

**United Nations Department of Political and Peacebuilding Affairs
Electoral Assistance Division:**

**Input on the right of internally displaced persons to participate in elections
February 2022**

1. This submission follows a call for input by the Special Rapporteur on the human rights of internally displaced persons (IDPs), Ms. Cecilia Jimenez-Damary, who is preparing a report on the right of IDPs to participate in elections. The United Nations Electoral Assistance Division, in consultation with the United Nations Development Programme (UNDP), offers the following submission on behalf of the Under-Secretary-General for Political and Peacebuilding Affairs, who is designated by the General Assembly as the UN system-wide focal point for electoral assistance matters.

Summary

- **IDPs – provided they meet voter eligibility requirements of the country concerned – fully enjoy the right to participate in elections. Their displacement does not curtail this or other political rights.**
- **While not a precondition in absolute terms for the legitimacy of an election, special provisions for voting by IDPs can be an important factor in overcoming political exclusion, in strengthening the credibility of a process, and in reducing sources of conflict.**
- **Decisions on special measures for IDPs are best made by the Member State concerned in the specific context, after thorough national consultations to ensure broad political support, and taking into account a number of legal, operational and financial factors.**
- **There may be instances where such provisions may be limited or not possible.**
- **Any decision not to adopt special measures to facilitate IDP voting ought to be reasonable and justifiable in the national context. Among other things, it should not be made with the intent of excluding or marginalizing a particular group.**

Context of UN electoral assistance

2. Elections are a vital part of democratic processes. They serve as effective ways for citizens to participate in their countries' political processes and are often an important step in conflict resolution and peacebuilding. Facilitating the expression of the will of the people is an overarching goal of UN electoral assistance to Member States.¹ This includes facilitating

¹ UN electoral assistance is a system-wide activity that takes place within a framework established by the General Assembly. UN assistance is provided only at the request of the Member State concerned, or on the basis of a legislative mandate, and after a needs assessment carried out by the UN Focal Point for Electoral Assistance Matters. As the General Assembly has reaffirmed on many occasions, most recently in its resolution 76/176, UN assistance should be carried out in an objective, impartial, neutral and independent manner, with due respect for sovereignty, while recognizing that the responsibility for organizing elections lies with Member States. UN entities that have been

universal and equal suffrage and promoting the participation of under-represented or marginalized groups. In this context, the UN often provides support to national efforts to allow IDPs to exercise their right to vote and to stand for office despite their displacement.

Inclusion of IDPs in electoral processes

3. The right and opportunity of all citizens to vote and be elected without unreasonable restriction and discrimination is enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and other applicable conventions. Various regional commitments as well as national legislation also guarantee suffrage rights. Furthermore, the Guiding Principles on Internal Displacement also state that IDPs enjoy, in full equality, the same rights and freedoms as do other persons in their country.²

4. **IDPs, provided they meet voter eligibility requirements of the country concerned, retain this right.** States are bound by international law to therefore recognize suffrage rights of IDPs without distinction or discrimination compared to other citizens of the country.

Special measures for IDP participation

5. IDPs typically face added challenges in exercising their electoral rights whether during displacement or upon return to their areas of origin or settlement elsewhere: displaced from their normal place of residence, possibly even from the electoral district for which they are registered, they may also not be in possession of proof of identification or their original voter registration. This leaves IDPs particularly vulnerable to discrimination and marginalization. Consequently, special measures – adaptations of regular electoral procedures – are frequently needed to enable their effective participation, whether as candidates or voters.

6. At their core, special voting measures revolve around enabling IDPs to vote either *in* their location of displacement *for* the constituency in which they resided before their displacement or *for* their constituency of displacement. Measure to facilitate this can include the creation of dedicated or integrated polling stations, early voting, the adoption of absentee voting procedures, voting by mail, and voter registration by mobile registration units, but also additional voter education efforts dedicated to the special situation of IDPs, access to campaign materials, and targeted measures for a secure voting environment.

