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# PUBLIC AND POLITICAL PARTICIPATION OF INTERNALLY DISPLACED PERSONS



**REPORT OF A GLOBAL PROTECTION CLUSTER (GPC)  
AND CARTER CENTER ROUND-TABLE**

Amman, Jordan



# CONTENTS

BACKGROUND .....	4
1. TYPOLOGIES AND EXAMPLES OF IDP DISENFRANCHISEMENT .....	6
2. BARRIERS TO IDP PARTICIPATION IN PUBLIC AND POLITICAL LIFE .....	7
3. FACILITATION OF IDP PUBLIC AND POLITICAL PARTICIPATION – ROLE OF VARIOUS ACTORS .....	8
3.1 Role of National Authorities in facilitating IDP Public and Political Participation.....	8
3.2 Role of municipal authorities in facilitating IDP Public and Political Participation.....	8
3.3 Role of Civil Society in facilitating IDP Public and Political Participation.....	9
3.4 Role of the Protection Cluster in facilitating IDP Public and Political Participation .....	10
4. UN ELECTORAL ASSISTANCE AND IDP PUBLIC AND POLITICAL PARTICIPATION.....	11
5. STRENGTHENING LINKS BETWEEN ELECTION OBSERVERS, HUMAN RIGHTS OFFICERS AND PROTECTION CLUSTER COORDINATORS AND MEMBERS PRIOR TO, DURING AND AFTER ELECTORAL PROCESSES .....	12
5.1 Country examples .....	12
CONCLUSIONS.....	16
APPENDIX 1.....	17





## BACKGROUND



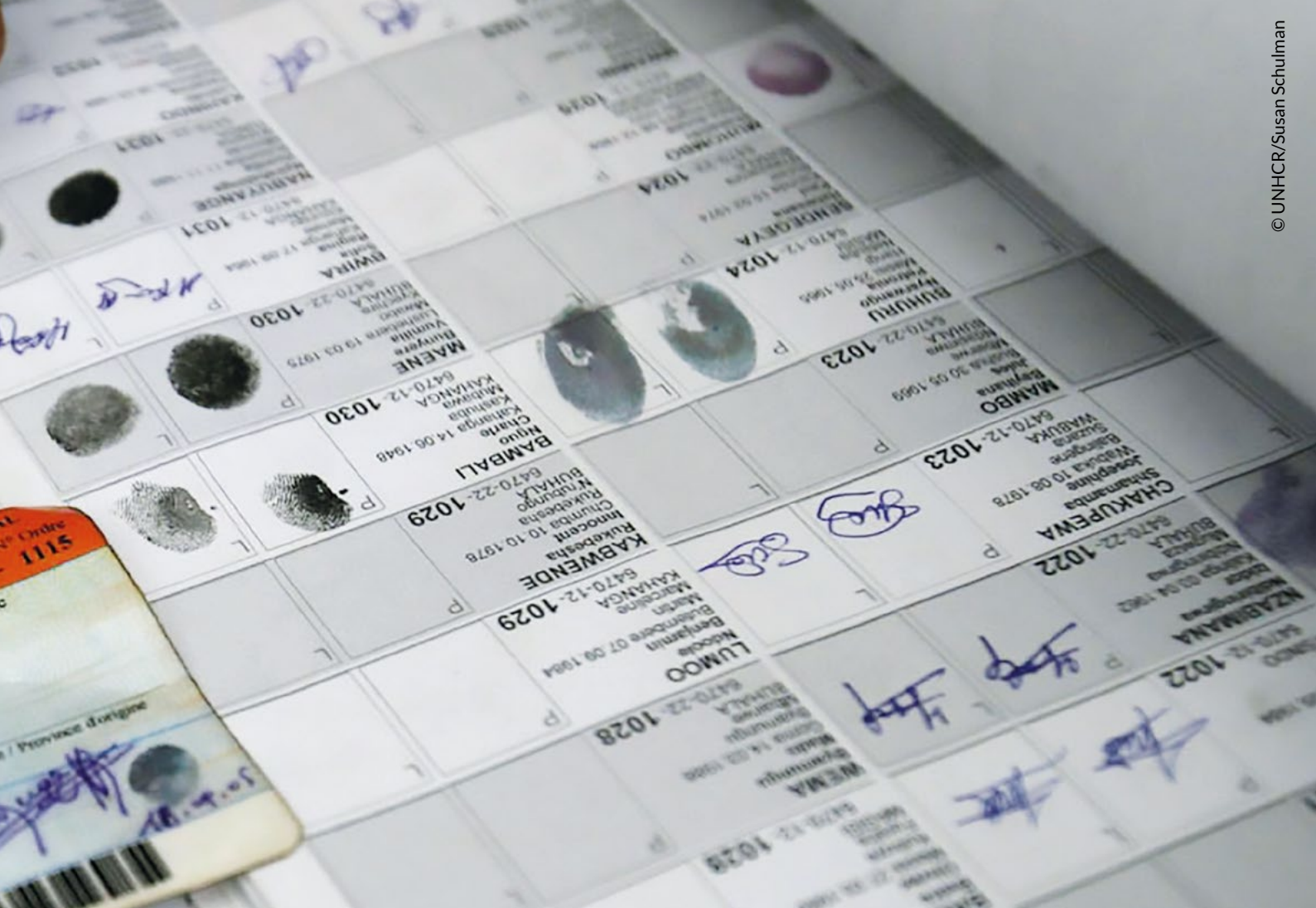
Around the world today, some 40 million people are internally displaced by conflict and violence. Countless more are displaced by disasters. They, unlike refugees, remain within their own countries. Providing protection and assistance to these internally displaced persons (IDPs) is first and foremost the responsibility of their own governments. Because internally displaced are most often citizens of the country in which they are uprooted, they are entitled to the same set of rights as other non-displaced nationals, and for all citizens this includes the right to participation in public and political life.<sup>1</sup>

