



Colloquium on the Political Rights of Persons Displaced by Conflict

Geneva, Switzerland
June 12 & 13, 2006



Political Rights of Persons Displaced by Conflict Colloquium Proceedings International Organization for Migration

Executive Summary

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Panelists

Vincent Cochetel
 Jeff Fisher
 Maria Gratschew
 Jeremy Grace
 Walter Kälin
 Jeff Labovitz
 Brunson McKinley
 Erin Mooney

Conflict forced migrants are routinely excluded from electoral processes. On June 12 & 13, 2006, IOM convened the **Colloquium on the Political Rights of Persons Displaced by Conflict** in Geneva, bringing together experts from the democracy and governance, migration and refugee, and human rights communities to consider issues associated with conflict forced migrant (CFM) enfranchisement and to identify strategies for building support for CFM voting and political rights.

The colloquium participants – representing international agencies, civil society groups, and representatives of governments and national election management agencies – encouraged IOM to continue its work in this area, and proposed a series of next-steps to build on both IOM’s practical experience and its research conducted under the Political Rights and Enfranchisement System Strengthening Project. Suggested steps include the development of a network of individuals who participated in the conference to remain engaged on the issue, the drafting of a guidelines or best-practices document to provide guidance on CFM enfranchisement issues, the establishment of an advisory committee to comment on the guidelines, and continued action plans and other initiatives to raise international and national awareness on the issue of CFM political rights.

Acknowledgements

There are a number of organizations and individuals that should share credit for the success of the colloquium. First, IOM would like to thank Walter Kälin for accepting our invitation to deliver the keynote address and for his particular commitment to the issue of IDP voting rights in his capacity as Representative of the Secretary General on the Human Rights of Internally Displaced Persons. IFES provided great support during the conference preparations and especially in facilitating the panel discussions and workshops. The panelists, from IOM, other international agencies and national election commissions, shared insights and experiences that were essential to the conversations that ensued. IOM staff in Geneva, Washington, DC and elsewhere have been key supporters both for this event and for IOM’s long term programming in this area. Finally, we are particularly grateful to USAID for their funding, support, and guidance to IOM on this project.



Introduction to Colloquium Proceedings

Conflicts result in human displacement. Over the past 20 years, conflicts around the globe have forced millions of people from their homes. As of 2006, some 12 million persons remain as refugees around the world, and an additional 21 million persons are internally displaced.

Elections and access to political rights are often a key component of long-term peace building and are part of the settlement to these conflicts. Democratic institutions can help move material, communal, sectarian, and ideological disputes from the battlefield and into a political process.

Unfortunately, conflict forced migrants (CFMs) are routinely excluded from these electoral and political processes. Several factors account for this: First, international electoral standards do not provide clear or consistent guidance; Second, national or international entities charged with organizing elections may object to the costs and complicated logistics associated with enfranchising displaced populations or may confront a political incentive to exclude CFMs; Third, since elections are often one of many components of negotiated political agreements, the enfranchisement of CFMs is either negotiated out or is never considered.

As a result, many post-conflict elections have disenfranchised significant proportions of the eligible voting population, which can reward groups who impose their will through violence and the expulsion of civilians in order to secure their political objectives. Even when conflict-forced migrants have been included, mechanisms for their actual participation have often varied, leading to inconsistent practices that can undermine the transparency of elections.

If properly organized, the enfranchisement of conflict forced migrants can support broader objectives for reconstruction and reconciliation. An electoral process is an opportunity to establish communications among displaced communities so that there is visibility, transparency, and confidence as reconciliation continues. In addition, by participating in political life, displaced groups are reconnected with their home state or region, facilitating repatriation and bringing home their unique skills and capabilities. The enfranchisement of refugees and IDPs also promotes the widespread acceptance of electoral results and a durable peace. When implemented correctly, the electoral participation of conflict-forced migrants can moderate the effects of forced displacement as a political tactic and empower disenfranchised people to elect their preferred representatives.

In June of 2006, IOM convened the **Colloquium on the Political Rights of Persons Displaced by Conflict** in Geneva. For the first time, experts from the democracy, migration, and human rights communities met to discuss issues associated with enfranchising displaced populations and to building support for more consistent standards in this area. The Colloquium examined three main thematic issues:

- The human rights, equality, and peace-building dimensions to CFM enfranchisement;
- The principles, standards, and practices required to protect the electoral rights of conflict forced migrants and the integrity of the electoral process; and
- A strategy for the broad acceptance and implementation of standards that protect the political rights of conflict displaced persons.

The presentations and discussions that ensued are presented in the following proceedings report. The Colloquium proved to be unique in two respects. First, it was the first such conference to focus specifically on the political rights of persons displaced by conflict. Second, the resulting dialogue and sharing of perspectives between individuals and organizations from diverse communities resulted in a deeper appreciation of the fundamental human rights and peace-building issues at stake, as well as a growing interest on the part of conference participants in furthering the promotion of CFM political rights.

Conference participants expressed broad support for strengthening international commitments that protect the political rights of conflict-forced migrants through the development of a set of guidelines on CFM electoral participation and continued coordination and dialogue between the humanitarian, migration, and democracy communities. Conference participants intend to build on the network of experts and the momentum generated at the Colloquium.

The substance of this report maps out the issues and suggests a path forward. It identifies initiatives that can be undertaken to develop a practitioner's network, raise international awareness of the vital linkage between democracy, conflict forced migrants, and peace-building, and explores ideas for projects to strengthen international and specific national strategies to protect the political rights of these populations.

I. Framing the Inequality: Stating the Case for Guidelines

Cases of Electoral Exclusion for Persons Displaced by Conflict — Jeff Fischer

Mr. Fischer focuses on electoral exclusion and violations of the ICCPR, highlighting cases from Liberia and Azerbaijan. In the 1997 Liberian elections, there were no voting programs for refugees and factors such as insecurity, infrastructure, and lack of information contributed to disenfranchisement of IDPs. In Azerbaijan, voting programs to enfranchise IDPs have been put in place, but political exclusion still occurs through intimidation, lack of information regarding IDP registration and polling locations, and language differences. Mr. Fischer concludes by highlighting a paradoxical situation: In Liberia 23% of refugees voted even without a formalized external voting program whereas in Azerbaijan, few displaced Azeris have voted due to transparency issues despite the presence of a government sponsored program.

International Covenants Supporting the Political Rights of Persons Displaced by Conflict — Jeremy Grace

Mr. Grace discusses the international legal instruments and mechanisms that support equal suffrage and the civil rights of refugees and displaced persons. He highlights that the most vulnerable populations in post-conflict elections tend to be the displaced and that the state is responsible for facilitating complete expression of civil and political rights. Disenfranchisement of these populations not only violates human rights obligations, but can reduce confidence in the elections as an instrument for reconciliation and peace-building.

II. Reports from Break - out Sessions

Break-out groups discussed various aspects of external voting programs in Bosnia and Herzegovina, Afghanistan, and Iraq. The groups analyzed the role of the international community in external voting, different mechanisms to ensure validity and transparency, factors that may erode public confidence, and the limitations on external campaigning.

III. Guidelines and Standards in Electoral Practice

Initiatives in Developing Electoral Standards — Jeff Fischer

Mr. Fischer emphasizes the importance of developing elections standards through globally recognized initiatives. These initiatives should identify widely accepted norms while allowing electoral processes to be tailored specifically to different regions. Mr. Fischer goes on to describe the various fundamental and sectoral standards that comprise electoral standards.

International Practices in External Voting — Maria Gratschew, International IDEA

Ms. Gratschew provides an overview of a forthcoming International IDEA handbook that describes external voting programs of 213 countries and territories. The IDEA team, with the cooperation of the Federal Electoral Institute of Mexico, analyzed the different groups that were entitled to vote out-of-country, the elections for which external voting was practiced, and the method by which it was practiced. The results showed that a large proportion of countries either were working on improvements to existing external voting programs or initiating new programs.

Electoral Guidelines and Standards for Persons Displaced by Conflict — Jeremy Grace

Mr. Grace discusses the initiatives and standards enforcing the rights of forced migrants and the work of PEP and PRESS to fill in the gaps. Core issues addressed include: the choice of electoral formula, voter eligibility and registration, election security, movement and legal status, voter education and campaigning in asylum, and ballot transparency. An emphasis is made on the lack of attention given to CFM-related issues in most electoral standards and initiatives.

IV. Strategies for the Implementation of Guidelines and Standards

Guidelines and Standards for Internally Displaced Persons — Erin Mooney, UNHCR/PROCAP

Ms. Mooney discusses challenges and strategies for safeguarding the political rights of Refugees. She

points out five obstacles to equal participation of IDPs in the political process, including residency issues, documentation, insecurity and distance to voting location, discriminatory practices and lack of timely and adequate information. Ms. Mooney also provides five key recommendations for promoting and protecting the political rights of displaced peoples, underlining the responsibilities of national governments, the necessity of clear guidance and proper tools, the importance of periodic review of national legislation, the engagement of national civil society groups, and most importantly engaging the IDPs themselves in devising new methods of political participation.

Guidelines and Standards for Refugees and Asylum Seekers—Vincent Cochetel, UNHCR

Pointing out a fundamental difference between the problems of IDPs, who are resident citizens and can not be forced to undertake trans-national travel to cast a ballot, and refugees, who can be discriminated against on the basis of their non-residence, Mr. Cochetel outlines difficulties with the electoral process, emphasizing the need of a separation between the issue of participation and the issue of return for refugees. Mr. Cochetel addresses several limitations restricting the political rights of refugees, especially in respect to voting rights. He outlines the problem of elections in asylum, citing the problems of registration databases in Western Sahara and Bhutanese refugees in Nepal and a lack of knowledge of the working of refugee camps which would be very beneficial in stemming rumors and disseminating information in camps. Mr. Cochetel also cautions against the belief that there is a “quick fix electoral solution” in the implementation of external voting programs for refugees.

Operational Guidelines and Standards for Out-of-Country Programs — Jeff Labovitz, IOM

Mr. Labovitz emphasizes the importance of having out-of-country programs mirror in-country programs to the fullest extent possible in order to attend to local concerns and local context. He also addresses components of an absentee voting program that need to be considered from the outset, such as security factors and operation costs. He reiterates the importance of separating refugee refoulement from voting, as voting is an independent political right.

V. Keynote Address

Political Rights of Persons Displaced by Conflict — Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons

Professor Kälin offered encouragement to the members of the colloquium and to IOM, commending their efforts to increase awareness of the difficulties IDPs and refugees face in attempting to exercise their political rights. He also described the work of the United Nations in the field of refugee and IDP voting rights such as the Liberia and DR Congo missions. He noted that the Guiding Principles on Internal Displacement had been unanimously approved at the 2005 World Summit at the United Nations. Mr. Kälin trusted that once laws and policies have been developed to ensure IDPs’ rights to political participation, attention will also be given to their implementation.

