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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **The right of internally displaced persons to participate in electoral processes, particularly the right to vote and to stand in elections**

#### **Report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary**

##### *Summary*

In the present report, the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, provides an account of the activities she has undertaken pursuant to the mandate given to her by the Human Rights Council in resolution 41/15.

In the thematic section of the report, the Special Rapporteur examines the participation of internally displaced persons in electoral processes. She analyses their ability to exercise their right to vote and to stand in elections on equal terms with the non-displaced population, the obstacles they encounter and the special measures that may be adopted in electoral processes to enable their participation. The Special Rapporteur makes recommendations to States, the international community, civil society and national human rights institutions.



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## I. Introduction

1. The present report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, is submitted in accordance with Human Rights Council resolution 41/15. The first part of this report covers the activities of the Special Rapporteur since her previous report.<sup>1</sup> In the second part, she looks at the electoral participation of internally displaced persons, examining the challenges they encounter to exercise their right to vote and to stand in elections and the special measures that may be adopted in electoral processes to address those obstacles.

## II. Activities of the Special Rapporteur

2. Since the previous reporting period, the Special Rapporteur has continued to pursue her activities as mandated by the General Assembly and the Human Rights Council in two resolutions on the protection of internally displaced persons, along the lines she enunciated in her first report to the Human Rights Council in 2017.<sup>2</sup> In the midst of the continuing pandemic and despite the limitations on travel, the Special Rapporteur was able to reach out to many States and stakeholders to promote the Guiding Principles on Internal Displacement, in line with her mandate, and contribute substantively to mainstreaming the rights of internally displaced persons inside and outside the United Nations. She enhanced her engagement with United Nations entities, particularly the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP), and with the Global Protection Cluster (GPC) and its various task forces and members, as well with civil society organizations, internally displaced persons and groups of affected populations. The Special Rapporteur continued her dialogues with certain States, especially with regard to their responsibility to protect the human rights of internally displaced persons. She continued to provide capacity-building expertise to academic institutions and learning centres and supported research initiatives on a variety of relevant themes and topics.

3. The issue of the protection of the human rights of internally displaced persons is central to the mandate of the Special Rapporteur, and many of her activities emphasize the promotion of those rights, on the basis of the Guiding Principles on Internal Displacement. The Special Rapporteur continued her active participation as a standing invitee to the Inter-Agency Standing Committee, including in the context of discussions and decision-making on the collective responses of the international humanitarian community to countries in emergency, and on policy frameworks and guidance, especially with regard to the review of the humanitarian response to internal displacement situations and of the implementation of the Inter-Agency Standing Committee protection policy.<sup>3</sup> The Special Rapporteur contributed her expertise to the drafting of the United Nations protection agenda<sup>4</sup> through various consultations, including during the two-day seminar on supporting the United Nations agenda on protection sponsored by McGill University and the International Peace Institute. The Special Rapporteur highlighted the human rights of internally displaced persons in such events as the Association of Southeast Asian Nations (ASEAN)-wide consultation on mainstreaming human rights in humanitarian action, organized by the ASEAN Inter-Governmental Commission on Human Rights; a conference entitled "ASEAN Diversities and its Principles Toward ASEAN (Legal) Integration: Opportunities and Challenges in the Pandemic Era", hosted by the University of Jakarta and the Christian University of Indonesia; an Asia-wide webinar by the Asia-Pacific Alliance of Young Men's Christian Associations on international legal and policy frameworks for internally displaced persons and how they protect them; a virtual discussion with students in the United Kingdom

<sup>1</sup> A/HRC/47/37.

<sup>2</sup> A/HRC/35/27.

<sup>3</sup> See <https://interagencystandingcommittee.org/operational-response/terms-reference-iasc-review-implementation-iasc-protection-policy>.

<sup>4</sup> *Our Common Agenda: Report of the Secretary-General* (United Nations publication, Sales No. E.21.I.8, 2021).

of Great Britain and Northern Ireland, sponsored by the organization Solidaritree, on protection of internally displaced persons; and an international consultation on the relationship between international humanitarian actors and international actors in the context of armed conflict, facilitated by the Humanitarian Policy Group of the Overseas Development Institute and GPC. At the country level, the Special Rapporteur has provided policy advice on efforts to protect internally displaced persons in Georgia, Honduras, Libya, Mexico and the Syrian Arab Republic. She has also issued several communications both individually and jointly with other special procedure mandate holders, addressed to a number of States and other actors on the situation of internally displaced persons in various countries.

4. Following the Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018–2020 (GP2.0) that was convened in 2018 by the Special Rapporteur and sponsored by Austria, Honduras and Uganda, in coordination with UNCHR and the Office for the Coordination of Humanitarian Affairs, the Special Rapporteur has provided advice on solutions to internal displacement to the newly established GP2.0. The Special Rapporteur believes that the inclusion of the protection of the human rights of internally displaced persons is essential to the GP2.0 initiative's strategic outlook on its future role in fostering solutions in internal displacement.

5. In regard to enhancing the protection of internally displaced persons, the Special Rapporteur was particularly pleased to establish, with UNHCR and GPC, an expert group on the protection of internally displaced persons, which includes as core members the two immediately preceding mandate holders on the human rights of internally displaced persons; advisory group members come from a wide range of fields of expertise in the protection of internally displaced persons. The expert group aims to provide custom-made protection support through comprehensive protection analysis and concrete, on the ground recommendations addressed to the United Nations country team and the United Nations humanitarian team of the country at hand. The expert group conducted its inaugural mission to Burkina Faso in 2021 and benefited from the utmost cooperation and support of the United Nations Resident Coordinator, UNHCR and the United Nations Human Settlements Programme (UN-Habitat) in the country. The Special Rapporteur thanks the Government of Burkina Faso for its openness in the conduct of the mission and hopes that the outcomes will further enhance the protection work of the United Nations family in the country, in support of the efforts of the Government.

6. The Special Rapporteur has built on the continuing relevance of the thematic priorities she established at the start of her mandate. Of particular interest is the process established by the Secretary-General to create the High-Level Panel on Internal Displacement, on which she was consulted and with which she engaged. The Special Rapporteur is especially pleased that much of the substance of the report of the High-Level Panel included her main thematic priorities, including the essentiality of the participation of internally displaced persons, their protection in all phases of displacement and the prevention of arbitrary displacement. The Special Rapporteur looks forward to further engaging with the outcomes of the process to ensure that protection of the human rights of internally displaced persons is further enhanced.