Political and public participation rights play a crucial role in the promotion of democratic governance,

the rule of law, social inclusion and economic development, as well as in the advancement of human rights. The right to directly and indirectly participate in political and public life empowers individuals and groups. Participation rights are also inextricably linked to other human rights such as the rights to peaceful assembly and association, freedom of expression and opinion and the rights to education and to information.

Around the world, however, IDPs face a number of obstacles to exercising their right to public and political participation. The disenfranchisement of the internally displaced not only infringes their rights,

<sup>1</sup> Public participation is based on the freedoms of expression, assembly and association, coupled with the right to take part in public affairs. Public participation is the basis of democratic governance and a key to promotion of and respect for human rights.



it can exacerbate the social, political and economic marginalization that they typically experience.<sup>2</sup>

In an effort to better understand and address obstacles facing IDPs' public and political participation, GPC, in collaboration with The Carter Center, held a round-table in Amman – Jordan in October 2018 with the objective of:

- Identifying current barriers and challenges to the political participation of IDPs;
- Discussing good practices in increasing political participation of IDPs;
- Strengthening links between election observers, human rights officers and protection cluster coordinators and members prior to, during and after electoral processes, including to ensure

optimal participation of IDPs to such electoral processes;

- Identifying how the GP20 Plan of Action can support the above efforts; and
- Exploring areas for greater collaboration on issues related to IDP political participation, as outlined in the Human Rights and Election Standards Plan of Action

The meeting brought together GPC field representatives, representatives of UN agencies responsible for the implementation of electoral assistance, and external experts. This report summarizes the presentations and discussions during the roundtable held in Amman, Jordan in October 2018.

<sup>2</sup> The significance of this issue is underlined in the inclusion of “IDP participation” in the multi-year, multi-stakeholder Plan of Action to mark the 20th anniversary of the Guiding Principles on Internal Displacement. Furthermore, the Plan of Action recently released by The Carter Center and the Office of the High Commissioner for Human Rights (OHCHR) titled: Human Rights and Election Standards Plan of Action, a product of a two year consultation process that took place between 2015 and 2017, emphasizes the right to equal participation and calls for increased cooperation between the communities that work on human rights and those that work on election observation and assistance.

# 1. TYPOLOGIES AND EXAMPLES OF IDP DISENFRANCHISEMENT



Within states, populations and individuals have a territorial locus. This principle governs the territorial location of populations or individuals. This location may be based on the political division of territorial sub-units and administrative hubs, such as provinces, governorates, counties, municipalities or districts. It is in these units that the political participation of citizens and residents is regulated, e.g., by means of documentation, residential registration, or voter registration in local and national elections. The location and locality of populations and individuals enables them to participate in public affairs including in the affairs of the state at local and national levels.

Obstacles to political participation arises when the territorial locus is disrupted by internal displacement to other areas or parts of the country, in its provinces, governorates, counties, municipalities or districts.