VII. Closing Plenary Session: Reports from Break-out Groups, Dialogue on Lessons Observed, and Next Steps

The breakout groups were asked to discuss issues of policy, services rendered and the roles of organizations in voting programs from the perspectives of Democracy organizations and election management bodies, migrant advocacy groups and humanitarian organizations, and bilateral offices and international organizations. The groups identified issues for action as well as obstacles to IDP and refugee voting programs.

Closing Remarks — Jeremy Grace

Mr. Grace expressed his anticipation of the growth of the IOM and IOM PRESS network. He also outlined plans for an IOM Colloquium in Washington D.C., the expansion of the PRESS website, as well as the establishment of a small steering group and to produce best practice guidelines on electoral participation of Conflict Forced Migrants.

Closing Remarks — Jeff Fischer

Mr. Fischer remarked on the accomplishments of the colloquium, describing it as a “platform from which future projects and initiatives could be launched.”

Participants

Mariclaier A. Acosta.....	Organization of American States
Howard Adelman.....	York University
Suad Arnautovic.....	Central Election Commission of Bosnia & Herzegovina
Simon Bagshaw.....	UN Office for the Coordination of Humanitarian Affairs
Paul Birdsall.....	Permanent Mission of the United States
Sylvie Breme.....	International Organization for Migration
Naile Busemann.....	International Committee of the Red Cross
Vincent Cochetel.....	Office of the United Nations High Commissioner for Refugees
Jamie Crowley.....	IFES
Denise Dauphinais.....	IFES
Ryan Donaghy.....	Permanent Mission of the United States
Jeff Fischer.....	Fischer and Associates
Jeremy Grace.....	State University of New York at Geneseo
Maria Gratschew.....	International Institute for Democracy and Electoral Assistance
Karen Gulick.....	Office of the UN High Commissioner for Human Rights, United Nations
Torsten Haschenz.....	International Organization for Migration
Anja Huebner.....	International Organization for Migration
Zanofer Ismalebbe.....	UNDP
Walter Kälin.....	Office of the UN High Commissioner for Human Rights, United Nations
Nance Kyloh.....	U.S. Permanent Mission
Jeff Labovitz.....	International Organization for Migration
Brett Lacy.....	Election Consultant
Miriam Lapp.....	Elections Canada
Mathijs le Rutte.....	Office of the U.N. High Commissioner for Refugees
Stephen Lennon.....	International Organization for Migration
Anne-Sophie Lois.....	Norwegian Refugee Council
Pasquale Lupoli.....	International Organization for Migration
Brunson McKinley.....	International Organization for Migration
Erin Mooney.....	UNHCR/PROCAP
Khalil Nasri.....	Permanent Mission of Afghanistan
Mate Radics.....	Association of Central and Eastern European Electoral Officials
Andy Richardson.....	Inter-Parliamentary Union
Nicole Santschi.....	Permanent Mission of the United States
Mustfa Safwat Rashid Sidqi.....	Independent Electoral Commission of Iraq
Catinca Slavu.....	IFES
Jonathan Stonestreet.....	OSCE Office for Democratic Institutions
Frances Sullivan.....	International Organization for Migration
Aram Weitzman.....	International Organization for Migration
Aida Zecevic.....	International Organization for Migration
Anne Zeidan.....	International Committee of the Red Cross

Conference Agenda

Day One – 12 June 2006

Overall Facilitator: Mr. Philippe Boncour (IOM)

8:00 AM – 9:00 AM Registration

9:00 AM – 9:30 AM **Welcome and Introduction** Mr. Brunson McKinley (IOM)

9:30 AM – 11:00 AM **First Plenary Session:** Framing the Inequality – Stating the Case for Guidelines

Moderator: Mr. Pasquale Lupoli (IOM) Panelists: Mr. Jeff Fischer (IOM PRESS) - *Cases of Electoral Exclusion*
Mr. Jeremy Grace (IOM PRESS) - *Compliance with International Covenants and Legal Norms*

11:00 AM – 11:15 AM Refreshment Break

11:15 AM – 12:30 PM **First Break Out Sessions:** Case Studies - Out-of-Country Enfranchisement

Bosnia and Herzegovina

Mr. Suad Arnautovic (Central Election Commission of BIH)

Mr. Jeff Labovitz (IOM)

Afghanistan

Ms. Catinca Slavu (IFES Consultant)

Jeremy Grace (IOM PRESS)

Iraq

Mr. Mustafa Safwat Rashid Sidqi (Independent Electoral Commission of Iraq)

Ms. Denise Dauphinais (IFES)

12:30 PM – 1:00 PM **Second Plenary Session:** Reports from the Break-Out Sessions

Moderator: Mr. Philippe Boncour (IOM)

1:00 PM – 2:30 PM **Lunch**

2:30 PM – 4:30 PM **Third Plenary Session:** Guidelines and Standards in Electoral Practice

Moderator: Mr. Philippe Boncour (IOM) Panelists: Mr. Jeff Fischer (IOM PRESS) – *Initiatives in the Development of Electoral Standards*
Ms. Maria Gratschew (IDEA) – *Practices in External Voting*
Mr. Jeremy Grace (IOM PRESS) – *Guidelines and Standards of Political Rights of Persons Displaced by Conflict*

4:30 PM **Closing Remarks for Day One** Mr. Pasquale Lupoli (IOM)

5:30 PM – 7:00 PM **Reception at Crowne Plaza – held in “Disco Clin d’oeil”, near the Hotel Bar**

Day Two – 13 June 2006

9:00 AM – 10:15 AM **Fourth Plenary Session:** Strategies for the Implementation of Guidelines and Standards

Moderator: Mrs. Fran Sullivan (IOM) Panelists: Ms. Erin Mooney (UNHCR/PROCAP) – *Strategies for IDP Communities*
Mr. Vincent Cochetel (UNHCR) – *Strategies for Refugee Communities*
Mr. Jeff Labovitz (IOM) – *Practical Obstacles and Operations*

10:15 AM – 10:45 AM **Keynote Address**

Mr. Walter Kälin (Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons)

10:45 AM – 11:00 AM Refreshment Break

11:00 AM – 12:30 PM **Second Break Out Session:** Communities of Interest Discussion Groups

1. Role of Democracy Organizations/ EMBs

2. Role of Migrant Advocacy Groups/ Humanitarian Organizations

3. Role of Bilateral Development Agencies/ Inter-Governmental Organizations

12:30 PM – 2:00 PM **Lunch**

2:00 PM – 3:00 PM **Closing Plenary Session:** Reports from the Break-Out Groups. Dialogue on lessons observed and next steps

Moderator: Mrs. Fran Sullivan (IOM)

3:00 PM - 3.15 PM **Closing Remarks** Mr. Brunson McKinley (IOM)

Colloquium on the Political Rights of Persons Displaced by Conflict

Brunson McKinley, IOM Director-General
Welcome and Introduction

The International Organization for Migration (IOM) approaches the question of political rights through out-of-country voting programs (OCV) from an operational perspective. And, from this operational perspective, OCV presents many difficult technical, security, and logistical challenges. Although the focus of this Colloquium is on post-conflict environments, it should be pointed out that all OCV programs are not post-conflict related. In fact, there is increasing interest in the exercise of political rights/activities on behalf of diaspora populations.

Through its programs with diaspora populations, IOM provides services to these communities that are living and working outside their native lands. This phenomenon is rich and interesting in many ways because very often these individuals have educational and economic advantages that exceed the opportunities of their fellow citizens at home. Some of the migration is a result of political conflict in their home country; however, others are economic migrants.

Regardless of status, there is potential for economic and social contributions by diaspora populations to both their home country and adoptive countries, for example paying local taxes and also submitting remittances to their families at home. Protecting the political rights of these migrants has implication for the global labor market.

When IOM began to use the term “diaspora,” its connotation concerned a particular population – the Jewish Diaspora. In fact, up until ten years ago, dictionar-

ies would define the word as a “scattering of Jewish population,” coming from the Greek word for “dispersal.” Today it refers to the scattered populations from every nation on Earth.

Some countries are very aware of this and have made very good use of it. For example, today in India, IOM has a program with the Ministry of Overseas Indian Affairs to deal directly with large numbers of Indians resident outside of India – an important force in the economic life of the country. The Indians are engaged in discussions about what political role these migrants should play. Many countries are beginning to examine the roles, rights, privileges, and duties for these populations not resident on their national territory. National territorial parameters are becoming more fluid than has previously been the case. However, the definition of frontiers is still very important to immigration officials.

Coming back to the political rights of people living outside their own countries; these introductory remarks are intended to emphasize the point that it is not only the victims of conflict who find themselves displaced outside their countries by forces beyond their control; there are also other migrants whose governments are groping to find the right political space for them.

IOM receives requests from countries starting to understand the connections between political and voting rights and economic privileges. IOM has experience on this issue, but OCV is a fairly recent phenomenon. It frames the issue of how to characterize different categories of people who do not fall neatly into the category of citizens and non-citizens. Thus a rich area for exploration, and IOM welcomes the fact that so many of you have come together to work on this problem.



“Protecting the political rights of these migrants has implication for the global labor market.”

First Plenary Session: Framing the Inequality – Stating the Case for Guidelines

Jeff Fischer, Director IOM PRESS
Cases of Electoral Exclusion for Persons Displaced by Conflict

The colloquium format for this event was chosen because a “colloquy” is a discussion and in broaching the examination of new issues such as the political rights of conflict forced migrants, a dialogue is required and not a symposium of presentations.

In framing the inequality, this issue will be examined from two perspectives:

- 1) Cases of electoral exclusion (Liberia and Azerbaijan) to point out some of the specific types of exclusionary activities that obstruct political participation by persons displaced by conflict; and
- 2) Gaps in the implementation of the international covenants that protect the rights of persons displaced by conflict.

