

Internally Displaced Persons and Electoral Participation: A Brief Overview

IFES White Paper



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Cover Photo

Voter Education for Sri Lankan Women IDPs

The two and half decade long ethnic conflict in Sri Lanka has displaced hundreds of thousands of people. The International Foundation for Electoral Systems (IFES), with U.S. Agency for International Development funding, worked in partnership with civil society organizations to assist recently resettled Tamil and Muslim internally displaced person (IDP) communities in understanding their electoral rights and how they could exercise those rights under often challenging conditions. This picture shows IDP women raising their hands in response to a question at a mobile voter education clinic.

Credit: IFES Sri Lanka partner organization, 2011

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About IFES

The International Foundation for Electoral Systems (IFES) supports citizens' right to participate in free and fair elections. Our independent expertise strengthens electoral systems and builds local capacity to deliver sustainable solutions.

As the global leader in democracy promotion, we advance good governance and democratic rights by:

- Providing technical assistance to election officials
- Empowering the under-represented to participate in the political process
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“No” to Discrimination of Internally Displaced Persons

In June 2016, two Ukrainian NGOs, Lugansk Human Rights Group and Zemliaki Public Movement, organized a 10-day protest in front of the Ministry of Social Policy to advocate for the rights of internally displaced persons (IDPs). Protesters raised key social and political issues, including provision of social benefits and temporary accommodation for IDPs. In addition, they demanded the right of IDPs to vote in elections at all levels.

Credit: Sergey Stulov, Lugansk Human Rights Group, June 2016

Executive Summary

Electoral participation by internally displaced persons (IDPs) is a challenging political and technical undertaking that is increasingly relevant given that there are currently estimated to be over 40 million IDPs worldwide. International treaty commitments require all citizens to have the right and opportunity to vote and to be elected, without unreasonable restrictions and discrimination, and political commitments explicitly refer to IDPs' electoral participation. Therefore, there is an onus on states to take special measures to enable electoral participation by IDPs in principle and in practice. While there is a lack of data available, it appears that IDPs are under-participating in elections due to political exclusion and practical barriers. It may be argued that the insufficient provision of IDP enfranchisement risks state failure to uphold citizen rights, furthers IDP marginalization, reduces government accountability, and decreases the chance of durable solutions for IDP settlement.

IDP electoral participation can be extremely politically sensitive, especially given that it can change constituency electorates and therefore potentially alter outcomes. The process may also be operationally complex. Special provisions for IDPs may increase the franchise, but can result in reduced integrity in the electoral process overall and therefore need to be carefully and inclusively devised according to the specific circumstances of the country. Additional integrity measures can be undertaken such as increased transparency and scrutiny, effective electoral dispute resolution, and enforcement of electoral offense penalties to enhance confidence in the electoral process. Residency requirements can create legal and practical barriers to IDP participation, and therefore need to be carefully assessed to prevent exclusion. It can be argued that fully meaningful enfranchisement requires that IDPs have a choice over where to vote and to stand as a candidate – be that in a constituency of origin, or current location. Other key relevant issues include document requirements, which can be difficult for the displaced; absentee voting provisions; voter information; and security conditions. The particular needs of IDPs who are running as candidates also have to be respected. Risk of violence must be considered, with minimum security conditions needed for displaced voters to cast their ballots freely. Not providing for IDP electoral participation may also result in security risks.

The more IDP electoral rights are secured in law, the less risk there is of non-fulfillment. Without political agreement and an explicit legislative mandate, the election management body can be in a difficult position, but can still use their administrative powers to try to address IDP enfranchisement. When developing policies and law, it is good practice to consult and involve groups representing IDPs, as well as civil society and the election management body (given that they are responsible for implementation). An evidence base, with disaggregated data, enables more informed deliberations and decisions, as does research on alternative options and international practices. Consensus-based decisions increase the chances of acceptance of provisions for IDPs, the process overall and ultimately the electoral outcome. Development of policies and laws should be undertaken well in advance of an election, to allow time for research, consultations, consideration of different implementation options, consensus-building, and the implementation of changes. The political sensitivities and operational complexities discussed can leave state authorities neglecting IDP electoral rights, therefore it can be critical that civil society brings information and advocates on the issue.

This report concludes with 17 recommendations for developing IDP electoral participation. Special consideration to the specific circumstances of a country and culture are needed. Globally, IFES seeks to work on supporting implementation of these recommendations often in collaboration with local partners. Key recommendations included in this report seek to ensure that:

- Decisions on provisions for IDP participation are worked out well in advance of an election or referendum, with time allowed for consideration of the typically sensitive and complex political, legal and technical matters. Time is allowed for operational implementation;
- Cross-party consensus based on parliamentary agreement is sought, with provisions for IDP electoral participation secured in law and/or political agreement where possible;
- The legislature and the election management body consults with groups broadly representative of IDPs, as well as other stakeholders, and actively involves them in developing legislation, regulations, policies and practical implementation;
- Research and data on IDP numbers and electoral participation are recorded and made publicly and promptly available in order to identify any problems and good practices;
- Special measures are undertaken as required to facilitate equality of opportunity and representation. Special measures may include different residency requirements, alternative documentation provisions, additional opportunities for registration, absentee voting, availability of materials in additional languages, etc.; and,
- IDPs are individually given the choice of whether to vote for constituencies of origin, or current constituencies, without any consequence for their IDP status or access to humanitarian assistance.

Introduction

In June 2016, the United Nations High Commissioner for Refugees (UNHCR) noted that four times more people were fleeing their homes than a decade earlier. The UNHCR study, based on data from governments, partner agencies and UNHCR's own reporting, found that a total of 65.3 million people worldwide were forcibly displaced at the end of 2015.¹ Of these, the vast majority were people taking refuge within their own countries. In April 2016, the Internal Displacement Monitoring Centre (IDMC) noted, "There were 40.8 million people internally displaced worldwide as a result of conflict and violence at the end of 2015 ... There are no figures for the number of people displaced by disasters as of the end of 2015."² A year earlier IDMC had already commented, "the number of people identified as internally displaced by conflict and violence continues to grow year on year from 19.3 million in 1998 to 38 million by the end of 2014."³

Electoral participation by IDPs promotes engagement, reintegration, and prevents marginalization. The political voice of IDPs is needed for dialogue and for making governments more accountable, which can be particularly important in regards to provisions, services and solutions for IDPs. The

¹ Global Trends, UNHCR, June 2016. Retrieved from <http://www.unhcr.org/uk/news/latest/2016/6/5763b65a4/global-forced-displacement-hits-record-high.html>.

² IDMC, Global Report on Internal Displacement, May 2016. Available at <http://www.internal-displacement.org/globalreport2016/>.

³ IDMC, Appeal 2015, March 2015. Retrieved from <http://www.internal-displacement.org/assets/publications/2015/201506-appeal-en.pdf>.

electoral participation of IDPs is an important means for reconciliation in divided societies. Securing electoral rights in the area of origin, current location or future settlement site is a key component of a durable solution for IDPs.

However, realization of such electoral rights, which are fundamental human rights provided for under international law, can involve political and practical challenges. Practical challenges discussed in this paper include the increased risk of malpractice and additional financing often required for election administration. Political sensitivities seen by IFES have included:

- 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, thereby creating an incentive for other parties not to address enfranchisement issues; and,
- Uncertainty over when IDPs may or may not be able to return to their constituencies of origin.

IDP electoral participation is often predominantly affected by the political circumstances that cause displacement in the first place and therefore can be divisive, undermining confidence in the electoral process. To avoid such electoral conflict arising, decisions on the rights and de facto provisions for IDP participation need political buy-in and agreement, ideally well in advance of an election.