In places of internal displacement, issues of identification, destroyed or lost legal documents, absence of registration and other similar political factors may cumulatively disenfranchise internally displaced persons from political participation in violation of international law [see appendix I].

The following, non-exhaustive, examples were discussed in the meeting:

- ➔ Exclusion from political participation causing displacement;
- ➔ Electoral disputes resulting in displacement;
- ➔ Exclusion from decision-making as a result of displacement;
- ➔ Exclusion of specific groups as a consequence of conflict and the related displacement;
- ➔ Displacement disenfranchising IDPs in general (e.g. intentional intensified conflict before the elections process to reduce participation).

**Complex Emergencies and mixed populations:** In many complex emergencies, populations are mixed. For example, refugees and refugee returnees may live alongside IDPs in host communities. IDPs and returning refugees may face similar and common challenges and obstacles in connection with public and political participation. An approach that addresses the common needs of mixed populations may sometimes be required.

In such a context, displacement may alter the demographic composition of populations and potentially affect political participation. The uncertainty relating to the political allegiance and voting direction of IDPs could also contribute to their political exclusion.

## 2. BARRIERS TO IDP PARTICIPATION IN PUBLIC AND POLITICAL LIFE



In practice, IDPs face obstacles in exercising their right to participation in public and political life which contributes to their disenfranchisement and their exclusion from the political life and public affairs of their community.

In 2016, the International Foundation for Electoral Systems (IFES) issued a publication titled “[Internally Displaced Persons and Electoral Participation: A Brief Overview](#).” The white paper provides a substantive overview of IDPs electoral participation and notes that national and international laws which guarantee and promote an equal opportunity to vote and be elected, apply equally to IDPs as citizens of the state. Often, however, IDP populations can be perceived by politicians as a threat who at times fear that IDP participation could alter constituency electorates and change election outcomes. Given these operational and political complexities, the paper further argues that the onus is primarily on states to take measures to enable IDPs’ electoral participation. It concludes with a set of recommendations, in support of the implementation of the Guiding Principles on Internal Displacement, and calls on a range of actors to work together to help ensure IDPs right to political participation including civil society, the UN, international and national NGOs, and academia.

At the roundtable, some of the obstacles to IDP enfranchisement discussed included:

- ➔ **Lack of an inclusive legal framework.** The Council of Europe issued two statements in [2006](#) and [2009](#). The former concerned the right to vote and the latter concerned the right to stand as a candidate. The Venice Commission is the most authoritative standard-setting body in the European context and its Code of Good Practices in Electoral Matters is an important and recognised tool that guides governments and law makers in the reform of national electoral legal

framework and practices.<sup>3</sup> However, the code as it currently stands only gives marginal reference to the political rights of IDPs.

- ➔ **Lack of information and documentation** which results in IDP exclusion. In conflict settings, public participation is disrupted due to issues related to identification. This impacts the right to self-determination (Article 1 of the ICCPR) and the right to non-discrimination (Articles 2 and 26 of the ICCPR) and results in exclusion.
- ➔ **Restrictive residency requirements** can result in legal and practical barriers to IDP political participation. For example, in Afghanistan, IDPs are required to register in their place of residence, from where they were displaced, in order to be able to vote.
- ➔ **Insecurity and intimidation can hamper return of IDPs** to their areas of origin, e.g. the experience of Afghanistan, DRC and Iraq where security related issues were a major obstacle to IDPs’ public participation.
- ➔ **Lack of operational arrangements for absentee voting**, which needs to be carefully planned in order not to compromise the overall integrity of the electoral process.

<sup>3</sup> Venice Commission, Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report – Adopted by the Venice Commission at its 52nd session (Venice, 18-19 October 2002) in English, CDL-AD(2002)023rev-e. <https://bit.ly/2WzKpsp>

# 3. FACILITATION OF IDP PUBLIC AND POLITICAL PARTICIPATION – ROLE OF VARIOUS ACTORS



## 3.1 Role of National Authorities in facilitating IDP Public and Political Participation

The Guiding Principles on Internal Displacement clearly states that: “national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.” (Principle 3) They also have the “primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.” (Principle 28)

In post-conflict situations, political participation can effectively contribute to peace, reconstruction, and long-term development. Protecting the civil and political rights of displaced people – the right to vote, to freedom of assembly and association, and of expression – allows displaced persons to play an active role in shaping their own future and that of their nation.