7. Climate change was an issue of note during the reporting period. On the occasion of the twenty-sixth Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Glasgow, United Kingdom, from 31 October to 13 November 2021, the Special Rapporteur, on the basis of her ground-breaking report on internal displacement in the context of the slow-onset adverse effects of climate change, presented to the General Assembly in 2020,<sup>5</sup> contributed keynote speeches, think pieces and interventions to a number of events organized by various entities and actors. Among them were the International Law Weekend panel entitled “Disappearing Land and Displaced Persons: Climate Change and International Law”; a climate summit side event on climate impacts as drivers of displacement: and science, human rights and policy response, co-organized by the European Union, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and partners. The Special Rapporteur also contributed to a Human Rights Council (2021) side event organized by the Platform on Disaster Displacement and partners, on human rights, displacement and slow-onset events; a video interview recorded for the advocacy activities

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<sup>5</sup> [A/75/207](#).

of the Environmental Justice Foundation; dialogues at Thinkers Lodge, hosted by Displacement Solutions, on crossing to safety: discovering our common home; and an in-depth discussion on displacement and climate change with members of the Climate, Migration and Displacement Platform. The Special Rapporteur was a speaker at the David Petrasek Memorial Forum 2021, “Climate Change, Migration, Human Rights and Conflict: Vital Interdependence”, hosted by the University of Ottawa. On World Humanitarian Day 2021, the Special Rapporteur and the Global Protection Cluster Coordinator issued a joint statement on humanitarians protecting people in the climate change emergency.<sup>6</sup> In addition, the Special Rapporteur joined the collective statement of the Inter-Agency Standing Committee calling on world leaders to prioritize and support the most vulnerable and at-risk countries and communities during the climate crisis.<sup>7</sup> The Special Rapporteur was also invited to participate in the Annual Meeting of the American Society for International Law to speak on this topic.

8. The Special Rapporteur stepped up her engagement on the protection of women and children in the context of internal displacement. On the basis of her thematic report to the General Assembly in 2019,<sup>8</sup> the Special Rapporteur promoted the rights of internally displaced children through participation in a virtual high-level dialogue on closing data gaps on children on the move: a shared responsibility, hosted by UNICEF as Chair of the International Data Alliance for Children on the Move; in the webinar on achieving quality education for international displaced children and the young, organized by Save the Children and the Inter-Agency Network for Education in Emergencies; and in the conference on protection of children and adolescents in situations of forced internal displacement, sponsored by the José Simeón Cañas Central American University of El Salvador. The Special Rapporteur also contributed to the discussions on the drafting of guidance for children on the move due to climate change, facilitated by UNICEF and Georgetown University.

9. With regard to the role of gender in situations of internal displacement, the Special Rapporteur participated in online events, including a panel on climate change and displacement: different effects on women and girls, organized by the Inter-American Court of Human Rights during International Women’s Day, and the 2021 Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement, sponsored by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and UNHCR. In 2021, the Special Rapporteur continued to be an active member of the Action Network on Forced Displacement organized by the Federal Ministry for Economic Cooperation and Development of Germany and the German Agency for International Cooperation, which aims to provide support to displaced women, their organizations and their activities in a number of countries to enable them to participate in policy discussions internationally and in their countries. Supporting initiatives on durable solutions and development, the Special Rapporteur provided interventions during a training session organized by UNDP on gender, durable solutions and urban resilience for officials of the Government of Somalia. She also participated in the launch of a new publication by the World Bank, *Gender Dimensions of Forced Displacement: a Synthesis of New Research*. Lastly, the Special Rapporteur continues to support the Inter-Agency Standing Committee in its efforts on protection from sexual exploitation, abuse and sexual harassment in the humanitarian sector.

10. During the reporting period, the prevention of arbitrary displacement in the context of armed conflict and generalized violence, the thematic focus of the Special Rapporteur’s 2021 report to the General Assembly, continued to resonate with many actors in the humanitarian and human rights domains.<sup>9</sup> Following the presentation of the report, the Special Rapporteur participated in a widely attended online side event sponsored by Norway, four United Nations entities and GPC. Subsequently she made substantive presentations on the topic to a special webinar convened by the Institute for the Study of Human Rights of Columbia University,

<sup>6</sup> See <https://www.globalprotectioncluster.org/2021/08/19/humanitarians-protecting-people-in-the-climate-change-emergency/>

<sup>7</sup> See <https://reliefweb.int/report/world/statement-principals-inter-agency-standing-committee-iasc>.

<sup>8</sup> [A/74/261](#) and [Corr.1](#).

<sup>9</sup> [A/76/169](#).

and contributed to the substantive drafting and eventual launch of the UNHCR publication, *Making Arbitrary Displacement a Crime: Law and Practice*.

11. The Special Rapporteur continues to support the important role of national human rights institutions in protecting the human rights of internally displaced persons, as set out in her thematic report presented to the Human Rights Council in 2019.<sup>10</sup> The Special Rapporteur is a co-publisher, with UNHCR, the Global Alliance of National Human Rights Institutions and UNDP, of *Protecting Internally Displaced Persons: a Handbook for National Human Rights Institutions*, and continues to support efforts of national human rights institutions in various countries, especially in their advocacy for relevant legislation and in enhancing their protection programmes for internally displaced persons.

12. The rights of internally displaced persons to housing, land and property in internal displacement remain a particularly glaring issue in the humanitarian and human rights responses to internal displacement. Following her report to the Human Rights Council,<sup>11</sup> the Special Rapporteur has expanded on the issue through consultations with the humanitarian sector and with housing lawyers in such countries as the Syrian Arab Republic and the United Kingdom. Moreover, on the issue of data in internal displacement, the Special Rapporteur remains an active member of the Executive Committee of the Joint Internally Displaced Person Profiling Service and supports its activities as well as those of the Expert Group on Refugee and Internally Displaced Persons Statistics of the United Nations Statistical Commission, and its national statistics offices.

13. For the Special Rapporteur, the role of academic institutions, learning centres and research entities is particularly important in the generation of knowledge, the enhancement of expertise and awareness-raising on the human rights of internally displaced persons. The Special Rapporteur has continued to co-host the internally displaced persons policy course organized by the International Institute of Humanitarian Law mainly for government officials, agencies of the United Nations, national human rights institutions and civil society. The Special Rapporteur gives her heartfelt thanks to the Institute, to the participating States, and to UNHCR and the donors who provide unstinting support. Since the previous reporting period, the Institute has held three online courses in English, French and Spanish, which garnered around one hundred participants from different parts of the world. The Special Rapporteur also gave lectures and participated in discussions at various universities, including Tufts University, the University of Southeastern Philippines, Georgetown University, the Global Campus of Human Rights, the Ateneo de Manila University and the Lebanese American University. The Special Rapporteur has also contributed to the efforts of Mahidol University, Chulalongkorn University and SHAPE-SEA, the Strengthening Human Rights and Peace Research and Education in ASEAN/Southeast Asia Programme, to promote the discussion of internal displacement in the ASEAN region. Lastly, the Special Rapporteur wishes to commend the Refugee Law Initiative of the University of London for setting up Researching Internal Displacement,<sup>12</sup> its regional research networks and the Health and Internal Displacement Network. She assures the organizers, academics and researchers of her continued support and appeals for additional resources to bolster research on the situation of internal displacement worldwide.

