



Philippines. Omais, an IDP in Marawi, expects a new set of elected officials will work to boost the Marawi economy and improve livelihood ventures for displaced families in the war-torn city.
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Philippines

Practical Solutions for Protecting IDPs' Right to Vote

1. Context

The Philippines's susceptibility to hazards such as typhoons, earthquakes and floods has made disaster displacement a constant feature of life in the country. In 2018 alone, some 3.8 million people were newly displaced by disasters.¹ At the same time, ongoing conflict and violence in Mindanao's southern provinces also led some 188,000 people to flee in 2018, joining the estimated 300,000 IDPs awaiting solutions for their conflict-related displacement at the end of 2018.²

Recognizing these displacement challenges, in 2013, the Philippines Commission on Human Rights (CHR) established the Project on Internally Displaced Persons to explore the human-rights implications of displacement.³ Building upon the CHR's prior collaboration with the Commission on Elections (COMELEC), one component of the CHR's IDP Project focused on participation in public elections, which have a 75 per cent voter turnout rate.⁴ Voter registration in the Philippines is tied to a person's place of residence. Consequently, displacement often impedes IDPs' ability to exercise their voting rights, particularly when they are living in

temporary shelters or transitory areas. A 2015 national workshop on the topic, co-hosted by CHR and COMELEC, both independent, constitutionally-mandated bodies, identified a number of key challenges impacting IDPs' electoral rights, including damaged voting centres, residency requirements to transfer voter registration, and difficulty accessing their designated polling stations due to distance or insecurity.⁵ Given the large annual numbers of displacement and the potential for extended displacement, the need to protect IDPs' voting rights remains a key concern in the Philippines.

2. Description of the practice

The Philippines does not have an IDP law or policy that specifies how electoral laws should be applied to reflect displacement contexts, although comprehensive IDP bills have been drafted by members of Congress.⁶ To ensure it fulfils its constitutional responsibilities for election-related matters, COMELEC has been obliged to find practical solutions that enable internally displaced Filipinos to exercise their right to vote wherever they are, by working with the support of other entities, such as CHR, NGOs, and other stakeholders.

Election issues related to displacement first came to COMELEC's attention in September 2013, when 120,000 people fled fighting in Zamboanga City on Mindanao to seek shelter in evacuation centres, most notably the city's Joaquin F. Enriquez Memorial Sports Complex.⁷ With important village elections scheduled for the following month, COMELEC wanted to ensure that IDPs could select their leaders. Working with the Commission on Human Rights' IDP unit in its regional Mindanao office, COMELEC organized election facilities at the sports stadium to allow IDPs to vote some 5-7 km from their usual place of residence.

Over the years, other election-related challenges have arisen. For example, although IDPs must register and provide biometric data to receive a voter's card,

election officials acknowledge that many IDPs may not have their cards. COMELEC has waived fees for IDPs to replace lost voter registration cards, as in the case of displacement in Mindanao. COMELEC has endorsed civil society organizations' efforts to register voters in evacuation areas.⁸ Election officials have also allowed IDPs to prove their identity through other national identity cards. For instance, following Typhoon Haiyan/Yolanda, the non-profit legal organization IDEALS, supported by UNHCR, worked with local government units to open temporary centres in displacement-affected regions to replace identity documents, such as birth and marriage certificates, to displaced people. Having these documents later allowed IDPs to vote in elections.⁹ Polling stations in the Philippines are also typically staffed by public school teachers, who help verify voter's identities and avoid potential fraud. Finally, in some cases, COMELEC has established new electoral precincts and voting centres in areas with protracted displacement, such as in communities still hosting people who were displaced after the 1991 volcanic eruption of Mount Pinatubo.¹⁰

In recent years, electoral actors have recognized the need for a more systemic response, and currently promote enshrining in law specific electoral measures related to internal displacement.¹¹ Pending legislative reform, COMELEC issues an annual resolution setting the rules and regulations for voter registration, which, since 2016, has required satellite registration in areas where IDPs are located, working in collaboration with local government units/officers in-charge of those areas as well as non-governmental organizations.¹²

3. Results for internally displaced persons and others

IDPs' ability to participate in electoral processes has improved. The Philippines Commission on Human Rights has continued to monitor IDPs' ability to participate in elections, such in May 2019, when Marawi

IDPs were permitted to vote in national and local elections with proof of their original residence.

4. IDP participation

IDPs in the Philippines are encouraged by the Government to vote. Although they have not been formally brought within COMELEC's efforts to review and find solution to electoral challenges, the Parish Pastoral Council for Responsible Voting (PPCRV) and other civil society organizations that work closely with displaced communities are regularly invited to attend meetings on electoral issues and to participate in multi-sectoral, ad hoc committees. IDP community leaders are also actively involved in civic-political activities more generally, particularly those related to barangay-level projects such as service delivery. For instance, CHR regional offices conduct community-based dialogues in which IDP stakeholders, local chief executives, and the security sector share their concerns and find immediate solutions.

