

THE
CARTER CENTER



**Carter Center Statement on the Electoral Campaign Period in Myanmar
Oct. 27, 2015**

Executive Summary

The campaign period, which began on Sept. 8, has been peaceful and relatively unrestricted in areas observed by The Carter Center. While parties and candidates have generally been able to conduct their activities without obstruction, political space remains uneven. There have been instances of intimidation and restrictions in some areas with an armed group or military presence, and reports of several physical attacks against party members. Campaign rules for the most part have been enforced reasonably and without causing substantial problems for parties and candidates. Party representatives and community members continue to voice concerns about the potential for nationalist and religious rhetoric to exacerbate communal tensions. The arrests of two civil society activists for posting comments about the military on social media contribute to concerns about the openness of political space.

The voter list, the display of which ended on Sept. 27 in most parts of the country, remains a subject of public criticism, though many of the specific allegations about errors appear to be unsubstantiated. The Union Election Commission (UEC) has acknowledged technical errors and adjustments, and problems with out-of-country voter lists have been widely reported in the press. The impact of voter list issues remains to be seen. The announcement of cancellations of elections in a larger-than-expected number of villages has raised concerns about disenfranchisement, and the majority of the population in northern Rakhine state remains excluded from participation in the election.

Carter Center teams continue to enjoy nearly unrestricted freedom of movement and access, but with a noticeable increase in surveillance in some areas. The Carter Center has not been given permission to observe the casting of ballots in out-of-constituency advance voting.

The statement offers several recommendations for the government and the UEC:

Government

- The two activists arrested for posting satirical material online should be released. Measures should be taken to ensure that political party activists, candidates, and the media are not subject to harassment.

- The police and other security services should be instructed to implement election security plans in a manner that is non-discriminatory and that does not interfere with the activities of candidates, media, or observers.

Union Election Commission

- The UEC should act on complaints submitted by political parties and candidates, including in cases alleging the misuse of religion during the campaign, and provide timely responses. The UEC should work with law enforcement authorities to ensure election violations are promptly investigated.
- Voter identification requirements should be broadly publicized, including the fact that voter slips are not mandatory for voting.
- There should be greater transparency about voter list technical problems and measures that have been implemented to address them. The criteria used to determine the areas where elections cannot be held should be made public.
- Polling station officials should be instructed to exercise their discretion to limit access to polling stations in a way that does not obstruct the observation of voting and counting by domestic observers in a manner consistent with their methodology.
- In the interest of transparency and the integrity of the process, The Carter Center reiterates its previous recommendations that advance voting, including out-of-constituency advance voting by military and other security forces, be made fully observable for international and domestic observers and party agents.

This is the Carter Center's second statement on the election campaign period,¹ covering the campaign through Oct. 20. It is based on Carter Center field observations from Ayeyarwady, Bago, Magway, and Mandalay regions, and Kachin, Kayah, Kayin, Rakhine, and Shan states.

Campaign Environment, Complaints and Political Space

Political party and candidate activity has increased since the opening weeks of the campaign period. The Carter Center has observed a wide range of political parties and candidates campaigning across the states and regions, with active campaigning by the opposition National League for Democracy (NLD) and the ruling United Solidarity and Development Party (USDP) in all areas visited and by ethnic and regional parties and candidates in the ethnic states.² Campaign activity is expected to peak during the first week of November before the campaign silence period begins.

¹ See *Carter Center Issues Statement on Candidate Scrutiny Process and Campaign Environment in Myanmar*, Sept. 25, 2015, www.cartercenter.org/news/pr/myanmar-092515-pre-election.html

² Ninety-one parties have been registered, of which 79 have signed a political party code of conduct.

Small rallies and meetings, door-to-door canvassing, and distribution of pamphlets appear to be the primary means through which parties and candidates are reaching voters. In urban centers, parties utilize decorated vehicles with sound systems playing music and party messages. The Carter Center has observed large NLD rallies with tens of thousands of attendees, including an Oct. 11 rally between Bago and Yangon, and an Oct. 17 rally at Thandwe in Rakhine state. The Center also observed large USDP events attended by several thousand people in Ayeyarwady and Bago regions, and by the Pa-O National Organization in the Pa-O Self Administered Zone. All rallies and events observed have been peaceful and without incident.