### THE PHILIPPINES (COMELEC)

The experience of the Philippines Commission on Elections (COMELEC) underlines the role national election commissions play in ensuring IDP participation. The Philippines Commission on Elections promotes and advocates legal reforms to ensure IDP enfranchisement in public and political life. Most recently, the commission established new electoral precincts for protracted displaced citizens, as well as voting centers following the Pinatubo volcanic eruption. In 2013, in Zamboanga, voting was allowed to be conducted outside the villages of the displaced citizens. As a result of the conflict in Marawi

City in September 2018, special voter registration and voting centers accessible to voter-evacuees were implemented.

In the context of the Philippines, despite the COMELEC efforts to protect the rights of IDPs there is no specific reference in the various laws and policies of the Philippines that grants IDPs the right to political and electoral participation. Key recommendations to enhance IDP enfranchisement which the commission is taking forward include:

- Promote and advocate for reform of the legal framework to implement IDP participation in public and political life;
- Ensure concerted attention is given to IDPs political rights by both government and non-government institutions;
- Promote policy formulation and implementation that is inclusive of the political rights of IDPs with the involvement of government and non-government electoral institutions.

## 3.2 Role of municipal authorities in facilitating IDP Public and Political Participation

Elections are not limited to the national level and local elections are equally important.

Roundtable participants shared country examples that underscored the significant role local councils play regarding IDP participation. For example, the case of north Mitrovica in Kosovo illustrated how politicians at the local level dominated the return process for IDPs to ensure that election outcomes were in their favour. Another example was given in Afghanistan, where the mayor in one of the governorates was not in favor of IDP participation in local council elections as their votes would alter election results.





### 3.3 Role of Civil Society in facilitating IDP Public and Political Participation

Civil society has a crucial role to play in civic education and in promoting IDP participation in public and political life. The roundtable participants reflected on two examples:

#### **KOSOVO:**

IDPs in Kosovo face challenges in relation to their access to civil documentation and public participation. Kosovo provides a particularly good example of how the combined efforts of monitoring the ability of IDPs to exercise their voting rights in elections, together with work on promoting amendments to national electoral legislation to remove obstacles to IDP voting were mutually reinforcing.

#### **MEXICO:**

According to the Inter-American Human Rights Commission there are three main forms of violence that trigger internal displacement in Mexico: (1) violence that originates from state actors, such as police, military forces and investigation authorities; (2) organized crime; and (3) other actors such as private security forces and communal groups. According to the Internal Displacement Monitoring Centre, in 2016 there was a total of 299,000 people displaced and in 2017, the number rose to 345,000.

The legal framework in the country restricts the right to vote of internally displaced persons. Civil society is therefore undertaking concerted advocacy and awareness raising to promote greater involvement in political and social dialogue.

### 3.4 Role of the Protection Cluster in facilitating IDP Public and Political Participation

Maintaining the neutrality and independence that guides humanitarian action to guarantee the rights of the affected population is challenged in conflict settings, especially in de facto divided states. For example, in Syria, the international community witnessed armed groups with their civilian wings exercising territorial control over certain parts of the country, challenging the state's sovereignty, and hampering access to the displaced population.

#### THIS RAISES SEVERAL IMPORTANT QUESTIONS:

- ➔ How can humanitarian/Global Protection Cluster and field partners help to safeguard the right of IDPs to participate in public and political affairs?
- ➔ How can humanitarian/Global Protection Cluster and field partners help to support IDP public and political participation at the local level?
- ➔ How much do Global Protection Cluster and field partners get involved in political processes?

IDPs should have the choice to vote in their initial place of residence or in their area of displacement, and there should be no consequences on their ability to enjoy other rights or assistance, which is fully in line with the UN Guiding Principles on Internal Displacement.

In discussing the above, roundtable participants concluded that the Global Protection Cluster and field partners should maintain a neutral role, but at the same time uphold and ensure full respect for the human rights of IDPs, including their right to public and political participation. Emphasis was placed on the role of the Protection Cluster to facilitate as possible and appropriate:

- the right to freedom of movement;
- the provision of civil documentation;
- empowerment of IDPs to participate;
- protection monitoring; and
- advocacy.

# 4. UN ELECTORAL ASSISTANCE AND IDP PUBLIC AND POLITICAL PARTICIPATION



Electoral assistance is a key component of the work of the United Nations to promote human rights and rule of law.

