



Ukraine. IDPs and human rights defenders call new-elected MPs to protect electoral rights in front of Verkhovna Rada at the first Parliament's working day.
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Ukraine

The Role of Joint Advocacy in Protecting IDPs' Electoral Rights

“I’m very happy that finally I can participate in the decision-making process in the city and region where I have already been living and working for 5 years since displacement, where I pay taxes and started a new life. Getting full electoral rights in my community is essential part of integration and now I feel equal to all citizens of Ukraine. I can’t wait to participate in the local election in the autumn to contribute to the development of my new hometown.”

Nadiya, IDP from Donetsk

1. Context

Ensuring that IDPs can exercise their full voting rights has been a challenge in Ukraine. Following the 2014 occupation of Crimea and the beginning of armed conflict in the East of Ukraine, some 1.4 million IDPs¹ were eligible to vote in presidential elections

based on existing laws. However, until late 2019, IDPs were effectively excluded from participating in local elections and voting for half of the national parliamentary seats.² To comply with electoral law residency requirements for changing their electoral address, IDPs needed to relinquish their residency registration (“propyska”) in the non-

Government controlled areas (NGCA), which would potentially limit their ability to travel to their area of origin across the contact line and create concerns when they travel to NGCA.³ This changed on 19 December 2019, when the Ukrainian Parliament (Verkhovna Rada) passed the new Electoral Code of Ukraine and its amendments to the Law on the State Register of Voters, which included provisions to ensure that IDPs have the right to vote in all elections, including local elections.⁴

2. Description of the practice

In Ukraine, changes in national electoral laws occurred in part due to a multi-year advocacy campaign that brought together national and international NGOs, international organizations, the Council of Europe, and members of Parliament, some of whom were IDPs themselves. In addition to the Ministry of Temporarily Occupied Territories and Internally Displaced Persons' (Ministry of ToT)⁵ Interagency Working Group on Improving National Legislation on the Protection of IDPs Human Rights, the Protection Cluster brought together over 100 actors to coordinate advocacy efforts related to internal displacement, including on electoral rights.

Diverse stakeholders gathered evidence on the challenges IDPs faced with respect to voting, conducted research on alternative legislative models, produced policy papers,⁶ met with members of Parliament to understand their concerns, and proposed practical solutions through draft legislation. For instance, the OSCE/ODIHR and Council of Europe's International Election Observation Mission in Ukraine raised the issue of IDP voting rights in October 2015.⁷ Between 2016-2017, the national NGO Group of Influence chaired a multi-stakeholder working group, including representatives from the Central Election Commission and the State Registry of Voters, hosted at the Ministry of ToT, to develop a draft law to enfranchise

IDPs in all elections. In 2019, the Protection Cluster produced an advocacy note,⁸ which contributed to a February 2019 conference in Kyiv, organized by the Council of Europe's Congress of Local and Regional Authorities, that emphasized IDPs' right to electoral participation as key to local integration.⁹ The International Foundation for Electoral Systems (IFES) also provided legal advice to Members of Parliament and the President's Office on international standards and best practice in protecting IDPs electoral rights. Following these collective lobbying efforts, legal provisions to address IDPs' voting rights were ultimately incorporated into the 2019 election legislation when Ukraine's new President demanded Parliament include them before he would sign a revised election code.¹⁰

3. Results for internally displaced persons and others

For the first time in October 2020, IDPs were able to vote in local elections. Thus, the advocacy efforts on electoral rights enabled IDPs to identify and frame their needs in rights-based language, overcome negative stereotypes, and advocate for practical solutions that met their specific needs. The Ukrainian Parliament and Central Election Commission continue to regularly consult national NGOs advocating for IDPs' rights when developing new legislation and guidelines.

4. IDP participation

National NGOs, notably Group of Influence and Civil Network OPORA, played a lead role in developing a shared understanding of the challenges faced by IDPs and placing IDPs' political rights at the top of the agenda for electoral legal reform. The process of developing the draft legislation in particular

proved a powerful tool for building political consensus.¹¹ Founded by IDPs, Group of Influence consulted IDPs on the draft legislative text through surveys and focus group meetings in ten cities. With financial support from IFES, Group of Influence also led an advocacy campaign called “Every Voice/Vote Matters” to encourage broad support for legislative reform among policymakers, which resulted in several local and regional government councils adopting official positions in support of IDP electoral participation, which were sent to Members of Parliament. In previous years, a number of NGOs also operated pre-election hotlines offering legal and practical advice to IDPs about voter registration, which resulted in valuable insights into bottlenecks and inconsistencies in administrative practices that were highlighted in subsequent advocacy efforts.

5. Challenges

Despite resolving some of these concerns, advocates highlight the need for continued outreach and educational activities to ensure IDPs are fully aware of their rights and understand the practical modalities for registering to vote in local elections. Thus, prior to the October 2020 election, the Central Election Commission and NGOs provided training for election management bodies and developed a voter education campaign for youth, IDPs, other mobile segments of Ukrainian society, as well as for the general public, on electoral procedures, including change of voting address.