The UEC addressed concerns about burdensome requirements governing the submission of campaign plans in part by clarifying that candidates could begin campaign activities while approvals were still pending. Sub-commissions have also taken a lenient approach to enforcing the requirements. The interpretation and enforcement of campaign rules has varied widely, with sub-commissions requiring different levels of detail in campaign plans and showing varying levels of flexibility. Nonetheless, enforcement of campaign rules does not appear to have caused significant problems or delays for parties or candidates in any of the areas visited.

In all states and regions visited, observers heard concerns from parties and community members about the potentially disruptive use of nationalist and religious rhetoric during campaigning.³ Particular concern was expressed about the Committee to Protect Race and Religion (*Ma Ba Tha*) rallies celebrating the passage of the so-called “protection of race and religion” laws, culminating in a rally in Yangon on Oct. 4 with approximately 20,000 attendees.⁴ Although the rallies passed without incident, there have been at least four official complaints alleging the misuse of religion during the campaign, including dissemination of *Ma Ba Tha* materials targeting particular candidates. Parties have not received an official response to these complaints.

The Carter Center has learned of 40 official campaign-related complaints filed with election commissions nationwide. The complaints, mainly submitted by the USDP and NLD, claim the destruction of campaign materials, obstruction of campaign activities, the use of false information, and other campaign violations. In some areas, observers noted a reluctance to file complaints. In addition, 94 incidents have been reported to the police, including a number of cases where party supporters were physically attacked or threatened. In response, 78 cases were opened, of which 62 are pending investigation.⁵ The UEC has not disclosed the number and nature of complaints filed at the union level or provided observers with information on the number of complaints received by sub-commissions nationwide. The NLD informed The Carter Center of five cases in which their supporters were physically attacked or threatened, including one incident in Kachin state that resulted in the interruption of a campaign event.

³ The 2008 Constitution, Political Party Registration Law, and election laws prohibit the use of religion for political purpose. Parties also committed not to use racially or religiously discriminatory language in the code of conduct.

⁴ The four laws include legislation restricting polygamy, interfaith marriage, and religious conversion, and providing for the imposition of population control measures.

⁵ According to a report from the Myanmar Police Force, presented by the UEC at a meeting on Oct. 20.

Although campaigning has been mostly peaceful and unrestricted, political space throughout the country remains uneven. In areas visited, not all parties have had equal opportunity to campaign.⁶ For instance, in Zigon township in Bago region, candidates from two parties complained to observers that they were forced to remove signboards in constituencies in which senior government officials are contesting. In others, signboards were reportedly removed by rival parties or after objections by *Ma Ba Tha* supporters. The NLD also made an official complaint that it had been denied access to campaign on Coco Island, a remote island constituency in Yangon region, after which a boat was eventually arranged to transport candidates to the island. In some areas, political parties have reported that Special Branch police closely monitor their activities, and The Carter Center has observed plainclothes security forces at multiple campaign events.

Two activists were arrested in mid-October for making satirical posts about the military on social media.⁷ Both remain in jail awaiting trial on criminal charges.⁸ Although the military has mostly avoided involvement in the election campaign, Commander-in-Chief Senior General Min Aung Hlaing urged members of the military to support candidates who have sympathy for the military, can “systematically protect race and religion,” and who are free of the influence of foreigners, widely interpreted as a reference to NLD leader Aung San Suu Kyi’s British family ties.⁹

Political space also has been restricted in certain areas under ethnic armed-group control. In Kachin, Kayin and Shan states, armed groups threatened to restrict political parties from campaigning or stated that they could not guarantee the security of candidates. In the Pa-O and Palaung Self Administered Zones in southern Shan state, both NLD and USDP complained that they could not effectively campaign. In northern Shan state, the presence of both anti-government armed groups and pro-government (*pyi thu siq*) militia has seriously restricted the ability of national parties to campaign effectively, particularly in rural areas. In Kachin state, the New Democratic Army-Kachin prohibited NLD candidates from campaigning, though the issue was partly resolved through a meeting of the state-level mediation committee – one of several cases in which disputes were brought to the recently formed mediation committees.

