THE
CARTER CENTER

Carter Center Interim Statement 2 on Myanmar General Elections
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Executive Summary

Preparations for Myanmar's Nov. 8 general elections are proceeding, although almost 20% of townships remain under stay-at-home orders and movement between states and regions is difficult due to COVID-19 protocols. Public health restrictions on political campaigning throughout the country have been maintained and will continue to the end of the campaign period. These limitations on movement and assembly impact the visibility and intensity of campaigning for all contestants. Nevertheless, parties have generally been able to reach out to voters through a variety of campaign methods and have competed in a mostly peaceful environment, although interparty clashes and some security incidents have occurred.

The Union Election Commission (UEC) has continued to exercise its wide discretionary powers to regulate the election. In coordination with the Ministry of Health and Sports (MoHS), the UEC has issued procedures for COVID-19 measures for regular polling and special voting measures for different categories of affected voters. On Oct. 16, the UEC issued notifications postponing or canceling elections in locations across the country due to insecurity. The selection of locations was criticized for inconsistency and led to the exclusion of approximately 1.4 million voters. A UEC notification on Oct. 27 reversed some of the earlier decisions and announced additional cancellations.

The UEC revoked additional individual candidacies, and the United Democratic Party (UDP) was dissolved and its candidates deregistered. Collectively, these measures have led to fewer candidates competing in 2020 than in the 2015 general elections. Moreover, while the percentage of women candidates has increased in comparison to past elections, the inclusion of women candidates remains low at 16 percent. In addition, the collection and publication of candidates' religious affiliation and ethnic identity by the UEC has been contentious, raising questions over compliance with the right to privacy under the national laws and applicable international principles.

As part of electoral preparations, the second round of voter list display was completed in most areas Oct. 1-14. While the overall quality of voter lists was evaluated by IEOM interlocutors as adequate to good, some concerns about possible exclusion of voters from vulnerable groups persist. Advance out-of-constituency and out-of-country voting are underway, while UEC voter education campaigns have been in evidence along with social media campaigns, websites, apps and SMS to reach out to voters.

The IEOM has been successful in reaching out to 834 election stakeholders across the country so far with 24 long-term observers working remotely. The IEOM also has been monitoring campaign activities on social media. The long-term observers and an additional 14 short-term observers will be deployed to the states and regions to follow the campaigning,

voting, counting, and tabulation of votes. The Carter Center reiterates its appreciation to the Union Election Commission and the government of Myanmar for the continued support of the IEOM's work and expresses its gratitude to political parties, candidates, and CSOs for sharing their views on the process.

Background

The Carter Center International Election Observation Mission (IEOM) has continued to follow the campaign and preparations for Myanmar's Nov. 8 general elections with a core team of international election specialists, 24 Myanmar nationals serving as long-term observers (LTOs), and support from a specialized social media monitoring unit. This statement builds on the first interim statement, which focused on developments through the end of September.[1] It outlines observations and developments over the second half of the campaign period leading up to the week before election day. The physical deployment of LTOs to Myanmar's states and regions has not been possible yet due to COVID-19 movement restrictions. To overcome this obstacle, the IEOM has been carrying out its work remotely through online meetings with election, security, and government officials; political parties and candidates; civil society organizations (CSOs); and the media. As of Oct. 29, 834 meetings have been conducted to gather information about the election process.

Election Management

The legal framework gives extensive discretion to the Union Election Commission to organize and administer the election process. This affords the UEC a high degree of flexibility to adjust to circumstances by issuing notifications and procedures during the process. The UEC has made use of this authority to enact several measures in the present phase of the election.

Polling Protocols for COVID-19
Standard operating procedures (SOP) Part 1 were published on Sept. 7, imposing COVID–19 restrictions for political campaigning that have been confirmed until the end of the campaign period.[2] On Sept. 9, the UEC published standard operating procedures (SOP) Part 2, defining COVID-19 mitigating measures to be enacted for polling like social distancing and the use of protective equipment. SOP Part 2 also included measures to allow polling station officers to manage the entry of party and candidate agents, observers, and the media. This is a measure that is used in other countries to control limited space and has a heightened importance with the risks of COVID-19. However, it can also be subject to abuse and requires clear instructions to polling station officers to enforce an equitable procedure that does not unreasonably obstruct or exclude any specific party or group.