6. Lessons learned

Joint advocacy efforts and the changes in the electoral law itself were successful because they relied on evidence and proposed practical solutions to the key challenges faced by IDPs, as well as other groups in the country. The idea to allow people to vote in

national and local elections based on their actual address, rather than their residence registration, was initially put forward by Civil Network OPORA based upon Group of Influence’s research about risks associated with IDPs’ changing their registration address. Initially their advocacy campaigns focused solely on the need to protect IDPs’ electoral rights through reform of the electoral code. However, after 2014, the two organizations agreed to widen the scope of their campaigns address the political rights of both IDPs and economic migrants, highlighting how the national residency registration system limited the rights of both groups. This created sympathy and understanding with non-displaced Ukrainian citizens, who could potentially face similar restrictions if they sought employment in other parts of the country.¹²

7. Why this is a good example to share

Ensuring that IDPs can exercise their right to vote validates their role as citizens and is an important step in normalizing their lives as soon as possible after displacement. Yet, in many operational contexts, actors responding to internal displacement situations commonly do not fully recognize the need to address political rights and electoral issues. Concerted, multi-stakeholder advocacy efforts contributed to building the political will to make legislative change by leveraging the respective strengths of each actor and strategically widening the scope of beneficiaries beyond IDPs.

Endnotes

- 1 IOM Ukraine, 'National Monitoring System Report on the Situation of Internally Displaced Persons' (IOM 2019) 15.
- 2 IDPs also had to register their voting address at least five days before each election, as the registration is temporary and valid only for one election event. Protection Cluster Ukraine, 'Voting Rights of Internally Displaced Persons in Ukraine' (Protection Cluster Ukraine 2019) <https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/advocacy_note_voting_rights_of_idps_eng.pdf> accessed 8 June 2020.
- 3 For instance, in Spring 2020, the de facto authorities introduced COVID-19 related movement restrictions that only permitted travel to NGCA for people with residence registration in NGCA and, vice versa, only individuals with residence registration in Government-controlled areas were allowed to leave NGCA. Similar restrictions were introduced by the Ukrainian authorities during the first weeks of quarantine in March 2020. For more detail about other challenges related to the residency registration system and voting, see Aysha Shujaat, Hannah Roberts and Peter Erben, 'Internally Displaced Persons and Electoral Participation: A Brief Overview' (International Foundation for Electoral Systems 2016) IFES White Paper 7–8 <<https://www.ifes.org/sites/default/files/idps-electoral-participation-october-2016.pdf>> accessed 16 March 2020.
- 4 Provisions for implementing the law were elaborated by the Ukrainian Central Election Commission in Resolution No. 88 on the procedure of considering a voter's appeal on the change of the electoral address, passed on 18 May 2020. See Council of Europe Office in Ukraine, 'IDPs Will Vote in the Next Local Elections in Ukraine' (Council of Europe, 25 May 2020) <https://www.coe.int/en/web/kyiv/news-event/news/-/asset_publisher/9W803G4ii38m/content/idps-will-vote-in-the-next-local-elections-in-ukraine> accessed 5 June 2020.
- 5 The name subsequently changed to the Ministry of Reintegration of Internally Displaced Persons.
- 6 Shujaat, Roberts and Erben (n 3).
- 7 International Election Observation Mission, 'Statement of Preliminary Findings and Conclusions: Ukraine-Local Elections' (OSCE/ODIHR, The Congress and European Parliament 2015) 4 <<https://www.osce.org/files/f/documents/b/1/194406.pdf>> accessed 22 June 2020.
- 8 Protection Cluster Ukraine (n 2).
- 9 'Allowing IDPs to Vote in Local Elections in Ukraine' (*Council of Europe*, 19 February 2019) <<https://www.coe.int/en/web/congress/-/allowing-idps-to-vote-in-local-elections-in-ukraine>> accessed 16 March 2020.
- 10 'IFES Ukraine Election Bulletin #93 (September 9 – 20, 2019)' (*IFES Ukraine*, 23 September 2019) <<https://ifesukraine.org/analytics/ifes-ukraine-election-bulletin-93-september-9-20-2019/?lang=en>> accessed 22 June 2020.
- 11 'Almost a Hundred of NGO Leaders Are Calling on the President to Protect Voting Rights of IDPs' (*Civil Network OPORA*, 30 July 2019) <<https://www.oporaua.org/en/statement/vybory/19446-lideri-maizhe-sotni-gromadskikh-organizatsii-zaklikaiut-prezidenta-zakhistiti-viborchi-prava-vpo>> accessed 22 June 2020.
- 12 Oleksandra Slobodian and Anastasia Fitsova, 'Registering Domiciles in Ukraine: How the System Affects Ukrainians. A Sociological Survey' (CEDOS Think Tank 2018) <<https://zmina.ua/content/uploads/sites/2/2019/04/registration-domicile-analytical-report-engl-from-june-20-2019.pdf>> accessed 22 June 2020.