## UNITED NATIONS DEPARTMENT OF POLITICAL AFFAIRS (DPA)

United Nations electoral assistance is provided only at the specific request of the Member State concerned or based on a mandate from the Security Council or General Assembly. Before assistance is agreed and provided, the United Nations assesses the needs of the Member State to ensure that the assistance is tailored to the specific needs of the country or situation. As the General Assembly has reaffirmed on many occasions, United Nations assistance should be carried out in an objective, impartial, neutral and independent manner, with due respect for sovereignty, while recognizing that the responsibility for organizing elections lies with Member States. More than 100 countries have requested and have received United Nations electoral assistance since 1991, the year in which the Secretary-General designated the Under-Secretary-General for Political Affairs as focal point for electoral assistance matters, with the endorsement of the General Assembly.

The focal point is supported by the Electoral Assistance Division (EAD) of the Department of Political Affairs (DPA) of the United Nations Secretariat. The Division recommends to the focal point the parameters for all United Nations electoral assistance, pursuant to the request of Member States, and following an electoral needs assessment. The Division also advises on the design of electoral mission components or assistance projects and maintains the institutional memory of the Organization and the single roster of experts. It is also responsible for policy development. On behalf of the focal point, the Division provides political and technical guidance to all United Nations entities involved in electoral assistance, including on electoral policies and good practices. When required, the Division provides support to the Secretary-General and his envoys, and to United

Nations political and peacekeeping missions in the prevention and mediation of electoral crises. The Electoral Assistance Division also maintains electoral partnerships with, and provides capacity development support to, other regional and intergovernmental organizations involved in elections. It leads the inter-agency coordination mechanism for UN Electoral Assistance which includes DPKO, UNDP, UNOPS, UN Women, OHCHR, PBSO and IOM.

The UN electoral support programs are tailored according to the specific needs of each requesting Member State and situation.

The following are examples of some of the various types of electoral assistance previously provided by the United Nations:

- ➔ Technical Assistance
- ➔ Support to creating a conducive environment:
- ➔ Organization and conduct of an electoral process:
- ➔ Certification/Verification
- ➔ Electoral Observation

Generally, electoral needs assessments undertaken in-country include the situation of IDPs and how electoral assistance should be provided to them. Obstacles to IDP electoral participation, in the experience of DPA, is consistent with the challenges discussed at the roundtable (*see Section II. Challenges to IDP Participation*) namely lack of an inclusive legal framework, restrictions on movement, lack of timely information and special arrangements, inadequate or lack of operational arrangements for absentee voting.

# 5. STRENGTHENING LINKS BETWEEN ELECTION OBSERVERS, HUMAN RIGHTS OFFICERS AND PROTECTION CLUSTER COORDINATORS AND MEMBERS PRIOR TO, DURING AND AFTER ELECTORAL PROCESSES



## 5.1 Country examples

Advocacy, guidance, preparation, coordination and collaboration with various actors as shown in the below country examples and throughout this paper demonstrate the crucial role humanitarians, election observers, human rights officers play in facilitating IDPs right to public and political participation. Different examples of actions that were undertaken to facilitate IDP political participation in Afghanistan, DRC, Mexico, and Ukraine include establishing partnerships and working with various organisations; public awareness campaigns and contributing to drafting bills that ensure the full exercise of IDPs' right to participation in public and political life.

### IRAQ

The Iraq experience illustrates the gradual change in the approach of the Government of Iraq (GoI) towards its internally displaced population. In the run-up to the 2018 parliamentary elections, concerted advocacy by the humanitarian country team and the Deputy Special Representatives of the Secretary-General (DSRG) for Iraq for a principled return process in line with international standards supported the shift of focus from returning to areas of origin to one allowing IDPs to exercise fully their right to vote in their place of displacement.

In support of the right to vote of all citizens, including IDPs and returnees, humanitarian partners aimed to ensure that any activities related to the electoral process did not and were not perceived to compromise their role as independent, impartial and neutral actors, or prejudice humanitarian assistance and protection activities, wherever these are conducted.