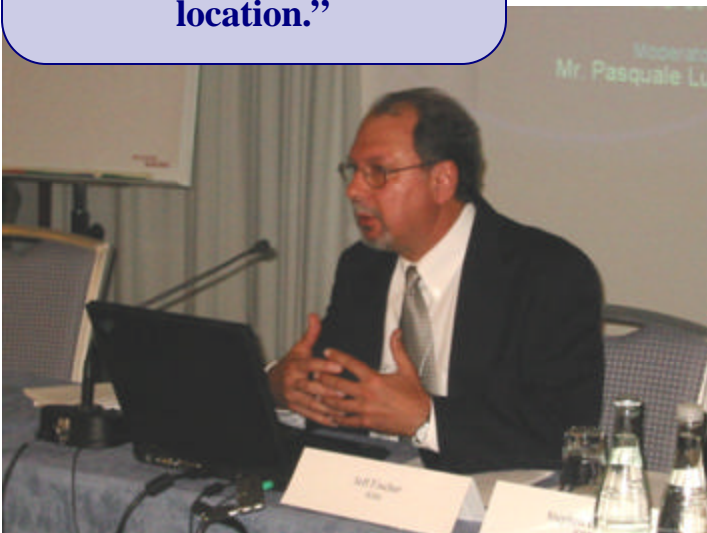
For the purposes of this discussion, political rights of persons displaced by conflict are defined to include the right to vote, to monitor elections, and to participate in governance. This electoral emphasis exists for two reasons: 1) electoral rights build personal and group empowerment; and 2) elections represent IOM’s knowledge and experience based on the topic. In any case, it is hoped that this Colloquium discussion can broaden the concept of these political rights.

Conflict is a critical dimension to the discussion. The impact of conflict on migration must be noted because people displaced by conflict have unknown return scenarios and these populations may be displaced because they are political targets. Human displacement as a political tool may be blunted if a person’s voice

“Human displacement as a political tool may be blunted if a person’s voice and vote are not affected by status or location.”

and vote are not affected by status or location.

This Colloquium will examine



cases of “facilitated inclusion,” such as Bosnia and Herzegovina, Afghanistan, and Iraq, where the international community organized out-of-country voting programs for people displaced by conflict or oppressive regimes. However, these cases can be considered as exceptions, and there are far more examples of political exclusion for these displaced populations.

This presentation will explore two kinds of political exclusion. The case of Liberia in the 1997 presidential and parliamentary elections is an example of exclusion from participation; and the case of the 2004 presidential election in Azerbaijan is an example of exclusion from choice and observation.

At the time of the 1997 Liberian elections, an estimated 320,000 Liberians were refugees (15-20% of the eligible electorate). Most of the refugees were located in Guinea and the Ivory Coast. In addition to refugees, the Liberian electorate was composed of an unknown number of internally displaced persons (IDPs). However, because of the single national district employed for these elections, no voting records on IDP participation were kept.

For refugees, there were several sources of disenfranchisement:

- 1) None of the host countries agreed to have campaigning/registration/voting on their territories;
- 2) Transportation and infrastructure – it was difficult for refugees to get to their home villages due to the damage resulting from the conflict;
- 3) Border control – both Liberia and the surrounding host states placed obstacles on permitting people to leave and/or return after they registered and cast ballots; effectively, many refugee voters believed they could not go back after they registered or voted;
- 4) Prior to the election, many Liberian refugees in Guinea came to believe that they risked losing their refugee status and would not be permitted to return to Guinea if they traveled to Liberia to vote;
- 5) Employment and Agriculture – the elections coincided with planting/harvesting seasons and thus people needed to tend to fields before they could register to vote;
- 6) Family obligations – many parents were not willing to take children out of school.
- 7) Environment and climate – the elections coincided with the rainy season, which impeded travel and transport; and
- 8) Security – many displaced Liberians complained about having unofficial road taxes assessed on them when they came back; many who traveled were subject to theft on the unofficial bush trails that were dangerous.

The second case of political exclusion is the presidential election in Azerbaijan where examples can be cited of exclusion from

choice and exclusion from electoral transparency. At the time of the 2001 election, 576,000 ethnic Azeris remained displaced from Nagorno-Karabakh and its surrounding areas of whom 250,000 voted. Several constituencies were under Armenian authority and the elections were conducted with the electoral committee “in exile” but whose votes counted for the home constituency.

The IDPs lived in organized camps managed by the government of Azerbaijan and voting was overseen by the local Executive authority. The IDPs were fully documented for voting purposes.

For these IDPs, there were several features of political exclusion:

- 1) Opposition parties were excluded from reaching out to certain constituents (IDP locations);
- 2) Electoral monitors lacked access to IDP voting locations (transparency issues);
- 3) Parties and monitors were denied the opportunity to scrutinize registry lists for IDP voting locations;
- 4) Lack of campaign advocacy to improve IDP political and economic conditions; and
- 5) Cyrillic versus Latin alphabet (Azerbaijan): – Many displaced were familiar with the former while the voting information was in the latter, and they were not given skills and training to understand many voter education messages.

In examining these two cases of political exclusion there is a concluding paradox:

- In Liberia, there was no facilitation of the returning refugee vote, yet 23% of the estimated eligible refugee population cast ballots.
- In Azerbaijan, there was government facilitation of registration and voting by IDPs, but the lack of transparency and controlled electoral access compromised the credibility of IDP participation and reports of their levels of participation.

Jeremy Grace, Senior Advisor IOM PRESS

Cases of Electoral Exclusion for Persons Displaced by Conflict

This conference is about non-discrimination and inclusion: inclusion in the electorate, inclusion in the polity, and inclusion in a peaceful society. Nondiscrimination is a foundation principle of the human rights system. It transcends debates over particular rights, holding simply that whatever rights and standards of behavior are prioritized, they must be applied equally.

All the Covenants start from this premise. Article 2 of ICCPR holds that state parties “undertake to respect and ensure to all individuals ... the rights recognized in this charter.” Other major instruments, such as CERD and CEDAW, contain nearly identical language, as do many regional instruments. Much jurisprudence in the international human rights tribunals relates to dis-



“We believe that you cannot build peace when exclusion is *de jure* or *de facto* built into the political processes.”

crimination in the protection of fundamental rights. The non-discrimination principle is one of the subset of rights that governments are not allowed to derivate from.

The right to participate in the political affairs of the state can be found in global covenants (UDHR, ICCPR, CERD, CEDAW), Regional Human Rights Instruments (ECHRFF, African Charter, ACHR), Regional Commitments such as the OSCE Copenhagen Commitments and Istanbul Declaration, and the rulings of international and national human rights organs (e.g., Human Rights Committee General Comment 25, and the case law from the European and American HR Courts).

It is not possible to separate the non-discrimination principle from the right to political participation. Thus, the Covenants tend to use the same basic formulation; citizens have the right to “take part in the public affairs of the state” on the basis of “universal and equal suffrage.” The Human Rights Committee, in its *General Comment 25*, interpreted this obligation to mean that states must “take effective measures to ensure that all persons entitled to vote are able to exercise that right,” placing a positive obligation on states to be proactive in this regard. The Comment goes on to identify reasonable limitations (age of majority, incompetence, etc.) ... but being displaced by conflict is not one of them.

The case for political inclusion is intrinsic to peace building. Thus, while the title of my talk is “Compliance with International Covenants,” I want to approach nondiscrimination more broadly. We believe that you cannot build peace when exclusion is *de jure* or *de facto* built into the political processes. Elections in which otherwise eligible voters are discriminated against cannot be considered healthy for the polity, or legitimate as elections.

In his 1992 “Agenda for Peace,” Boutros Boutros Ghali observed that: “Social peace is challenged on the one hand by new assertions of discrimination and exclusion and, on the other, by acts ... seeking to undermine evolution and change through democratic means.” This observation reflected the wave of democratization that began in the 1990s, particularly in the context of post-conflict democratic transitions. Only democracy can accommodate and channel competing ethnic, religious, and ideological demands. But it will not work if it is not a genuine and inclusive democracy. In 2003, SG Kofi Anan observed that: “Experience has shown that just as the price of exclusion is often violence, the

benefit of political inclusion is a much better prospect of stability.”

Yet as Jeff Fischer observed, post-conflict elections have not always operated according to the non-discrimination principle. The most vulnerable populations in post-conflict elections are often the displaced. They have lost their property, their identity, members of their families, and, all-too-often, are explicitly denied the right to belong to a community. In addition, they are “subject populations,” often reliant on governments or international agencies to meet their basic subsistence needs. While post-conflict elections, particularly where the International Community takes a lead role, often take extra-ordinary measures to include members of minority groups, the displaced have often been disenfranchised.

The reasons for this are not always so clear. In some cases, the logistics and cost of providing voting services to those displaced is beyond the means of the election organizers. In other cases, the concern relates to the transparency of displaced voting. These are the publicly articulated reasons. If we probe a bit deeper, we can generally find political motivations. Technical and logistical complaints can sometimes, not always, serve as a cover for those who



would prefer to exclude certain categories of people. This problem is magnified by the relative lack of standards related to this dimension of the election process.

Our experience has been that conflict-forced migrants remain displaced long after formal ceasefires and peace agreements have taken effect. However, since elections are seen as a key benchmark in the peace process, there is a tendency to push for an early ballot. Optimism regarding repatriation timelines usually smacks into the reality that conditions in the home communities remain unsuitable for return, and that the displaced often require assistance and support to make any return possible. We cannot simply assume that the cessation of overt violence means a secure environment for all to enjoy their political rights throughout a country or region.

This raises broader questions related to the human rights protections embedded in the covenants and the meaning of a “free and fair” election. If conditions are not yet suitable for return, how do we guarantee that the election will reflect the genuine will of the population? Building on the core language of the ICCPR, there is a much broader set of rights, which must be protected if we are to

trust an election’s outcome. These include:

- Security of the person, physical and psychological (Art 6&7)
- Freedom of movement (Art 12)
- Recognition as a person before the law (Art 16)
- Thought, conscience and religion (Art 18)
- Expression (Art 19)
- Peaceable Assembly (Art 21)
- Association (Art 22)

So we need to make a distinction between two broad sets of electoral rights protected by the Covenants. In terms of universal enfranchisement rights, Article 25 is crystal clear; if elections are to

be held, the state must take pro-active measures to provide the widest possible availability of the right to vote. It cannot discriminate. In doing so, however, we must ensure that the modality selected for the realization of the right accounts for other standards embedded in the covenants. Telling the displaced “The war is over, go home, we’ll make sure you get to vote” is not sufficient.

If conditions in the home community fail to meet the standards laid out above,

then an absentee voting option seems a pre-requisite for a free and fair election. Unfortunately, the issue is not so simple. We need to recognize two categories of displaced, internally displaced and refugees. IDPs reside in the territory of the state conducting elections. As a result, the obligations embedded in the Covenants hold force. All the human rights standards apply, and we now have the UN Guiding Principles on Internal Displacement which further re-enforce the core obligations. The main issue is the secondary rights, and whether conditions warrant the absentee ballot for IDPs.