Special Advance Voting Measures
The law allows for homebound voting by people of old age, pregnant women, and those who have an underlying medical condition. Due to COVID-19, the UEC has extended this provision to include those who are 60 years of age and above, are in a township under a stay-at-home order (currently an estimated 74) or live in a densely populated area.[3] Homebound

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[1] The first interim statement is available at: www.cartercenter.org/news/pr/2020/myanmar-2020-preelection-statement.pdf
[2] MoHS Order 136/2020.
[3] Defined as an area where more than 5,000 people reside within a square kilometer.

voting will be carried out between Oct. 29 and Nov. 5. Although a welcome measure to facilitate participation, the procedures for voting from home have been challenged by some stakeholders as needing greater safeguards. Voters in quarantine will be able to cast their votes at quarantine facilities, while persons unable to return to their permanent residences due to travel restrictions will be able to vote at their temporary locations. The UEC has announced that these latter voter requests can be submitted up to two weeks prior to election day and that these votes may be cast between Oct. 25 and Nov. 7.

Election Postponements and Cancellations
Under constitutional and legal provisions, the UEC may postpone or cancel elections due to natural disaster or insecurity.[4] Transparency of the criteria by which these decisions are made was one of the priority recommendations of election observers in 2015, as these decisions disenfranchise voters and can influence election results. If a full constituency's vote is postponed, the seat is left vacant and a by-election can be held later. However, the cancellation of voting in parts of constituencies still allows for representatives to be elected, which creates concerns for actual or perceived manipulation of election outcomes.

On Oct. 16, the UEC issued six notifications postponing the vote across 15 full townships and in parts of 41 townships in Bago Region and Kachin, Kayin, Mon, Rakhine and Shan states.[5] As a result of these postponements, 15 seats for the national lower house will be vacant from Shan (six) and Rakhine (nine) states; seven seats for the national upper house will be vacant from Rakhine State. In state parliaments, 32 seats will be vacant as a result in Rakhine (20) and Shan (12) states. The notifications triggered public concern, especially from the Arakan National Party (ANP), which won many of the Rakhine State seats in 2015, but also from other ethnic political parties. Five ethnic political parties issued a joint statement asking the UEC to reconsider the postponements,[6] while other commentators highlighted discrepancies in the assessment of security conditions between the postponed areas and other conflict-afflicted areas (like Paletwa Township in Chin State).

On Oct. 20 the UEC held a press conference to announce that the postponements were based on recommendations received from the Ministry of Home Affairs, the Ministry of Defense, the Union Government Office (UGO), and UEC subcommissions and to advise that further announcements may be necessary. The Ministry of Defense announced the same day that their recommendations were not fully acted upon in some cases and included cancellations that they had not recommended but acknowledged that the decision lies with the UEC. On Oct. 23, the President's Office held a press conference elaborating that administrative considerations contributed by the UGO had included the collection of the voter list, the formation of election subcommissions, and the designation of polling places. On Oct. 27, the UEC issued notifications announcing the cancellation of elections in 94 of Paletwa's 95 village tracts. The remaining seven wards and one village tract will elect Paletwa's representative to the national lower house seat. The notifications also rescinded the cancellation of elections in one ward and nine village tracts within five townships affected by the earlier postponements.[7]

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[4] Section 399(e) of the constitution allows the UEC to "[postpone] elections of the constituencies where free and fair election cannot be held due to natural disaster or due to local security situation." Section 50 of the election laws and Section 10(f) of the UEC law contain similar provisions.
[5] UEC Notifications 192/2020, 193/2020, 194/2020, 195/2020, 196/2020 and 197/2020.
[6] Kachin State People's Party, Kayah State Democratic Party, Karen National Democratic Party, Chin National League for Democracy, and Mon Unity Party.
[7] UEC Notifications 200/2020, 201/2020 and 202/2020.

Candidate Registration

Since the certification of registered candidate lists on Aug. 31, approximately 1,317 candidacies (19% of those initially registered) have been revoked, and one candidate died. There are an estimated 5,651 candidates from 91 political parties in the general elections, including over 250 independent candidates.[8] This reduces the total number of candidates in 2020 to fewer than those in 2015, when 6,074 competed. The significant decline in candidacies arose on Oct. 17, following the UEC's decision to dissolve the United Democratic Party (UDP) and to deregister its 1,130 candidates. According to the UEC, the dissolution of the party arose in connection to UDP chairman's arrest as an escaped convict and allegations of financial impropriety.