### **III. The right of internally displaced persons to participate in electoral processes, particularly the right to vote and to stand in elections**

#### **A. Introduction**

14. The right to participate in elections in one's own country, including the right to vote and to be elected, is protected by international human rights law, and those who are eligible to vote or stand for office do not lose this right if they are displaced. However, internally

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<sup>10</sup> A/HRC/41/40.

<sup>11</sup> A/HRC/47/37.

<sup>12</sup> See <https://researchinginternaldisplacement.org/>.

displaced persons often face numerous barriers to participation in elections on an equal basis with other citizens and, in some cases are intentionally excluded or neglected in electoral processes. In some contexts, electoral disputes and exclusion from political participation can also be linked to the root causes of displacement. Disenfranchisement also exacerbates socioeconomic marginalization and deprives internally displaced persons of the possibility to influence decisions that can have a significant impact on their situation, posing obstacles to durable solutions and perpetuating displacement.

15. States have the primary duty to protect the rights of internally displaced persons, including their right to vote and be elected, and to ensure they can exercise this right without discrimination on account of their displacement. The realization of electoral rights also promotes democratic governance, the rule of law and economic development, and strengthens the representativeness and legitimacy of governments. While a number of countries have taken measures to enable the participation of internally displaced persons in elections, in many areas barriers remain.

16. The Special Rapporteur has made it a core priority of her mandate to strengthen the participation of internally displaced persons in decisions that affect them,<sup>13</sup> which was also the subject of her first report to the General Assembly in 2017.<sup>14</sup> She has since observed concrete changes in discourse and practice, although many more are needed. The report of the Secretary General's High-level Panel on Internal Displacement, released in September 2021, stressed the importance of the participation of internally displaced persons and host communities in decisions affecting them and recommended that governments take proactive steps to promote their participation in electoral processes.<sup>15</sup> As the attention of the international community is now devoted to defining the way forward to resolving the global crisis of internal displacement following the High-Level Panel's findings and recommendations, there is no better time for the Special Rapporteur to delve further into the centrality of human rights and effective participation of internally displaced persons in resolving internal displacement.

17. Building on the work she has carried out throughout her six-year tenure to strengthen the participation of internally displaced persons, in the present report the Special Rapporteur takes a closer look at their electoral participation, with a focus on their right to vote and be elected. The report addresses the situation of internally displaced persons who are eligible to vote and be elected according to domestic law, such as those who meet applicable citizenship<sup>16</sup> and age requirements. At the same time, the Special Rapporteur recognizes that political participation is broader than voting and standing as candidate, and stresses the importance of other, non-electoral forms of participation in decision-making, which should happen continuously and in addition to electoral participation.

18. In the preparation for the present report, the Special Rapporteur issued a call for inputs from Member States and other stakeholders, requesting their views on the challenges faced by internally displaced persons to participate in elections, the measures undertaken to support their enfranchisement and the impact of electoral participation on prospects for durable solutions. The Special Rapporteur received over 30 submissions and sincerely thanks all Member States, international organizations, national human rights institutions, civil society organizations and other stakeholders for their inputs.<sup>17</sup> She also thanks all stakeholders who engaged in consultations on the present report, including the Electoral Assistance Division of the Department of Political and Peacebuilding Affairs of the United Nations Secretariat, OHCHR, UNHCR, GPC and field protection clusters.

<sup>13</sup> [A/HRC/35/27](#), paras. 47–52.

<sup>14</sup> [A/72/202](#).

<sup>15</sup> High-Level Panel on Internal Displacement, *Shining a Light on Internal Displacement: a Vision for the Future* (United Nations, 2021), pp. 21–23.

<sup>16</sup> Electoral laws often reserve to citizens the right to vote and to be elected. In some countries, permanent residents who are not citizens are also granted the right to vote in certain elections, such as local elections.

<sup>17</sup> For call for inputs and submissions received, see <https://www.ohchr.org/en/calls-for-input/calls-input/call-inputs-report-special-rapporteur-human-rights-internally-displaced>.

## B. International legal standards

19. The right to participate in public affairs, including the right to participate in elections in one's own country by voting and being elected, is widely recognized and protected under international human rights law.<sup>18</sup> Article 25 of the International Covenant on Civil and Political Rights provides that every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 of the Covenant<sup>19</sup> and without unreasonable restrictions, to take part in the conduct of public affairs directly or through freely chosen representatives, and to vote and 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.

20. Other human rights instruments also contain relevant provisions.<sup>20</sup> The Convention on the Elimination of All Forms of Discrimination against Women provides that States shall ensure to women, on equal terms with men, the right to vote in all elections and public referendums and to be eligible to all publicly elected bodies (art. 7 (a)). The Convention on the Rights of Persons with Disabilities sets out the obligation of States to ensure that persons with disabilities can effectively and fully participate in political life on an equal basis with others, including by voting and being elected (art. 29). Pursuant to article 5 of the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.<sup>21</sup> Under the International Convention on the Elimination of All Forms of Racial Discrimination, States parties undertook to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, including in the enjoyment of their political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage (art. 5(c)).

21. As clarified by the Human Rights Committee in its general comment No. 25 (1996), any restrictions which apply to the exercise of the right to vote and be elected must be established by law, be non-discriminatory and be based on objective and reasonable criteria. Limitations should not be imposed on such discriminatory grounds as race, colour or ethnic origin, sex, language, religion, political or other opinion, property, disability, literacy or education, excessive residency requirements or overly burdensome or culturally inadequate administrative requirements to access the necessary documentation to exercise electoral rights. Although the choice of electoral system is at the discretion of States, electoral systems must be designed in full respect of international law, including international human rights law, and give effect to the free expression of the will of the people, respecting the principles of universal and equal suffrage and non-discrimination. Positive measures may be needed to overcome specific obstacles which prevent persons entitled to vote to exercise their right and counter inequality and discrimination in electoral processes.<sup>22</sup>

22. Other human rights are also essential to enable meaningful participation in an environment conducive to free and genuine elections, such as freedom of opinion and expression, peaceful assembly, association and movement, and freedom from discrimination,

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<sup>18</sup> See OHCHR, *Human Rights and Elections: A Handbook on International Human Rights Standards on Elections* (United Nations publication, 2021); and OHCHR, "Guidelines for States on the effective implementation of the right to participate in public affairs" (Geneva, 2018).

<sup>19</sup> Article 2 reads as follows: "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

<sup>20</sup> See Universal Declaration of Human Rights, art. 21; American Declaration of the Rights and Duties of Man, arts. XX and XXXII; American Convention on Human Rights, art. 23; African Charter on Human and Peoples' Rights, art. 13; first Protocol to the European Convention on Human Rights, art. 3; Arab Charter on Human Rights, art. 24; ASEAN Human Rights Declaration, art. 25.

<sup>21</sup> See also arts. 13 (2) and 20; and the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization, art. 6.1 (b).

