

# Political Participation and the Right to Vote



## Key message

All persons, including those who are internally displaced, have the right to participate in the governmental and public affairs of their country, including the right to vote and to stand for election to public office. Internal displacement, however, can make it difficult for individuals to exercise their rights to political participation, particularly in elections. As a result, IDPs risk being denied a voice in the political and economic decisions that affect their lives.

## 1. Political participation in the context of internal displacement

The term political participation includes any form of engagement in the political and public life of a community, including seeking and holding public office, participating in the work of political parties or opposition groups, and voting and standing for elections. When conducted in a fair and inclusive manner, elections can pave the way for peace, national reconciliation and good governance, thus fostering long-term stability and durable solutions to displacement.

In practice, however, internally displaced persons often cannot exercise their electoral rights, whether during displacement or upon return to their areas of origin or settlement elsewhere in the country. This can result in disenfranchisement and exclusion from the political and public life of the country, which, in turn, can exacerbate the discrimination and marginalization that displaced persons and communities often experience. The obstacles that displaced voters often face include the following:

- **Restrictive residency requirements** – National electoral regulations generally link the exercise of electoral rights to the place of residence. Displacement, which by definition entails a temporary or permanent loss of residence, thus makes it difficult for the internally displaced to register and vote: in some cases, they may even be required to return to their areas of origin, which often remain unsafe. Registering to vote in the area of displacement is often difficult, for instance owing to strict residency or documentary requirements, or unfeasible, as it can result in loss of humanitarian assistance or automatic de-registration in the area of origin, creating obstacles to return.
- **Lack of documentation** – Identity documents, which are often needed in order to register and vote, are frequently lost, destroyed or confiscated during displacement. It can be difficult to obtain replacement documentation and it may require IDPs to return to their areas of origin. Certain individuals and groups may have lacked documentation prior to displacement or be denied documentation owing to discriminatory laws and practices. Women and girls, for example, are often unable to acquire documentation in their own names and must register as dependents of spouses or male relatives, which violates their rights and leaves them without the means to prove their identity, especially in case of family separation or death of these relatives.
- **Discrimination** – Discriminatory laws and practices, which may have contributed to displacement to begin with, can mar all aspects of the electoral process. In some cases, displaced voters or certain groups of displaced voters, such as ethnic minorities, have been deliberately barred from voting; given access to fewer or more remote polling

stations with shorter voting hours; subjected to cumbersome registration procedures; or lacked access to electoral information in a language they understand.

- **Conflict and insecurity** – Elections sometimes take place in a climate of ongoing violence or communal tensions. Voters and candidates have been threatened, harassed or assaulted at all stages of the electoral process: during voter registration, when obtaining replacement documentation, while en route to or at polling stations, during the electoral campaign, or when taking office. Elections can only be free, fair and legitimate if voters can participate without fear of risk, intimidation or harm.
- **Lack of access** – Access to polling stations is often limited in situations of displacement owing to lack of security, long distances, lack of safe and affordable transport, or inadequate voting arrangements, such as insufficient number of polling stations. Women, older persons, and persons with disabilities face particular obstacles in this regard.
- **Lack of information** – Displaced persons, in particular those residing in camps or settlements, often lack information, in a language which they can understand, about political processes, parties and voting arrangements.

## 2. International legal principles

The **right to political participation**, which is guaranteed in international and regional human rights law, includes the right to participate in government and public affairs, to vote and stand for election, and to have equal access to participate in public service.<sup>1</sup>

See also Principles 22(1)(d) and 29(1) of the Guiding Principles on Internal Displacement (Annex 1).