The UEC informed the Carter Center IEOM that 14 candidates have had their candidacies reviewed since certification, of which at least nine were revoked a few weeks into the campaign period. Of these, seven deregistrations were based on citizenship qualifications and were candidates from Muslim or ethnic parties – including the last Rohingya candidate who ran in Rakhine State – and candidates of Chinese descent. In one case, a deregistered candidate had already served in the national upper house and competed in 2015 elections under the same eligibility criteria. The late timing of these deregistrations will not allow parties to replace candidates or for the ballots to be reprinted or adjusted.

The UEC has advised that voters will be informed through the announcements displayed in subcommission offices and posters at polling stations of the deregistered candidates. However, any ballots cast for deregistered candidates, including those that may have already been cast by advance voters, will be considered invalid as per UEC's announcement as of Oct. 21. The situation negatively affects not only the rights of individuals to stand for election but also the rights of political parties to present candidates, and it affects the rights of voters who have already cast their ballots. The situation also imposes a high burden on the UEC to remedy harm as a result and to ensure that voters are well informed of their choices, including on the ballot, to avoid voters' casting invalid votes.

No legal requirements or special measures are in force to encourage the participation of women as candidates. Only 16% of candidates are women, although there has been an increase in the percentage of female candidates since 2010. Positively, several parties have implemented internal equity policies, and 25% to 50% of their nominees for the national lower house are women.[9] However, as an overall commitment toward gender aims in international instruments, without special measures in place, the goal of having at least 30% of seats filled by women is improbable.

Communication and Consultation

Throughout the process, stakeholders have continued to express concern to the IEOM regarding a perceived lack of transparency in UEC decision-making, communication, and regular engagement. However, at the grassroots level, several interlocutors have stated that subcommissions are more active in holding periodic or ad hoc meetings to inform political parties and candidates on election information and updates. Where such meetings are taking

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[8] The UEC has yet to update figures for candidates on its website. The final figure may vary.
[9] People's Pioneer Party (PPP), Shan Nationalities League for Democracy (SNLD), Arakan National Party (ANP), and Democratic Party for a New Society (DPNS).

place, elections subcommissions are reported to enjoy a greater level of confidence and trust among the local stakeholders.

Data Privacy and Protection
On Sept. 29 the UEC published information via an app providing candidates' details, including their religious affiliation and ethnic identity. International human rights instruments and Myanmar's constitution provide for a citizen's right to privacy.[10] Inherent to the protection of this right is the principle that only essential information required is collected about a person to fulfill legal requirements, and the use of that information must be consistent with the law unless informed consent is provided. The eligibility criteria for candidates as stated in the election law do not require candidates' religious or ethnic affiliation to be collected.

Election Operations

Voter Registration
After the first round of voter roll display, there were approximately 38.1 million registered voters on the voter register. The second period of voter roll display was held Oct. 1-14 to allow voters to again add, correct, or request the deletion of records. The UEC published the updated preliminary voter roll at ward and village subcommission offices throughout the country, with some locations omitted due to ongoing conflict. Voters could also check their records and polling station assignment per state/region through a website and mobile applications, although there were reports of challenges with the speed and availability of the website. The main corrections requested during the second display were reported to be changes to name and address, inclusion of missing eligible voters, and removal of deceased voters. The final voter roll data is yet to be published.

Most representatives from 25 CSOs and 60 parties and candidates contacted by the IEOM across all states and regions stated that they were active in encouraging voters to check the accuracy of the voter roll and that they mobilized supporters and volunteers to this end. Of 392 party and candidate representatives interviewed, the quality of the voter roll was characterized as adequate by 45.2% and good by 36.2%. At the same time, however, 69% of CSOs and 64% of media interlocutors expressed concern over the possible exclusion of vulnerable groups, particularly migrant workers and internally displaced persons (IDPs). These and other voters could apply for inclusion in the voter roll where they have resided for at least 90 days. However, while these measures facilitate enfranchisement, the administrative procedures to make the transfer were described as cumbersome and difficult for some groups due to documentation requirements. Meanwhile, an estimated 1.4 million voters will be excluded in these elections due to the cancellation of elections, including up to 1 million in Rakhine State.

