disabilities are often more likely than their counterparts to experience violence which may lead to safety concerns about engaging in political life.

IDP youth are often excluded from formal decision-making processes, and may not have access to vote, run for office, or otherwise participate in the political process. Young people who end their education and leave campus, such as displaced students in Ukraine, also risk disenfranchisement as they lose their registered addresses. The procedure for civil registration of students who move 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.

Q3: What measures have been adopted by States to ensure the participation of internally displaced persons in elections without discrimination on the basis of their displacement? Please give examples of specific laws, policies, administrative measures and institutional frameworks adopted.

Several examples of possible means for addressing documentation issues have been implemented in various settings which could be replicated as appropriate. In Ukraine, advocacy by IFES and partners over the years has focused on brining the electoral legal framework for IDP electoral participation in line with international standards. 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.

Several additional examples are included in the IFES paper: <https://www.ifes.org/sites/default/files/idps-electoral-participation-october-2016.pdf>

Q4: How has the participation of internally displaced persons in elections, or the lack thereof, had an impact on the prospects of durable solutions to internal displacement in your country or in the countries where you work?

Electoral participation by IDPs promotes engagement, reintegration, reconciliation in divided societies, and prevents marginalization. The political voice of IDPs is needed for dialogue and for making governments more accountable, which can be particularly important for IDPs services and provisions. Securing electoral rights in their area of origin, current location or future settlement site is a key component of a durable solution for IDPs themselves and often the crises that created the displacement. In cases of protracted displacement, it can be argued that fully meaningful enfranchisement requires that IDPs have a choice over where to vote and to stand as a candidate. This choice may be seen as fostering IDPs’ political engagement and increasing the possibility of durable solutions.

As elections are often an important part of a peace process, elections may be held without optimal security conditions in place. If elections are marred by violence, it can have a detrimental effect on the overall reconciliation process, as seen in Angola in 1992, when the elections failed to consolidate the gains of the peace agreement. In conflict scenarios, there can be further aggravations if displaced voters in areas under government control can vote, but those from areas beyond the writ of the government are unable to participate. IDP engagement as election officials can also contribute to electoral sustainability and durable peace.

It is good practice in the development of policies and laws related to vulnerable groups’ electoral participation to consult with broadly representative groups, in the case of IDPs, to understand more about the issues and to explore possible solutions. Such engagement is likely to lead to better solutions, greater confidence, and increased turnout. It is also good practice that there be consultations with the election management body, given that they are responsible for implementation, and with civil society. An evidence base, with disaggregated data, enables more informed deliberations and decisions, as does research on alternative options and international practices. Reference to international law commitments needs to be made to ensure legal compliance with binding treaties.

Promoting sustainable consensus-based enfranchisement solutions for internally displaced populations could be achieved through working groups and inclusive consultative processes involving all stakeholders, including IDPs, political parties, the election management body, other state agencies, and civil society.

In Ukraine, 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, a number of IDPs were elected to local office, and they now take part in shaping policies in their new communities.

Q5: How can humanitarian, development, peace and human rights actors promote and support efforts for the participation of internally displaced persons in elections? Please share specific examples if available.

* Humanitarian and human rights actors should focus on reinforcing the international standards around IDP participation including promotion of special measures which may include less stringent documentation requirements, easier mechanisms for changing constituency, and/or absentee polling arrangements. These may be agreed specifically for IDPs or for a wider population.
* An IDP focal point or unit should be established within the election management body to promote communication and consultation on IDP issues, and IDP needs addressed by the different departments of the administration.
* Citizen observer groups could recruit IDPs and organize observers in IDP locations to increase scrutiny and include a section in their reporting on IDP participation. Citizen observer groups should enquire and advocate on IDP electoral participation before, during and after an election.
* Specialized voter information should be provided to IDPs about voting and running for office, including special arrangements that have been made, also on complaints and appeals mechanisms. Such information is available in a language comfortably used by IDPs.

A detailed set of recommendations and provisions can be found in the IFES paper:

<https://www.ifes.org/sites/default/files/idps-electoral-participation-october-2016.pdf>

A case study of IDP participation in Ukraine is provided as an attachment.

Q6: Are there any other issues related to the topic that you would like to bring to the attention of the Special Rapporteur?

**Environmental IDPs**

Many of the challenges to electoral participation that environmentally displaced persons face are similar to those of other IDPs and refugees. However, the needs of environmentally displaced persons are somewhat distinct for various reasons. First, large numbers may be affected, making the need even more pronounced. Second, some environmental displacement risks are predictable, so advance planning can take place. Third, there is an existential need, given the threat to the world from climate change and the importance of hearing the voices of those most at risk or affected. Fourth, the protection gap for persons internationally displaced due to environmental challenges makes their status and ability to participate in elections subject to greater vulnerability and uncertainty. This an area that merits significant attention of the Special Rapporteur’s office going into the future.

A detailed exploration of this topic can be found in the IFES paper:

<https://www.ifes.org/sites/default/files/electoral_rights_of_environmentally_displaced_persons_april_2021.pdf>

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