Certain limitations on the right to political participation are permissible but these must be reasonable, objective and non-discriminatory. For example, the right to vote can be limited to citizens who have attained the age of majority under national law. Any form of discrimination, including on the basis of gender, ethnic origin, religion or political opinion, is however prohibited, as are any restrictions on grounds of income, education, literacy, disability, descent, property status, political affiliation or displacement. Internally displaced persons thus have a full and equal right to political participation, including the right to vote, both while they are displaced and upon their return or settlement elsewhere in the country. Where residency requirements apply, these must not exclude internally displaced persons or any other voters without a permanent residence.<sup>2</sup>

Women have equal rights with men in all matters relating to political participation. States should take all necessary steps to ensure that women are able to exercise their political rights and participate at all stages of the electoral process, as well as during negotiations and implementation of peace agreements, and early recovery and development programmes.<sup>3</sup>

International law also protects a number of other rights which are important to ensure meaningful political participation, including:

- The right to **freedom of opinion and expression**, including the right to seek, receive and impart information in a language of one's choosing, without threat of harassment,

<sup>1</sup> See Art. 21 of UDHR; Art. 25 of ICCPR; Art. 5(c) of ICERD; Art. 7 and 8 of CEDAW; Art. 41 and 42 of CMW. At the regional level, see also Art. 13 of AfCHPR and various articles of its Protocol on the Rights of Women in Africa; Art. 23 of AmCHR; Art. 4(j) of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women; Art. 19 and 33 of ArCHR; and Art. 3 of Protocol 1 to ECHR.

<sup>2</sup> See General Comment No. 25(1996) of the UN Human Rights Committee on the right to participate in public affairs, voting rights and the right to equal access to public service (Art. 25), paras. 3 and 11.

<sup>3</sup> Discrimination between women and men is prohibited in the non-discrimination clauses of all major human rights instruments. See also Art. 7 CEDAW; the Convention on the Political Rights of Women; Art. 9 of the Protocol to the AfCHPR on the Rights of Women in Africa; as well as SC Resolution 1325(2000), op.para. 8.

coercion or violence. It implies the freedom to discuss, support and oppose ideas, candidates or political parties, including through the media, without risk of censorship or restraint, although propaganda for war and violence or advocacy of national, racial or religious hatred should never be tolerated.<sup>4</sup>

- The right to **peaceful association and assembly**, which includes the right to form and join organizations and associations, including political parties, to debate political and public affairs, and to hold peaceful demonstrations and meetings.<sup>5</sup>
- The right to **freedom of movement**, which includes the right to move freely, without fear or threat of harm, including for the purposes of campaigning, voting or assuming public office (see *Part V.8*). 

Elections should be free and fair, based on universal and equal suffrage and held by secret ballot, enabling voters to express their will freely and without violence, intimidation or threat. Internationally recognized electoral standards and principles should be respected, and mechanisms for independent and impartial review and appeal should be available.

### 3. The responsibility of the State

The State has a responsibility to ensure that displaced persons are able to exercise their rights to political participation, both while they are displaced and upon their return or relocation, on equal basis with other citizens in their country. In order to facilitate their participation the authorities can:

- Reform national law and administrative procedures to enable displaced persons to register and vote in the area of displacement, without facing any adverse consequences.
- Establish absentee registration and voting arrangements for displaced persons to enable them to participate in elections in their area of origin while they are displaced.
- Enhance security en route to and at polling stations, including by ensuring that adequate numbers of trained police officers, both female and male, are deployed.
- Conduct targeted public information and outreach campaigns to inform displaced voters about available registration and voting arrangements.
- Ensure that safe and affordable transportation to and from polling stations is available for displaced and other voters.
- Where needed, request international assistance to organize, supervise and monitor fair elections.<sup>6</sup>

### 4. The role of human rights and humanitarian actors

International assistance can be valuable where the State has limited capacity or lacks technical expertise and resources to ensure free and fair elections, including the full and equal participation by displaced voters and candidates. Election assistance and monitoring is a specialized area of international cooperation and should be coordinated by actors that have

<sup>4</sup> See Art. 19 and 20 of UDHR; Art. 19 of ICCPR; Art. 5(d)(viii) of ICERD; Arts. 12, 13 and 17 of CRC; Art. 13 of CMW and Principle Art. 22(1)(a) of the Guiding Principles on Internal Displacement. See also at the regional level, Art. 9 of AfCHPR; Art. 7 of AfCRWC; Art. 13 of AmCHR; Art. IV of AmDHR; and Art. 10 of ECHR. See also General Comment No. 10(1983) of the UN Human Rights Committee on Freedom of expression (Art. 19).