Overall, there is a lack of data and research on IDP electoral participation, but what is available shows under-participation.⁴ In some cases, IDPs clearly do not have full legal rights to vote, sometimes for protracted periods of time. For example, in Azerbaijan, IDPs displaced during the Nagorno-Karabakh conflict continue to be unable to fully participate in the electoral process in their current districts despite over 20 years of displacement. They can vote and stand as candidates in parliamentary elections only in their districts of origin. However, since the districts of origin are occupied, IDPs are unable to participate in local municipality elections.⁵ When IDPs have full legal enfranchisement, there is typically under-participation. For example, in the 2014 parliamentary elections in Ukraine, it has been noted:

*“In total, 190,200 voters requested the temporary change of voting address, 3,600 of whom were voters from Crimea and 32,800 from Donetsk and Luhansk oblasts. There is no data available on how many of those voters from Crimea and Donetsk and Luhansk oblasts were IDPs but, given that, at this time, the total number of adult IDPs was approx. 287,900, it seems that IDP voter registration at the place of temporary residence and, consequently, participation in elections were low.”*⁶

This paper aims to be a reasonably comprehensive guide for election authorities and stakeholders

⁴ See for example *“From Responsibility to Response: Assessing National Approaches to Internal Displacement”* The Brookings Institution, London School of Economics, 2011. Retrieved from <http://www.brookings.edu/~media/research/files/reports/2011/11/responsibility-response-ferris/from-responsibility-to-response-nov-2011.pdf>.

⁵ *“Can you be an IDP for twenty years?”* Yulia Gureyeva-Aliyeva and Tabib Huseynov, Brookings Institution-London School of Economics Project on Internal Displacement, December 2011. Retrieved from https://www.brookings.edu/wp-content/uploads/2016/06/12_idp_host_communities_azerbaijan.pdf.

⁶ *“Internally Displaced Persons and Elections under Military Conflict in Ukraine,”* Dorota Woroniecka-Krzyzanowska and Nika Palaguta, *Journal of Refugee Studies*, June 2016.

discussing and deliberating upon IDP voting. It covers legal and practical issues pertaining to electoral participation of IDPs and provides an overview of: 1) international law obligations and standards; 2) operational issues and examples of good practice; 3) development of laws, policies and operational plans; 4) the role of civil society and the international community; and 5) recommendations for improving IDP enfranchisement. A resource guide has also been compiled and annexed, which includes a wide range of general publications as well as country case reports. Consideration is given to IDPs as voters and also as candidates.

International Law Obligations and Standards for IDP Participation

IDPs are usually citizens of the country where they are displaced, and therefore have electoral participation rights as generally provided for in human rights instruments, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), as well as national legislation. These and other international instruments contain non-discrimination commitments, including obligations to protect the rights of women, racial minorities and persons with disabilities, which are all groups typically over-represented in displaced populations. While exemptions to electoral rights are permitted, these should only be for a legitimate reasons and should be proportionate. Authoritative interpretations of the ICCPR and other treaties refer to the need for states to take effective and positive measures to ensure that citizens can overcome specific difficulties and exercise their rights. Unless IDP participation genuinely threatens the electoral process overall, special efforts must be promoted to enhance participation. Various politically binding instruments are more explicit in regards to IDP electoral rights, in particular the Guiding Principles of Internal Displacement refer to IDPs' full and equal participation in public affairs at all levels, as do Council of Europe statements from 2006 and 2009.⁷

Article 25 of the ICCPR states:

“Every citizen shall have the right and the opportunity, without any of the distinctions...and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.”

Article 25 explicitly refers to “the right and the opportunity,” thus there is an emphasis on practical realization of rights. The ICCPR treaty body, the Human Rights Committee, emphasizes that “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right.”⁸ The Committee notes, “Positive measures should be taken to overcome specific difficulties, such as ... impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively.”⁹ Therefore it may be understood that there is an onus on the state to take extra measures to enable participation by IDPs who face the specific difficulty of being forced to live away from their home.

⁷ For more information, see “*Democracy and the Displaced: Political Participation Rights, in Particular the Right to Vote and to be Elected*”, Grace and Mooney, American Society of International Law, 2007. Retrieved from http://www.geneseo.edu/~iompress/grace_mooney_IDP_participation.pdf.

⁸ United Nations Human Rights Committee, General Comment 25, paragraph 11.

⁹ United Nations Human Rights Committee, General Comment 25, paragraph 12.

The ICCPR also contains general obligations related to non-discrimination, requiring protection against discrimination.¹⁰ Other treaties, also with near-universal levels of support, go further in explicitly protecting vulnerable groups, in particular, women, racial minorities, and persons with disabilities, which are all groups typically over-represented in displaced populations.¹¹ These treaties put an emphasis on special measures to provide for de facto equal participation.

ICCPR Article 25 does recognize some exemptions to political rights, if they are “reasonable.”¹² In general derogations from treaty obligations may be regarded as acceptable if they are objective, non-discriminatory, imposed in pursuit of a legitimate aim, compatible with obligations of the rule of law and the convention, and are proportionate. Thus, any restriction on IDPs’ electoral rights would need to be for a legitimate reason, such as maintaining the overall integrity of an election, and would need to be proportionate. Jurisprudence and commentary from the UN Human Rights Committee and the Human Rights Council indicates the importance of state parties providing for the fulfillment of ICCPR Article 25.¹³

Although currently there is a lack of explicit reference to IDPs in international treaties and their authoritative interpretations by treaty bodies,¹⁴ this is an evolving international law. In particular, in one relatively recent African Union regional treaty specific provision was made for IDPs’ electoral rights. The Kampala Convention¹⁵ explicitly obliges states party to the treaty to “[t]ake necessary measures to ensure that internally displaced persons who are citizens in their country of nationality can enjoy their civic and political rights, particularly public participation, the right to vote and to be

¹⁰ ICCPR, Article 26, “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

¹¹ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention on the Rights of Persons with Disabilities (CRPD). The ICCPR has currently been ratified/acceded to by 167 states, CEDAW by 189, CERD by 177, and CRPD by 164.

¹² See for example General Comment 25, the authoritative interpretation of ICCPR article 25 by the treaty monitoring body, which notes “The exercise of these [article 25] rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable.” United Nations Human Rights Committee, General Comment 25, paragraph 4.

¹³ For example, in a 2004 Concluding Observation on Colombia the Human Rights Committee expressed its “concern regarding the difficulties experienced by internally displaced persons in exercising their civic rights, especially the right to vote. The State party should... take the necessary steps to ensure that displaced persons are able to exercise the rights guaranteed in article 25.” UN Human Rights Committee, Concluding Observation, 2004 (CCPR/CO/80/COL), point 19. Similarly, a Human Rights Committee report on Congo in 2009 noted that “The national election commission, in cooperation with Monuc and other partners, should ensure registration of the displaced as voters and be supported to find ways to ensure (e.g. through provisions on absentee voting) that the displaced can in fact exercise their political rights.” Human Rights Committee/10/59 (Joint Report on technical assistance and capacity building, 2009).

¹⁴ With the exception of the Committee on the Elimination of Racial Discrimination, which in 1996 referred to IDP voting rights in the context of return. General recommendation XXII on article 5 of the Convention on Refugees and Displaced Persons, Committee on the Elimination of Racial Discrimination, 1996.

¹⁵ Convention for the Protection and Assistance of Internally Displaced Persons in Africa, known as the Kampala Convention. The convention came into force in December 2012 and at the time of writing has been signed by 40 and ratified by 25 of the African Union’s Member States. Retrieved from <http://www.unhcr.org/4ae9bede9.html>.

elected to public office.”¹⁶

Also various political instruments explicitly refer to IDPs electoral rights, including “Guiding Principles of Internal Displacement,” the main international agreement covering internal displacement was endorsed by the 2005 UN World Summit. Principle 22 (1)(d) states: “Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights: ... (d) the right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right.” Principle 29(1) states: “Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.”¹⁷

The Council of Europe Committee of Ministers in 2006 stated: “Member states should take appropriate legal and practical measures to enable internally displaced persons to effectively exercise their right to vote in national, regional or local elections and to ensure that this right is not infringed by obstacles of a practical nature.” In 2009 the Parliamentary Assembly of the Council of Europe recommended the Committee of Ministers “ensure that IDPs can exercise their right to participate in public affairs at all levels, including their right to vote or stand for election, which may require special measures such as IDP voter registration drives, or absentee ballots.”¹⁸ The Organization for Security and Cooperation in Europe (OSCE) has recommended “Ensuring special attention to the voting rights of IDPs in the OSCE’s election observation work, monitoring IDPs’ ability to vote and promoting reforms to ensure the full exercise of their right to political participation.”¹⁹

Operational Practices and Issues

Electoral Integrity Issues

The international standards referred to above give a wide margin of appreciation to states about how to address the specific difficulties IDPs face in electoral participation, and special measures that may be undertaken. Such special measures 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.