<sup>22</sup> See OHCHR, *Human Rights and Elections* (2021), para. 113.



as well as the right to education and the right to security of person.<sup>23</sup> The recognition of everyone as a person before the law is also indispensable, as proof of identity is required to determine eligibility to vote and stand for office.

23. Internally displaced persons do not lose their right to participate in elections or other human rights owing to their displacement. They retain the same rights as the non-displaced population. In that regard, the Guiding Principles on Internal Displacement,<sup>24</sup> which reflect international human rights and humanitarian law, state that 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 their rights, such as their right to vote and participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right (principle 22 (d)). The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa provides that States parties shall take the necessary measures to ensure that internally displaced persons who are citizens can enjoy their civic and political rights, particularly public participation, the right to vote and to be elected to public office (art. (IX) (2) (1)). The ability to exercise their right to vote and stand for election on the same basis as other citizens and without discrimination owing to their displacement is one of the eight criteria set out in the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons to determine to what extent a durable solution has been achieved.<sup>25</sup>

24. Internally displaced persons, however, often encounter obstacles to exercising their right to participate in elections on an equal basis with the non-displaced population. States have the primary responsibility to protect the rights of internally displaced persons, including their right to vote and be elected, and may need to take positive measures to ensure that such persons can exercise this right on an equal basis with other citizens.

### **C. Obstacles to electoral participation in the context of internal displacement**

25. Depending on a country's electoral system and regulations, internally displaced persons may face legal and administrative obstacles to exercising their right to vote and be elected. Even laws and policies that can seem unproblematic in normal contexts can have the effect of discriminating against internally displaced persons. Regulations may explicitly protect the electoral rights of internally displaced persons but practical obstacles may result in their de facto disenfranchisement. In some cases, barriers to the electoral participation of internally displaced persons may be linked to political interests. The obstacles to the participation of internally displaced persons in elections are context specific and need to be analysed taking into consideration the particularities of each situation. The present report highlights some of the challenges most commonly reported across a variety of contexts.

#### **Residency requirements: determining place of voting and constituency**

26. An important issue for internally displaced persons is the place where they may cast their vote. Electoral regulations usually link each voter to a particular place of voting, which is typically associated with the voter's place of residence and usually involves a registration process prior to election day. Voter lists that attribute each voter to a specific polling station can be useful for operational reasons and can contribute to the integrity of the process, helping to ensure that only one vote is cast per voter. However, particular considerations arise in the context of internal displacement.

27. Internally displaced persons who were registered to vote in their place of origin may be unable to return to cast their votes on election day, given that it is a place from which they fled. The area might be unsafe for them, owing to ongoing hostilities, generalized violence

<sup>23</sup> Ibid., chap. III.A.2, "Prerequisite rights".

<sup>24</sup> See <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/international-standards>.

<sup>25</sup> See <https://interagencystandingcommittee.org/other/iasc-framework-durable-solutions-internally-displaced-persons>; and Guiding Principle 29 (1).

or persecution, to the presence of mines and unexploded ordnance, or to natural hazards, for example. Even when they are willing to undertake such a journey, they may be unable to afford the travel or might encounter other practical barriers. In certain cases, elections might no longer be held in their area of origin owing to insecurity or because the area is no longer under government control. If internally displaced persons wish to change their place of voting or register to vote for the first time in their place of displacement, they may face challenges to complete the registration owing, for instance, to strict documentation requirements, eligibility criteria and deadlines.

28. In some electoral systems, a separate although related issue is the constituency for which votes are counted. Electoral systems vary from country to country. An entire country may form one single constituency, in which case all votes are counted the same way regardless of where they are cast. Another country may be divided into different constituencies, and the manner in which constituency boundaries are drawn can have a direct impact on the outcome of elections. It is also possible that a country forms a single nationwide constituency for presidential elections or national referendums and is divided into several constituencies for parliamentary elections.

29. In electoral systems with multiple constituencies, votes are usually to be cast in one's place of residence for their constituency of residence. Local elections are also often linked to residency requirements. Linking constituency to the place of one's residence usually aims to promote results that more closely represent the will and needs of the population concerned. In the context of internal displacement, however, determining where the vote of internally displaced persons will be cast and for which constituency they will be counted can be particularly complex, that is, whether they may vote in their place of origin for their constituency of origin, in their place of displacement for their constituency of origin, or in their place of displacement for their constituency of displacement.

30. Voting in the place of origin poses clear challenges as mentioned above. Therefore, absentee balloting mechanisms allowing internally displaced persons to vote for their constituency of origin without having to physically return can be key in enabling their electoral participation. In some cases, voting for their constituency of origin might not be an option at all, for example if elections have been suspended in their area of origin. Internally displaced persons may also face challenges in transferring their electoral registration (or civil registration in countries where the two are linked) to be able to vote in their place of displacement for their constituency of displacement. Whichever option is available, the challenges encountered can vary significantly depending on the electoral regulations in each country. For example, internally displaced persons might not have the documents required to establish their identity and register in their place of displacement. In some countries, voters might be required to present documentary evidence of their residence to be able to register, which may involve documentation that internally displaced persons might not hold; or voters may be required to have resided in the same electoral district for a minimum amount of time to be eligible to vote for that constituency, which can pose a challenge in the case of recent displacement. Electoral registration might also be subjected to a deadline which internally displaced persons may be unable to meet. Other policies may also discourage internally displaced persons from registering to vote for their constituency of displacement, for instance by providing that the transfer of electoral domicile leads to de-registration from assistance benefits.

31. Residency requirements are usually higher for candidacy than for voting as several years of residence in an electoral district are often required to be eligible to stand as candidates.<sup>26</sup> Stricter requirements for candidacy as well as other challenges can make this form of electoral participation particularly challenging for internally displaced persons.

#### **Lack of documentation**

32. Lack of access to civil documentation affects significant numbers of internally displaced persons and poses obstacles for them in accessing basic services and exercising a

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<sup>26</sup> Brookings Institution and University of Bern, *Protecting Internally Displaced Persons: a Manual for Law and Policymakers* (Washington, DC, 2008), p. 209.

range of rights, including but not limited to their right to participate in elections. Voters or candidates are often required to present personal documents to prove their identity and eligibility to participate in elections, such as identification cards or passports, voter cards and, in some countries, proof of residence. However, internally displaced persons often do not have their personal documents, which may have been lost, confiscated or destroyed during flight. Those displaced from areas controlled by non-State actors might hold documentation that is not recognized by national authorities. The most vulnerable displaced persons might never have had civil documents, even prior to their displacement.