<sup>5</sup> See Art. 20 of UDHR; Art. 21 and 22 of ICCPR; Art. 14(2)(e) of CEDAW; and Art. 15 of CRC, and at the regional level, Art. 10 and 11 of AfCHPR; Art. 8 of AfCRWC; Art. 15 and 16 of AmCHR; Art. 4(h) of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women; Art. 28 of ArCHR; and Art. 11 ECHR. The right is reflected in the Principle 22(1)(c) of the Guiding Principles on Internal Displacement.

<sup>6</sup> For detailed guidance on the specific legislative, administrative and institutional measures that States can take to ensure the electoral rights of internally displaced persons, see the paper "Democracy and the Displaced," by J. Grace and E. Mooney (2007) and its summary in the manual for domestic legislators that is being drafted by the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons (forthcoming 2008).

the required expertise and experience (see the section on key actors below). All human rights, humanitarian and development actors can however play an important role, including by assisting the State as well as displaced candidates and voters to participate safely in elections on a full and equal basis with others in their country.



### In our work we can ...

#### Assessment and analysis (see Part III.1)



- Ensure that protection assessments identify (i) any legal, administrative or practical obstacles to political participation by IDPs, paying particular attention to residency, registration and documentation requirements; (ii) the groups most at risk of exclusion from political and public affairs; (iii) the protection impact of lack of participation with regard to specific groups within the community, including on the basis of age, sex or other specific circumstances and (iv) key local, national and international actors that can help to address these obstacles.

#### Community mobilization (see Part IV.10)



- Ensure that women, girls, boys and men of diverse backgrounds are consulted and take active part in planning, implementing and evaluating humanitarian projects and programmes. This can contribute to creating a culture of participation in public affairs among the population and the authorities.

#### Election monitoring

- Election observation and monitoring requires technical expertise and should be undertaken by specialized agencies/NGOs. Human rights and humanitarian actors can support their efforts, for instance by: (i) encouraging election monitors to pay attention to IDPs' ability to exercise their political rights, (ii) sharing information about any obstacles faced by IDPs; and (iii) providing advice and help to address such obstacles.

#### Advocacy (see Part IV.3)



- Advocate with relevant authorities for fair, transparent and inclusive political processes. Encourage the authorities to respect the political rights of IDPs and take any obstacle they may face into account when developing and implementing electoral policies, practices and frameworks. This may include: (i) legal and administrative reform; (ii) establishment of absentee registration and voting arrangements; (iii) easing of residency, documentation and other restrictive requirements; and (iv) ensuring that women are issued documentation in their own names. Advocate with national and local law-enforcement agencies and with regional and international actors, if present, for measures to ensure safety during all phases of the electoral process.

#### Information, education and communication activities (see Part IV.6)



- Support voter-education campaigns aimed at informing IDPs and other affected communities about: (i) their political rights; (ii) where, when and how to register and vote, including any absentee voting arrangements; and (iii) the availability of complaints and appeal mechanisms. Such campaigns must reach both women and men of different ages and diverse backgrounds in areas where IDPs are located, including in camps and settlements; be conducted in a language which they understand; and take place through appropriate information channels. As an example, use of radio may be more appropriate than printed media among groups with limited literacy skills.

#### Technical advice and assistance (see Part IV.4)



- Help build the capacity of the authorities to conduct free and fair elections. Technical advice and assistance can be provided by specialized actors, but human rights and humanitarian actors can support such efforts, for instance by providing information about the obstacles faced by IDPs and the ways to address these. In some cases, material or financial assistance can be provided, for example to establish absentee voting mechanisms or facilitate voter transportation.



### Training

- Support training about the rights of IDPs, including the right to political participation, and standards for free and fair elections, for relevant stakeholders, including: government officials, particularly electoral officials and law-enforcement agencies, IDP communities, particularly community leaders, both female and male, and local NGOs and civil society.

### Presence and monitoring

(see Parts IV.1 and 2) 

- Maintain visible protection presence in areas of displacement during and immediately after elections, if security conditions allow. Visible protection presence can encourage participation and discourage election-related fraud, violence and abuse.