Such easing of arrangements increases opportunity for franchise. However, there may be associated risks of fraud and weakening of the overall integrity of the electoral process, which could compromise the rights of all voters to a genuine election that reflects the will of the people. For example, reduced documentation requirements to prove identity and eligibility increases the risk of impersonation and multiple registration/voting. Furthermore, there may be reduced opportunity for IDPs to make complaints or appeals if these are required to be lodged in the constituency where the

¹⁶ The Convention for the Protection and Assistance of Internally Displaced Persons in Africa, article 9(2).

¹⁷ See: <http://www.ohchr.org/EN/Issues/IDPersons/Pages/Standards.aspx/>

¹⁸ Recommendation 1877 (2009), “Europe’s forgotten people: protecting the human rights of long-term displaced persons,” 15.3.12. Retrieved from <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17759&lang=en>.

¹⁹ OSCE Supplementary Human Dimension Meeting “Internally Displaced Persons”, Final Report, 2004. Retrieved from <http://www.osce.org/odihr/38887?download=true>.

vote is counted (which would necessitate a visit to the constituency of origin).

Displaced voters are also often more vulnerable to manipulation than non-displaced citizens. For example, many IDPs rely heavily on governmental or non-governmental assistance for basic survival needs, which can leave them open to exploitation by unscrupulous political actors. It can be harder for the election management body to recruit and train proficient polling station staff in IDP areas. This coupled with potential complexities of IDP voting and counting processes can increase the risk of malpractice. Risk of fraud is also increased by often-reduced scrutiny of polling stations for IDPs, as parties may be less organized and therefore less able to get agents to be present in polling stations and during tabulation for monitoring the process. Similarly, it may be harder for citizen observer groups to recruit from among the displaced or to get volunteers to work in IDP areas, particularly if there are security concerns. There may also be reduced media scrutiny if IDP voting locations are difficult to get to or there are high security risks.

Various mitigating measures can be taken to reduce the risk of fraud. These include: increasing transparency (for example timely information dissemination of procedures and results); having high levels of scrutiny (by agents, observers and the media); establishing an effective electoral dispute resolution mechanism; and enforcing penalties for electoral offense violations. Practical penalties can be effective in deterring fraud. For example, removing candidates from party lists was employed by the OSCE in Bosnia in 1996, when the Elections Appeals Sub-Commission (EASC) was formed, as an enforcement mechanism for the rules and regulations by the Provisional Election Commission.²⁰ Robust citizen and international observation, as well as media scrutiny, during all stages of an election can play a significant role in deterring election fraud and identifying malpractices.

If such preventive measures are not carefully in place the overall integrity of the process can be at risk. For Azerbaijan's 2000 parliamentary elections, stakeholders questioned the transparency of the electoral process given the absence of local monitoring, raising questions about the integrity and accuracy of the process.²¹

IFES has developed a unique tool to assess integrity issues and develop solutions. In the context of the full electoral process, the Electoral Integrity Assessment (EIA) methodology addresses integrity issues arising from IDP electoral participation, particularly in terms of how to enfranchise IDPs in an effective manner that does not threaten the integrity of the electoral process.

Residency Requirements

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 as they themselves reside in that very locality. However, such a condition is often highly problematic for IDPs given that they may still legally be registered in their constituency of origin, changing constituencies may involve practical obstacles, or they may have only recently moved. This 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.

²⁰ *Case Studies on the Participation of Conflict Forced Migrants in Elections*, Participatory Elections Project (PEP), May 2003.

²¹ *The Voting Rights of Internally Displaced Persons: the OSCE Region*, Erin Mooney and Balkees Jarrah.

The ICCPR's authoritative interpretation states, "If residence requirements apply to registration, they must be reasonable, and should not be imposed in such a way as to exclude the homeless from the right to vote."²² It may be argued that IDPs are in some way homeless, and therefore should not be excluded by residency requirements. IDPs are no longer residents in their constituency of origin but may want to continue voting or running for office there, or may want to move their electoral constituency to their current or future location. Thus, there is an onus on the state to find a mechanism for IDPs to participate even if they are not currently residing in the constituency, or have not been in the constituency for a sufficient period of time.²³

The soviet *propiska* system is often referred to as effectively disenfranchising long after it was officially abolished, as displaced populations could only establish residency or change their place of residence with permission from the national authorities. For example, Armenia and Azerbaijan make it extremely difficult for displaced populations to register as voters in their current place of residence even after two decades of displacement. Similarly, in Ukraine moving a constituency requires a change in civil registration, which is notoriously difficult due to an external confirmation of address being required (typically by landlords who are reluctant to attest), leaving IDPs unable to participate in majoritarian parliamentary races and local government elections. Similarly, in Georgia, IDPs from Abkhazia and South Ossetia were disenfranchised but then granted full voting rights in local elections (in 2001) and in majoritarian parliamentary races (in 2003). The reform followed an IDP legal challenge to the Constitutional Court as well as international criticism. Prior to this IDPs were unable to electorally participate in their current districts unless they re-registered in the new location and relinquished their IDP status.

It is possible to carefully structure the system so that IDPs are not excluded by residency requirements. For example, the 1996 elections in Bosnia were conducted under the General Framework Agreement for Peace (Dayton Accords), which provided a comprehensive roadmap for subsequent elections. Although, the Accord sought to encourage return of IDPs to their districts of origin, options were provided for displaced populations to register and vote in their current, home or future districts. Provisions such as absentee balloting were established to enhance participation of displaced voters and to "ensure that ethnic cleansing, which dictated where people live, would not dictate how and where they voted or where eventual power will lie."²⁴ Legal instruments clearly specified requirements and procedures for registering in the electoral district of choice.

Choice of Constituency

IDPs essentially have two possibilities for where their vote could be registered: their constituency of origin or the current constituency where they reside during displacement. In highly specific cases such as post-war 1996-7 elections in Bosnia, the option for a constituency of future residence was provided. In order to maintain equality of the vote, IDPs like other citizens, must only be registered in one constituency. In cases of protracted displacement, it can be argued that fully meaningful

²² United Nations Human Rights Committee, General Comment 25, paragraph 11.

²³ The widely respected Venice Commission's Code of Good Practice in Electoral Matters notes, "*the requisite period of residence should not exceed six months; a longer period may be required only to protect national minorities.*" Point I 1.1 c iii-iv: iii. The Venice Commission, formally called the European Commission for Democracy through Law, has 60 Member States from four continents.

²⁴ IOM, *Case Studies on the Participation of Conflict Forced Migrants in Elections*, Participatory Elections Project (PEP), May 2003.

enfranchisement requires that IDPs have a choice over where to vote and to stand as a candidate.²⁵ This choice may be seen as fostering IDPs' political engagement and the possibility of durable solutions.

The Venice Commission notes, "If persons, in exceptional cases, have been displaced against their will, they should, provisionally, have the possibility of being considered as resident at their former place of residence."²⁶ It is worth considering that the right to return to a home district and the right to vote at the current place of residence are not mutually exclusive.²⁷

For IDPs to vote in their constituencies of origin, from where they were forced to flee, there are advantages of continued connection and representatives elected from the area are likely to be more active in supporting IDPs. However, it can be practically difficult and often involves security risks to return to register, vote, get information or to run as a candidate in a constituency of origin. Thus, typically absentee voting arrangements become necessary for enhancing participation. It is also difficult for any IDP elected representative to function while not living in the district, which can consequently discourage IDPs from running for office for a constituency of origin.