7. Given that women form a large portion of displaced populations, facilitating IDP voting rights often requires incorporating a gender equality perspective. Other marginalized categories often overrepresented in IDP communities include minorities and persons with disabilities, who may also require dedicated approaches to enable their participation.

involved in assisting Member States specifically on the issue of special measures related to IDP voting include DPPA, DPO, UNDP, IOM, and OHCHR, among others.

² The [Guiding Principles on Internal Displacement](#) were presented to the Commission on Human Rights in 1998 and remain an important international framework for the protection of and assistance to IDPs.

8. UN experience suggests that such **special or extraordinary provisions for IDPs can not only help overcome their political exclusion, but also strengthen the credibility of an electoral process, and reduce sources of conflict.** In short, enabling the participation of IDPs can be an important aspect in broad acceptance of an election and its outcomes. Facilitating IDP voting has also been underlined by the Secretary-General’s High-Level Panel on Internal Displacement as an essential part of how IDPs participate in their country’s civic processes.³

9. At the same time, such special measures typically entail significant legal, political and operational complexities, and not all approaches may be feasible under all circumstances. Moreover, facilitating participation is not an all or nothing endeavour – the extent and type of specific measures to enable IDP voting depend on a range of factors. **Decisions on implementing extraordinary provisions for IDPs are therefore best made by the State concerned based on its specific context and circumstances, and following an inclusive and transparent consultative process.** These circumstances include:

- The type of election (presidential, parliamentary, local), the electoral system, and the nature and size of the electoral constituencies in the country concerned: for example, for a national election held in one large constituency, the necessary adjustments to existing procedures will be limited, whereas for a country with smaller, multiple constituencies, the level of complexity will be higher.
- The constituency in which the IDPs vote - the constituency or constituencies of displacement or origin.
- The size of the displaced population.
- Locations and accessibility of IDPs.
- The underlying reasons for displacement (conflict, violence, environmental reasons).
- Residency and registration requirements under the electoral law.
- Availability and requirement for documentation – national IDs or voting cards and potential obstacles such as access, administrative regulations, cost.
- Operational implications: this can include the need for specially-designed ballots; the distribution and transportation of ballots; the availability of venues suitable for polling and counting; ensuring ballot secrecy, and the implications of these special measures on all electoral timelines.
- Financial and human resource requirements, and available funds.
- Security considerations – this may include ensuring access to and security at registration and polling locations.
- Longer-term prospects and implications: for example, the extent to which special voting measures might be perceived as an entrenchment of population displacements, recognition of the loss of territory, and whether this may eventually affect constituency demarcation or the allotment of elective seats.

³ Report of the UN Secretary-General’s High-Level Panel on Internal Displacement, *Shining a Light on Internal Displacement. A Vision for the Future*, New York, 2021, p. 21.

- Not all IDPs face the same circumstances in a country; furthermore, the situation may change in the midst of an election or between elections.

10. While enabling IDP voting contributes to the inclusiveness of electoral processes and IDP participation should ideally be facilitated to the extent possible, **special arrangements to facilitate voting should not be seen as a requirement or a precondition for an electoral process or its outcome to be considered successful and legitimate.** Nevertheless, a decision not to implement special measures ought to be reasonable and justifiable given the national context. It should not be made with the intent of excluding or marginalizing a particular group.

Conducive factors for IDP inclusion

11. In the experience of the UN in supporting national electoral processes, an effective approach to enabling IDP participation has the following features:

12. *Political consensus on IDP enfranchisement and on steps to enable their participation.* Building a shared political view that IDP communities should be able to realize their political rights serves as an important part of the process ahead of steps to adopt necessary legal and operational measures. For example, in South Sudan, a key component of the 2018 Revitalized Peace Agreement will be to hold national elections as part of a wider process of repatriation, resettlement, rehabilitation and reintegration of IDPs and returnees.

13. *A clear understanding of the conditions and needs of the displaced population.* To properly assess all legal and operational implications, the size, location(s), documentation requirements and other individual circumstances need to be comprehensively analyzed. Under the best circumstances, organizations composed of and representing IDPs, civil society and electoral authorities would be actively involved in such an analysis.

