

35th SESSION

Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe's municipalities and regions

Recommendation 419 (2018)¹

1. In the context of mass migration that currently occurs in the area of the Council of Europe for political, humanitarian and socio-economic reasons as well as due to military conflicts, an increasing number of people have settled or have been re-settled with varying degrees of permanence in countries or regions other than their country or region of origin. Considering effective integration policies for Internally Displaced Persons (IDPs), voting rights are a natural starting point for a successful long-term integration as voting encourages IDPs to actively participate in the life of their community.

2. Even though IDPs are frequently disenfranchised because they face legal and practical challenges with regard to voting rights, international standards and best practices promote the enforcement of their right to political participation. In particular, the existence of a “genuine link” between IDPs and the place where they cast a ballot at local level is of critical importance with respect to voting rights as a successful element of their integration.

3. The Congress' political priorities for 2017-2020 focus on building secure societies that are respectful, inclusive and closer to citizens. To this end, the Congress committed itself to working in favour of the integration of refugees and migrants, the active participation of citizens as well as the rights and protection of minority, underprivileged and vulnerable populations.

4. The Congress recognises the responsibility municipalities and regions bear with regard to promoting the integration, participation and non-discrimination of IDPs and encouraging good relations between them and local residents.

5. In light of the above, the Congress bears in mind:

- the Universal Declaration of Human Rights and the United Nations International Covenant on Civil and Political Rights;
- the European Charter of Local Self-Government and its Additional Protocol on the right to participate in the affairs of a local authority (ETS No.122);
- Recommendation (2006)6 of the Council of Europe/Committee of Ministers to member States on Internally Displaced Persons;
- the Code of Good Practice in Electoral Matters (2002) of the European Commission for Democracy through Law of the Council of Europe (Venice Commission);

¹ Debated and adopted by the Congress on 6 November 2018, 1st sitting (see Document CG35(2018)17, explanatory memorandum), rapporteur: Jos WIENEN, Netherlands (EPP/CCE, L).

- Recommendation 1877 (2009) of the Parliamentary Assembly of the Council of Europe on Europe's forgotten people: protecting the human rights of long-term displaced persons;
- the 2004 UN Guiding Principles on Internal Displacement;
- its Recommendation 369 (2015) on Voters' lists and voters residing de facto abroad;
- its Recommendation 386 (2016) on Observation of local elections in Ukraine (25 October 2015) and its Information Report on the municipal elections in Georgia (21 October 2017).

6. Against this background, the Congress has specifically examined the international standards and best practices with regard to voting rights at local level of IDPs. As a consequence, it recommends that the Committee of Ministers invite the governments of member States to ensure that:

- residence requirements do not prevent IDPs from exercising their voting rights, in particular that procedures for changing residence are appropriate so that IDPs can easily move their registration between their constituency of origin and their current constituency (and vice versa) without undue obstacles or delays ;
- legal provisions do not require IDPs to choose between expressing their voting rights and being eligible for IDP status and/or social benefits;
- voters' registration and polling procedures take into account the specific situation of IDPs, *inter alia*, with regard to the location of assigned polling stations and the type of documents required for voters' identification purposes (with temporary special measures introduced as appropriate to prevent disenfranchisement);
- voters' education campaigns specifically target IDPs in a relevant language, in order to increase their understanding of registration and polling procedures and to enable them to make informed electoral choices;
- IDPs are guaranteed protection against manipulation, intimidation or threats throughout the electoral process and that they exercise their voting rights freely and without fear of retribution;
- IDPs are granted access to a system of complaints and appeals covering all stages of the election process that is accessible in terms of timing and location.

7. Nothing in this recommendation, including the efforts of member States undertaken for the successful integration of IDPs in Europe's municipalities and regions, shall be interpreted as restricting or impairing IDPs' fundamental right to return, in safety and with dignity, to their homes or places of habitual residence.