Allowing IDPs to register, vote and run for office in the current district of residence effectively enfranchises displaced populations, particularly in cases of protracted displacement. It is less operationally challenging and encourages IDP involvement in their area of residence, thereby promoting engagement and integration. However, this option risks validating displacement, which is often a sensitive issue, particularly in situations of conflict. There can also be a backlash from the other citizens in the district who may see IDPs as taking power in their area, particularly if IDPs become a majority population. Given these problems, restricting IDP political participation to only the current district of residence may therefore be seen as excessively restrictive and not "reasonable."

In the past, IDPs have been given the choice to cast their ballots for constituencies where they intend to live in the future. This option is highly unlikely to be utilized unless in case of specific conflict. Previously, it was utilized in Sierra Leone and Bosnia with very different results. No attempts at manipulation were reported in Sierra Leone in 2002. However, in Bosnia in 1996 there was extensive exploitation of this provision which resulted in revision of the electoral code to remove the possibility of IDPs voting for constituencies of future residence. The 1996 elections did not condition constituency allocation on information establishing a direct link to the future constituency. A hardline Serb party, the Serb Democratic Party (SDS), reportedly manipulated this provision by registering IDPs and refugees in municipalities in which the party was not likely to win a clear majority of seats. In some locations, the provision of humanitarian aid was conditioned upon providing documentation

²⁵ See for example "The Voting Rights of Internally Displaced Persons: the OSCE Region", Occasional Paper, 2004. The Brookings Institution - John Hopkins SAIS. Retrieved from https://www.brookings.edu/wp-content/uploads/2016/06/20041105_osce.pdf. Also "Incorporating the Guiding Principles on Internal Displacement into Domestic Law: Issues and Challenges", Chapter 13, Grace and Mooney, Brookings-Bern project and the American Society of International Law. Retrieved from http://www.brookings.edu/~media/research/files/papers/2010/1/19-internal-displacement/0119_internal_displacement_complete.pdf.

²⁶ The Venice Commission's Code of Good Practice in Electoral Matters, 15.

²⁷ Simon Bagshaw, Internally Displaced Persons and Political Participation: The OSCE Region, September 2000. Retrieved from http://www.brookings.edu/~media/research/files/articles/2000/9/politicalparticipation-bagshaw/2000_politicalparticipation.pdf.

of voting in a future municipality. The municipal elections originally scheduled for 1996 were postponed until 1997, largely as a result of exploitation of this provision in certain municipalities.²⁸

Meaningful enfranchisement can be seen to require that IDPs are entitled to register and vote in a constituency of their choice. Where inclusion is a priority, IDPs are more likely to be entitled to this choice.

The Electoral System

The electoral system utilized is a sovereign matter with discretion left to the state. While the choice of system needs to consider many factors, one consideration, particularly in post-conflict elections, is the effect it can have on IDP participation.²⁹

It is relatively simple for displaced voters to participate in a single nationwide district, for example for head of state elections, or a referendum, as IDPs are able to cast ballots while displaced without needing to change constituency or returning to an area of origin (which could be costly, cumbersome, and may have security risks). It is also far easier for election authorities as there is one standard ballot in use across the country and therefore no need to match the IDP to his/her constituency-specific ballot.

Parliamentary, regional and local elections are often based on constituencies, each having a single or multiple representatives (voters then receive a ballot unique to their specific constituency). Providing for displaced voters in a constituency-based election is politically and administratively complicated for various reasons such as choice between home and current constituency, documentation needs, and security risks. IDP participation may also have more vivid political consequences in a constituency where a large number of IDPs can alter the composition of an electorate and potentially alter the electoral outcome. Lastly, significant and persistent change in constituency demographics, for example through relocation of large IDP groups, may call for fresh and at times politically controversial de-limitation exercise in order to maintain proportionality between constituencies and thereby uphold equality of the vote. Consequently, it is not uncommon for IDPs' voting rights to be limited to particular electoral races. For example, during the 2005 Liberian elections, displaced voters were allowed to vote for the presidential elections only. This is not consistent with the Guiding Principles that refer to "the right to participate fully and equally in public affairs at all levels".³⁰

Documentation Requirements

Electoral participation normally involves a mechanism for citizens to prove their eligibility and identity. These fundamental integrity measures normally involve use of documentary evidence. However, providing such proof is often extremely difficult for IDPs as their documents are often destroyed, confiscated or lost during displacement. This can leave lawmakers and the election management body with a difficult dilemma, as documentation reduces opportunity for election fraud, but the stricter the requirements the more difficult it is for IDPs to participate, thereby risking

²⁸ For details see, IOM, *Case Studies on the Participation of Conflict Forced Migrants in Elections*, Participatory Elections Project (PEP), May 2003.

²⁹ Grace and Fischer, *Enfranchising Conflict-Forced Migrants: Issues, Standards and Best Practices*, 2003. Retrieved from http://www.geneseo.edu/~iompress/Archive/Outputs/Standards_Final.pdf.

³⁰ *Guiding Principles of Internal Displacement*, principle 29(1).

an election being non-inclusive. The balance of integrity and enfranchisement is complex, depending on local conditions, and can change as different circumstances evolve.

Ideally new civil and/or electoral identification documentation is provided promptly to IDPs, or alternative solutions are offered such as affidavits or a combination of documents is allowed, such as birth certificates and electricity bills. Guiding principle 20, from the “Guiding Principles of Internal Displacement,” recognizes the need for IDPs to have access to various types of documentation without unreasonable conditions, such as requiring IDPs to return to their habitual residences.³¹ Therefore by extension it may be argued that IDPs should have access to electoral documentation without returning to areas of origin.

The complexities of arranging new documentation further point to the need for IDP electoral issues to be addressed promptly to allow time for implementation. Bureaucratic procedures, which may be in another language, can also in effect obstruct access to participation. In many cases, IDPs have been displaced by the state agencies so they may not then subsequently want to cooperate with the same institutions (for example, such issues have arisen in Syria, Libya, Sri Lanka, and Kosovo). There can also be security risks, discrimination, and manipulation by authorities. For example, in Bosnia and Croatia systematic discrimination against ethnic minorities made it extremely difficult for IDPs to obtain official documents resulting in disenfranchisement. In Bosnia hardline parties utilized the state machinery to consolidate territorial gains made during the war, through personnel in municipal services making it difficult for minority voters to obtain necessary documentation and complete registration procedures, ultimately limiting their ability to participate in the elections. Such subtle tactics were less obvious than the mass exploitation of the “future constituency” option and could not be tracked and easily corrected.³² In Croatia, discriminatory practices against the displaced Serb minority in terms of access to documentation and voting procedures resulted in disenfranchisement of many displaced Serbs who were unable to provide the necessary documents on Election Day. Serbs were required to obtain a Croatian citizen document and an identity card from the Croatian authorities.³³ In Sri Lanka, IDPs faced security, administrative and financial barriers when undertaking mandatory visits back to their home districts to replace lost documents and/or obtain verification necessary for obtaining new documentation. IFES was then able to collaborate with civil society organizations (CSOs) to establish “mobile clinics” to support Tamil returnees in obtaining necessary replacement documents. The returnees could not afford the cost of the bus, the cost of the stamps, or the time it took to travel there and back again. IFES worked on outreach initiatives for the project and its partner staff worked directly with government officials to help IDPs fill out the proper forms and follow procedures.

³¹ “2.To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one’s area of habitual residence in order to obtain these or other required documents.” *Guiding Principles of Internal Displacement, principle 20.*

³² For details see, IOM, *Case Studies on the Participation of Conflict Forced Migrants in Elections*, Participatory Elections Project (PEP), May 2003.

³³ Simon Bagshaw, *Internally Displaced Persons and Political Participation: The OSCE Region*, September 2000.

