

POLITICAL RIGHTS OF internally displaced persons (IDPs) in Ukraine

Dear ladies and gentlemen,

First of all, I would like to express my greatest respect to you for your contribution to strengthening democracy and protection of human rights.

My name is Tetyana Durnyeva, I 'm from Donetsk and had to move to Kyiv after the beginning of the Russian aggression. Now I'm a head of Ukrainian NGO "Group of Influence" and we protect the rights of conflict-affected people.

I would like to use this opportunity to describe the problem of political rights of IDPs.

As of July 30, 2018, according to the Ministry of Social Policy of Ukraine 1,516,246 internally displaced persons from the occupied territories of the Donetsk and Luhansk oblasts and the Autonomous Republic of Crimea were registered.

About 4% of the Ukrainian electorate, who are IDPs, are deprived of the full exercise of their political rights. In Ukraine, people can participate in local democracy only in places of their residence registration which are often different from the actual ones.

In the first year of the war, IDPs did not think about voting. They thought about where they could live and what they have. Then the questions arose, in which school will the child study and so on. Over time, people began to realize that their relocation is not temporary. In the fourth year of the war, more and more IDPs perceive themselves as members of new communities. To feel equal in their host communities IDPs need the ability to exercise their constitutional right to vote and elect authorities. By now, 4% of voters still silent, and for these people, the value of their voice is increasingly sensitive.

There are cities in Ukraine where the number of IDPs is higher than the number of local people. This situation is acute in the regions near the conflict line. However, it must be said that the IDPs changed their new communities not only in quantity but also in quality.

We have many examples of IDPs becoming social leaders - when displaced doctors or teachers or businesspeople have a significant impact on their new community through their daily affairs and paying taxes. At the same time, these people, who are actively influencing the community with their own hands, heads and hearts, cannot affect the choice of local self-government bodies.

Some of provisions Ukraine's electoral law exclude IDPs from electing Members of Parliament in single-member districts, mayors and members of the village, settlement and city councils.

In the parliamentary elections in October 2014, all IDPs (about 500 000 people as of October 2014), had no right to elect a deputy of the Verkhovna Rada of Ukraine in majority district at the new place of residence. In October 2015 in local elections, 1,3 million IDPs did not participate in the election and were not able to elect local councils deputies.

This is a clear violation of the principle of non-discrimination in ensuring equal rights, freedoms, and opportunities and slows the process of integration of IDPs to the local communities.

The Constitution of Ukraine and international standards clearly define the equality of rights of all citizens, particularly in matters of electoral law. International principles also oblige Ukraine to ensure these rights.

More attention must be paid to allowing access to voting in national and local elections for IDPs

Our NGO, the GROUP OF INFLUENCE, together with our partners, conducts a broad informational and educational campaign, and we promote the principles of the Constitution about the equal rights of all citizens, regardless of their origin, place of residence or other differences. I wear this bracelet on my arm, not as an accessory. I wear it because it's written here that every vote is important.

IDPs are not the only group that faces challenges to their enfranchisement in Ukraine. Other mobile communities whose actual place of residence differs from their registered one and voter address also face obstacles to exercise their electoral rights.

Aiming to resolve the problem, in 2016 a group of independent experts developed draft law №6240 on Ensuring Access to the Right to Vote of Internally Displaced Persons and Other Internal Migrants. The Draft Law was prepared by the NGO "Group of Influence" and Civil Network OPORA, in consultations with the IFES, Central Election Commission, representatives from the Verkhovna Rada, IDPs and other key stakeholders. Amendments provide that voters will be able to apply to vote in their place of actual residence, regardless of their place of formal residence registration. In case the amendments are adopted, IDPs' voting rights will be protected. Ability to change voting address at the place of actual residence will be available also to other internal migrants. It will help to reduce conflict in the society and raising the level of public participation in elections.

On March 27, 2017

24 MPs from different fractions signed the draft law No6240 which enables all Ukrainian citizens to vote in their actual place of residence by simplifying voter registration procedures and separating them from their formal registered places of residence.

The local governments support such system changes and consider IDPs as the members of their communities. Within advocacy campaign "EVERY VOTE HAS IMPACT" local authorities of different cities of Ukraine adopted appeals to the Verkhovna Rada of Ukraine with a request to vote for Draft Law No.6240 and protect political rights of IDPs at local level.

However, this draft law is currently of little interest to MPs and requires information and lobbying support.

NGO "Civic holding "GROUP OF INFLUENCE" would be grateful if ODIHR could send the following recommendations to the Verkhovna Rada of Ukraine:

1. To the Committee on Legal Policy and Justice: Accelerate consideration of Draft Law No. 6240 and recommend it for adoption on first reading by the Verkhovna Rada; and,
2. To the Verkhovna Rada of Ukraine: Adopt Draft Law No. 6240 and provide mechanisms for ensuring the voting rights of IDPs in all elections, including at local level

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