



Refugees from conflict zones in Ukraine denied right to vote in local elections

In today's Chamber judgment¹ in the case of [Selygenenko and Others v. Ukraine](#) (application no. 24919/16 and 28658/16) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 1 of Protocol No. 12 (general prohibition of discrimination) to the European Convention on Human Rights.

The applicants, who are all internally displaced persons who fled the conflict in Donetsk and the Crimea, came to Kyiv in 2014-15. The case concerned the alleged discriminatory denial of a vote to them in the Kyiv local elections in 2015 as, despite their IDP documents showing their place of residence as being Kyiv, the authorities had held that they were still residents of their towns of origin.

The Court found in particular that the authorities had failed to take into consideration the particular situation of the applicants as IDPs and had discriminated against them in the enjoyment of their right to vote in local elections.

Principal facts

The applicants, Oleksandra Selygenenko, Anastasiya Martynovska, Darya Svyrydova and Yevgeniya Terekhova, are Ukrainian nationals who were born in 1986, 1990, 1985 and 1948 respectively. They live in Kyiv although they are originally from Sevastapol (first two applicants), Alupka (Ms Svyrydova) and Donetsk (Ms Terekhova), in Ukraine.

After conflict broke out in Donetsk and the Crimea, the applicants moved to Kyiv and were certified as internally displaced persons (IDPs) there in 2014-15. Their national identity cards (*паспорт громадянина України*) however continued to show them as residents of their towns of origin in Donetsk and the Crimea.

They registered to vote before the Kyiv local elections of late 2015, but their application was denied.

Ms Terekhova complained to the Central Electoral Commission, which replied that a citizen's place of residence was that on his or her national identity card. When elections were again organised in her hometown, she would be able to vote there.

The applicants went to court, with the first-instance courts holding that the right to vote in local elections in Ukraine was conferred on citizens of Ukraine who "belonged" (*належали*) to their respective local communities and who resided within the respective voting constituencies. That place of residence was to be found on their national identity card. That decision was upheld by the appellate courts. The appellate decision could not be appealed against.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Complaints, procedure and composition of the Court

Relying on Article 1 of Protocol No. 12 (general prohibition of discrimination), the applicants complained of being deprived of the right to vote in local elections in Kyiv in a discriminatory manner.

The application was lodged with the European Court of Human Rights on 23 April 2016 and 14 May 2016.

Judgment was given by a Chamber of seven judges, composed as follows:

Síofra **O’Leary** (Ireland), *President*,
Mārtiņš **Mits** (Latvia),
Ganna **Yudkivska** (Ukraine),
Stéphanie **Mourou-Vikström** (Monaco),
Ivana **Jelić** (Montenegro),
Arnfinn **Bårdsen** (Norway),
Mattias **Guyomar** (France),

and also Victor **Soloveytchik**, *Section Registrar*.

Decision of the Court

The Court reiterated that Article 1 of Protocol No. 12 gave protection to “any right set forth by law”. States had to give reasonable justification in a situation where one person was treated differently to another, failing which a violation could be found.

It was not in dispute that the applicants had a legal right to vote and that they had been living outside of their registered place of residence. The Supreme Court had pointed out that the national identity card served as a means of determining, ultimately, whether someone belonged to a community and thus could vote in the relevant constituency. Domestic law stated that an individual could only vote in a place where they had their registered residence. IDPs were not treated differently to anybody else.

Even though the applicants had not been treated differently to other citizens with regard to residency, the Court found that they, as IDPs, had been in a clearly different situation to other citizens: they could not simply go back to the place of residence elsewhere in Ukraine and vote. They had been in Kyiv for over a year, paying local tax and so forth and therefore had an interest in the outcome of the elections. Under the law at that time, the applicants had furthermore risked losing their IDP status had they changed their place of residence.

Overall, the Court found that, by failing to take into consideration the particular situation of the applicants, the authorities had discriminated against them in the enjoyment of their right to vote in local elections. There had been a violation of Article 1 of Protocol No. 12 of the Convention.

Just satisfaction (Article 41)

The Court held that Ukraine was to pay the applicants 4,500 euros (EUR) each in respect of non-pecuniary damage.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.