5. Challenges

Legal ambiguity in the Philippines complicates COMELEC's efforts to ensure that IDPs can fully exercise their political rights. For example, to date, polling centres have only been moved when IDPs are located adjacent to home areas, leaving IDPs who flee further without recourse. Under current laws, IDPs are able to transfer their registration, but must comply with a six-month residency requirement before doing so. They are also not permitted to use evacuation centres or transitional locations as their place of residence since these are seen as temporary addresses.¹³ Many IDPs do not want to give up their right to vote in their home location, even if they are unable to travel to polling stations. Finally, without adequate preventative measures in place, IDPs may be vulnerable to political manipulation or "hakot" to secure their access to basic services. They may, for instance, be pressured to vote for certain

officials, attend political rallies or transfer their registration location.¹⁴

6. Lessons learned

Outreach and education to electoral officials and other actors responding to displacement is critical to building awareness and gaining the necessary political support for operational and legislative electoral reforms that respond to displacement-related circumstances.¹⁵ Advances in technology for registering voters using biometric data, as in the Philippines, can greatly help to assuage concerns about fraud. Such voter registration systems could potentially be integrated within broader IDP service delivery systems for shelter distribution, livelihoods and cash assistance, thereby ensuring wider coverage.

7. Why this is a good example to share

Ensuring that IDPs can exercise their right to vote validates their role as citizens and is an important step in normalizing their lives as soon as possible after displacement. Yet, in many operational contexts, actors responding to internal displacement situations commonly do not fully recognize the need to address political rights and electoral issues. This is particularly true for disaster displacement, which is widely viewed as a temporary phenomenon even though it can endure for years pending a durable solution. As populations around the world become more mobile in general, the examples highlight the need to assess whether voter registration systems are adapted to the realities and needs of their voters.

The example also highlights practical ways electoral rights can be protected. In this case, independent bodies relied on their constitutional mandates to find solutions.

Endnotes

- 1 IDMC, 'Philippines' (*Internal Displacement Monitoring Centre*, 2019) <<http://www.internal-displacement.org/countries/philippines>> accessed 6 January 2020.
- 2 *ibid.*
- 3 Cecilia Jimenez-Damary, 'CHRP and IDP Protection: A Case Study' (Asia Centre International Conference on National Human Rights Institutions in Southeast Asia: Challenges of Protection, Bangkok, 14 July 2017).
- 4 Fernando Patinio, '2019 Polls Voter Turnout Now at 75%-78%' (*Philippine News Agency*, 20 May 2019) <<https://www.pna.gov.ph/articles/1070225>> accessed 22 January 2020.
- 5 Commission on Elections and Commission on Human Rights, 'Enabling Right to Political Participation of Internally Displaced Person' (CHR and COMELEC 2015) 4.
- 6 Benigno S Aquino III, 'Veto Message of President Aquino on Senate Bill No. 3317 and House Bill No. 5627' <<https://www.officialgazette.gov.ph/2013/05/24/veto-message-of-president-aquino-on-senate-bill-no-3317-and-house-bill-no-5627/>> accessed 6 January 2020. Congress of the Philippines, 'An Act Protecting the Rights of Internally Displaced Persons, Providing Penalties for Violations Thereof and for Other Purposes' (Republic of the Philippines 2013) Conference Committee Report; Herminio Harry L Roque Jr., 'An Act Protecting the Rights of Internally Displaced Persons and Penalizing the Acts of Arbitrary Internal Displacement 2016 [H.B. No. 222].
- 7 One year later, the sports stadium still hosted thousands of IDPs. Alice Thomas, 'Philippines: Displaced and Forgotten in Zamboanga' (Refugees International 2014) Field Report 4 <https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/5610ce81e4b01402b9064726/1443942017464/121514_philippines_displaced_and_forgotten_in_zamboanga_letterhead.pdf> accessed 6 January 2020.
- 8 Commission on Elections, 'Resumption of the System of Continuing Registration of Voters' (Republic of the Philippines 2016) Resolution 10166 9.
- 9 'UN Recognizes IDEALS for Post-Disaster Legal Services' (*Philippines Today*, 19 March 2015) <<http://www.philippinestoday.net/archives/19378>> accessed 21 January 2020.
- 10 Global Protection Cluster and The Carter Center, 'Public and Political Participation of Internally Displaced Persons' (Global Protection Cluster; The Carter Center 2018) 8.
- 11 Commission on Elections and Commission on Human Rights (n 5).
- 12 Commission on Elections (n 12) 8–9.
- 13 Notably, prisoners have been permitted to use detention facility addresses for voter registration, which could provide a precedent for IDPs in evacuation centres. Nanette Guadalquiver, 'Comelec Holds Satellite Registration for Inmates in Bacolod City' (*Philippine News Agency*, 29 August 2018) <<https://www.pna.gov.ph/articles/1046287>> accessed 22 January 2020.
- 14 Commission on Elections and Commission on Human Rights (n 5) 6.
- 15 Global Protection Cluster and The Carter Center (n 14) 8.