The UEC-established mediation committees have been effective in resolving some issues. In addition to the Kachin case, complaints raised by the Arakan National Party were brought to the Rakhine state-level mediation committee, after which the USDP agreed to remove contentious signboards. In Loilen district in Shan state, The Carter Center observed a meeting of the mediation committee in response to a dispute between Shan ethnic parties, though it was unclear if the matter was effectively resolved. The UEC claims that mediation committees were integral in resolving other cases.

⁶ International standards for democratic elections prohibit discriminatory treatment on the basis of political opinion and require equality of suffrage, which extends to equality of opportunity (see the International Covenant on Civil and Political Rights, ICCPR, Articles 2 and 25).

⁷ Human Rights Watch, *Burma: Activists Charged for Mocking Military Online* (Oct. 17, 2015).

⁸ Article 19 of the ICCPR protects freedom of speech. U.N. Human Rights Committee General Comment 34 defines the limits of potential grounds for restriction, specifically prohibiting restrictions on “criticism of institutions, such as the army or the administration.”

⁹ The statement was made in a meeting of ranking officers on Oct. 20 and subsequently posted on the general’s official Facebook page.

Voter List and Identification

The national display of the voter list concluded amidst widespread allegations of errors, although many allegations are unsubstantiated. The UEC acknowledges that there were some technical difficulties with the software used to maintain the voter list and human errors when preparing and printing the lists for the national display, but claims to have promptly addressed these issues. Some sub-commissions decided to stop using the official software in favor of *ad hoc* measures, which are unlikely to have the same safeguards, such as the ability to track when and by whom changes and corrections are made.¹⁰ Problems with out-of-country voting lists have been widely reported in the press.¹¹ The overall seriousness and scope of voter list issues is unclear.

The Carter Center observed the most recent display of the voter list in Kachin, Kayah, Kayin, Rakhine, and Shan states, and in Ayeyarwady region. The display opened on Sept. 14 and closed on Sept. 27 in nearly all places observed. However, in flood-affected areas of Ayeyarwady, Magway, Mandalay, and Sagaing regions and Chin state, the display was extended for up to two weeks. The decision to display the names in alphabetical order rather than by household created confusion in some areas but was viewed as an improvement in others. The civil society observer organization People's Alliance for Credible Elections (PACE) deployed 110 observers to observe the voter list display in 864 locations across the country. PACE found the process to be absent of intimidation or prejudicial treatment of voters but noted that procedures were not consistently applied and that there was a lack of voter engagement in the process.¹²

Election day voter identification requirements have not been clearly communicated to the public. The UEC has stated that it plans to issue voter slips to all voters one week before election day. Though the UEC has confirmed that the new voter slips will not be required in order to vote, the planned issuance of the slips could create further uncertainty about identification requirements.

Cancellations and Disenfranchisement

On Oct. 13, exercising its legal authority to cancel elections in areas affected by natural disaster or insecurity, the UEC announced that elections would not be held in 404 village tracts in Bago region and Kachin, Kayin, Mon and Shan states because of security concerns.¹³ The UEC did not consult with political parties on the areas considered for cancellation, and there is no opportunity to appeal the decision. A lack of transparency about what criteria were used in making the determination has raised suspicions in some of the affected areas and in the national media, though many of the cancellations do appear to be in areas with legitimate security issues. As a result of the cancellations, five lower-house parliamentary seats and 10 Shan state parliament seats will remain vacant, adding to existing concerns about disenfranchisement.