But refugees create a special problem. They do not reside in the territory of the state holding the election. This creates diplomatic and legal issues, as election organizers must obtain permission from the host state in order to register and provide ballots to these populations. We also know that regional states -- where refugees tend to congregate -- may have political interests in the election outcome and conducting voting operations on the territory of another state raises questions about transparency as well as sovereignty.

The Refugee Convention establishes no obligation on the host



states requiring them to allow these processes. Election standards initiatives do not address the issue either, and in fact tend to assume that external voting is a “national peculiarity.” Thus, both the “universal” right to participate and the auxiliary criteria with the conduct of free and fair elections are far more difficult to realize. Until last year, only two real statements on this issue from the intergovernmental human rights mechanisms could be identified:

- **Istanbul Summit Declaration:** “We are committed to ... facilitate the right of refugees to participate in elections in their countries of origin.”
- **Committee on the Elimination of all forms of Racial Discrimination:** “refugees and displaced persons have, after *their return to their homes of origin*, the right to participate fully and equally...”

The Istanbul statement is a much more refugee-voting friendly document. It is unfortunate that in 1996, the CERD failed to understand the implication of its chosen language. Elections often occur prior to refugee returns, and this language provides no support for inclusion.

More recently, however, the European Court of Human Rights, in a case involving the right of a Ukrainian refugee to stand for election, found that “...while it is true that States have a wide margin of appreciation when establishing eligibility conditions ... the principle that rights must be effective requires that the eligibility procedure contains sufficient safeguards to prevent arbitrary decision.”

Thus, when we think about the human rights dimension of CFM political participation, we need to set out two broad questions: First, how do we guarantee the right to vote, in accordance with non-discrimination and the universal suffrage? The language of the ICCPR’s article 25 is clear. To deny franchise is to discriminate. To discriminate is to work against the reconciliation value of the election. Second, do conditions in the country allow for the displaced to return home and vote freely and in accordance with their conscience? If not, a mechanism for absentee balloting is warranted, and any election process that forces the displaced to return to their home community would violate basic aspects of the broader freedoms contained in the covenants.

The basic purpose of IOM PRESS is to work towards reconciling these conflicting claims to electoral legitimacy. As a basic principal, individuals who have been forced from their homes against their will yet intend to return cannot and should not be discriminated against in the realization of their basic human rights – including the right to electoral participation. As Gallagher and Schowengerdt noted in what was perhaps the first serious assessment of this issue: “Refugees have not in any way relinquished their citizenship by seeking asylum, but rather cannot avail themselves of the protection of their country of origin because current conditions therein pose a threat to either their lives or livelihood. As citizens, therefore, they have the right to participate in the electoral processes of their country.”

In closing, what I have said here may seem like basic knowledge to most of us. Yet in a surprisingly wide variety of contexts, conflict-forced migrants remain excluded from election and the right to political participation. One of the things we hope to accomplish here is to work out how to take these basic observations and turn them into practical realities and enhanced protection of the fundamental rights of the displaced.

The Colloquium participants assigned themselves into three Break-Out Groups to examine the cases of out-of-country voting that occurred in Afghanistan, Bosnia and Herzegovina, and Iraq .

The Break-Out groups were asked to address the following issues and questions:

- Given the international dimension to external voting programs, what role should the international community have in funding, administering, or monitoring them?
- What mechanisms can be established to assure that access to the external voting electoral processes are not skewed in favor of one group or one region?
- Should there be limitations on who can receive external voting privileges? If so, what are they?
- What factors, if they occurred during external voting programs, could significantly erode the public’s confidence in the overall election results?
- What limitations should be placed on external political campaigning? Campaigning in refugee camps?
- How can the use of ITC technologies be applied to improve the administration, security, and transparency of external voting programs?
- What special committees or other ad hoc structures could be useful in improving the administration and enhancing the transparency of external voting processes?
- What kinds of organizations are potential partners in voter education or other assistance programming for external voting?

Second Plenary Session: Reports from Break-Out Sessions

Afghanistan

In the case of Afghanistan, an out-of-country voting (OCV) program was organized during the presidential election for Afghan refugees in Pakistan and Iran. In order to organize this process, general, operational and structural issues had to be addressed.

The general issues can be divided into three categories: Framework; Involvement of international community; Confidence in the process and results.

The Afghanistan example highlights the issue of political balance in the implementation framework for out-of-country voting programs; that is, the voters must not view the program as stacked in favor of one political grouping or another. In this case, the Pashto population in Pakistan was viewed as supportive of the Hamid Karzai, while Afghans displaced into Iran were regarded as supportive of Karzai's political opponents.

This case also shows how the role of the international community is important in shaping the program. The government of Afghanistan as well as the Afghan population generally supported the enfranchisement of those displaced by years of civil war. However, at first the program was not embraced by the United Nations Mission in Afghanistan (UNAMA) which placed some operational limitations on the program. Funding for the program was finally made available through the Afghanistan reconstruction fund.

In Iran, the decision by IOM to move ahead with the voting was taken just 14 days before it was to occur because of a lack of cooperation with the Iranian government on visas and the movement of staff to conduct the balloting. Even after the decision was made, the government of Iran sought to conduct balloting itself and required that the UN sign a Memorandum of Understanding with it.



Bosnia and Herzegovina

The case of Bosnia and Herzegovina (BiH) shows that decisions initially taken in a post-conflict situation have a determinant impact on subsequent political processes. Establishing a robust out-of-country voting program in 1996 is illustrative of such a decision. The enfranchisement of refugees and IDPs in these elections was mandated directly by the Dayton Peace Agreements that ended the conflict. This provided a clear and blunt mandate to election organizers and the neighboring host-states, and was clearly intended to mitigate the effects of the forced population movements and ethnic cleansing that had characterized the fighting.



Out-of-country voting programs and special measures for IDP absentee balloting have been conducted in every BiH election since 1996; however, participation in the elections has declined since that first initiative was undertaken. There are three basic reasons for this decline:

- 1). A new "active" registration system that required refugees to send in forms indicating their intention to vote;
- 2). The complicated nature of the electoral system – and the number of elections held; and
- 3) The interest of refugees remaining in their host countries and decline of interest in returning to BiH.

Based upon this experience, several recommendations should be considered by the government and the international community. First, institutional changes in representation can be considered to give migrants from Bosnia and Herzegovina two or three seats in the Parliament. As it currently stands, migrants cannot stand for election in any districts. The Electoral Commission should consider establishing a sub-body to manage migrant-electoral relations. Out-of-country voting programs require more international and domestic monitoring to assure transparency and fairness. These populations are vulnerable and can be subject to manipulation and political pressure; monitoring can address these concerns. Host governments should consider free media time for voter education programming and more efforts, in general, should be devoted to voter education initiatives. The costs of out-of-country voting can be reduced by establishing polling centers in consulates and exploring the possibilities of Internet voting.

Iraq

One feature of the out-of-country voting programs that was common to both the January and December elections was that the decision to conduct balloting was made very late in the process. The IEI was actively discouraged from conducting the program. In the instance of the January 2005

election, there was no legal requirement for external balloting. However, for the December elections, it was a legal requirement. In both cases, the government of Iraq financed the voting operations.

International support for the process was mixed with some governments, including the United States advising against the program in the case of both elections. However, most of the host countries were generally supportive with an exception being the government of Turkey which would not permit the distribution of voter education materials in Kurdish although the ballot was in both Arabic and Kurdish. Both voting programs were monitored by the International Mission for Iraqi Elections (IMIE)



In the January election, external voters were required to register and vote on two separate days, in order to minimize the opportunities for fraud. Many voters complained that this two-step process was a burden and a disincentive to participate. The procedure was simplified for the December elections and voters were permitted to register and vote on Election Day, a form of Election Day registration. The same procedures were followed for every country.

The IECI took an expansive perspective on out-of-country voting and sought to conduct balloting in as many countries as possible. This approach was inclusive, but also expensive, especially in terms of public outreach. Another lesson learned was that the IECI needed to be more pro-active in adjudicating differences and addressing problems as they arose.

Given the fact that many of the voters had migrated years ago, out-of-country voting may also place these voters in a difficult position about choosing to cast ballots in their current home country; or choosing to use their Iraqi voting rights as a catalyst for their return to Iraq. If their current residence status would be jeopardized by participation in an external ballot, many migrants may forgo the out-of-country option.

Third Plenary Session: Guidelines and Standards in Electoral Practice

Jeff Fischer, Director IOM PRESS

Initiatives in Developing Electoral Standards

In the course of the past 10 years or so, there have been a number of initiatives to establish guidelines and standards for all aspects of the electoral process. These initiatives are intended to identify widely accepted norms while still allowing electoral processes to be tailored to particular regional contexts. The purpose of guidelines and standards is to provide the polity with known and broadly accepted rules, consistency and fairness in election administration, and to prevent electoral manipulation.

With the promulgation of guidelines and standards comes the need to monitor and enforce them. Monitoring and enforcement for non-compliance can occur on several levels:

- 1) If the non-compliance is illegal in nature, then prosecution becomes the enforcement mechanism;
- 2) If the non-compliance is constitutional in nature, that is, the electoral practice does not conform to the constitution or the law, then litigation or legislative reform becomes the enforcement mechanism; and
- 3) If the non-compliance is qualitative in nature, that is, there is poor performance on the part of election administration, then election monitoring becomes the enforcement mechanism.

The development of electoral guidelines and standards must also be approached with some caution so that these initiatives do not become political weapons used to justify a faulty electoral process.

“With the promulgation of guidelines and standards comes the need to monitor and enforce them.”

Such was the case in Belarus where there were differences in the interpretation of standards by the Organization for Security and Cooperation in Europe (OSCE) and the Commonwealth of Independent States (CIS)

Electoral standards can be defined on two levels: 1) Fundamental Standards are those that comply with constitutional norms and concern generally accepted principles such as the universal franchise and secret ballot; and 2) Sectoral Standards that apply to specific aspects of an electoral process such as access for persons with disabilities, election technology, delimitation, and election observation. Electoral standards can also be defined by institutional groupings promulgated by inter-governmental organizations or non-governmental organizations.

The PRESS project is seeking to identify sectoral standards pertaining to the inclusion of conflict forced migrants that provide guidelines for adoption by governments, inter-governmental and non-governmental organizations alike.

Maria Gratschew, International IDEA

International Practices in External Voting

International IDEA has developed a handbook on external voting in a partnership with the Federal Electoral Institute (IFE) of Mexico. For the purposes of the book, external voting was defined as voting from abroad.

