

VOTING RIGHTS OF INTERNALLY DISPLACED PERSONS IN UKRAINE



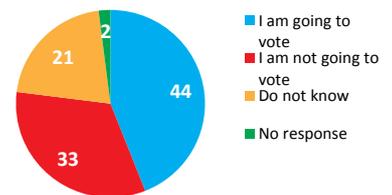
BACKGROUND

- There are 1.4 million internally displaced people (IDPs) registered in Ukraine¹, who have been displaced from Crimea and Donetsk and Luhansk oblasts. They make up **4% of voters in Ukraine**.
- In 2019, Ukraine will hold presidential election in March and parliamentary elections in October. Local elections will follow in October 2020. It is important that IDPs are able to vote in these elections.
- Voting rights are key for successful long-term integration of IDPs, as voting ensures that IDPs have a voice in their community, encourages IDPs to participate in their community, and helps to ensure that elected officials are accountable to all those residing in their constituencies.
- In Ukraine, changes in legislation are required for IDPs to enjoy full voting rights.

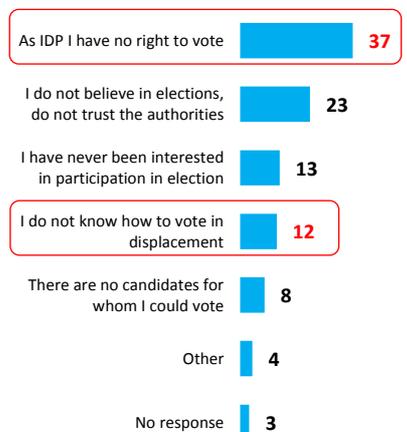
IDP VOTING RIGHTS IN UKRAINE

- Although IDPs are guaranteed the same rights to vote by international law as other citizens of their country, in Ukraine voting rights are linked to residence registration. As IDPs' permanent residence registration is in their place of origin (Crimea or non-government controlled areas of Luhansk and Donetsk oblast, NGCA), they are not able to vote in their current community. If IDPs change their residence registration to be able to vote for their current constituency, they will then forfeit access to pensions and social benefits. Also, residence registration in NGCA allows for easier crossing of checkpoints and helps not to lose connection with the place of previous residence. It also facilitates access to property abandoned during the displacement.
- IDPs have both right and opportunity to vote in presidential elections; however, they must follow a special procedure to access their right to vote and many are not aware of this procedure. IDPs have to register their voting address at least five days before each election, as the registration is temporary and valid only for one election event.
- IDPs have a right to vote for the half of parliamentary seats filled by part lists; they cannot vote for the other half filled according to a majority vote for individual candidates representing individual constituencies. Thus, IDPs can only influence the election of 225 members of the 450-member parliament.
- According to IOM, 44% of surveyed IDPs intend to vote in the next presidential and parliamentary elections in Ukraine. Of those not intending to vote, 37% believe that they do not have a right to vote and 12% do not know how to vote in displacement.
- Overall, 64% of IDPs are not aware of the procedure for voting in national elections. As for local elections, 61% IDPs stated they would vote if they had this possibility.

Intention of IDPs to vote in the next presidential and parliamentary elections



Reasons for not voting in the next presidential and parliamentary elections
% of those intending not to vote



Source: IOM NMS Report, face to face interviews, September 2018

¹ Ministry of Social Policy of Ukraine, February 2019

- IDPs are barred from voting in local elections. In July 2018, the Supreme Court of Ukraine ruled that voters must prove permanent residence registration if they want to vote for the mayors or members of town, district and regional councils in that area.
- Some IDPs are integrated in their community and would like to give up their IDP registration and register to vote in their area of displacement. However, if they give up their IDP registration and register to vote at their new address on par with the non-displaced citizens, they will lose entitlements linked to IDP registration (such as the right to a pension).
- 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. 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. A similar simplified procedure exists for IDPs from Crimea since 2014. However, all IDPs must repeat the procedure for each election they want to participate in.
- In addition to legislative restrictions of the voting rights of IDPs, there are a number of practical obstacles, which do not allow certain groups of IDPs to exercise their voting rights, such as accessibility for people with disabilities, issues with documentation for representatives of ethnic minorities, such as Roma, and transgender people.
- An IFES assessment on gender-based violence in the electoral process found a significant amount of verbal aggression in social media related to the elections.

ADVOCATING FOR THE VOTING RIGHTS OF IDPS

- 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, by working with members of parliament and providing support to preparing draft legislation and conducting media campaigns highlighting the contribution of active IDPs in their new communities.
- On March 27, 2017, 24 MPs from different factions registered the draft law No. 6240 Law on Amendments to Certain Laws (Regarding Electoral Rights of IDPs and Other Internally Mobile Citizens), which entitles all Ukrainian citizens to register to vote at their actual place of residence by simplifying voter registration procedures. On January 17, 2019, the Parliamentary Committee for Legal Policy and the Judiciary reviewed the draft law and recommended the Parliament to put the draft to vote and pass the bill in the first reading.
- NGOs have developed a [step-by-step guidance](#) for IDPs on the procedure for temporary change of the voting address to be able to participate in the upcoming presidential elections.

RECOMMENDATIONS

- The Parliament of Ukraine should pass the Draft Law No. 6240 on the electoral rights of IDPs' and internal migrants in order to remove the existing legal and practical barriers for IDPs' full participation in all elections, including at local level, in line with international standards.
- Humanitarian and development actors should continue raising awareness among IDPs about the procedure to register for voting in the upcoming presidential and parliamentary elections, to address the gaps in their awareness, including the misconceptions that IDPs cannot vote in these elections.
- The government of Ukraine should take special measures to ensure unimpeded access of IDPs with specific needs to polling stations and electoral events.

International Standards and Human Rights Law Provisions related to IDP voting rights

- *Principle 22 of the Guiding Principles on Internal Displacement* affirms the right of IDPs to political participation regardless of their location in the country whether their area of origin, place of displacement, or elsewhere in the country.
- *Principle 29 of the Guiding Principles on Internal Displacement* reaffirms the right of IDPs to participate fully and equally in public affairs at all levels.
- *Art. 21, Universal Declaration of Human Rights* “everyone has the right to take part in the government of his country, directly or through freely chosen representatives”.
- *Art. 25, International Covenant on Civil and Political Rights* “every citizen shall have the right and the opportunity, without any distinctions and unreasonable restrictions to vote”.
- *Art. 5, International Convention on the Elimination of All Forms of Racial Discrimination* “states should guarantee the right of everyone to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage”.
- *Recommendation (2006)6 of the Council of Europe Committee of Ministers to member States on IDPs* “states should take appropriate legal and practical measures to enable IDPs 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.
- *Recommendation 1877 (2009) of the Parliament Assembly of the Council of Europe* “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”.
- *Resolution 2198 (2018) of the Parliamentary Assembly of the Council of Europe* urges Ukrainian authorities to provide mechanisms for ensuring the voting rights of IDPs in all elections, including at local level.