¹⁰ According to the UEC, sub-commissions in 31 townships in Ayeyarwady and Yangon regions stopped using the official database software to maintain the lists and have resorted to other measures such as the use of Excel files.

¹¹ The Carter Center is not observing the out-of-country voting process.

¹² PACE Voter List Update Monitoring: Key Findings, available at: http://pacemyanmar.org/wp-content/uploads/2015/10/PACE-Keyfindings_-Eng_Sep-30.pdf.

¹³ UEC announcement 61-65/2015 of Oct. 13, 2015: 212 village-tracts in Kachin state, 94 village-tracts in Kayin state, 41 village-tracts in Bago region, 1 village-tract in Mon state, and 56 village-tracts in Shan state.

In northern Rakhine state, following amendments to the election law earlier this year that disenfranchised temporary citizenship card holders, only a small minority of the population will have an opportunity to vote. Carter Center observers visiting Maungdaw District found that authorities have made little attempt to ensure that voter lists were displayed in Muslim Rohingya-majority villages, or that voter education programs reached the population in those villages. A pre-election security crackdown targeting Muslim communities in northern Rakhine state has exacerbated an already tense environment. Nonetheless, the authorities informed the Center that they do not expect conflict on election day and welcomed the presence of observers.

Observation and Access to Advance Voting

The UEC has maintained its welcoming attitude towards international and domestic election observation. Carter Center observers have received accreditation in a timely and professional manner and have continued to enjoy freedom of movement throughout the country. However, observers have also experienced sometimes intrusive surveillance by state security of their activities during the campaign period.

A significant number of Myanmar civil society organizations have begun domestic observation activities. To date the UEC has accredited 28 organizations that collectively project deployment of almost 11,000 observers, and over 9,000 individuals have already been accredited. Some domestic observers are concerned that their access to polling stations may be unnecessarily limited on election day by polling officials restricting access in order to prevent overcrowding.¹⁴

It is now apparent that observers will not have access to the casting of ballots during out-of-constituency advance voting, including in military installations. The UEC has also informed The Carter Center that there will be no centrally gathered information available on the number of advance voting requests, or schedules for out-of-constituency advance voting. It is unfortunate that observers are not able to observe fully this part of the process. In order for observers to effectively monitor out-of-constituency advance voting and comment on the integrity of the process, they must be able to observe the actual casting of the ballots so as to assess the degree to which ballots are cast in secret, by the actual voter, without intimidation.

Recommendations

Government

- The two activists arrested for posting satirical material online should be released. Measures should be taken to ensure that political party activists, candidates, and the media are not subject to harassment.
- The police and other security services should be instructed to implement election security plans in a manner that is non-discriminatory and that does not interfere with the activities of candidates, media, or observers.

¹⁴ The methodology of most domestic observer organizations requires each observer to stay in a single polling station all day.

Union Election Commission

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Background

Following visits by President Carter in April and September 2013, The Carter Center established an office in Yangon in October 2013 at the invitation of the government of Myanmar. Between December 2014 and July 2015, the Center conducted a political transition monitoring mission to make a preliminary assessment of the pre-election environment. The Center has released three public reports with recommendations (March, August, and September 2015).

On March 30, 2015, the Union Election Commission invited The Carter Center to observe the 2015 general elections. On Aug. 1, the Center officially established an election observation mission and requested accreditation. The election observation mission is composed of a four-person core team based in Yangon and six long-term observers deployed to the states and regions. The Carter Center will deploy teams of short-term observers during the first week of November to all states and regions of Myanmar to observe voting on election day. The Center will release a preliminary statement on mission findings on Nov. 10. A comprehensive final report will be issued in the months following the polls.

The Carter Center is assessing Myanmar's electoral process against the domestic electoral legal framework and against international obligations derived from international treaties and international election standards. The Center's observation mission is conducted in accordance with the Declaration of Principles for International Election Observation.

The Center thanks the Myanmar election officials, government officials, political party members, civil society members, individuals, and representatives of the international community who have facilitated the Center's efforts to observe the election process.

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