33. Obtaining or renewing documentation may be very difficult or impossible for internally displaced persons. Regulations may require them to return to their place of origin to do so, which they might be unable to do. Where it is technically possible to obtain or renew personal documentation in civil registries in their place of displacement, internally displaced persons may lack the necessary information about the procedure, may encounter challenges to physically reaching civil registries, or may be unable to afford such associated costs as fees and transportation. In some contexts, internally displaced persons belonging to a particular group may encounter discriminatory practices which hinder their access to civil documentation. In the context of conflict and disasters, internally displaced persons may also face such additional challenges as damaged, destroyed or closed infrastructure and civil registries, limitations to freedom of movement and insecurity. In some contexts, internally displaced persons might even be unable to prove their citizenship and might be at risk of statelessness.

34. Proof of residence, where required, can also be unavailable to a large number of internally displaced persons who live in informal settlements and other informal arrangements, as they might not hold any form of evidence such as rental agreements or utility bills in their name. Moreover, internally displaced persons struggling to meet basic needs might not be in a position to prioritize electoral participation, which in turn undermines their capacity to influence decision-making and policies that could make a difference in their situation.

#### **Other challenges**

35. Internally displaced persons might also face a number of other challenges to participation in elections. For example, they may lack information on eligibility to vote, the location in which they can vote and the procedure to register. Lack of information may be attributable to insufficient efforts from authorities to reach out to marginalized groups or to information campaigns not being tailored to their needs.

36. Internally displaced persons may also face challenges to accessing registration sites and polling stations, including distance, insecurity, unaffordable transportation costs or restrictions to freedom of movement. For example, in conflict settings, documentation requirements or discrimination may create obstacles for them to cross checkpoints. Internally displaced persons living in occupied territories or areas controlled by non-State armed groups may also be unable to leave the area to participate in elections.

37. Insecurity can be a major challenge. Having to return to their place of origin to participate in elections can pose obvious security risks for people who have had to flee that location in the first place. Voting in their place of displacement, however, can also pose security risks as they might live in areas affected by conflict, be subjected to discrimination by the host community, or be at heightened risk of election-related or other types of violence. They might be subjected to harassment and intimidation, especially when they are perceived to support the opposition party. In the light of insecurity, particularly in conflict settings, electoral authorities might decide to close polling stations in certain areas, resulting in the exclusion of populations that are the most affected by the conflict, including internally displaced persons, which might in turn lead to frustration and heighten tensions.

38. The coronavirus disease (COVID-19) pandemic and related public health measures have posed additional challenges to the already complex logistics of electoral processes and in some contexts have created additional obstacles to the participation of internally displaced persons. For example, civil registration and voting registration campaigns involving mobile units intended to reach remote or marginalized communities, including displaced persons,

may have been halted. Some elections were cancelled or postponed owing to COVID-19, in some cases affecting areas hosting a large number of internally displaced persons.<sup>27</sup> The requirement to present vaccination cards or negative test results for travel, where existent, may constitute an additional obstacle, as many internally displaced persons might be required to travel to be able to vote but might have limited access to vaccination and testing or might have had their vaccination cards lost or destroyed during their displacement.<sup>28</sup>

39. In some contexts, political interests and sensitivities may be a source of some of the barriers to the electoral participation of internally displaced persons. Authorities and host communities might fear that allowing internally displaced persons to vote in their place of displacement may change constituency allocations and electorates, potentially having an impact on electoral outcomes, especially where internally displaced persons are perceived as predominantly supporting a different party or different political interests. Although the choice of internally displaced persons to participate in elections in their place of displacement should in no way be understood as renouncing their right to return to their place of origin, authorities and communities might fear that a change in voting location might be perceived as an acceptance of displacement or even a loss of territory. Sensitivities can lead to a lack of political will of authorities to take the necessary measures to address the disenfranchisement of internally displaced persons, or in some cases lead to their intentional exclusion – for instance, by establishing deliberately complex procedures for the change of constituencies or obstructing the issuance of documents needed for electoral registration. Internally displaced persons wishing to stand as candidates in local elections might also face barriers and discrimination, being perceived as not belonging to the community. Conversely, politicians may actually perceive internally displaced persons as a potential voting bloc, and malicious actors may seek to exploit their vulnerability for political gains.

#### **Multiple and intersecting forms of discrimination**

40. Internally displaced persons are not a homogenous group. Women, young persons, persons with disabilities and minorities are often overrepresented among displaced populations and underrepresented as voters, candidates and elected representatives. Internally displaced persons may also be denied access to civil documentation on such discriminatory grounds as gender, or ethnic, religious, political or other affiliations or perceptions thereof. Internally displaced persons often face multiple and intersecting forms of discrimination regarding their participation in elections, and dedicated approaches may be required to address those specific challenges.

41. Women and girls<sup>29</sup> make up about half of the internally displaced population worldwide,<sup>30</sup> yet gender inequality embedded in social, economic, cultural and political norms and protection risks may hinder their opportunities to participate in elections. Less likely to have access to civil documentation, they may be unable to meet identification requirements for electoral registration. In some cultures, the requirement to remove a veil to take an identification photograph may also discourage them from obtaining documentation and registering. Accessing registration sites and polling stations may also be challenging for women, for example, owing to insecurity or the higher burden on women of child and family care. Having more limited access to education and livelihood opportunities, they may not be able to afford such associated costs as travel or documentation fees. Gender-based violence also hinders their participation as voters or candidates. Women face increased risk of intimidation and violence while campaigning, with stigmatization, harassment and gender-based violence being used in some contexts to silence and discourage them from participating in political life. Women may also be marginalized within political parties. Even where

<sup>27</sup> See <https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>.

<sup>28</sup> See <https://www.ohchr.org/en/press-releases/2020/04/covid-19-do-not-forget-internally-displaced-persons-un-expert-urges> and <https://www.ohchr.org/en/press-releases/2020/04/leave-no-one-behind-dont-forget-your-commitments-your-response-covid-19>.

<sup>29</sup> See A/HRC/23/50; A/73/301; and <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2015/Inclusive-electoral-processes-en.pdf>.

<sup>30</sup> Internal Displacement Monitoring Centre, Impact and Plan International, “Women and girls in internal displacement” (Geneva, Internal Displacement Monitoring Centre, 2020).

policies and temporary special measures exist to encourage increased participation of women, political parties have in some contexts showed reluctance to nominate female candidates.

42. Persons with disabilities<sup>31</sup> who live in internal displacement may face particular challenges to participating in elections, for example in relation to the accessibility of election-related materials and information, registration sites and polling stations. They may also face discrimination and be at higher risk of violence. In some cases, discriminatory electoral legislation excludes or restricts the right to electoral participation on the basis of a perceived or actual psychosocial or intellectual disability.