Do you have suggestions about other activities? If so, please share them with us at [hqidphb@unhcr.org](mailto:hqidphb@unhcr.org)



## 5. Key Actors

- At the **national level** key actors include, displaced individuals and communities; national electoral commissions; Ministry of justice and the Interior; national courts and tribunals; law-enforcement agencies; national human rights institutions; local NGOs and civil society, including the media.
- At the **regional level** key actors include, *In Africa*: the African Union's Election Unit; at the sub-regional level, the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC). *In the Americas*: the Organization of American States (OAS) Unit for the Promotion of Democracy. *In Europe*: the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE); the European Commission for Democracy through Law (Venice Commission) of the Council of Europe; and the European Union.
- At the **international level** key actors include, United Nations Electoral Assistance Division (EAD) of the Department of Political Affairs; International Organization for Migration (IOM), particularly its project on Political Rights and Enfranchisement System Strengthening (PRESS); International Institute for Democracy and Electoral Assistance (IDEA); Inter-Parliamentary Union (IPU); the Commonwealth Secretariat; and the United Nations Office of the High Commissioner for Human Rights (OHCHR). In addition, a number of international NGOs, such as the International Foundation for Electoral Systems (IFES) and the Carter Center, provide electoral assistance and undertake election-observation missions.



## References

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- *Democracy and the Displaced: Political Participation Rights, in Particular the Right to Vote and to Be Elected*, by J. Grace and E. Mooney, Brookings-Bern Project on Internal Displacement and American Society of International Law, 2007.
- *Enfranchising Conflict-forced Migrants: Issues, Standards, and Best Practices*, by J. Grace and J. Fischer, Participatory Elections Project (PEP), Discussion Paper No. 2, IOM, 2003. [http://www.geneseo.edu/~iompres/Archive/Outputs/Standards\\_Final.pdf](http://www.geneseo.edu/~iompres/Archive/Outputs/Standards_Final.pdf)
- *Political Participation, in Particular Electoral Rights*, in *Manual for Domestic Legislators on the Implementation of the Guiding Principles*, Brookings-Bern Project and American Society of International Law, forthcoming 2008.
- *Displaced and Disenfranchised: Internally Displaced Persons and Elections in the OSCE Region*, by E. Mooney and B. Jarrah, in 29 *Ethnopolitics* 36, 2005. <http://www.informaworld.com/smpp/content~content=a713735032~db=all>
- *Internally Displaced Persons' Voting Rights in the OSCE Region*, by E. Mooney and B. Jarrah, Brookings-SAIS Project on Internal Displacement, 2004. [www.brookings.edu/idp](http://www.brookings.edu/idp)
- *Enhancing Women's Participation in Electoral Processes in Post-conflict Countries*, UN Office of the Special Adviser on Gender Issues and Advancement of Women, UN Doc. EGM/ELEC/2004.

- *Women and Elections: Guide to Promoting the Participation of Women in Elections*, United Nations, 2005.
- *Training Manual on Human Rights Monitoring*, Chapter XIV: Election Observation, OHCHR, 2001.



## Useful websites

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- Electoral Assistance Division (EAD) of the United Nations Department of Political Affairs: [www.un.org/Depts/dpa/ead/](http://www.un.org/Depts/dpa/ead/)
- European Commission for Democracy through Law (Venice Commission) of the Council of Europe: [www.venice.coe.int/site/main/Elections\\_Referendums\\_E.asp](http://www.venice.coe.int/site/main/Elections_Referendums_E.asp)
- Inter-Parliamentary Union (IPU): [www.ipu.org/dem-e/overview.htm](http://www.ipu.org/dem-e/overview.htm)
- International Institute for Democracy and Electoral Assistance (IDEA): [www.idea.int/](http://www.idea.int/)
- Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE): [www.osce.org/odihr-elections/](http://www.osce.org/odihr-elections/)
- Political Rights and Enfranchisement System Strengthening (PRESS) project of the International Organization for Migration (IOM): [www.geneseo.edu/~iompres/](http://www.geneseo.edu/~iompres/)