The humanitarian community undertook a number of steps to safeguard the right of citizens including IDPs to political participation and these included:

- ➔ The Humanitarian Country Team in Iraq issued a note on Iraq's parliamentary elections and the protection of displaced voters. The note provides a protocol of engagement for humanitarian partners who are fulfilling their regular functions during the election period. It is mostly related to the voting of displaced people and for humanitarians who work in camps and in locations where polling stations were set up for displaced voters. The note reiterates that humanitarian assistance is provided in line with international humanitarian and human rights law; and that partners should ensure as much as possible that the humanitarian character of camps is preserved and that partners' activities do not undermine the humanitarian principles of neutrality, impartiality and independence in the run-up and during the electoral process;
- ➔ The Iraq National Protection Cluster issued a Guidance note on operational issues in the run up to the 2018 Council of Representatives elections in Iraq. The guidance note complemented the 'Humanitarian Country Team Note on Iraq's parliamentary elections and the protection of displaced voters' (19 March 2018) and provided additional recommendations, with particular focus on issues that may arise during the electoral process, in areas of displacement, including camps and non-camp areas, and areas of origin/return;
- ➔ Suspension of programs financed by the Iraq Humanitarian Pooled Fund for national organisations whose directors or presidents were running as candidates in the 2018 parliamentary elections;



- ➔ Ensuring data on displaced people was safeguarded during the lead-up to the elections and not misused by authorities, candidates and their supporters under the pretext of elections;
- ➔ Ensuring any information shared by UN agencies and NGO partners did not convey political messages, support or disapprove of any political party or candidate;
- ➔ Promoting the exercise of the rights of displaced people in a non-discriminatory manner, regardless of gender, ethnicity, religion as well as tribal, political or other affiliations or perceptions thereof and irrespective of whether they have returned or sought to return to their areas of origin;
- ➔ Ensuring that partners report incidents of humanitarian violations (e.g., the presence of armed persons in camps for displaced people which may be a protection and security risk), as well as working with the authorities to ensure that vulnerable groups are referred and assisted to vote.

Challenges arose in practice, particularly in relation to the physical security of IDPs as a result of threats by ISIS to target polling stations. Following the elections, concerns were also raised by IDPs to the Iraq National Protection Cluster regarding voting procedures which resulted in their disenfranchisement. Additionally, ensuring the privacy of IDP voters has proven to be the most challenging as the voting method used revealed the choice and identity of the voter.

**UKRAINE**

Efforts undertaken by civil society in Ukraine supported the adoption of procedures that improved IDP enfranchisement in the political process. In Ukraine, as of September 2018, 1,1519,132 internally displaced persons from non-governmental controlled areas (NGCA) of Donetsk and Luhansk oblasts (regions) and the Autonomous Republic of Crimea<sup>4</sup> had their voting rights restricted. Approximately 4% of the Ukrainian electorate are IDPs who are limited in exercising their full political rights.

<sup>4</sup> Ministry of Social Policy of Ukraine

IDPs were able to participate and vote in presidential elections, elect half of the members of parliament by party-list proportional representation system and stand as candidates for president, parliament and in local elections. However, they could not for example vote for members of parliament elected according to a majority vote representing individual constituencies, mayors and members of local councils. About 500,000 IDPs, for example, had no right to elect a member of parliament in single-member constituencies in the October 2014 elections.<sup>5</sup> Subsequently, 1,345,100 IDPs did not participate in the local elections in 2015 and were not able to elect local council deputies. Furthermore, they could participate in local elections only in the constituency of their government registered address which was often in their area of origin in Crimea.

Ukraine Protection Cluster partners have advocated for voting rights of IDPs by engaging local authorities to advocate in favor of IDP participation in local elections, working with members of parliament and providing support for preparing draft legislation and conducting media campaigns highlighting the contribution of active IDPs in their new communities. Protection Cluster partners have developed step-by-step guidance for IDPs on the procedure for change of the voting address so they could participate in the upcoming presidential elections.

In an effort to address IDPs lack of public and political participation, the NGO “Group of Influence,” together with Civil Network OPORA and the International Foundation for Electoral Systems (IFES) worked with Protection Cluster partners and Members of Parliament to develop a draft law on Ensuring Access to the Right to Vote of Internally Displaced Persons and Other Internal Migrants. As a result, on March 27, 2017, 24 MPs from different factions signed draft law No. 6240 which enables all Ukrainian citizens to vote in their actual place of residence in elections of all levels by simplifying voter registration procedures. Adoption of the law would allow IDPs to vote in local elections in displacement, which was not possible to date.