Possible means for addressing documentation problems include:

- Special arrangements whereby election authorities perform document searches and/or verification. This was used in the 1996 Bosnian elections when the OSCE established a Citizen Verification Sub-Commission to assist voters who did not possess documents and were not found on the census database;
- A civil registration or census conducted prior to elections and then used as the basis for voter registration. This was arranged recently in Pakistan through the national civil registration authority, and in Kosovo through the Joint Registration Task-force set up to provide all citizens the opportunity to register for the civil and voter register simultaneously during the 2000 municipal elections;
- Voter registration during which a document is given that may also serve an identification function. For example, in Nigeria in 2015, advance voter registration involved the issuing of voter cards containing biometric data that could then in principle be read in polling stations on Election Day;
- Social verification, whereby eligibility and/or identity can be attested to by, for example, a notable community figure or a specified number of voters. This option is most often used for referendums and was recently utilized during the South Sudan referendum in 2011; and
- An affidavit signed to meet residency requirement when a voter lacks documentation. In 2013, the Zimbabwe Electoral Commission introduced an affidavit enabling voters who lacked the required documents to prove residency by signing the document.³⁴

Absentee Voting

Voting in person in a constituency of origin can be highly problematic for IDPs, as it involves travel to districts from which they have fled. There can be security problems, sensitive political implications related to returning, and time and financial costs that are all barriers to participation. This can be further problematic if voters are required to go more than once, for example to register and then to vote. In the 2015 Nigerian elections, voters had to make three trips – first to register for a mandatory permanent voter card (PVC), second to collect the PVC, and third to vote. This was particularly difficult for many IDPs as their polling units were only established in camps, and on Election Day no public transport was available.

Alternatively voting can be made more accessible through absentee voting arrangements that allow electors to vote at a location other than the one where they are registered. That is to say, their vote can be counted in a designated constituency, but they can vote from another part of the country. Such absentee voting can take various forms including going in-person to a different polling station to vote, or casting a postal ballot. These measures increase the franchise but are more administratively complex for the election management body, requiring more lead time and financial resources, and increase the risk of fraud.

In-person absentee voting is complex to administer as it requires having a supply of ballots for other constituencies available in polling stations. In 2013, the Zimbabwe Electoral Commission faced a new absentee voting system for its security personnel. The Commission decided to pre-pack unique

³⁴ http://archive.kubatana.net/docs/demgg/ciz_crisis_report_issue_191_130611.pdf

envelopes with ballot papers for presidential, parliamentary, and local council elections not realizing they faced 100,000s of combinations. Subsequently only a fraction of the officers could cast their votes and the commission had to go to court in order to allow them a second attempt.³⁵ Dedicated IDP polling stations may be established in camps and/or in the community. There can also be mobile voting services. To do this requires knowledge of the number of IDPs, where they are, and for what constituencies they are voting, as well as additional resources for the more complex operations.

In postal voting, secrecy of the ballot is particularly challenging. The Human Rights Committee has noted, “States should take measures to guarantee the requirement of the secrecy of the vote during elections, including absentee voting, where such a system exists.”³⁶ Similarly, the Venice Commission said that “postal voting should be allowed only where the postal service is safe and reliable; the right to vote using postal votes may be confined to people who are in hospital or imprisoned or to persons with reduced mobility or to electors residing abroad; fraud and intimidation must not be possible.”³⁷

Voter Information

The Human Rights Committee noted, “Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.”³⁸ IDPs have particular information needs given that they are away from their location of origin, and special electoral arrangements may be in place for them. Displacement can also make it difficult for IDPs to access information available through regular methods. Furthermore, IDPs may have higher levels of political disillusionment and may be more subject to intimidation, and therefore more efforts may be needed to promote engagement. Thus, there is an onus on the election management body to make special arrangements to reach out to displaced voters.

Language barriers and low literacy rates also impede IDP participation in elections, and can be intentionally exploited to isolate and marginalize displaced voters. In Azerbaijan, the government’s enforcement of the Latin alphabet is an example of how a language barrier acted as an obstacle for displaced voters who were mostly literate in Cyrillic alphabets before displacement. In Turkey, the prohibition of languages other than Turkish in political campaigning has hindered participation of Kurdish IDPs making it difficult for informed choices to be made.³⁹

The Human Rights Committee has stated, “Positive measures should be taken to overcome specific difficulties, such as ... illiteracy ... language barriers ... which prevent persons entitled to vote from exercising their rights effectively. Information and materials about voting should be available in minority languages. Specific methods, such as photographs and symbols, should be adopted to ensure that illiterate voters have adequate information on which to base their choice.”⁴⁰

³⁵ <https://www.crisisgroup.org/africa/southern-africa/zimbabwe/zimbabwe-s-elections-mugabe-s-last-stand>

³⁶ United Nations Human Rights Committee, General Comment 25, paragraph 20.

³⁷ Venice Commission’s Code of Good Practice in Electoral Matters, 3.2.III. see also 3.2.2.1.

³⁸ United Nations Human Rights Committee, General Comment 25, paragraph 11.

³⁹ Erin Mooney and Balkees Jarrah, The Voting Rights of Internally Displaced Persons: The OSCE Region, November 2004. Retrieved from https://www.brookings.edu/wp-content/uploads/2016/06/20041105_osce.pdf.

⁴⁰ United Nations Human Rights Committee, General Comment 25, paragraph 12.

It can also be harder for candidates and parties to campaign with displaced populations, especially if IDPs are widely dispersed. Lack of information on the contestants risks voter apathy and alienation from the political process. The election management body and civil society can mitigate this to some extent by emphasizing the significance of IDP participation in the political process, undertaking intensified voter education, and providing platforms for campaign information and communication.

Security Issues

IDP electoral participation is often undertaken in difficult security conditions. This may be because IDPs are returning to conflict-ridden constituencies of origin, or there may be sensitivities around their voting in current constituencies. Also, as elections are often an important part of a peace process, elections may be held without optimal security conditions in place.⁴¹ 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.⁴² 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.

Minimum security conditions must be in place for displaced voters to cast their ballots freely and without the risk of physical harm or intimidation and disruption of the process. Special security measures may be needed, but over-deployment of security forces also needs to be avoided as it may intimidate voters. One possibility is to create safe routes, as was undertaken in Bosnia in the 1996 elections, when the UNHCR and the North Atlantic Treaty Organization (NATO) arranged secured routes for displaced voters to travel to their home districts for voting. Where such provisions are available, timely information about the special arrangements is essential.

Not providing for IDP electoral participation may also have security risks. De facto exclusion and powerlessness can be alienating, leaving IDPs disillusioned with the state and democratic rule. Political frustration, coupled with often-difficult living conditions and discriminatory societal attitudes, can heighten tensions, divisions and the risk of violence.

IDPs as Candidates

IDPs wanting to run for office face similar issues to those identified above. In particular, in constituency-based elections it can be challenging for IDPs to run in their constituencies of origin when they are not there, and neither are other IDPs they would need to access for campaigning (who may be dispersed widely across the country). This makes campaigning and scrutiny of the process through agents particularly challenging for candidates and parties. Extra measures can be taken by the election management body and others, including providing more electronic and written platforms for campaign information, the state media giving additional coverage to IDP candidates and campaigns, and such candidates having higher campaign spending limits. The lack of scrutiny can be mitigated in some ways by maximum transparency and increased levels of scrutiny from civil society.

⁴¹ For more information, see *“Peacebuilding Through the Electoral Participation of Displaced Populations,”* Grace and Mooney, *Refugee Survey Quarterly*, vol. 28, No 1, 2009.

⁴² Whereas post-conflict elections in Cambodia, East Timor and Bosnia were held in conditions far from optimal and yet they played an important role in the peace process.

It can also be difficult for IDPs to run in their current constituencies, as they may not know the area so well, and may not have established party structures to assist. IDPs frequently have less financial resources and therefore running a campaign in any constituency can be challenging.

Development of Laws, Policies and Operational Plans

Domestic Legislation

The more IDP electoral rights are secured in law, the less risk there is of non-fulfillment. If no explicit legislative provision is made, election management bodies can use their administrative powers to address IDP enfranchisement. However, without political agreement and an explicit legislative mandate there can be an excessive burden on the election management body, which may already be under pressure, particularly if an election is taking place in a divided society, under an already compressed electoral calendar, and post-conflict with difficult security conditions. This risks loss of confidence in the election management body generally and reduced political buy-in to IDP enfranchisement and the electoral process. For example, in Nigeria in 2015, there was a lack of legal specification regarding electoral participation by the estimated 1.2 million IDPs, resulting in a decision by the election authority just weeks before the election to provide alternative polling locations for IDPs, but only within the state, thus large numbers of IDPs were excluded.

