

Burma 2015

BALLOT

DELETED

**Disenfranchised Voters in Kyar Inn Seik Gyi Township,
Karen State**



A Report by Human Rights Foundation of Monland (HURFOM)

BURMA 2015: BALLOT DENIED

DISENFRANCHISED VOTERS IN KYAR INN SEIK GYI TOWNSHIP, KAREN STATE



A REPORT BY
THE HUMAN RIGHTS FOUNDATION OF MONLAND [HURFOM]
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Acronyms and Abbreviations

AMDP – All Mon Regions Democracy Party

CSO – Civil Society Organisation

HURFOM – Human Rights Foundation of Monland

ICCPR – International Covenant on Civil and Political Rights

IDP – Internally Displaced Person

KNU – Karen National Union

NLD – National League for Democracy

NMSP – New Mon State Party

NSAG – Non-State Armed Group

UDHR – Universal Declaration of Human Rights

UEC – Union Election Commission

USDP – Union Solidarity and Development Party

1. Executive Summary

On November 8, 2015, millions of voters across Burma went to the polls. Citizens seized the opportunity to exercise their right to vote in the freest election the country had seen for at least 25 years. In many ways this was an astonishing moment for democracy in Burma. However, as international media coverage praised largely successful election processes and excitement abounded at the poll's outcome, relatively few column inches were dedicated to those left behind as this historic event took place.

In *Burma 2015: Ballot Denied* the Human Rights Foundation of Monland (HURFOM) aims to elevate the voices of disenfranchised Mon and Karen ethnic citizens in non-state armed group (NSAG) controlled areas of Kyar Inn Seik Gyi Township, Karen State. Drawing on 60 interviews conducted in October 2015, HURFOM documents the voices of some of the tens of thousands of citizens in Kyar Inn Seik Gyi Township disenfranchised during this year's election.

In the aftermath of the election, it is important that enthusiasm concerning its outcome does not diminish the significance of these complaints. This report aims to show that concerns over disenfranchisement embody clear violations of citizens' rights, represent political exclusion of already



marginalised populations and constitute clear infractions of international good practices for democratic elections.

Modes of Exclusion

HURFOM's findings showed that in the run-up to November's election, disenfranchisement in Kyar Inn Seik Gyi Township played out in three ways:

i. Cancellation of polling due to alleged security concerns

Polling was cancelled in 38 village tracts across Kyar Inn Seik Gyi Township, containing approximately 50,000 voters, on the pretext of security concerns. However, respondents unilaterally judged that, while Mon and Karen NSAGs maintained control over the affected areas, these villages were peaceful at present. Poor transparency in handling poll closures meant that respondents expressed suspicions that the government-aligned Union Election Commission (UEC) had cancelled polling for political reasons rather than due to genuine security concerns.

ii. Insufficient access to polling stations in remote border villages



HURFOM documented two clear cases in which polling was not explicitly cancelled, but where voters were nonetheless required to travel long distances to reach the nearest polling station at which they were eligible to vote; together, these cases covered over 3,000 residents. Poor access to polling stations was noted to pose a particular problem for daily workers who could not afford travelling costs, as well as constituting a barrier for elderly residents.

iii. Absence of voter outreach and education initiatives, in particular in remote border areas.

Of 41 respondents asked about their knowledge of the upcoming elections, 93 per cent showed negligible or low knowledge concerning the election, while 90 per cent said that they did not understand how to vote. The majority of these respondents came from three internally displaced person (IDP) villages, close to the Thai-Burma border and in NSAG territory. At the time of data collection not a single one of these villages had received voter education.



Impacts of Disenfranchisement

Interviewees expressed feelings of marginalisation in connection to disenfranchisement. Notably, many of those interviewed were IDPs, or had suffered other serious abuses during decades of conflict. Respondents saw disenfranchisement as an unfair act perpetrated by a government that had already caused them great suffering. Respondents also expressed concern that disenfranchisement of Mon and Karen ethnic voters would hinder election performance for ethnic political parties.

Non-independence of the UEC

Interviews indicated that those affected by poll closures had little recourse for complaints, given that the country's election management body, the Union Election Commission (UEC), was not considered independent.

