

**ELECTION OBSERVATION MISSION
MYANMAR, GENERAL ELECTIONS, NOVEMBER, 2015**

PRELIMINARY STATEMENT

Nov. 10, Yangon

The Carter Center has had an office in Myanmar since 2013 and established an election observation mission in August 2015 at the invitation of the Union Election Commission. The Carter Center mission was led by Jason Carter, chairman of the board of trustees of The Carter Center; Mary Robinson, former president of Ireland; and Bhojraj Pokharel, former chairman of Nepal Election Commission. Six long-term observers and four core team experts were deployed throughout the country in advance of election day to assess election preparations. On election day, a total of 62 observers visited 245 of polling stations in all states and regions to observe voting and counting. Together, mission members

- x **Campaign:** Observers found that the electoral campaign was initially subdued, although it became more vibrant as election day approached. The main opposition party held large and open rallies throughout the country, as, to a lesser extent, did the ruling party. Despite the overly restrictive campaign regulations, the election administration applied the rules in a

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chamber of the Union Parliament, each state and region is represented by 12 members.³ For the lower chamber of the Union Parliament and for state and regional assemblies, constituencies are based on administrative boundaries of townships.⁴ While this creates a direct link between constituencies and parliamentary representatives, the number of voters varies widely among townships.⁵ Constituency sizes range from 1,408 voters to 521,976 voters. The system therefore does not ensure the equality of the vote, an essential element of genuine democratic elections.⁶

General elections in Myanmar are governed primarily by the constitution (adopted in 2008), a set of three election laws,⁷ the Law on the Union Election Commission, and the Political Parties Registration Law, all of which were adopted in 2010. These are supplemented by by-laws, rules, and regulations issued by the UEC. The legal framework contains gaps, in some instances lacks clarity, and gives overly broad rule-making authority to the UEC.

that individuals are entitled to have decisions affecting fundamental rights taken by a competent, independent, and impartial tribunal in a fair and public hearing.²⁸

with representatives of political parties. These committees were effective in resolving some disputes and resulted in the withdrawal of multiple criminal complaints.³³

FREEDOM OF EXPRESSION AND THE MEDIA ENVIRONMENT

While space for political reporting has opened up since 2010, The Carter Center noted a number of limitations on the freedom of expression in the pre-election period. This included arrests of journalists, the filing of criminal defamation cases, and a tightening of media access to information.³⁴

SECURITY

Though communal tensions did not feature prominently in the pre-election period, anti-Muslim rhetoric was common, and leaders of minority religious communities expressed fear that the communal tensions could increase in the post-election period and give rise to conflict. In northern Rakhine state, unannounced household searches by police in Muslim communities exacerbated an already tense environment.

The National Ceasefire Agreement was signed on Oct. 15 by eight of the ethnic armed groups active in the country as part of the effort to bring an end to ongoing armed conflict. In some areas, however, conflict

The UEC accredited 31 civil society organizations that collectively planned deployment of nearly 12,000 observers, a significant number for a country where there was virtually no prior experience in observation activities. In an inclusive process, accreditation was granted to all domestic organizations that applied and the UEC only rejected two individual observers for not being citizens.

For the most part, Carter Center observers were welcomed by election bodies, party representatives, civil society, and community leaders. Although police surveillance rarely impeded WKH & HQWHU¶V ZRUN 6SHFLDO %UDQFK & RIGL FH FRQV and on several occasions, intervened to seek information directly from staff, or insisted on attending meetings. Monitoring by police or military intelligence was particularly acute in Bago, Magway, and Tanintharyi regions, surprisingly more so than in areas identified as conflict-prone.

ELECTORAL DISPUTE RESOLUTION

The legal framework for the resolution of election disputes does not guarantee complainants an effective and timely remedy for violations of their rights. The UEC worked to address this by educating political parties about the mechanisms for raising disputes and introducing conflict mitigation bodies (mediation committees).

The law provides for appeals of decisions regarding inclusion in the voter list, candidate registration or deregistration, and observer accreditation, but it does not provide a mechanism to complain about other violations during the pre-election period. Allegations of violations can be reported to the UEC or its sub-commissions, which can investigate on their own initiative, but there is no requirement to respond and no timeline for review. The UEC did not disclose the

ADVANCE VOTING

The election laws allow voters who are unable to come to their assigned polling station on election day to obtain an advance ballot. There are two forms of advance voting: 1) *within constituency* voting for homebound voters, those in hospitals and detention centers, and those traveling on election day, and 2) *out-of-constituency*

observed opened on time. Overall, voters were able to cast their ballots in secret, although in almost 10 percent of visits, the secrecy of the vote was compromised by overcrowding, poor polling station layouts and incidents of multiple family members voting at the same time. Civil society observers were present in almost a third of polling stations visited. Party agents were present in 97 percent of polling stations visited —in 75 percent there were party agents from both USDP and NLD.

For the first time, voters in Myanmar had their fingers linked after voting, an important safeguard against multiple voting. Observers found that the ink was consistently applied but in see if they had already voted. Voters frequently presented voter slips as the sole means of identification. Although the slips lacked security features, in conjunction with the inking of identification concerns. Not all polling station staff understood that these documents were not mandatory, as observers saw voters being turned away for not having a slip in 13 stations.

Significant efforts were made to improve access for persons with disabilities and to raise awareness of the necessity to facilitate their full participation in the process. The Myanmar Independent Living Initiative worked with the UEC to introduce requirements at the polling station for voters with physical disabilities. Center observers found over 60 percent of stations visited to be accessible.

The environment for polling was conducive to voters exercising their right to vote. The auxiliary police recruited to provide security did not interfere in the process, with two exceptions where the Center observed them intimidating voters. Relatively isolated irregularities were observed at

the respective state and regional sub-