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 in order to ensure legal compliance with binding treaties.

Overall the process should be transparent so that stakeholders know what is happening and can contribute appropriately. Consensus-based decisions increase the chances of acceptance of provisions for IDPs, the process overall and ultimately the electoral outcome. Such political agreement is particularly important when considering IDP participation, given the above-mentioned sensitivity relating to changing electorates having the potential to alter electoral outcomes. Development of policies and laws should be undertaken well in advance of an election, to allow for time for research, consultations, consideration of different implementation options, consensus-building, and the implementation of changes.

Key legislation issues to consider related to IDP participation include:

- Eligibility conditions to vote or stand as a candidate, such as residency requirements;
- Constituency and/or delimitation changes;
- Provisions for changing location of registration on the electoral roll;
- Documentation requirements;
- Special voting arrangements, including possible provision of absentee balloting; and,
- Possible special counting arrangements, for example to protect the secrecy of IDPs' votes.

Working out legislative provisions can be difficult in a politically-charged environment, particularly if there is a lack of data on IDPs, and a lack of election administration experience. Furthermore, the needs of IDPs may be varied, for example some may be living in camps in the same state/region as their area of origin, while others may be dispersed across the country in domestic accommodation.

There can be further complexities if elections are being discussed as part of a peace process negotiation. In such cases, electoral compromises may be politically agreed upon for the sake of peace. In such circumstances it will be important to have on-going review to prevent any electoral shortcomings from becoming a norm. For example, a peace process could involve IDPs being given a vote for parliamentary constituencies of origin, when IDPs may have already voted in the parliamentary election in their current constituencies. This is electorally imperfect as it undermines the equality of the vote, with IDPs in effect having two votes for the same electoral body, but may be politically agreed as a one-off compromise.

Another dilemma can be whether any legal changes are limited to provisions for IDPs or also address needs of other vulnerable groups or election reform more widely. For example, in Ukraine, there are currently estimated to be 1.8 million IDPs, but also six million migrant workers who are also electorally affected by the difficulties involved in changing registration location. It is sometimes argued that targeted reform for IDPs is more likely to pass quickly, and that broader reform has the potential to have wider benefit but is likely to be a slower process as there is more potential for political disagreement.

Some countries, such as Afghanistan, Georgia, Iraq, and Ukraine have established national policies and laws on internal displacement, which reaffirm IDPs' right to vote. One approach is to establish an IDP working group that includes stakeholders from the displaced communities, civil society and other interest groups such as the international organizations providing assistance. Such a working group can assess, make recommendations and publicly report on policies, laws, implementation issues, security provisions, etc.

Operational Planning

Special provisions for IDP enfranchisement may require additional resources. The extra finances and time that may be needed for a comparatively small group of voters, coupled with the complexities involved, can be a disincentive for the election management body to take actions needed. Therefore, advocacy campaigns may be warranted by IDPs, CSOs, and the international community. In post-conflict situations elections as part of a peace process may be conducted in contracted timelines in imperfect conditions, which can further complicate special provisions needed for IDPs.

Election planning needs to take into account all the special provisions that may be required for different groups of IDPs. Therefore, information is needed on numbers and locations of IDPs, however, since this is frequently unavailable, working estimates may need to be developed. Special provisions could include arrangements for constituency allocation, consequent delimitation if needed, voter registration, absentee voting possibly in dedicated polling centers, additional security requirements, and tailored voter education. Planning also needs to consider how to involve IDPs and local communities in the process so there is agreement on special provisions. Extra efforts also need to be made for transparency and promoting scrutiny, for example, by working with local observation groups. In addition, it can be helpful for the election management body to make extra efforts to facilitate the availability of campaign information for voters, given the personal access problems there can be during displacement.

Given the multi-dimensional challenges of effectively planning for IDP enfranchisement, it is often recommended that within the election management body there be a focal point or unit for IDP issues. This would help promote communication and consultation on IDP issues, and IDP needs being addressed by the different departments of the administration.

The Role of Civil Society and the International Community

The Role of Civil Society

The political sensitivities and operational complexities discussed can leave state authorities neglecting IDP electoral rights, therefore it can be critical that civil society brings information and advocates on the issue. Ideally CSOs that are dedicated to IDP issues, citizen observer groups, and other broader-based CSOs will all be involved in some way.

Activities can include providing information on IDPs locations, needs and preferences, and also advocating for special measures and services. In some cases, CSOs have drafted legislative bills for consideration by parliamentarians, and have also undertaken legal advocacy including through cases to the European Court of Human Rights. CSOs may also submit shadow and alternative reports to treaty monitoring bodies highlighting IDP electoral participation issues.

Citizen observation groups and networks have a special role to play in undertaking thorough scrutiny of provisions and services implemented for IDPs. This is necessary for preventing fraud, providing information on best practices, and maintaining focus on IDP participation issues before, during and after an election. Such scrutiny is made more effective by including IDPs within the observation mission.

The Role of the International Community

The international community has often been involved in promoting IDP electoral rights, most notably in post-conflict elections such as in East Timor (Timor-Leste), Bosnia, Kosovo, and recently in South Sudan. In Georgia, international lobbying played an important role in lifting unreasonable restrictions on IDPs' right to vote in 2001 and 2003. In Bosnia and Kosovo, international organizations assisted in drafting legislation with specific provisions for IDP participation. However international interest and support has not always been consistent. International election observers, in addition to citizen observers, have a key role to play in keeping IDP enfranchisement on the agenda and in scrutinizing the effectiveness of any actions taken. To date, international observer missions have paid varying attention to IDP issues. There also appears to have been under-coverage of IDP enfranchisement issues by treaty bodies.

The limited availability of data on IDP populations in general and their electoral participation in specific show it is a relatively ignored area of research that requires additional resources for research and development of best practices among election authorities and international organizations.

Recommendations for Improving IDP Enfranchisement

The following recommendations are offered for developing IDP electoral participation:

1. International human rights bodies further address the issue of IDP electoral participation systematically in country reporting and comments, to further emphasize the importance of the

issue and strengthen good practice. This is especially relevant given the growing number of IDPs globally.

2. Decisions on provisions for IDP participation are worked out well in advance of an election or referendum, with time allowed for consideration of the typically sensitive and complex political, legal and technical matters. Time is allowed for operational implementation.
3. Cross-party consensus-based parliamentary agreement is sought, with provisions for IDP electoral participation secured in law and/or political agreement where possible. IDPs and the election management body are actively involved in the legislative development process. Due consideration is made of international law, political agreements, evidence and data, as well as practical realities. Legal development processes are transparent and inclusive.
4. Regular review of provisions for IDP participation is undertaken between elections as IDP and general electoral circumstances change.
5. The legislature and the election management body consult with groups broadly representative of IDPs, as well as other stakeholders, and actively involve them in developing legislation, regulations, policies and practical implementation.
6. Further research is conducted internationally to look specifically at respective IDP participation arrangements and de facto participation rates. IDP numbers and electoral participation are recorded and made publicly and promptly available in order to identify any problems and good practices.
7. Studies are undertaken of different possible modalities for IDP voting identifying any potential risks to the integrity of the process and security issues, as well as possible mitigating measures, with the involvement of IDP groups.
8. Additional financial resources are made available to facilitate IDP electoral participation as needed.
9. Special measures are undertaken as required to facilitate equality of opportunity and representation. Special measures may include different residency requirements, alternative documentation provisions, additional opportunities for registration, absentee voting, availability of materials in additional languages, etc.
10. IDPs are individually given the choice of whether to vote for constituencies of origin, or current constituencies, without any consequence for IDP status or access to humanitarian assistance.
11. Delimitation of electoral boundaries is undertaken as required after constituency allocation of IDPs, to be completed well in advance of an election.
12. An IDP focal point or unit is established within the election management body to promote communication and consultation on IDP issues, and IDP needs being addressed by the different departments of the administration.
13. Specialized voter information is 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.
14. Publicly-owned media provide additional information on IDP electoral participation, such as specialized voter education and campaign information, and undertake reporting from areas where IDPs are voting or running as candidates.