14. *A clear legal framework forming the basis for IDP voting, based on broad political consensus, adopted well in advance of an election.* Incorporating decisions on special procedures in the national legal framework (or relevant peace agreement) will strengthen legal certainty. They should ideally be adopted well in ahead of an election, to allow sufficient time for their operationalization. Moreover, they should ideally follow a similar path as with other significant changes to electoral processes – through an inclusive, transparent, and participatory decision-making process that fosters broad political consensus. Such decisions are best taken with the active involvement of organizations composed of and representing IDPs, as well as civil society and electoral authorities.

- In Ethiopia, for example, a revised legal framework ahead of national elections in 2021 recognized voting of IDPs at their place of displacement for their respective constituency of origin. This was supplemented by a directive of the electoral management body (EMB) that established parameters for special voting for IDPs. A

provision allowed witnesses to confirm at polling stations, in lieu of documentation, a voter's identity and address.

- In Ukraine, changes to the election framework in 2020 enabled IDPs to vote in local elections through easing restrictions on changing a voter's electoral address.
- In the United States, many states have legal provisions on the participation of displaced voters in emergency situations. Depending on the context of displacement and state legislation, operational measures to accommodate voting have included authorizing mobile voting units, adjusting polling locations, allowing mail voters to receive ballots at different addresses.

15. *The early involvement of a capable, independently operating and adequately resourced EMB.* An EMB plays a critical role as administrator of the process and performance is a critical variable in the credibility of an electoral process. Organizing elections poses administrative, operational and political challenges for an EMB, which can be compounded when implementing dedicated measures for IDPs. Moreover, EMBs are expected to provide critical information on voter registration and polling processes, such as IDP eligibility and procedural requirements. Extensive cooperation with other national authorities (courts, law enforcement, census authorities, human rights institutions) is often needed given the complexity of operational requirements. Here too, civil society organization can play an important role in facilitating IDP voting.

- In Nigeria, the electoral law stipulates that persons displaced as a result of an emergency should not be disenfranchised. Building on this, the electoral commission developed, in 2018, a framework and regulations on IDP voting to help guide considerations when adjusting voting operations as needed.
- In Iraq, legal provisions and operational measures facilitate IDP voting, most recently for parliamentary elections in 2021. Registered IDPs can vote in dedicated polling stations prior to general polling for the constituency from which they were displaced using a special ballot meant to facilitate special voting and reduce operational complexities.
- In Libya, all three national elections since 2012, as part of the country's democratic transition, have accommodated special voting for IDPs through voter registration regulations issued by the country's election commission (rather than by national legislation), with the same approach in place for upcoming presidential and parliamentary elections.
- In Georgia, the election commission regularly conducts updates of its voter register and outreach activities to enable IDP participation and to compliment these efforts, civil society, with UN support, has also played a role in empowering IDP local communities to fully exercise their electoral rights.

16. *Additional measures to safeguard electoral integrity.* Adaptations to existing electoral procedures may carry additional risk of errors of malfeasance, or the perception that this may

be the case. Supplemental confidence building measures to counter such perceptions may include, for example, ensuring publicly availability of data related to special provisions and IDP voting and that the media, civil society, election observers and contestants are aware of any special measures. Electoral dispute resolution mechanisms to address potential complaints stemming from changes to the existing electoral process, including audit capacities, may also serve as important integrity measures.

17. *Cohesion in the international community.* Timely engagement of institutions at the international, regional and subregional level can be instrumental in facilitating dialogue and encouraging suitable measures for IDP voting, and in providing diplomatic, technical, operational and financial support where appropriate or needed (including UN technical assistance, if requested). Cohesion and unity in the international community is important to bring about an effective alignment of such diplomatic efforts and technical support.

18. *Active consultation with IDPs.* Active consultation with IDPs and IDP representative organizations. They know best the barriers that they face and the impact that such barriers have on their lives.

19. *Disaggregated data on IDP participation.* More disaggregated data and research on IDP participation in political and electoral processes are needed to enable informed and consensus-based decisions.