The book has mapped out external voting practices in 213 countries and territories. The research has discovered external voting is widely practiced. As a general rule, if the relevant countries are not working on introducing external voting, they are working on improving practices to existing programs. There are also a

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few countries, such as Botswana, that are considering abolishing external voting practices. The research has also identified a few countries which have provisions for external voting, but have not implemented them; and a number of other countries that allow external voting but only for certain elections or with restrictions that apply to voters or the voting methods.

“As a general rule, if countries are not working on introducing external voting, they are working on improving practices to existing programs.”

For the 91 countries that practice external voting, there are three major variables that are mapped out in the handbook:

- 1) Who is entitled to an external vote?
- 2) For which elections does external voting apply?
- 3) What is the method for external voting (i.e. in person, by proxy, by mail, or by Internet or a combination of any of these)?

Some of the basic findings of the research are shown below:

- 65 countries allow external voting for all;
- 26 countries restrict external voting because of a voter’s reason for absence;
- 15 countries restrict external voting because of a voter’s length of stay abroad; other restrictions: intention to return, geography, nationality;
- Some countries have restrictions pertaining to the number of registered external voters (i.e. threshold that must be achieved); and
- Additional factors for consideration in the design of external voting programs include the electoral system, ballot paper design, and boundary delimitation.

Jeremy Grace, Senior Advisor IOM PRESS

Electoral Guidelines and Standards for Persons Displaced by Conflict

A central element of PRESS is contained in our Best Practices Document called “Enfranchising Conflict-Forced Migrants: Issues Standards and Best Practices,” (available at www.geneseo.edu/~iompress)

In it, we examine refugee and IDP voting programs in the context of Human Rights Obligations embedded in Covenants and Election Standards initiatives. We also compiled case studies identifying best and worst practices. These included Eritrea, Bosnia and Herzegovina, Georgia, Kosovo, Liberia, Burundi, and East Timor, among others. In each case, we sought to identify practices that worked for or against: 1) Full inclusion; and 2) transparency & integrity.

The initiatives we looked at included: OSCE/ODIHR draft *International Standards and Commitments on the Right to Democratic Elections: A Practical Guide to Democratic Elections Best Practice*; *The Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*; The European Commission for Democracy through Law (Venice Commission), *Guidelines on Elections*; The Inter-Parliamentary Union, *Declaration on Criteria for Free and Fair Elections*; The Commonwealth Secretariat, *Good Commonwealth Electoral Practices*; The Southern Africa Development Community Parliamentary Forum, *Norms and Standards for Elections in the SADC Region*; The Association of Central and Eastern European Election Officials draft *Convention on Election Standards, Electoral Rights and Freedom*.

None of these documents specifically deal with CFM issues, although the criteria for genuine elections are obviously impacted by refugee and IDP participation. We decided to look at CFM voting issues sequentially, from the perspective of questions that need to be addressed by an Election Management Body at different stages of the election cycle. Where there were gaps in the above initiatives, we examined the wider spectrum of human rights law. Following are places in the election process where the issue of CFMs is relevant and some broad observations regarding basic conclusions and recommended best practices.

The core issues we address are: 1) Choice of an Electoral Formula; 2) Voter Eligibility and Registration; 3) Election Security; 4) Movement & Legal Status; 5) Voter Education and Campaigning in Asylum; 6) Ballot Transparency and Confidence

The Choice of an Electoral System

How the election is structured will impact on how and if CFMs are able to participate, and should therefore be carefully considered. The most basic question has to do with the system of representation for electing parliaments and legislative bodies. Political actors have two basic options: FPP and PR.

via agreements, codes of conduct and MoUs that provide adequate security throughout the electoral process without being overly intrusive into the polling process. Finally, I would observe that ballots for conflict-affected voters should be mixed with other votes during counting so that the voting preference of the displaced as a discrete group cannot be discerned. This can protect them after their return.

Movement & Legal Status

Restrictions on the freedom of movement clearly impact refugee and IDP participation as well as the ability of candidates to provide platform information to voters. Electoral codes should clearly specify the right to move freely for both voters and candidates. In Bosnia, for example, elections occurred at the same time that mobs were attacking displaced persons who had begun to visit their homes. This sent a clear signal to the displaced that they should not return in order to cast the ballot. Active government policies that limit the freedom of movement of displaced populations (Burundi) should be subject to special scrutiny.

Related to movement is the fact that many refugee host countries see elections as signaling return to normalcy. In Liberia in 1997, for example, the Government of Guinea closed its borders to Liberians who went home to vote, arguing that if it was safe enough to vote, it was safe enough to go home. Participation in elections should NEVER be linked to a refugee's legal status in the host country. The international community can play a strong role in reminding host states of their obligations of asylum and non-refoulement as per the 1951 Refugee Convention.

Voter Education and Campaigning in Asylum

A free and fair election requires that the voter can obtain information on how to participate and on the platforms of the various political parties and candidates. This right is obviously complicated when voters are widely dispersed, perhaps even around the globe. Furthermore, given the transitional nature of the initial post-conflict elections, procedures and timelines may be severely compressed. But launching such a massive information campaign requires extended timelines and special efforts to ensure CFMs have access to necessary information and that basic rules don't change late in the game.

IOM has quite a bit of experience organizing these programs, including the use of internet, refugee associations, and global media. In addition, MoUs can be concluded with host states to disperse information, but must ensure information is accurate. For refugee voters in particular it is not always clear if counterparts, whether host state governments or refugee associations and groups, are unbiased.

Ballot Transparency and Confidence

One of the common justifications for limiting external voting is that the procedures may open the election to possible fraud. This is particularly true in terms of by-mail registration and voting programs or during in-person voting programs that do not provide for neutral observation and supervision. Procedures and guidelines are needed to ensure that the voting of displaced populations does not undermine the integrity of the election. In addition,

modalities are needed to ensure the secrecy of the ballot.

These are complex processes. Election and political party observers should be guaranteed full access to absentee voting processes, including by mail operations. Special care should be made to explain the procedures publicly and clearly. Measures to protect ballot secrecy should be designed with regard to postal voting, including secrecy envelopes and clear instructions on voter rights. If possible, neighboring states should use in-person voting.

Conclusion

This is a far too cursory a sketch to do justice to the specificity of the standards laid out in the document. I would particularly highlight the lack of attention to CFM issues in most of the standards initiatives. This results in a lack of attention to the issue on the part of EMBs and even observation missions. Our basic point at IOM PRESS is that we need to raise awareness on these issues to ensure that elections actually contribute to building a sustainable peace based on principles of inclusion and trust.

Fourth Plenary Session: Strategies for the Implementation of Guidelines and Standards

Erin Mooney, UNHCR/PROCAP

Guidelines and Standards for Internally Displaced Persons (IDPs)

Let me begin by expressing appreciation to IOM for the invitation to participate in this colloquium on the important, but often overlooked, issue of the political rights of persons displaced by conflict. Particularly welcomed and I believe unique is that this meeting brings together practitioners working in the field of protection of refugees and internally displaced persons, together with electoral experts. Although the political rights of displaced persons is an issue of mutual concern, rare are the occasions when these two communities converge and can converse with one another, let alone collectively come up with and collaborate in strategies for response. The very convening of this colloquium therefore is a significant contribution and step forward.

I have been asked today to discuss challenges as well as strategies for safeguarding the political rights of internally displaced persons (IDPs). Before doing so, I would just note that although the focus of this meeting is on persons displaced by *conflict*, which is indeed a major cause of displacement, in reality, IDPs result from a number of other causes, including violence falling below the threshold of conflict, systematic human rights violations, natural disasters and also development projects. While the particular circumstances of displacement differ, it is important to underscore that internally displaced persons, whatever the circumstances of their displacement, share the same entitlements in terms of human rights.

Fourth Plenary Session: Strategies for the Implementation of Guidelines and Standards

IDPs, who but for some specific exceptions usually are citizens of the country in which they are uprooted, remain entitled to the full range of rights enjoyed by other persons in the country. This includes rights to political participation. The *Guiding Principles on Internal Displacement*, the internationally-recognized framework setting forth the rights and guarantees of IDPs, affirm a general principle of non-discrimination. Further, Principles 22 and 29 specify that IDPs shall not be discriminated against in the enjoyment of the right to vote and to participate in governmental and public affairs. It is important to emphasize that these guarantees apply not only upon IDPs' return or resettlement, but also *while* they are displaced. These principles are grounded in the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights (ICCPR) and a range of regional instruments.

For IDPs, therefore, the standards are clear. In practice, however, many IDPs are denied the right to political participation, in particular the right to vote. A number of obstacles commonly stand in their way.

Residency issues loom large. Electoral codes typically condition the right to participate in elections on residency requirements, specifying that electors can only vote in the constituency in which they reside. For IDPs displaced outside of their electoral district (which usually is the case) this requirement is evidently problematic and raises a number of questions: *Does this mean that IDPs can only vote in their home areas? Is it possible and safe for them to do so? What if elections can't be held there due to insecurity or political reasons such as lack of effective territorial control over the territory? What if these conditions persist for years or even decades? And suppose IDPs don't intend to return to that area even when conditions would enable them to do so, but rather have opted to rebuild their lives in another part of the country?*

In answering these questions, it is essential to bear in mind the rights to freedom of movement and to choice of residence. IDPs, just like non-displaced citizens, have the right to change their place of residence and, by extension, their electoral district. This is especially important in situations of protracted displacement. Yet, around the world -- literally in countries from A to Z, from Armenia to Zimbabwe -- IDPs have faced significant difficulty to re-register as electors while displaced. In Zimbabwe, for example, stiff documentation requirements hindered IDPs, many of whom were believed to be opposition supporters, from voting in last fall's senate elections.

The UN Human Rights Committee, which monitors state compliance with the ICCPR, has specified that any residence requirements for voter registration must be "reasonable" and not imposed in a way to exclude the homeless from the right to vote. Though IDPs are not expressly mentioned, they arguably are covered by this statement. Subsequent conclusions of the Committee on particular country situations support this view. Specifying this in a general comment of the Committee nonetheless could be



“In Georgia, national legislation for many years expressly denied IDPs the ability to elect municipal or parliamentary representatives for the districts in which they were residing while displaced.”

helpful.

In Georgia, national legislation for many years expressly denied IDPs the ability to elect municipal or parliamentary representatives for the districts in which they were residing while displaced. Although IDPs could re-register as an elector in this area, this would come at a cost of relinquishing their IDP “status” and all the benefits this entailed under national legislation. It was also widely understood -- and the authorities did little to discourage these rumors -- that IDPs who opted to re-register would also relinquish their right to return and reclaim property in their area of origin. In part, these regulations reflected the lingering influence of the *propiska* system in place during the Soviet Union, which restricted freedom of movement by tying rights to an individual's approved place of residence. However, also at work was the strong imperative to use IDPs as a political tool to reinforce territorial claims in the disputed region of Abkhazia, from which IDPs had been displaced.