15. Complaints and appeals are permitted to be lodged in other locations, so it is not necessary for an IDP to return to a constituency of origin (where their vote may be counted and they may be running).
16. Citizen observer groups recruit IDPs and organize observers in IDP locations to increase scrutiny, and include a section in their reporting on IDP participation. Citizen observer groups enquire and advocate on IDP electoral participation before, during and after an election.
17. Political parties recruit agents to work in IDP locations to increase scrutiny of the election.

The recommendations above are based on the international laws, best practices and lessons learned that are discussed in this paper. They are also drawn from IFES' considerable experience in working to promote electoral rights of IDPs in various countries such as Ukraine, Sri Lanka, Bosnia Herzegovina and Indonesia. IFES globally seeks to work in supporting implementation of these recommendations often in collaboration with local partners.

IFES can assist with operational implementation and also with advocacy and policy development. For example, in promoting sustainable consensus-based enfranchisement solutions for internally displaced populations through a working group and consultative processes involving all stakeholders, including IDPs, political parties, the election management body, other state agencies, and civil society. Such a dedicated working committee, operating transparently and inclusively can help identify the best ways forward and greater acceptance of recommendations and decisions made. IFES has extensive experience working on identifying, detecting, deterring and mitigating risks of electoral malpractice, as well as extending enfranchisement.



A sea of temporary IDP shelters

After an estimated 80,000 people were forced from their homes in summer 2016, more than 24,000 internally displaced persons (IDPs) have found temporary shelters in an area protected by United Nations peacekeepers in South Sudan's Wau town. Though the shelters are very crowded, the international community helps to improve the area by building communal shelters, digging drainage ditches, and forming an access road in order to ease the life of IDPs.

Credit: Muse Mohammed, International Organization for Migration, 2016

Annex 1: Resource Guide for Relevant Literature on IDP Electoral Participation

This resource pack is divided into four categories: 1) general literature on IDPs' electoral participation; 2) international law and best practices; 3) regional and country reports; and, 4) key international organizations and resources.

1. General Literature

1. The Brookings Institution. *From Responsibility to Response: Assessing National Approaches to Internal Displacement*. (2011). Available at: <http://www.brookings.edu/~media/research/files/reports/2011/11/responsibility-response-ferris/from-responsibility-to-response-nov-2011.pdf>.
2. Grace, J. and E. Mooney. *Peacebuilding Through the Electoral Participation of Displaced Populations*. *Refugee Survey Quarterly*, vol. 28, No 1. (2009). Available at: <http://libra.msra.cn/Journal/16729/refugee-survey-quarterly>.
3. Grace, J. and E. Mooney. *Democracy and the Displaced: Political Participation Rights, in Particular the Right to Vote and To Be Elected*. (2007). Available at: http://www.geneseo.edu/~iompress/grace_mooney_IDP_participation.pdf.
4. Lacy, B. *Building Accountability, Legitimacy, and Peace: Refugees, Internally Displaced Persons, and the Right to Political Participation*. (2004). Available at: <https://www.ifes.org/publications/building-accountability-legitimacy-and-peace-refugees-internally-displaced-persons-and>
5. Grace, J. and J. Fischer. *Enfranchising Conflict-Forced Migrants: Issues, Standards, and Best Practices*. (2003). Available at: http://www.geneseo.edu/~iompress/Archive/Outputs/Standards_Final.pdf.
6. Roberts, H. *Forced Migration and Electoral Participation*. (2003). Available at: <http://www.forcedmigration.org/research-resources/expert-guides/forced-migration-and-electoral-participation/fmo020.pdf>.
7. Grace, J. and J. Fischer, *Seeking Electoral Equality for IDP voters*, 2005. Available at: <http://www.fmreview.org/FMRpdfs/GP10/26-27.pdf>.
8. Mooney, E. and B. Jarrah. *Safeguarding IDP Voting Rights*. (2005). Available at: <http://www.brookings.edu/research/articles/2005/05/26votingrights-mooney>.
9. Kälin, W. *The Future of the Guiding Principles*. (2008). Available at: <http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/FMRpdfs/BrookingsSpecial/03.pdf>.
10. The Brookings Institution. *Protecting Internally Displaced Persons: A Manual for Law and Policy Makers*. (2008). Available at: http://www.brookings.edu/~media/research/files/papers/2008/10/16-internal-displacement/10_internal_displacement_manual.pdf.

11. The Norwegian Refugee Council's Internal Displacement Monitoring Centers (IDMC). *Global Report on Internal Displacement 2016*. (2016). Available at: <http://www.internal-displacement.org/globalreport2016>
12. The Norwegian Refugee Council's Internal Displacement Monitoring Centers (IDMC). *Global Overview 2015: People internally displaced by conflict and violence*. (2015). Available at: <http://www.internal-displacement.org/assets/library/Media/201505-Global-Overview-2015/20150506-global-overview-2015-en.pdf>
13. The Brookings Institution. *Incorporating the Guiding Principles on Internal Displacement into Domestic Law: Issues and Challenges, Participation rights*. (2010). Available at: http://www.brookings.edu/~media/research/files/papers/2010/1/19-internal-displacement/0119_internal_displacement_ch13.pdf
14. Grace, J. *The Electoral Rights of Conflict Forced Migrants. A Review of Relevant Legal Norms and Instruments*. (2003). Available at: http://pdf.usaid.gov/pdf_docs/Pnadf327.pdf
15. Stefanovic, D. and N. Loizides. *The role of remote voting in encouraging return* (2015). Available at: <http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/dayton20/stefanovic-loizides.pdf>
16. The Office of the United Nations High Commissioner for Refugees, *A Handbook for the protection of Internally Displaced Persons*. (2007). p. 329-335. Available at: <http://www.unhcr.org/4c2355229.pdf>
17. Gathia S. *Voting Rights for Internally Displaced Persons: A guide by AINREL*. Available at: <http://aceproject.org/ero-en/misc/guide-voting-rights-for-internally-displaced>

2. International Law and Standards

1. United Nations. *International Covenant on Civil and Political Rights* (ICCPR). (1966). Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.
2. United Nations Human Rights Committee. *General Comment 25*. (1996). Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.7&Lang=en.
3. United Nations. *Convention on the Elimination of All Forms of Discrimination Against Women*. (1979). Available at: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.
4. United Nations Committee on the Elimination of Discrimination Against Women. *General Recommendation 23*. (1997). Available at: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>.

5. United Nations. *Convention on the Elimination of All Forms of Racial Discrimination*. (1965). Available at: <http://www.ohchr.org/Documents/ProfessionalInterest/cerd.pdf>.
6. United Nations. *Convention on the Rights of Persons with Disabilities*. (2006). Available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>.
7. African Union. *Kampala Convention*. (2009). Available at: http://www.au.int/en/sites/default/files/treaties/7796-treaty-0039 - kampala_convention_african_union_convention_for_the_protection_and_assistance_of_internally_displaced_persons_in_e.pdf.
8. United Nations. *Guiding Principles on Internal Displacement*. (2004). Available at: <http://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>.
9. Council of Europe. *Recommendation (2006)6*. (2006). Available at: <https://wcd.coe.int/ViewDoc.jsp?id=987573&Site=CM>.
10. Parliamentary Assembly of the Council of Europe (PACE). *Recommendation 1877 (2009)*. 2009. Available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=17759&lang=en>.
11. Venice Commission. *Code of Good Practice in Electoral Matters*. (2002). Available at: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev-e).