In September 2018, the Central Election Commission simplified a procedure to allow for a temporary change of voting location for IDPs from NGCA of Donetsk and Luhansk oblast who wish to take part in

presidential and parliamentary elections. Now IDPs whose permanent place of residence is in NGCA, are no longer required to attach documents justifying the need for the temporary change of their voting location to their voting application. However, this procedure has to be completed five days before the elections and repeated for every election. While this simplifies the procedure of IDPs to register as voters, it is only applicable to participation in presidential and parliamentary (50%) elections, as well as national referenda.

## AFGHANISTAN

In Afghanistan where the government controls 47% of the territory, conflict has been escalating in the country with IEDs identified as the main cause of death – 65% of which is perpetrated by anti-government elements. The majority of the internally displaced in Afghanistan live outside camp settings. During the October 2018 recent parliamentary elections, there was no clear message for IDPs to participate. Furthermore, the Taliban issued press releases against the parliamentary elections and requested for “Mujahdeen” to interfere with the process.

The enfranchisement of IDPs in the political process was described as complex by the Afghanistan Protection Cluster for a number of reasons:

- ➔ Lack of an inclusive legislative framework: the current legislative framework in Afghanistan obliges IDPs to register and vote in their district of origin, however IDPs would rather not return to an insecure area to vote;
- ➔ Voting is based on a Taskhira documentation which can be obtained at the place of origin or displacement, however a considerable number of IDPs were unaware of this possibility;
- ➔ Cultural norms: For example, Pashtun are against fingerprinting women or for women to uncover their faces and so women opt not to participate;
- ➔ Most IDPs are from contested areas or areas under the control of anti-government elements

<sup>5</sup> In the beginning of displacement from Eastern Ukraine there were approximately 0.5 million IDPs registered by the Ministry of Social Policy of Ukraine.

and there is no voting registration in areas outside the control of the government;

- ➔ Most anti-government elements attack electoral processes. As such the protection cluster advocates with the government not to position polling stations in schools and clinics.

The Protection Cluster implemented awareness and information campaigns specifically with regard to issues surrounding documentation to help facilitate IDP public and political participation.

### **DEMOCRATIC REPUBLIC OF CONGO (DRC)**

The 2018 electoral process in DRC took place in a period of political instability, ongoing and increasing violence, due to the presence of armed groups or ethnic tensions, which are often exacerbated for personal interests linked to the exploitation of natural resources. Internal displacement in the country is occurring where most natural resources are located and in provinces that historically have supported opposition parties. UNHCR advocated with the election commission (CENI) and The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), to ensure that refugees have the right to be enrolled on the voter register.

Some of the obstacles to voting included: on-going violence and fighting which prevented elections from being held in some locations, particularly where IDPs are living (e.g., Beni Territory in North Kivu, Kamako Territory in Kasai); Ebola in North Kivu and cholera in South Kivu prevented elections in these provinces with a large number of IDPs; the logistics of delivering election materials; the security risks of participation for many IDPs (e.g., the recent closure of IDPs settlements around Kalemie); and concerns about returning to areas of origin because of ethnic tensions between the Tchokwe and Luba groups.

It is worth mentioning that MONUSCO's mandate is precisely to provide technical and logistical support to the DRC Government for the electoral process and protect civilians from human rights violations. As a result, UNHCR undertook, directly or through the DRC Protection Cluster, several measures to advocate

for the right to vote for its people of concern, including:

- ➔ Alerting the Humanitarian Country Team about the issue through the issuance of a Protection Cluster advocacy note;
- ➔ Alerting the United Nations Country Team (composed of key actors involved in the support to the electoral process or human rights), in particular UNDP, OHCHR, UNFPA, and the UN integrated office;
- ➔ Alerting the government to the risks for IDPs, in particular the Ministry of Humanitarian and Social Affairs and the Ministry of Interior and Security;
- ➔ Attending the MONUSCO electoral task force;
- ➔ Providing training on the UN Guiding Principles, the Kampala Convention, and the national law related to the right to vote of IDPs, through the Protection Cluster, with the support of the Global Protection Cluster.

# CONCLUSIONS



Internally displaced persons (IDPs) should enjoy the full range of human rights, including the right to participate in public and political affairs. However, in practice IDPs often face obstacles that impede the exercise and enjoyment of their rights to political participation or may result in their disenfranchisement and exclusion from the political process and public affairs. Overcoming these obstacles is critically important, both for the respect of IDPs' rights and the country's electoral process and governance structures. It is also essential for consolidating peace and development gains. Above all, it is essential for empowering and enabling IDPs, who so often are already marginalized, to take part in the public affairs of their community and country and thereby to have a say in the political, economic and social decisions that affect their lives.