Moreover, not only were IDPs unable to elect representatives in the areas where they were residing -- for years -- while displaced; at the same time they were compelled to accept an extension *ad infinitum* without election of the parliamentary deputies from their home area, the so-called “Abkhaz Government in Exile”, last elected in 1990 and whom, many years on, IDPs widely felt did not represent their views. IDPs were therefore doubly disenfranchised.

But they were far from politically passive. With the help of a dynamic local NGO called the Georgian Young Lawyers Association, IDPs took their case to the Constitutional Court, citing discrimination and obstruction of their right to vote. Echoing their concerns were a range of international and regional actors mobilized on the issue, including the Representative of the Secretary-General for IDPs, the UN Human Rights Committee, and the OSCE. In August 2003, the discriminatory provisions restricting IDP voting were removed from national legislation. The Georgia case is noteworthy as it not only highlights how obstacles to IDP political participation can be entrenched in national legislation; it also exemplifies how attention to and advocacy on the issue can effect concrete reforms to safeguard IDPs rights.

Documentation is another major issue. In the course of displacement, identity and other documentation commonly is lost, destroyed or even confiscated. Without this, it is difficult for IDPs to register to vote as well as to certify their eligibility at polling stations. Obtaining replacement documentation often is very difficult and can even require that IDPs return to their areas of origin although these remain unsafe. Such requirements are prohibited in Guiding Principle 20. Moreover, even prior to displacement, it may be that requirements for documentation discriminate against women and minorities, for example the Roma.

As a matter of priority for their protection and enjoyment of so many of their rights, it is essential that IDPs be issued with new or replacement documentation. Women must be issued documentation in their own name.

“As a matter of priority for their protection...it is essential that IDPs be issued with new or replacement documentation. Women must be issued documentation in their own name.”



Practical difficulties, such as insecurity and distance, can also impede IDPs’ political participation. Absentee voting arrangements may be the only means by which displaced persons are able to exercise their right to vote. In the January 2005 election in Iraq, polling stations were set up in IDP camps. However, absentee voting is not provided for in all cases. In the 1996 municipal elections in Mostar, Bosnia-Herzegovina, absentee voting was an option for refugees, but not IDPs. In Liberia’s elections last fall, absentee voting was unavailable for those IDPs who remained in the camps. Even when such procedures are in place, these sometimes can be so complicated as to frustrate IDPs’ ability to make use of them. This has, for instance, been the case at times in Azerbaijan. Recently, in the United States, electors displaced by Hurricane Katrina filed a federal lawsuit protesting cumbersome mail-in voting procedures in the New Orleans municipal elections. Further, it was pointed out that because most of the displaced electors were African Americans there risked repercussions for the electoral success of African American candidates. The National Association for the Advancement of Colored Peoples (NAACP) was among the organizations calling for alternative absentee voting arrangements, in particular, for polling stations to be set up in various locations in Louisiana.

Discriminatory practices also can come into play. IDPs often are members of ethnic or religious minority groups who continue to suffer discrimination once displaced, including in the exercise of their political rights. In Croatia, displaced Serb voters in the past have faced more cumbersome registration procedures, had access to fewer polling stations than displaced Croats and in some cases were even directly turned away by the staff of polling stations. In Turkey, the prohibition of political campaigning in languages other than Turkish has been identified by the OSCE as a barrier to voting by Kurdish IDPs, while in Serbia the lack of voter information in the Roma language has been pinpointed as one of the main reasons for low voter turnout by Roma IDPs.

A lack of adequate and timely information is often a further impediment to IDP voting. Electoral officials need clear guidance about the particular arrangements for IDP voting and must then accurately, unambiguously and expeditiously convey this information to IDPs. Mixed messages about the arrangements for IDP voting significantly hampered IDP participation in the 2003 presidential elections in Chechnya. In Georgia, the important electoral reforms enabling IDPs to vote in their area of current resident initially were not adequately conveyed to electoral officials, who in several cases continued to turn IDP voters away.

It is essential that IDPs themselves have information on their right to vote and voting procedures. Civil society has an especially important role to play in voter education and should be encouraged and supported to extend these efforts to IDPs and their particular concerns. The IDP voter education campaign by the Norwegian Refugee Council in Georgia provides one

example. Special efforts may be required to reach IDP women. In Uganda, the national electoral commission sponsored a pilot project on civic and voter education for women living in the IDP camps.

In conclusion, IDPs frequently face a range of obstacles to enjoying and exercising their rights to political participation, in particular affecting *whether* they can vote, *where* their vote counts, and even *who* they can vote for. Left unaddressed, these barriers disenfranchise displaced voters, denying them a say in the decisions affecting their lives, and deepening the marginalization and exclusion that IDPs so often suffer.

Some specific suggestions for addressing these obstacles have been highlighted. Overall, the following five key recommendations for promoting and protecting IDPs' political rights are put forth:

“Civil Society has an especially important role to play in voter education and should be encouraged and supported to extend these efforts to IDPs...”

First, national authorities, along with international and regional electoral assistance organizations as well as human rights bodies, including national human rights commissions and the UN Human Rights Committee, should be sensitized to the particular obstacles that IDP voters can face and be expected to systematically monitor, report on and work to address these obstacles.

Second, clear guidance and tools, such as training material, a handbook and checklists, on IDPs' political rights should be developed and widely disseminated.

Third, national electoral legislation should be reviewed and revised as needed to ensure that it does not impede IDPs' rights to political participation. Special attention should be paid to residency and documentation requirements and their potential impact for internally displaced electors. A manual for domestic legislators on issues of internal displacement is being developed by the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons and will include a chapter on IDPs' political rights. The IOM PRESS project, regional bodies and specialized non-governmental organizations in turn may be able to offer governments technical assistance in the drafting or revision of electoral legislation.

Fourth, civil society groups in countries experiencing internal displacement should be engaged and enabled to monitor and report on the respect for IDPs' political rights and also supported to undertake voter education programs that reach and address the particular needs of IDP electors.

Finally, and going to the core of the issue at hand, efforts to devise strategies and develop procedures to ensure implementation of IDPs' rights to political participation are sure to be most effective when IDPs themselves, including women and minority groups, have a say in these and other decisions affecting their lives, and their voices are heard. It is here that political participation truly begins.

Vincent Cochetel, UNHCR

Guidelines and Standards for Refugees and Asylum Seekers

Political rights cannot be reduced to voting rights alone; but these remarks will reflect the topic of electoral rights. In the previous presentation on IDP strategies, similarities in issues for both internal and external displacement are in evidence. There are also similarities in the recommendations that can cover both displacement circumstances.

First, for refugees, there is a legal issue – the 1951 Refugee Convention is silent on the issue of political rights of refugees and specifically participation in elections. In human rights law, the relevant Article is number 2 (non-discrimination) as clarified in General Comment 31 of the Human Rights Committee. A further limitation on the right to vote appears in Article 25 of Civil and Political Rights where electoral participation may be subject to residency requirements. In this sense, international covenants are vague and/or restrictive when it comes to refugee political rights. In fact, Article 3 of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa specifically prohibits “subversive activities” on the part of refugees, which is commonly used as a justification for limiting refugee avenues for political expression and participation.

UNHCR would encourage participation in elections, but there may be circumstances where registration may risk endangering people in which case a security assessment would be needed. For any elections conducted in asylum, the prerequisite is a good registration database. There are two situations which show how the registration database can be problematic: Western Sahara and Bhutanese refugees in Nepal, where authorities are refusing to cooperate on voter registration issues. It is the politics of human numbers, therefore, that is at the heart of the problem of registration.

In connection with participation in elections, the principal must continue to be stated that the participation of refugees is not tantamount to cessation of refugee status; and to participate in an election does not mean that they are relieving themselves of the protection of host countries. There must be a de-linking of the issue of participation with the issue of return. There is a tendency of states to link the two issues and these issues must be de-linked to ensure a free process.

In general, there is no specific guidance available to UNHCR regarding its appropriate role in refugee election processes, and the organization would be amenable to exploring complementarity with IOM in this regard.

More refugees should be engaged in the design and management of these external election processes, and in the broader peace-building process. Annie West from the NGO Article 19 conducted a study on information networks in refugee camps; how information is formed and circulates; and how manipulation of rumors occurs in refugee camps. Such indigenous knowledge about camp society and governance should be employed in con-

text of participation in elections and prospects for return to countries of origins. Such studies are interesting and relevant to the programs of humanitarian and NGO groups where there are often fixed sets of ideas, ways of doing things and providing assistance.

Another difficulty surrounding enfranchisement programs for refugees is the risk that international and regional organizations assisting with elections often look for a “quick fix.” There is no “quick fix” electoral solution and this must be acknowledged from the beginning. Some driving motives for the “quick fix” is the fact that durable electoral solutions were not written into the peace agreements, where there is a lack of participation by refugees in the peace planning process in general.

In this way, refugees are subject to a form of political discrimination that does not necessarily extend to IDPs. IDPs are resident citizens and do not require trans-national travel to cast a ballot.

Many of the solutions for the enfranchisement of IDPs that were cited in the previous presentation can also be applied to supporting the political rights of refugees and asylum seekers.

Jeff Labovitz, IOM

Operational Guidelines and Standards for Out-of-Country Programs

The IOM experience in out-of-country voting began with the elections in Bosnia and Herzegovina in 1996. In fact, this Colloquium represents a kind of ten-year anniversary for IOM’s work in the field of external registration and voting. The previous discussion, the PEP project itself, and the scope of the Colloquium show that external voting has progressed dramatically in the past ten year from when IOM conducted balloting in over 50 countries, some of which were in-person and some of which were through a postal vote.

This first experience in Bosnia and Herzegovina taught the important lesson that the processes should be considered from the outset of planning, and not as an after thought. Out of country processes always have specific operational details that deserve consideration, while at the same time external processes should mirror internal procedures to the extent possible. For example, in-person centers in stakeholder countries where there may be a vested interest to perpetrate fraud; and so, the design of the electoral process had to relieve pressure on such situations. These situations offer the potential for manipulation; with an in-country vote, there are peacekeepers, observers, and other representatives of the international community. In an out-of-country context, the host country is responsible for security and less resources and attention is provided by the organizing body.

In establishing postal voting operations, the electoral calendar takes on an enhanced importance. Postal voting can create operational lags of several weeks compared with in-country operations

and the time lag is exacerbated by security and documentation issues.