3. Regional and Country Reports

1. International Organization for Migration (IOM). *Case Studies on the Participation of Conflict Forced Migrants in Elections*. (2003). Available at: http://pdf.usaid.gov/pdf_docs/Pnadf326.pdf.
2. Mooney, E. and B. Jarrah. *The Voting Rights of Internally Displaced Persons: The OSCE Region*. (2004). Available at: https://www.brookings.edu/wp-content/uploads/2016/06/20041105_osce.pdf.
3. Council of Europe. *Opinion of DGI Directorate of Human Rights, the draft law of Ukraine "On Ensuring of Rights and Freedoms of Internally Displaced Persons"*. (2014). Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680098ea5#search=IDP%20voting>
4. OPORA views on the Draft Law #2501a-1: *Civil Society Proposes to Regulate Voting Rights of Internally Displaced Persons*. (2015). Available at: <https://www.oporaua.org/en/news/39076-1031-1446983010-zakonoproekt-2501a-1-gromadskist-proponuje-vreguljuvaty-vyborchi-prava-vnutrishno-peremishchenyh-osib>.

5. University of South Florida (USF), *The Politics of Displacement: Voting and Internally Displaced Persons (IDPs)*, (Nigeria). (2015). Available at: <http://www.usfglobalinitiative.org/newsletter/the-politics-of-displacement-voting-and-internally-displaced-persons-idps/>.
6. Refugee Consortium of Kenya (RCK). *Behind the Scenes: Lessons Learnt from Developing a National Policy Framework on Internal Displacement in Kenya*. (2013). Available at: <http://www.refworld.org/docid/524018404.html>.
7. Solomon, A. *Election-Related Rights and Political Participation of Internally Displaced Persons: Protection During and After Displacement in Georgia*. (2009). Available at: http://www.brookings.edu/~media/research/files/papers/2009/11/voting-rights-solomon/11_voting_rights_solomon.pdf.
8. Ferris, E. *Iraqi Elections and Displacement*. (2008). Available at: <http://www.brookings.edu/research/opinions/2008/10/02-iraq-ferris>
9. International Organization for Migration (IOM). *Sri Lanka: The Voting Rights of Internally Displaced Persons, Refugees and Economic Migrants*. (2006). Available at: http://www.geneseo.edu/~iompres/Archive/Outputs/Sri_Lanka_Final.pdf
10. Prather, L. and E. Herron. *Enfranchising Displaced Voters: Lessons from Bosnia-Herzegovina*. (2007). Available at: http://www.laurenprather.org/uploads/2/5/2/3/25239175/prather_and_herron_-_enfranchising_displaced_voters.pdf
11. International Organization for Migration (IOM). *Nepal Supporting Democratic Transition through the Participation of IDP and Migrants in Constituent Assembly Elections*. (2006). Available at: http://www.geneseo.edu/~iompres/Archive/Outputs/NEPAL_IOM_AP_FINAL.pdf
12. Afghanistan Minister of Refugees. *National Policy on Internally Displaced Persons*. (2013). Available at: <http://morr.gov.af/Content/files/National%20IDP%20Policy%20-%20FINAL%20-%20English%281%29.pdf>
13. Iraq Ministry of Displacement and Migration. *National Policy on Displacement*. (2008). Available at: http://www.brookings.edu/~media/Projects/idp/Iraq_2008_National_Policy.pdf?la=en.
14. Fischer, J. *Conflict, Displacement, and Elections. Action Plan for Municipal Elections in Colombia*. (2006). Available at: http://www.geneseo.edu/~iompres/Archive/Outputs/PRESS_Colombia_Action_Plan_Feb_07.pdf.
15. Grace, J., Fischer, J., and Hatch B. *Electoral Displacement in the Caucasus. Georgia and Azerbaijan*. (2003). Available at: http://www.geneseo.edu/~iompres/Archive/Outputs/Electoral_Displacement_in_the_Caucasus1.pdf.

16. Ibeanu O. *Between Refugee and Rights. Internally Displaced Persons and Inclusive Electoral Process in Nigeria*. (2015). Available at: <http://www.inecnigeria.org/wp-content/uploads/2015/12/Final-TEI-Lecture-Dec-10-by-Prof-Ibeanu.pdf>.
17. Mooney, E. and Jarrah, B. *Displaced and Disenfranchised. Internally Displaced Persons and Elections in the OSCE Region*. (2005). Available at: https://www.brookings.edu/wp-content/uploads/2016/06/2005_mooney.pdf.
18. European Court of Human Rights. *Aziz v. Cyprus*. (2004). Available at: <http://www.equalrightstrust.org/ertdocumentbank/Aziz%20v.%20Cyprus.pdf>.

4. Key International Organizations and Resources

1. United Nations Human Rights Committee: <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>
2. United Nation High Commissioner for Refugees (UNHCR): <http://www.refworld.org/idps.html>
3. Internal Displacement Monitoring Centre (IDMC): <http://www.internal-displacement.org/>
4. International Organization for Migration (IOM), PRESS Project: <http://www.geneseo.edu/~iompress/>
5. Brookings Institute: <http://www.brookings.edu/about/projects/idp>
6. Oxford University, Forced Migration Online: <http://www.forcedmigration.org>
7. Ace Project, The Electoral Knowledge Network: <http://aceproject.org>

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Aysha Shujaat is an out-of-country voting expert with over 10 years of experience in managing election projects in post-conflict and developing democracies. During these years she was associated with the United Nations, international organizations, including IFES and NDI, as well as election management bodies such as the election commissions of Iraq and Pakistan.

Over the years, Shujaat has been involved in organizing and conducting some of the most significant out-of-country voting projects in recent times including, Libya, South Sudan, Iraq and Afghanistan. She advised the Independent Election Commission of Iraq on the administration of the out-of-country voting during the 2005 Parliamentary Elections. She has written significant papers on the subject.

Shujaat has been actively involved in furthering election reforms in Pakistan. During her work with IFES Pakistan she steered the electoral reform agenda internally and worked closely with lawmakers, civil society and international organizations working to strengthen the democratic process. Recently her analysis on risks and consequences of out-of-country voting in Pakistan was widely distributed among national stakeholders as the country considers its options for the upcoming elections.

Shujaat holds a Masters in Political Science and is a BRIDGE certified trainer. She currently resides in Malaysia.

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Hannah Roberts is an independent political governance consultant focusing mainly on elections (since 1999). She has held a variety of election positions including running out of country voting (including for the South Sudan referendum in Europe), undertaking technical assistance with election commissions, working with civil society organisations and political parties, and planning and evaluation of electoral assistance programmes.

In election observation and assessment Hannah has been head of mission (for the OSCE in Canada, Afghanistan, and Finland), and deputy head of mission (most recently for the EU in Nigeria and previously in Pakistan in 2008 and 2013).

Hannah also undertakes training and managed the NEEDS II programme for the European Commission. Hannah has developed election observation methodology for the EU and the OSCE, including in regards to follow-up, gender analysis, disability inclusion, and the development of recommendations. She has produced a research paper on forced migration and electoral participation for the Refugees Studies Centre at the University of Oxford.

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Peter Erben is a leading authority on electoral management and the strengthening of democratic institutions. Erben is one of few international experts ever called upon to direct national elections for other nations. Erben currently works out of Ukraine, where he is also country director for IFES and senior adviser to the election commission. He has held similar positions in Indonesia, Pakistan, Nepal and Palestine.

He served as the chief electoral officer of Afghanistan during the country's 2005 parliamentary and provincial council elections. Previously, he directed two out-of-country elections: the 2004 Afghan presidential election for Afghans living in Pakistan and Iran, and the 2005 Iraqi parliamentary elections for Iraqis living in 14 countries worldwide, including Sweden, Syria, Jordan and the U.S.

He was the associate director of elections and the director of elections for the first two post-conflict elections in Kosovo in 2000 and 2001, respectively. In both Afghanistan and Kosovo, Erben was also a member of the election commission. From 1996 to 2000, Erben was part of managing the first four post-conflict elections in Bosnia and Herzegovina, serving as OSCE's chief of staff in the final two years. Between longer assignments, Erben conducted missions to Myanmar, Libya, Iraq, Egypt, South Korea, Malaysia, Lebanon, the Philippines, Bangladesh, Sri Lanka and Georgia, among other nations.

In 2005, Erben received Afghanistan's Ghazi Mir Bacha Khan Superior State Medal; in 2008, he was knighted for contributing to the advancement of democracy worldwide. Erben is Danish and graduated from Copenhagen Business School. He is a guest lecturer at Harvard and other universities.



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