43. In some contexts, internally displaced persons belonging to minority groups<sup>32</sup> might be marginalized and excluded from electoral processes. Owing to discrimination, they may face obstacles in obtaining civil documentation, or even proving their citizenship and eligibility to vote. The lack of registration sites and polling stations in areas with large minority populations may also affect their participation. Candidates belonging to minority groups may also face reduced financial and political support and increased risk of political violence. In some contexts, the design of electoral systems negatively affects minority representation. Indigenous peoples, although they may have secured the right to participate in elections, may face multiple obstacles to exercise this right, such as structural marginalization, a lack of recognition and official registration and lack of access to appropriate venues.<sup>33</sup> Owing to their marginalization or reduced numbers, minorities or indigenous peoples may also struggle to be elected under the general electoral system.<sup>34</sup>

#### D. Electoral participation and durable solutions

44. While the ability to exercise electoral rights is not sufficient per se for the achievement of a durable solution, it is an indispensable part of it.<sup>35</sup> Electoral participation enables internally displaced persons to have their interests represented in decision-making processes that affect them, including in relation to policies that may have an impact on their prospects for durable solutions. Disenfranchisement removes internally displaced persons from the political scene, creating an incentive for politicians and policymakers to deprioritize their needs. It contributes to the marginalization of internally displaced persons, constituting an obstacle to their integration, potentially heightening tensions with the host community and hindering durable solutions. Electoral participation makes internally displaced persons part of the constituency and turns the spotlight on internal displacement, influencing the political discourse and guiding the attention of politicians and governments when campaigning, setting priorities and designing policies.

45. Giving internally displaced persons the choice of the constituency for which they would like to vote can support them in achieving the durable solution of their choice. For instance, electoral participation in their constituency of origin can be of interest to those who wish to preserve their ties to their place of origin and help to shape policies that will enable their return, while others may prefer to vote for their constituency of displacement to enhance their local integration.

46. The full and meaningful enfranchisement of internally displaced persons also shows the political will of a government to address and resolve a displacement crisis, and contributes to reconciliation and recovery efforts. Elections are often an important part of conflict resolution and peacebuilding, and their level of inclusivity can be a key success factor. Electoral participation also creates a setting for communities affected by conflict and crisis,

<sup>31</sup> See [A/HRC/44/41](#); [A/HRC/19/36](#); [A/HRC/31/62](#); and United Nations Partnership to Promote the Rights of Persons with Disabilities, Inclusion International and UNDP, *Political Participation of Persons with Intellectual or Psychosocial Disabilities* (New York, UNDP, 2021).

<sup>32</sup> See [A/HRC/13/23](#).

<sup>33</sup> [A/73/176](#), para. 69. See also [A/74/149](#).

<sup>34</sup> See Interparliamentary Union (IPU), and others, *Implementing the UN Declaration on the Rights of Indigenous Peoples: Handbook for Parliamentarians No. 23* (Geneva, IPU, 2014); and IPU, *Beyond Numbers: the Participation of Indigenous Peoples in Parliament* (Geneva and New York, IPU, 2014).

<sup>35</sup> See Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons, p. 41.

including internally displaced persons, to express their views, promoting integration and reconciliation in divided societies. The political participation of internally displaced persons can also help to shape policies on climate change mitigation and adaptation, disaster risk reduction and reconstruction efforts in areas of origin to prevent and address disaster displacement.

## **E. Special measures for the electoral participation of internally displaced persons**

47. Participation in elections is a right, and States may need to adopt special measures to enable the exercise of this right by internally displaced persons on an equal basis with other citizens by addressing the specific obstacles they encounter as a result of their displacement. Displaced persons have a legitimate interest in taking part in their government and influencing decision-making processes that will affect them and their situation of displacement. Inclusive elections also contribute to the credibility of the electoral process and the representativeness and legitimacy of governments.

48. A number of measures can be taken to enable and promote the participation of internally displaced persons in electoral processes. The measures must be designed according to the specific context, such as the type of electoral system and scope of the elections in question, the specific situation of internally displaced persons and the particular challenges they encounter. It is also important that measures address the challenges encountered by internally displaced persons in all their diversity, including those living inside or outside camps, in areas under government control or in areas that have fallen to the control of opposition groups or other actors, and those who face multiple and intersecting forms of discrimination.

49. Certain measures will require adopting new legislation or modifying existing legislation. A legislative mandate can also empower the election management body to adopt the necessary measures and protect it from political pressure. Special measures should be designed, adopted and implemented through an inclusive and transparent process involving the participation of internally displaced persons, host communities, civil society and other stakeholders.

50. Special measures might have significant operational and cost implications for the electoral process, requiring appropriate budget allocation. For example, they may require specially designed ballots and particular arrangements for the distribution and transportation of ballots.<sup>36</sup> Whenever possible, measures should be considered and adopted well in advance of elections, allowing sufficient time for the situation and needs to be analysed, for an inclusive and consultative decision-making process, and for the adopted measures to be operationalized. It is also important to consider that the situation may change in the midst of elections, as new displacements may occur or internally displaced persons may return or resettle, and provide for ways to address such potential developments.

51. The availability of up-to-date disaggregated data and evidence on internal displacement and the electoral participation of internally displaced persons and returnees is also key to informing policies and allowing for evidence-based decisions and the adoption of well-designed and targeted measures. Data may be collected through surveys on internal displacement that include political participation and adopt sampling and data-collection approaches that ensure adequate disaggregation and diversified representation of marginalized groups.

52. While not exhaustive, the following subsections present a number of special measures that may be adopted according to the context to enable the electoral participation of internally displaced persons.

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<sup>36</sup> See submission from the Electoral Assistance Division of the Department of Political and Peacebuilding Affairs on behalf of the United Nations focal point for electoral assistance matters.

### Location and constituency of electoral participation

53. Given the challenges internally displaced persons often encounter to return to their place of origin for voting, it is important to take measures to enable them to vote in their location of displacement, whether it is for their vote to be counted for their constituency of origin or their constituency of displacement.

54. Given that residency requirements for participation in elections usually aim to ensure a legitimate connection between the voter or candidate and the constituency, in certain circumstances it can be reasonable for persons who have their habitual residence in one electoral district and are only temporarily in another district to vote for their constituency of origin. Internally displaced persons may wish to vote for their constituency of origin as a way to preserve ties and protect their interests there. In certain cases, for example when their displacement occurred in the context of ethnic cleansing, they may feel particularly strongly about not leaving all political power to those who displaced them. Absentee balloting mechanisms, including voting at a different polling station or through postal or online voting, can be put in place to enable internally displaced persons to vote for their constituency of origin without having to physically return.

55. It is also understandable that internally displaced persons may wish to vote for their constituency of displacement, where elections results can have a direct impact on their present lives. This may be particularly important in situations of protracted displacement, where internally displaced persons have lived in that electoral district for some time. Having the possibility to register and vote in their place of displacement is also consistent with their right to freedom of movement and choice of residence. To enable internally displaced persons to vote for their constituency of displacement, administrative and other barriers for them to register in or transfer their electoral registration to that constituency should be removed. It may also be appropriate to shorten the length of residence required, where this exists, for internally displaced persons to vote and be elected in their constituency of displacement.<sup>37</sup>

56. For example, Ukrainian citizens used to have their electoral registration tied to their official place of residence as recorded in a national civil registration system inherited from the Soviet *propiska*<sup>38</sup> which was very difficult to change. Following extensive advocacy from civil society, human rights defenders and the international community, the adoption of new legislation in 2019 and 2020<sup>39</sup> enabled internally displaced persons to participate in local elections by de-linking their electoral address from their civil registration address and easing the documentation requirements for changing their place of voting.<sup>40</sup>

57. When offered a choice of the constituency in which to vote, internally displaced persons should be able to exercise their choice free from any form of coercion. If they choose to participate in elections in their constituency of displacement, their choice should in no way lead to their de-registration from assistance benefits and should not preclude their eventual voluntary return or resettlement elsewhere in the country.