The security factors deserve some special attention. Stakeholder countries that are also host countries possess special dominion over external voting as with Indonesia and the 1999 Population Consultation in East Timor and for the Serbian government with respect to Kosovo displacements. In the Afghanistan presidential election, there were threats against UNHCR operations in Quetta, Pakistan, at one point requiring an evacuation of all UN staff, while at the same time preparations were being made for the OCV process. This experience is illustrative of the security issues in countries hosting OCV

IOM began to examine electoral programs for migrants because of the gaps that existed in international organizations providing services in this area. IOM was particularly interested in working with displaced populations for the 1996 elections in Bosnia and Herzegovina with the objective to include populations that were forced out of an area to still be represented through absentee voting. Identifying this population is not always easy, for example, in Kosovo, a “cut-off” date had to be established in order to distinguish those eligible migrants displaced by the conflict from those economic migrants who had been out of Kosovo for a longer period of time.

Costs are often substantial and must to be a consideration. In some cases, over time, out of country voting has resulted in decreased turnout because of voter apathy and returns, but it has nonetheless continued with the accompanying costs. Planning must also involve sustainability.

Voter education is always a challenge. There are always rumors in the diaspora community and rumors must be dispelled and accurate information disseminated. Once “agencies for information” have been identified, the process must still be monitored to ensure that the information is accurate and impartial. Civil society organizations can be recruited for these purposes.

The point deserves re-iteration that there cannot be a linkage of voting and return. The kind of programming that IOM has pioneered provides needed advocacy for displaced people and refugees, populations that typically have not had political voices.

- 65 Countries allow external voting for all citizens
- 26 Countries restrict external voting because of a voter’s reason for absence
- 15 Countries restrict external voting because of a voter’s length of stay abroad; other restrictions: intention to return, geography, nationality;
- Some countries have restrictions pertaining to the number of registered external voters

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“...the process must be developed in-country and tailored to the local context...”

Keynote Address

**Walter Kälin,
Representative of the UN Secretary-General on
the Human Rights of Internally Displaced Persons**

Political Rights of Persons Displaced by Conflict

Mr. Chairman, Excellencies, Ladies and Gentlemen,

First let me express my appreciation to the International Organization for Migration for inviting me to the Colloquium and for focusing our attention on this important issue of the political rights of persons displaced by conflict. All too often in the human rights and humanitarian community when we talk about conflict we focus only on emergency humanitarian needs. We fail to recognize that protection goes beyond ensuring the survival and physical security of displaced persons.

There are an estimated 24 million persons internally displaced by conflict in the world today and millions more displaced by natural disasters and development projects. Each of these displaced persons is entitled to the protection of *all* relevant guarantees provided by international human rights and humanitarian law. Whether in emergency or protracted conflict situations, protection encompasses the full range of economic, social and cultural as well as civil and political rights. Among these rights is the right to participate in the political affairs of a country, the right to vote, the right to freedom of assembly and association, and to freedom of expression. Protecting these rights allows displaced persons to play an active role in shaping their own future and that of their nation. Rather than a luxury in conflict or post-conflict situations, political participation can effectively contribute to peace, recovery and to long-term development. Thus, taking political rights seriously, including the right to vote and take part in elections and referenda is highly relevant to societies trying to emerge from conflict and build a more stable and prosperous future. At the same time, the right of internally displaced persons (IDPs) to vote may be jeopardized for the simple reason that in most countries one has to cast the ballot at one's place of residence or origin, i.e. a place IDPs by definition cannot go to as long as they are displaced.

The right to vote is a human right. The human rights and humanitarian law applicable to the internally displaced is set forth in the Guiding Principles on Internal Displacement. Presented to the Commission on Human Rights in 1998, the Principles apply to persons displaced by conflict, as well as generalized violence,

violations of human rights, and natural or human-made disasters. They address all phases of displacement and encompass all categories of rights, including the rights to security, to food and to shelter, as well as the rights to life, freedom of movement and freedom of expression. The Guiding Principles are not a binding legal document. However, they have been recognized as authoritative at the international, regional and national levels. In September 2005, the Heads of State who gathered in New York for the UN Summit unanimously recognized the Guiding Principles as an important international framework for the protection of internally displaced persons.



“States must take effective measures to ensure that all persons entitled to vote are able to exercise that right”

Principle 22(1) (d) of the Guiding Principles recognizes the right of IDPs to be protected from being “discriminated against as a result of their displacement in the enjoyment”, *inter alia*, of *the right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right.* Other Guiding Principles are also pertinent (Principles 22(1) (a) and (c)) as they stress that even if one is displaced one retains the right to freedom of thought, conscience, religion or belief, opinion and expression, and the right to associate freely and participate equally in community affairs. Each

of these Principles is based

on the International Covenant on Civil and Political Rights as well as regional human rights instruments.

The Human Rights Committee, of which I am a member, and which monitors compliance with the Covenant, has taken a position on the right of IDPs to vote. It issued a General Comment affirming that: *‘States must take effective measures to ensure that all persons entitled to vote are able to exercise that right’* (General Comment 25(57)). When examining the periodic report of Colombia, the Committee addressed the voting rights of the displaced and expressed concern about the difficulties experienced by internally displaced persons in exercising their right to vote (see CCPR/CO/80/COL, para. 19). The Committee monitoring the Convention on the Elimination of All Forms of Racial Discrimination also referred to the political rights of the internally displaced when considering the report of the Russian Federation. It noted with satisfaction the assurances given by the State that displaced persons would be allowed to vote in an up-

coming referendum (see CERD/C/62/CO/7, para 9).

IDPs, unlike refugees, are displaced within the borders of their own country. As such, they retain the privileges of citizenship, including the right to vote and to participate in governmental and public affairs as set forth in the Guiding Principles. However, as we have heard throughout this Colloquium, there are many barriers to the exercise of this right by IDPs. The Brookings Project on Internal Displacement has issued a substantial report on this subject. During my own missions, I have come across some of these barriers and challenges. In Bosnia and Herzegovina, for example, I became aware that in some municipalities, minority returnees are indirectly excluded from voting in elections because of the limited information made available to them, or the lack of transportation, and that many Roma IDPs are excluded from voting as they lack the required documentation. Similarly, in Nepal, an absence of relevant legal guarantees, inadequate registration and therefore a lack of relevant documentation create a risk that IDPs will not be able to participate in elections. In the case of Côte d'Ivoire it will be of paramount importance to ensure that IDPs will be able to participate in the forthcoming elections. Here too, the key challenge is proper registration of the many non-registered IDPs.

The responsibility for protecting and assisting IDPs, including the protection of their fundamental rights, rests with national authorities. However, when governments lack the capacity to meet this responsibility, the international community has the right, and even possibly the responsibility, to extend support to the displaced. Yet, in the area of political participation, the involvement of international organizations in protecting IDPs has been sporadic at best. The examples given by participants in this Colloquium of the displaced being unable to exercise their political rights attest to the lack of attention paid to this issue by the international community. However, that is not to suggest that the issue is always ignored. Last year in Liberia, for example, the National Election Commission with the assistance of the UN Mission in Liberia registered IDPs to vote in the national elections. And as we speak, in the Democratic Republic of the Congo, the UN is working with national authorities to prepare for the country's first nationwide elections, due to be held this Sunday. Here they face great challenges including trying to access remote areas of the country where many of the near 2 million IDPs are located.

At the regional level, the involvement of regional organizations has been similarly varied. The Organization for Security and Cooperation in Europe has been the most active in addressing the political rights of IDPs. Its Office for Democratic Institutions and Human Rights, through election monitoring and technical assistance programs, has, in a number of cases, devoted attention to IDP voting rights, especially at the field level. Such efforts have also contributed to identifying the need for national legislative reform. Indeed, in some states, governments have worked to bring their electoral laws into line with regional and international commitments to ensure the fair and equal political participation of IDPs – most notably Georgia, which revised its electoral law in 2003.

Building on the examples provided by the OSCE and other organizations engaged in the issue, all relevant international as well as regional organizations need to develop targeted and compre-

hensive programs aimed at addressing the political rights of IDPs. Such programs may involve working with national authorities to draft laws and policies that aim to protect the political rights of IDPs. Indeed, I am developing, in consultation with a group of experts, a manual that will provide parliamentarians and policy makers with detailed guidance on how to make the Guiding Principles operational at the domestic level. One chapter of the Manual will be devoted to political rights and will serve as a practical tool for use by national authorities and international experts in developing comprehensive laws and policies on the political participation and voting rights of IDPs.

“...involvement of international organizations in protecting IDPs has been sporadic at best.”

At the level of legislation, problems include: regulations that exclude IDPs over prolonged periods from the possibility of voting for local authorities in their place of displacement; legal obstacles to IDPs registering to vote; and lack of provisions for absentee voting.

Once laws and policies have been developed to ensure IDPs' rights to political participation, attention must be given to the implementation of these laws and policies. Discriminatory practices regarding registration of IDPs, obsolete and restrictive residence certifications, insecure voting areas, lack of transportation to polling stations and acts of intimidation are problems that must be addressed in order for laws and policies on political participation to have practical effect. It is at this stage too, at the level of implementation, that the international community as well as regional organizations can play an important role.

Measures to safeguard the electoral rights of IDPs and ensure their sustainability in countries with internal displacement thus include: (1) amending electoral laws to allow IDPs to be registered as voters and to participate in elections without discrimination; (2) providing training and technical assistance to electoral commissions; (3) sensitizing international as well as domestic election observers on the specific challenges faced by IDPs; and (4) including in checklists of international electoral missions IDP related issues during all stages of the electoral process.

The IOM, by convening this Colloquium, has taken an important step to enhance the international response to protecting the political rights of the displaced. It is my hope that this meeting will raise further awareness of the challenges faced by the displaced in exercising their rights and that recommendations will be made on how we, as the international community, can more effectively and comprehensively work with national authorities to remove barriers and obstacles to the exercise of political participation. As I mentioned at the outset, political participation is not a luxury in times of conflict. Through the ballot, through political debates and open discussions a consensus for peace can be built, reducing reliance on arms and violence, thereby helping to bring an end to conflict.

Closing Plenary Session: Reports from Breakout Groups, Dialogue on Lessons Observed, and Next Steps

During the Second Break-Out Session, each Group was asked to continue the discussion of the previous plenary, which had focused on strategies for the observance of guidelines and good practices.

Three groups were organized according to a pairing of institutional types:

- Group # 1 - Democracy Organizations & Elections Management Bodies
- Group # 2 - Migrant Advocacy Groups & Humanitarian Organizations
- Group # 3 - Bilateral Offices & International Organizations

The groups discussed from the perspectives of the institutional type of that Break-Out group and identified the unique implementation issues and obstacles encountered.