Advance Voting
Myanmar's election procedures allow for out-of-country, out-of-constituency, and in-constituency advance voting. In-constituency voters can cast advance votes at ward and village election subcommission offices either 10 days[11] or two days[12] prior to regular polling.

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[10] See constitution, Article 357
[11] Union and state/region government members, union and state/region level organization members, state/region election subcommission members, voters who serve in election.

Out-of-country voting took place abroad at Myanmar embassies and consulate general offices between Sept. 24 and Oct. 27. On Oct. 22, the Ministry of Foreign Affairs (MoFA) reported in the media that nearly 70% had cast ballots in 45 countries around the world, with 80% turnout in South Korea, 89% in Singapore, and 72% in Japan.[13]

Out-of-constituency advance voting by military and their families, students, detainees, hospital inpatients, and other voters stationed outside their constituency was undertaken Oct. 8-21. The procedure for this voting is conducted by the respective institutions, and its administration remains opaque. Echoing concerns raised in 2015, particularly in relation to out-of-constituency advance voting in military barracks, this process lacks safeguards to allow the UEC to ensure the secrecy and integrity of the vote. However, the UEC informed the IEOM that additional measures provided for by the 2020 amendment of the bylaws have been implemented to mark these voters in the voter roll for regular voting to safeguard against potential double voting.

Poll Worker Training
The UEC has developed and distributed a range of training materials for subcommissions, including a guide, polling and counting videos, and other self-learning resources. Ward and village tract subcommission staff have been trained on operational issues, including advance voting. Face-to-face trainings for 92,000 polling station officers and deputies at township levels are ongoing. With an allocation of 10 workers to a polling station, an estimated 478,000 persons are expected to be trained at ward and village tract levels Nov. 6-7. In addition, the UEC will deliver online training for COVID-19 containment procedures to polling station staff, medical personnel, and volunteers who will serve on election day.

Special Polling Arrangements
As per legal changes made earlier this year, military personnel and their families no longer vote inside military compounds on election day but in regular polling stations. The UEC has stated that in 635 polling stations, these voters will be mixed with civilian voters, while 127 polling stations will only serve military and families due to their remoteness from civilian populations. Efforts appear to be undertaken by election subcommissions to facilitate voting by IDPs in camps remote from regular polling stations.[14] The UEC has also committed to facilitate voting for persons with disabilities as part of its strategic plan, which was also a feature of the 2020 legal amendments. The UEC has held several meetings with CSOs active in the arena to improve the situation, although IEOM interlocutors have noted infrastructure challenges to provide wheelchair access in remote areas.

Election Dispute Mediation
Election Mediation Committees (EMCs) were formalized as part of the election process in legal amendments earlier this year. Despite the nonbinding nature of their decisions, the EMCs are reported to be generally considered by political parties as venues for discussion and building consensus. Interlocutors have deemed them effective for addressing issues of minor misconduct, rumors, and accusations; however, the degree of EMC activity varies

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[12] Voters travelling on election day, government staff on duty, detainees, inpatients in hospitals, the elderly, people with disabilities, severely ill people, and pregnant women.
[13] See http://mizzima.com/article/nearly-70-eligible-myanmar-expats-cast-their-absentee-ballots-myanmar-foreign-missions, accessed Oct. 25, 2020.
[14] For example, Bhamo District Election Sub-Commission announced opening of polling stations in three IDP camps in Mansi Township; there are 20 IDP camps located in four townships in Bhamo District, Kachin State.

across the country. As of Oct. 23, reporting indicated that 43 disputes had been mediated by EMCs, dealing primarily with the interruption/disturbance of campaign events (49%); illegal campaigning (20%); undue influence, violence, or threat (11%); and hate speech (7%).

Voter Education and Information
Voter education is ongoing, with an increased use of online educational and motivational videos, online quizzes, and other events such as music competitions. Besides the UEC, subcommissions, political parties, and CSOs were found to be active on topics including voter roll verification, election day procedures, health and safety measures, advance voting, and the participation of first-time voters. Other media that have been used in systematic campaigns include SMS broadcasts to mobile phones.