Some general lessons learned and good practices based on the case studies shared during the roundtable included:

- The development or amendment of laws and policies relating to IDP electoral participation should be undertaken well in advance of elections to allow time for research, consultation and the consideration of different implementation options;
- National Election Management Bodies play a crucial role in ensuring IDP enfranchisement including advocating for legal reforms to ensure enfranchisement of IDPs in public and political life (e.g., in the Philippines);
- The role of civil society in keeping IDPs on the agenda and advocating for reform is key; Structured early engagement with the media by civil society and others can help address IDPs' disenfranchisement;
- Groups representing IDPs, civil society, protection clusters, relevant UN agencies and election management bodies can work together to support the right of IDPs to public and political participation. Formalized partnerships and engagement between and among human rights commissions, electoral commissions, humanitarian communities and civil society organisations can be an important means of supporting IDP participation;
- Public data on IDP numbers and electoral participation is crucial so problems can be identified and addressed early on, as illustrated in Ukraine, where advocacy with government authorities to register IDPs (almost 50% of whom are elderly) helped facilitate IDPs' access to their rights;<sup>6</sup>
- Collaboration with the UN special procedures can help to promote the adoption of government policies that address the needs and rights of IDPs with efforts to highlight the intersectionality of discrimination; and
- The [GP20 Plan of Action](#) and [Human Rights and Electoral Standards Plan of Action](#) highlight potential areas and opportunities for collaboration around facilitating the right of IDPs to public and political participation. Both plans of action note the importance of strengthening links between different actors through engagement, capacity building, collaboration, and sensitization.

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<sup>6</sup> IDPs in Ukraine are registered as citizens of temporary occupied territories.



# APPENDIX 1



## International Obligations Relevant to Political Participation by Internally Displaced Persons

- ➔ [Universal Declaration of Human Rights](#); Article 2: “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right of equal access to public service in his country. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures”
- ➔ [International Covenant on Civil and Political Rights](#) (ICCPR); Article 1: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”
- ➔ [International Covenant on Civil and Political Rights](#) (ICCPR); Article 25: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: To take part in the conduct of public affairs, directly or through freely chosen representatives; 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; To have access, on general terms of equality, to public service in his country”
- ➔ [International Covenant on Civil and Political Rights](#) (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.”
- ➔ [International Covenant on Economic, Social and Cultural Rights](#) (ICESR); Article 1: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”
- ➔ Non-discrimination
  - ICCPR, Article 2
  - ICESR, Article 2
- ➔ [The UN Guiding Principles on Internal Displacement](#) (GP): reflected in the GPs 1,4, 20 and 22
  - GP 1: “Internally displaced person shall enjoy, in full equality, the same rights and freedoms under domestic and international law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the grounds they are internally displaced.”
  - GP 4: “These principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age disability, property, birth or on any similar criteria. Certain internally displaced persons, such as children, especially, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.”
  - GP 20: “Every human being has the right to recognition everywhere as a person before the law. 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."

- GP 22: "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: a) The rights to freedom of thought, conscience, religion or belief, opinion and expression; b) The right to seek freely opportunities for employment and to participate in economic activities; c) The right to associate freely and participate equally in community affairs; 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; and e) The right to communicate in a language they understand.

### General Protections

- [Convention on the Elimination of All Forms of Racial Discrimination](#) (CERD)
- [Convention on the Elimination of all Forms of Discrimination Against Women](#) (CEDAW);

### ➔ [The Kampala Convention](#), Section 9

- Sub-Section 1, part a: "States Parties shall protect the rights of internally displaced persons regardless of the cause of displacement by refraining from, and preventing, the following acts, amongst others: a. Discrimination against such persons in the enjoyment of any rights or freedoms on the grounds that they are internally displaced persons"
- Sub-Section 2, parts k and i: "Take 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 elected to public office"
- Sub-Section 3, part d: "The African Union shall Cooperate directly with African States and international organizations and humanitarian agencies, civil society organizations and other

relevant actors, with respect to appropriate measures to be taken in relation to the protection of and assistance to internally displaced persons"

### ➔ The UN Sustainable Development Goals (SDGs):

- [SDG 5](#)
- [SDG 16](#)

### ➔ At the regional level:

- [Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms](#); Article 3
- [The American Convention on Human Rights](#); Article 23
- [The African Charter on Human and Peoples' Rights](#); Article 13



