**Inputs OHCHR-Mexico**

**The right of internally displaced persons to participate in elections**

**2022 Report of the Special Rapporteur on the human rights of internally displaced persons to be presented to the Human Rights Council (50th session)**

**In the following case there are significant challenges that internally displaced indigenous community faced to participate in elections July 1, 2018 as voters in Chiapas, Mexico. Important measures adopted by the State to ensure the participation of internally displaced persons in elections without discrimination on the basis of their displacement were also identified (Q1, Q2 and Q3)**

*Summary*

On May 28, 2018 members of the Electoral Public Defender for Indigenous Peoples and Communities visited a camp of indigenous community displaced by violence in Chiapas who requested to exercise their right to vote and the installation of special polling place in their camp to do so. There were displaced persons in this camp since May 26, 2016. The community expressed its desire to cast their vote in the elections of July 1, 2018 for the positions of president of the republic, senator, federal deputy, local deputy and municipal presidency of the community. The community was not in a position to go to vote where they would normally do, since extreme violence remained as a threat. Likewise they had left their documents (i.e. the voting credential) when they fled.

According to the above they call for:

1. The installation of a special polling place in the camp
2. Reprinting voting credentials of those persons who did not have one.
3. A new voting credential for people who had reached the age of voting during the displacement.

To achieve the above, documents were sent to the National Institute Electoral (INE), requesting the installation of a special polling place in the camp, reprinting voting credentials, as well as the issuance of new ones for those people who had never processed it. Upon not receiving a response from the INE, on June 7, 2018, a trial was promoted for the protection of political-electoral rights of the citizen before the Superior Chamber of the Electoral Court of the Judicial Power of the Federation (SUP-JDC- -366/2018). In addition to the violation of the right to petition, they pointed out the need to take into account the special circumstances of the group, an indigenous community of internally displaced persons in extreme vulnerability. The trial was resolved in favour of the community on June 18, 2018, by a majority of votes of the magistrates of the Superior Chamber.

In compliance with the foregoing, on the following June 20, the General Director of the INE issued the agreement INE/CG518/2018. After an analysis, they agreed on placing a special polling place. Regarding the displaced citizens who were unable to take their documents when fleeing, a member of the Registry of Electors of the corresponding district board attended to collect the date to issue the reprint of their credential.

Along with the above in the Superior Chamber of the Electoral Court of the Judicial Power of the Federation, another trial was promoted in the Regional Chamber of Xalapa. On June, 26 it resolved:

1. Issue a certified copy of the resolution to people who had reached the majority of age, so it could be used as a document to vote and acted as a voting card effective in the federal and local electoral process.
2. Order the General Council of the INE to provide what is necessary to guarantee the right to vote in the elections of July 1 in the extraordinary polling place established for such effect in the camp
3. To the Executive Directorate of the Federal Registry of Electors to take all the necessary actions to issue voting credentials once the electoral day has passed.

Based on both resolutions, the displaced community voted on the elections and no incident was registered. People who asked for a voting credential got it and people who had no voting credential could vote with the certified copy of the resolution of the Regional Chamber of the Electoral Court of the Judicial Power.

*Challenges*

* Lack of documents because they were left behind when they fled or because the displaced youths reached the majority of age during the displacement, so they did not have voting credentials.
* Inability to make use of their polling place due to extreme violence.
* Insecurity.

*Measures*

* Resolution on installing an extraordinary polling place in a camp.
* Resolution on reprinting voting credentials for those who had left them behind.
* Resolution on a certify copy of a resolution to be used as a document to vote.
* Ensure accreditation of representatives of political parties and independent candidates.
* The Institute of Elections and Citizen Participation of Chiapas was linked to dictate the agreements and take the necessary measures for the exercise of the right to vote, as well as to guarantee that the electoral package of the local elections was duly delivered.
* Letters were sent to the Secretary of the Interior, the National Public Security Commissioner, the Prosecutor's Office Specialized for the Attention of Electoral Crimes, to the Governor of Chiapas, to the Secretary General of the Government, to the Electoral Commissions of the State of Chiapas, the constitutional council involved and the other competent authorities, with the aim of guarantee the security and integrity of the displaced people at the camp and of the electoral officers carrying out the installation of the extraordinary polling place.
* The National Human Rights Commission and the State Human Rights Commission of Chiapas were informed to support compliance with the agreement, given the conditions of vulnerability of the members of the internally displaced persons camp.