Campaign Environment

The visibility and intensity of campaigning has been impacted for all contestants by COVID-19 restrictions. Social distancing measures and restrictions on large-scale rallies put limitations on traditional in-person events and the movement of candidates and curbed local media from reporting on events. These restrictions have been amplified in areas affected by stay-at-home orders and complicated by different measures imposed around the country. In Rakhine State, campaigning has been very limited due to the combined effects of insecurity, lockdown, and internet restrictions.

In areas with fewer restrictions, parties have been reaching out to voters with vehicle convoy campaigning, loudspeakers, door-to-door canvassing, signboards, leaflets, and party merchandise. Smaller rallies and meetups were reported in many areas. There were also a few reports of larger political rallies, with some exceeding the limit of 50 people and with social distancing rules not followed. While in some limited cases local authorities or police were reported to have intervened to enforce regulations, a few interlocutors alleged the lenience of authorities toward campaign events of the ruling party.

Political parties are entitled to 15 minutes of free airtime on state radio and television to present their campaign programs. However, some political parties have continued to protest the UEC's censorship of their messages as part of a legally required preview of scripts. Up to 10 political parties have now given up their airtime slots because they considered the UEC's actions an undue interference with their right to freedom of expression.

Overall, just over half of the 392 candidates and political party interlocutors interviewed from all states and regions advised the IEOM that they could campaign under equal conditions, although they were sometimes critical of a cumbersome approval process for activities. The UEC was reported to have facilitated contestants' access to public meeting venues, and the rare rejections were mostly based on COVID-19 restrictions. Nevertheless, a quarter of respondents stated that the campaigning conditions were not equal, with opposition parties considering the ruling party to have an advantage through a greater level of access to venues.

Campaign Security
Interlocutors have characterized the election environment as generally calm and peaceful outside of conflict areas. However, there have been reports of campaign material vandalism, instances of clashes between opposing parties' supporters, and isolated reports of violence, intimidation, or interference with campaign activities. Of note, when interparty clashes have arisen, it has been reported that parties and individuals have referred the matter to the Myanmar Police Force (MPF). Incidents of concern have arisen, such as in Toungup

township in Rakhine State, where three NLD candidates were abducted by armed men on Oct. 14, for which the Arakan Army later claimed responsibility.

Social Media
Political parties and candidates continued to campaign actively on Facebook as an alternative to in-person campaigning. Facebook post activity across political party pages in October was similar to that observed during the first part of the official campaign period in September (Figure 1), although engagement rates have decreased by an average of 30% in October. Candidates' engagement is more difficult to assess, with some having opened Facebook campaign pages to run paid ads,[15] while many others were using their private profiles for campaigning or did not have identifiable accounts. Overall, based on Carter Center analysis to date, election-related activity on Facebook has been substantially higher during this campaign than in 2015. However, at the same time, a survey by the People's Alliance for Credible Elections (PACE) found that traditional media and institutions remain the main source of news for a sizable portion of citizens.[16]

Figure 1: Posts and Interactions Across 20 Political Party Pages on Facebook[17]
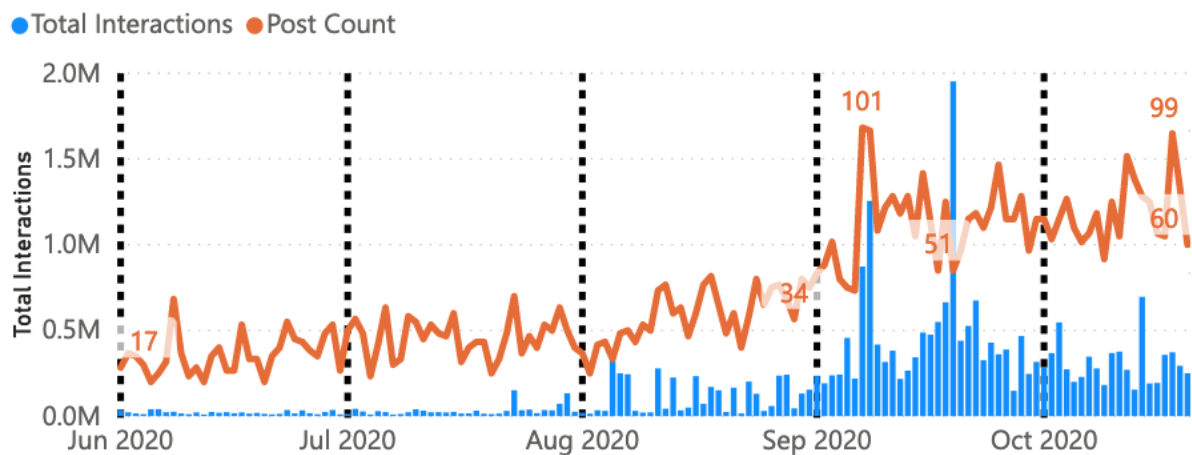
The Carter Center continued to observe posts on Facebook that were reviewed and confirmed by its social media monitoring unit as disinformation: deliberately making false, misleading, or unverified claims. These posts often attacked a political party or candidate (mainly NLD or USDP) and frequently included hate speech directed at ethnic or religious minorities. Several instances of election-related disinformation going viral (i.e., reaching a large audience quickly) were also documented during this period,[18] and a network of accounts sharing disinformation attributed to a fake media outlet was uncovered by journalists and civil society