58. It is also important to take into account the preferences of the host community. Communities that receive a large influx of internally displaced persons may fear that their participation in elections may alter outcomes, especially where there might be marked cultural or political differences between the displaced and their host communities. In some cases, imposing the participation of internally displaced persons in the same constituency may heighten tensions and conflict. In other situations, electoral participation may actually

<sup>37</sup> In a few instances, internally displaced persons have previously been given the choice to vote in a future constituency of residence. See A. Shujaat, H. Roberts and P. Erben, *Internally Displaced Persons and Electoral Participation: a Brief Overview*, IFES White Paper (Arlington, Virginia, United States of America, International Foundation for Electoral Systems, 2016), pp. 8–9.

<sup>38</sup> A permit that entitled a person to reside and work in a particular city or town. It also controlled access to benefits.

<sup>39</sup> 2019 Electoral Code and Resolution No. 88 of 2020.

<sup>40</sup> See submissions from the Government of Ukraine, the Norwegian Refugee Council in Ukraine and the International Foundation for Electoral Systems. See also <https://previous.ohchr.org/EN/NewsEvents/Pages/RDP.aspx>.

promote dialogue and integration. In that regard, programmes to promote dialogue and social cohesion, combat hate speech and build understanding about special measures can be key.

### **Electoral registration**

59. To address the challenges encountered by internally displaced persons in meeting the documentation requirements to register as voters or candidates, authorities can facilitate the issuance and renewal of civil documentation in their place of displacement by allowing documents to be obtained in civil registries in their location of displacement, easing bureaucratic requirements for internally displaced persons, providing legal aid and taking mobile civil registry units to camps and other areas hosting internally displaced persons.

60. Documentation requirements to register for elections may also be eased to enable internally displaced persons who are missing documentation to register, for example, by allowing them to present other types of evidence of their identity and address, and waiving fees to replace lost voter cards. Granting internally displaced persons and returnees extended registration deadlines can also increase their level of enfranchisement, especially for those who have been displaced, or have returned or resettled close to elections. In that regard, provisional or tendered ballots could be considered, allowing internally displaced persons and returnees to vote in a polling station where they are not registered, subject to secondary verification procedures of the ballots after the polling closes.

### **Access to registration sites and polling stations**

61. Measures should be taken to ensure that internally displaced persons can access electoral facilities to register for elections and cast their ballots in safety and security, free from any form of coercion or intimidation, including gender-based violence. Registration sites and polling stations should be located in or nearby areas hosting internally displaced persons such as camps, informal settlements or host communities in rural and urban areas. For example, in the Philippines, the elections commission established new polling stations in areas with protracted displacement and has issued regulations requiring satellite registration in areas hosting internally displaced persons.<sup>41</sup> Mobile registration sites and polling stations can be good solutions for reaching internally displaced persons in remote locations. In unsafe contexts, safe transit routes can be established. Free transportation provided in an impartial manner and free from any form of political pressure or coercion can be another possible tool to facilitate access. Registration sites and polling stations should also be accessible to persons with disabilities.

### **Other measures**

62. In any context, access to information is crucial for enfranchisement, which requires actively reaching out to internally displaced persons to disseminate information on electoral rights and procedures, in a language and format they understand. For example, in Georgia, the election commission regularly conducts outreach activities to enable the participation of internally displaced persons.<sup>42</sup> Electoral information campaigns should address diverse needs, including ensuring the accessibility of information to persons with disabilities, linguistic minorities or illiterate persons. Internally displaced persons should also have access to information on mechanisms to lodge complaints about the electoral process, which should allow them to do so without having to return to their place of origin.

63. Governments may need to adopt targeted measures to ensure that internally displaced persons are able to participate in elections in safety, by protecting them from any form of coercion or intimidation and other forms of election-related violence, preventing or addressing discriminatory speech, and ensuring their safe access to registration sites, campaign events and polling stations. Civil society, national human rights institutions and the international community can monitor security incidents and human rights violations in the run-up to the elections and on election day to protect vulnerable populations. It is also important to ensure that the manner in which the votes of internally displaced persons are

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<sup>41</sup> See [https://www.globalprotectioncluster.org/wp-content/uploads/GP20\\_web.pdf](https://www.globalprotectioncluster.org/wp-content/uploads/GP20_web.pdf).

<sup>42</sup> See submission from the Department of Political and Peacebuilding Affairs.



counted and the results reported does not inadvertently expose their voting patterns, which could potentially pose a security threat to them.

64. Measures should also target multiple and intersectional discrimination, ensuring for example that electoral information, materials and sites are accessible to persons with disabilities and allowing for persons with disabilities to be assisted by someone of their choice. For instance, in Ukraine, prior to the 2020 local elections, the Central Election Commission adopted a simplified procedure for changing one's electoral address and place of voting which allowed persons with disabilities to give power of attorney to a trusted person to complete that procedure on their behalf.<sup>43</sup> Electoral systems may also include mechanisms to enhance the representation of minorities and indigenous peoples, such as the allocation of seats in national parliaments to their representatives or the requirement for ethnically mixed lists of candidates.<sup>44</sup> In Mexico, indigenous peoples displaced by violence in the state of Chiapas since 2016 actively requested a number of measures to enable them to vote in presidential, parliamentary and local elections in 2018 at their location of displacement. Following court orders granting their requests, a special polling station was placed in their camp, their missing electoral documents were reprinted, and those who had reached the age of majority after their displacement were afforded a simplified procedure to register.<sup>45</sup> In some contexts, the participation of women can be supported by establishing separate registration sites and polling stations or separate queues for women, or providing for culturally sensitive means for verification of identity.

65. Special measures can also be adopted in the context of peace processes. For example, in Colombia, 16 special transitional electoral districts for peace were created, starting in 2021, to elect for the periods 2022–2026 and 2026–2030 an additional 16 parliamentarians to represent the most vulnerable populations who were victims of the armed conflict, including internally displaced persons. Candidates can be registered only by victims' organizations, peasant organizations or social organizations, including those of women and significant groups of citizens. The legislation specifically enables returnees to stand as candidates.<sup>46</sup>

#### **Safeguarding electoral integrity**

66. There can be concerns regarding the potential risks to the integrity of the electoral process posed by certain special measures: for example, flexible documentation or residency requirements might be exploited by malicious actors seeking to commit electoral fraud through impersonation or multiple voting. Such risks can be mitigated through measures to enhance the scrutiny of electoral processes, including through increased transparency, a higher level of scrutiny by observers, civil society and the media, effective electoral dispute resolution mechanisms and the enforcement of electoral offence penalties.<sup>47</sup> The engagement of internally displaced persons themselves in election monitoring can also help prevent fraud.