Residents instead saw the UEC as aligned with the current USDP government and as being to blame for their disenfranchisement.

Conclusions

HURFOM's findings suggest various lessons for future elections. Most importantly, in a context where NSAG control of territory remains likely to continue for the immediate future, all parties must consider how ethnic citizens' voting rights can be maintained in these areas in a context where authority is divided.

Key recommendations include that poll cancellations should be made only when this constitutes a reasonable reaction to the objective security situation on the ground; NSAG control of an area should not in itself be used as a blanket justification for poll closures. This is especially true in a context where most NSAGs have engaged in ceasefire agreements with the government. Other key lessons include the need for: urgent reform of the UEC to ensure its independence, prioritisation of access to polling in election planning and the strengthening of voter education in remote ethnic villages.

Some wider conclusions are also raised. In particular, disenfranchisement of ethnic groups represents a serious concern when hopes for national peacebuilding and reconciliation are likely to rest on the success of attempts



to assure political inclusion for ethnic citizens. As citizens across the country celebrated the election's results, the message that disenfranchised ethnic war-affected populations are likely to have received is that they are not part of the

country's developing political community. For the sake of national reconciliation, it is crucial that this message is reversed at once, and a more inclusive counter-message conveyed.

Finally, disenfranchisement of these populations also serves as a reminder to NSAGs that control of territory comes with corresponding responsibilities. HURFOM findings suggested that, while responsibility for disenfranchisement in Kyar Inn Seik Gyi Township lay primarily with the UEC, NSAGs could have increased voter participation within their areas of control by taking a more proactive approach, cooperating with the UEC over issues such as voter education and transport to polling stations. As the peace process progresses, NSAGs must cooperate with national bodies such as the UEC, so that citizens within their authority are able to receive benefits of transition and reform, which include access to participation in free elections.

Recommendations

Broad recommendations:

- Any future government in Burma must work to reverse the political exclusion of war-affected and marginalised ethnic communities.
- NSAGs should commit to working in cooperation with national bodies, to ensure the fulfilment of rights for all citizens living within their authority.

Lessons for future elections:

- Any future government in Burma, the UEC and NSAGs must commit to ensuring universal and equal suffrage for all citizens. Steps taken should include immediate ratification of the International Covenant on Civil and Political Rights (ICCPR) by the Burmese government.
- The UEC should enact poll cancellations if and only if this constitutes a reasonable reaction to the objective security situation on the ground. NSAG control of an area should not in itself be used as a blanket justification for poll cancellations.
- The UEC must communicate details of any poll cancellations clearly and transparently, so that citizens can trust that these have been made in good faith.
- The UEC, working in cooperation with NSAGs, should commit to equal access to polling stations as a priority issue in future election planning. Wherever possible the UEC should open polling stations in remote areas. Where this is impossible, the UEC should give voters access to their nearest polling station and cooperate with NSAG authorities to provide free transport to alternate polling locations.
- The UEC, in cooperation with NSAGs and civil society groups, should make greater efforts to ensure that voter education reaches remote border regions. This should be provided in ethnic languages and should cover procedures particular to residents without ID cards and those with ID registered far from their current home.

2. Methodology

All data contained in this report was collected with the purpose of elevating the voices of disenfranchised voters in Kyar Inn Seik Gyi Township, Karen State. Kyar Inn Seik Gyi was chosen for the focus of data collection, due to media reports prior to the election regarding mass disenfranchisement within the township; research was undertaken with the objective of gathering more detailed information on the issue.¹

In this context, administrative structures are complex. Some villages surveyed in this report are included in Kyar Inn Seik Gyi Township under national administrative structures, but are claimed by NSAGs to lie outside the township, instead being included in their self-administered territory. Given that the data presented here concerns elections organised under national administrative structures, for the purposes of this report HURFOM utilises the



government's approach that the villages in question are all included in Kyar Inn Seik Gyi Township. However, it is nonetheless recognised that this point is contentious for many actors.

A. Data Collection

Data was collected by two groups of field reporters.

i. Field Group 1: Survey of residents in border IDP villages

Field Group 1 surveyed residents of three non-state armed group (NSAG) controlled internally displaced person (IDP) villages in Kyar Inn Seik Gyi Township, close to the Thai-Burma border: Halockhani, Baleh Doon Phite and Htee Wah Doe.