The Break-Out groups were asked to address the following issues and questions:

- What are the current cases of persons displaced by conflict that your organization is monitoring or assisting?
- What are the services and programs that your organization can provide to support implementation of the guidelines and practices?
- What are the institutional obstacles do you envision to inhibit development of these guidelines and practices?
- Can you identify local NGOs who can serve as partners in this implementation?
- Could the involvement of your organization hinder the advancement of standards and the increase in respect for their political rights?
- What are the potential sources of funding to support implementation programming?
- Would your organization be required to undergo policy or legislative changes to support implementation programming?

Report from Group 1 Democracy Organizations and Election Management Bodies

The prevailing theme coming from representatives of Group 1 is that external voting issues should come up earlier in the electoral process. These early issues include planning and designing the voting program through technical assessments from election professionals. In addition to introducing these ideas to the polity, there are also issues of national sovereignty of the host country and the requirements of those countries' legal frameworks to allow for another countries election

This group also supported a project to collect migrant voting experiences and creating a best-practices handbook; and having a toolkit for practical implementation guidelines. Having a databank of these practices can make the facilitation of guidelines and standards a more manageable task.

The depoliticizing of the process is important to its credibility. An external voting program can be described in human rights terms rather than political terms. Such a posture may also help governments attract the funding required to conduct these programs.

Report from Group 2 Humanitarian Organizations and Migrant Advocacy Groups

This group focused on three areas of activity: 1) partnerships for implementation; 2) institutional obstacles; and 3) funding problems and potential solutions.

Given the complexity of this kind of programming, organizations should be encouraged to form implementation partnerships, for example, Norwegian Refugee Council (NRC) could perform training on IDPs for donors and civil society and IOM could develop the political rights component of this training program. The International Committee of the Red Cross (ICRC) often has local knowledge from the field, for example in security, which can be used by other organizations. The Inter-Parliamentary Union (IPU) can provide access to parliamentarians who can provide legislative framework for addressing issues.

The political issue of national sovereignty was identified as the most significant institutional obstacle to be overcome in the development of host country voting programs, if IDPs aren't covered in the mandate of the ICRC, for example, this might not be addressed.

Donor interest in the political rights of displaced people tends to be rather sporadic, in small pockets, with no large scale or ongo-

Closing Remarks

“Organizations should be encouraged to form implementation partnerships...”

ing commitment. Perhaps this is a result of the issues being hidden within the many pressing needs of post-conflict situations. One approach for more visibility could be to present the topic as a more cross-cutting issue, visible in its own right; taken onboard as a priority for the international community. Potential sources of funding include UN Human Security fund, UN peace-building commission, and bi-lateral donors. Election observation is also inconsistent and sporadic.

Report from Group 3 Bilateral and International Organizations

This group identified eight priority areas to move international attention on this issue forward. These include: 1) engaging other specialized agencies and regional IGOs on the ideas and issues discussed at the Colloquium; 2) training international observers and election management bodies on the technical issues and standards; 3) conducting more country assessments to highlight protection gaps; 4) encouraging refugee-host states to contribute to financing external voting operations (when possible); 5) building local partnerships with civil society and humanitarian NGOs in the field during the electoral cycle; 6) working with UNHCR to understand the broad demographics of refugee and IDP communities, without compromising the secrecy of the agencies databases; 7) working towards the creation of an international instrument that clarifies CFM voting rights and provides guidance to national authorities and election management bodies and thus close the “loophole” through which CFM populations are excluded; and 8) identify a lead agency to be tasked with protecting CFM political rights along the lines of the cluster approach taken in the Inter-Agency Standing Committee.

**Jeremy Grace,
State University of New York-Geneseo**

Closing Remarks

This colloquium has inspired me. For the first time, we have assembled practitioners and experts from the human rights, elections, humanitarian, and refugee protection communities to look at the issues of CFM political rights.

We would like to build on this momentum to further the work on protecting refugee and IDP political rights. We have heard some great ideas regarding strategies and next steps, which we will take home and use to map out a strategy to address the issue of guaranteeing inclusion and protecting transparency in post-conflict elections. In the short term, I want to keep this network connected and to get the email addresses of all Colloquium participants to update everybody what we’re doing with PRESS. I also would like to make the network broader than the participants

here today. When you work with counterparts who may be interested or relevant to these issues, please inform us and we’ll add them to the network. We will do our best to keep our agenda public, first through the Website – which is currently a shoestring operation. But I hope in the next round to make it a more substantial outreach platform and clearinghouse for these issues.

Second, we want to look at possible strategies to bring the issue of CFM inclusion into the mainstream of the international human rights system. We are looking at a variety of possibilities in this regard, and hope that you will all continue to work with us as we move forward.

To continue the successful exchange and work during the Colloquium, it was decided:

- to produce and distribute a Colloquium report;
- to establish a mailing list for sending out updated information;
- to update the PRESS website with further materials from other Colloquium participants and promote a wider use of the site through an Archive and Discussion Board;
- to hold a Washington briefing with short presentations and discussions to a Washington DC based audience (USAID, UN-EAD, UNDP, Refugees International, USCRI, EU etc.);
- to establish a small steering group and to produce best practice guidelines on electoral participation of Conflict Forced Migrants.

Jeff Fischer, IOM Consultant

Closing Remarks

The substance of this Colloquium maps out a way for this issue to be pursued. It identifies initiatives that can be undertaken to encourage this practitioner network. There are also ideas for projects of a shorter nature to be undertaken. The knowledge network that has been established should be viewed as a platform from which initiatives and projects can be launched.



Acronyms and Organizations

ACHR	-Asian Centre for Human Rights
ACEEEO	-Association of Central and Eastern European Election Officials
CCPR	-Covenant on Civil and Political Rights
CEDAW	-Committee on the Elimination of the Discrimination against Women
CERD	-Committee on the Elimination of all forms of Racial Discrimination
CFM	-Conflict Forced Migrants
CIS	-Commonwealth of Independent States
CSCE	-Commission on Security and Cooperation in Europe
ECHRFF	-European Convention of Human Rights and Fundamental Freedoms
EMB	-Electoral Management Bodies
EU	-European Union
FPP	-First Past the Post
HR	-Human Rights
ICCPR	-International Covenant of Civil and Political Rights
ICRC	-International Committee of the Red Cross
IDEA	-Institute for Democracy and Electoral Assistance
IDP	-Internally Displaced Peoples
IECI	-Independent Electoral Commission of Iraq
IFE	-Federal Election Institute (Mexico)
IMIE	-International Mission for Iraqi Elections
IPU	-Inter-Parliamentary Union
IOM	-International Organization for Migration
ITC	-Information Technology Committee
MoU	-Memorandum of Understanding
NAACP	-National Association for the Advancement of Colored Peoples
NGO	-Non-Governmental Organization
NRC	-Norwegian Refugee Council
OCV	-Out-Of-Country Voting Programs
ODIHR	-Office for Democratic Institutions and Human Rights
OSCE	-Organization for Security and Cooperation in Europe
PR	-Proportional Representation
PRESS	-Political Rights and Enfranchisement System Strengthening
PROCAP	-Protection Capability
SADC	-South African Development Community
SG	-Secretary General
UDHR	-Universal Declaration of Human Rights
UNAMA	-United Nations Assistance Mission in Afghanistan
UNDP	-United Nations Development Programme
UN-EAD	-United Nations Electoral Assistance Division
UNHCR	-United Nations High Commissioner for Refugees
USAID	-United States Agency for International Development

About IOM and the PRESS Project

Established in 1951, IOM is the leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners.

With 118 member states, a further 20 states holding observer status and offices in over 100 countries, IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants.

IOM works to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people.

The IOM Constitution recognizes the link between migration and economic, social and cultural development, as well as to the right of freedom of movement.

As an intergovernmental body, IOM acts with its partners in the international community to:

- Assist in meeting the operational challenges of migration;
- Advance understanding of migration issues;
- Encourage social and economic development through migration;
- Uphold the human dignity and well-being of migrants

IOM activities that cut across these areas include the promotion of international migration law, policy debate and guidance, protection of migrants' rights, migration health and the gender dimension of migration.

The Political Rights and Enfranchisement System Strengthening (PRESS) project is an IOM-led effort funded by USAID aimed at improving the capacity of refugees, internally displaced persons, and migrants to participate in their home country political processes. IOM considers the establishment of transparent and inclusive electoral processes to be an essential component of peace building and vital to the creation of sustainable democratic structures. In those cases where populations are displaced beyond territorial limits and without opportunities to register and vote, a mechanism for their enfranchisement is warranted. To the extent that these groups are left outside of the electoral processes, the legitimacy of these processes is compromised.

IOM's expertise in CFM voting stems from ten years of direct experience in external voting programs for refugees and IDPs. Since 1996, the organization has provided transparent voter registration and balloting services to over two million refugees and displaced persons in elections in Bosnia and Herzegovina (1996, 1997, 1998), East Timor (1999), Kosovo (2000, 2001), Afghanistan (2004), and Iraq (2005). IOM now maintains an extensive roster of absentee voting operations staff, proprietary information technology platforms, and the ability to organize voting services on a global scale on very short notice.

IOM's interest in CFM voting is broader than just project implementation. Through the Participatory Elections Project (PEP, completed July 2004), IOM has identified the obligations, standards, and best practices concerning the political rights of conflict-forced migrants (CFMs) in post-conflict elections. Under a follow up grant from USAID, PRESS will further develop international, regional, and national capacity to enfranchise migrants and assist Election Management Bodies, international organizations, and non-governmental organizations in the election process.

The rationale is twofold: 1) to facilitate programming that upholds the political rights of migrants; and 2) to increase the knowledge base about migrant political rights. PRESS will serve as a central focal point for IOM and other organization programming in migrant enfranchisement and political rights projects.

PRESS programming includes several components: Action Plans for specific countries that identify problems for CFM electoral participation and make recommendations for ensuring that refugees and IDPs are able to fully participate in elections; Civil Society Strengthening for self-advocacy and representation. PRESS will strengthen civil society organizations in target communities to provide advocacy and monitoring activities during elections. A methodology will be devised for capacity building of CFM groupings into viable civil society structures and organizations; A specialized training module for election management bodies and international organizations that identifies best practices for enfranchising migrant communities; A web-based information resource for migrant communities world-wide; An international conference aimed at increasing awareness of CFM enfranchisement issues and generating standards to ensure that CFM electoral participation meets criteria for genuine elections.

For more information on the PRESS project, please visit: www.geneseo.edu/~iompress or contact us at: iompressproject@iom.int