## **IV. Conclusions and recommendations**

**67. Enabling the enfranchisement of internally displaced persons is key to countering marginalization, promoting reconciliation and building peace, overcoming**

<sup>43</sup> See submission from the International Foundation for Electoral Systems.

<sup>44</sup> *A/73/176*, para. 69; *A/HRC/13/23*, para. 74–75; and Interparliamentary Union (IPU), and others, *Implementing the UN Declaration on the Rights of Indigenous Peoples*.

<sup>45</sup> See submission from OHCHR Mexico. See also National Electoral Institute of Mexico (INE/CG518/2018), <https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/96324/CGex201806-20-ap-2.pdf>; Trial before the Superior Chamber of the Electoral Court of the Judicial Power of the Federation (SUP-JDC–366/2018); Electoral Tribunal of the Federal Judiciary of Mexico (SX-JDC-497/2018), <https://www.te.gob.mx/salasreg/ejecutoria/sentencias/xalapa/SX-JDC-0497-2018.pdf>; and Inter-American Commission on Human Rights, resolution 13/2018.

<sup>46</sup> Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace (*S/2017/272*, annex II), item 2.3 and 2.3.6; Legislative Act 02 of 25 August 2021; and Decree No. 1207 of 5 October 2021. See also submission from the Government of Colombia.

<sup>47</sup> See submissions from the Department of Political and Peacebuilding Affairs; and International Foundation for Electoral Systems, *IFES White Paper* (2016), p. 7.

crises and resolving displacement. Realizing the right of internally displaced persons to participate in elections on equal terms with other citizens is the primary responsibility of States and may require the adoption of positive measures. There are many measures that can be adopted for this purpose depending on the specificities of each context and the concrete challenges encountered by internally displaced persons. The international community, civil society and national human rights institutions can have an important role to play.

68. The Special Rapporteur recommends that States:

(a) Reform all legislation and policies illegitimately curtailing freedom of expression and peaceful assembly to ensure an enabling environment for electoral participation, including for campaigning;

(b) Allow internally displaced persons to vote in their location of displacement for their constituency of origin or their constituency of displacement;

(c) Enable internally displaced persons and returnees to stand for election, including in local elections, on an equal basis with other citizens;

(d) Strengthen the collection and analysis of disaggregated data and evidence on internal displacement and the electoral participation of internally displaced persons to ensure adequate representation of the diversity in communities, by enhancing sampling approaches and including qualitative data components for in-depth and contextualized analyses;

(e) Ensure that decisions on special measures for internally displaced persons in electoral processes are made through a deliberative process with the participation of internally displaced persons, including women, persons with disabilities, minorities, indigenous peoples and internally displaced persons belonging to other groups that may face particular challenges, as well as the participation of host communities and civil society, among other stakeholders;

(f) Ensure that budget allocations for special measures are appropriate and that decisions on special measures are taken well in advance of elections to allow sufficient time for the necessary legislative and operational arrangements to be made, with the early involvement of an independent and adequately resourced electoral management body;

(g) Conduct voter outreach and disseminate information on elections to internally displaced persons, including on their eligibility to vote and run for office, the registration process and voting locations, and ensure that election-related information and materials are disseminated in a language and format they understand, accessible to persons with disabilities, and reach internally displaced persons living inside and outside camps, including the most marginalized groups;

(h) Conduct anti-hate speech campaigns and anti-misinformation and disinformation campaigns to combat discrimination, including multiple and intersecting forms of discrimination;

(i) Facilitate access by internally displaced persons to the civil documentation required for electoral registration by allowing them to obtain and renew civil documents in their location of displacement, facilitating their access to civil registries and simplifying the application process for them;

(j) Simplify procedures for internally displaced persons to register for elections or transfer their registration and ease the evidentiary burden for them by waiving certain requirements or accepting a wider range of documentation and forms of evidence, and grant them flexibility regarding deadlines for registration, especially for those whose circumstances have changed close to elections due to recent displacement, return or resettlement;

(k) Ensure that the electoral participation of internally displaced persons is in no way linked to their eligibility or registration for humanitarian assistance or other benefits;

(l) Take measures to protect the integrity of electoral processes and prevent candidates from exploiting the assistance needs of internally displaced persons, for example by prohibiting the distribution of food and other items during political campaigns;

(m) Ensure that registration sites and polling stations are located, designed and managed in a manner that ensures access by internally displaced persons in safety and security, providing for the security of voters and enabling their freedom of movement, and ensuring that electoral sites are accessible to persons with disabilities; and protect internally displaced voters and candidates from intimidation, harassment, gender-based violence and election-related violence;

(n) Provide training to electoral officials and security forces on how to deal with internally displaced persons, their rights and the challenges they face to participate in elections, and how to implement special measures that may have been adopted.

69. The Special Rapporteur recommends that the international community, civil society and national human rights institutions:

(a) Advocate for special measures as necessary for inclusive elections that enable internally displaced persons, including women, members of minority or indigenous groups, persons with disabilities and other groups of internally displaced persons, to exercise their electoral rights on an equal basis with other citizens; provide technical support for the design of special measures; and advocate for participatory and inclusive decision-making processes regarding the adoption of special measures;

(b) Contribute to enhancing the capacity of political and government actors and civil society and other actors involved in electoral processes or in the response to internal displacement as relevant in relation to electoral rights and the enfranchisement of internally displaced persons, through capacity-building and awareness-raising efforts;

(c) Contribute to raising the awareness of internally displaced persons of their electoral rights and the importance of electoral participation; disseminate information on their eligibility to vote and stand for office and on how to register; and promote dialogue between internally displaced persons and host communities to build social cohesion and understanding on the importance of inclusive elections;

(d) Support internally displaced persons seeking to secure civil documentation required for registration and voting, for example through awareness-raising and legal aid;

(e) Scrutinize electoral processes through human rights monitoring of elections, and electoral observation to increase the transparency and inclusivity of the process, incorporating internal displacement in electoral monitoring and observation and ensuring that electoral sites for internally displaced persons are covered, including remote polling stations, and include election-related incidents and issues in protection and human rights monitoring in the run-up to elections and on election day;

(f) Recommend that specialized actors that provide electoral assistance promote the enfranchisement of internally displaced persons through sensitization, capacity-building and technical assistance on special measures;

(g) Recommend that donors mobilize resources to promote inclusive and transparent elections, enhance the capacity of electoral management bodies and support the adoption and operationalization of special measures as relevant.