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[15] See the Facebook Ad Library Report at www.facebook.com/ads/library/report/?source=archive-landing-page&country=MM to review ads purchased by candidates and political parties.
[16] See www.pacemyanmar.org/pre-election-2020/?fbclid=IwAR3xUjG5QHBDiGl4rM-WEsl1Y7NNemf1xMN51XAqFS0pp-D3xW-m-xfteBo (accessed Oct. 25, 2020). According to PACE's pre-election survey, television (56%), Facebook (38%), radio (29%), friends and neighbors (20%), online (19%), newspaper/journals (18%), community leaders (13%), local authorities (6%), family members (5%), SMS (2%), religious leaders (3%), political leaders (2%), and others (2%).
[17] Data source: CrowdTangle for the 20 political party pages with the highest number of interactions between June 1 and Oct. 20, 2020.
[18] For example, one post that contained unverified claims about the USDP and military involvement in an attack on an election subcommissioner's home was shared over 11,000 times and reached a potential audience of 17 million users.

actors.[19] On Oct. 8, Facebook announced that the company had removed 17 pages and 50 accounts for violating the platform's policy against coordinated inauthentic behavior,[20] including for posting about topics related to the elections.[21]

Election Observation

The period to apply for the accreditation of domestic, diplomatic, and international election observers closed on Oct. 19, 20 days before election day. The UEC accredited 8,416 domestic observers from 12 CSOs and one network of CSOs, and 137 international observers from two international election observation missions — the Asian Network for Free Elections (ANFREL) and The Carter Center — as well as an election expert mission from the European Union.

Of 25 CSOs interviewed by the IEOM, almost all stated that COVID–19 restrictions have impacted their activities and access to the process. Nevertheless, the majority reported having participated in voter roll updates, observed candidate registration, engaged in voter education and information activities, and continued to observe the campaign. A number of CSOs plan to observe on election day and to follow the postelection process of dispute resolution.

Mission Priorities

In the period remaining before election day, the IEOM will follow the final stage of campaigning, the campaign silence period, the conduct of advance voting, and the final preparations for polling. In preparation for election day observation, The Carter Center has recruited 14 foreign nationals locally and abroad to serve as short-term election observers (STOs). Subject to developments on COVID-19 and local travel restrictions, the STOs will be deployed in teams of two to observe voting, counting and the tabulation of votes in select states and regions around the country.

The IEOM plans to issue preliminary findings and conclusions about the pre-electoral period and the conduct of voting at a press conference to be held shortly after election day.

About the Mission

The Carter Center conducts its election observation missions in accordance with the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers that was adopted at the United Nations in 2005 and has been endorsed by more than 50 election observation groups. The IEOM assesses the electoral process based on Myanmar's national legislation and its obligations for democratic elections under both regional and international agreements.

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[19] See www.rfa.org/english/news/myanmar/media-fake-10132020104123.html (accessed Oct. 25, 2020).
[20] Facebook defines coordinated inauthentic behavior as "when groups of pages or people work together to mislead others about who they are or what they're doing."
[21] See https://about.fb.com/news/2020/10/removing-coordinated-inauthentic-behavior-september-report/.