In total, Field Group 1 conducted 38 interviews, all of which focussed on residents' personal knowledge and experiences concerning the 2015 elections: 16 respondents were from the Mon village of Halockhani, 14 from the Mon village of Baleh Doon Phite and 8 from the Karen village of Htee Wah Doe. 37 of these interviews were conducted face-to-face, over a period of three days from 1-3 October. One interviewee from Baleh Doon Phite, the village leader, was interviewed via phone a week afterwards.

In each village, field reporters attempted to interview the village headman first, and then accessed further respondents by visiting focal community points (such as village schools and clinics) and conducting door-to-door visits. Overall, 35 respondents interviewed were ordinary villagers, while three were village headmen. Ordinary villagers came from a range of backgrounds, with common occupations including agriculture (17 respondents), teaching (12 respondents) and sales/trade (7 respondents). Figure 1 shows the reasons for respondents living in an IDP village, with the most common being that they had fled conflict and insecurity in their place of origin.

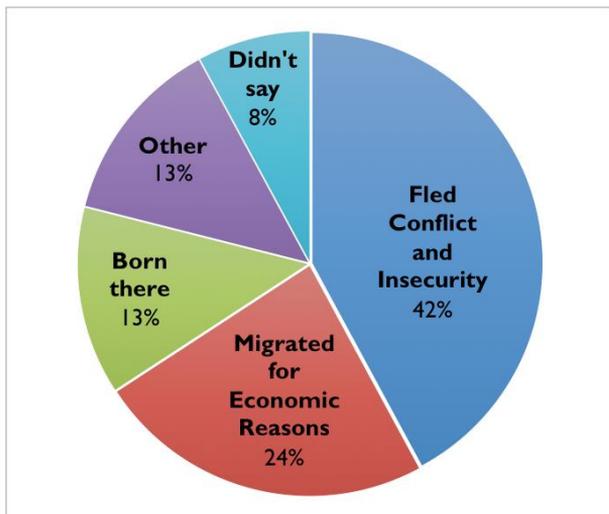


Figure 1: Why do you live in an IDP village? (HURFOM Interview Data)

Data was collected using semi-structured interviews, based on a pre-prepared questionnaire covering respondents' personal background and experiences of the 2015 election. The three village headmen interviewed were asked further questions about the general situation in their village concerning the 2015 elections.

Given NSAG authorities present in these villages - Halockhani and Baleh Doon Phite are controlled by the New Mon State Party (NMSP), while Htee Wah Doe is under Karen National Union (KNU) authority – the area can be difficult for research groups to access. To ensure smooth access Field Group 1 travelled alongside a local community group, conducting interviews as the group conducted work in the area. Reporters in Field Group 1 thus noted time constraints concerning the number and depth of interviews that could be conducted, as they were required to work in accordance with the community group's schedule.

Given NSAG authorities present in these villages - Halockhani and Baleh Doon

ii. Field group 2: Interviews with experts throughout Kyar Inn Seik Gyi Township

Field Group 2 were briefed to conduct interviews with persons throughout Kyar Inn Seik Gyi Township, who would have specialist knowledge or expertise



concerning the 2015 elections and voter disenfranchisement.

In Field Group 2, three HURFOM field reporters conducted 22 interviews throughout the month of October; 21 of these interviews were conducted in locations throughout Kyar Inn Seik Gyi Township, while one took place in Hpa-An, also in Karen State. In Kyar Inn Seik Gyi Township reporters visited 13 of 38 village tracts affected by poll cancellations, in addition to conducting interviews in Kyar Inn Seik Gyi and Three Pagodas Pass towns.

Respondents included 7 ordinary villagers, 7 former or current armed group officers (3 affiliated with the NMSP and 4 with the KNU), 2 members of the All Mon Regions Democracy Party (AMDP), 2 election officials, a National League for Democracy (NLD) information officer, a social worker, a Mon political analyst and a lawyer.

Interviews were conducted in Burmese and Karen. Reporters used a pre-prepared questionnaire to conduct semi-structured interviews, which were tailored to respondents' individual backgrounds. 19 respondents were asked broad questions about the 2015 election in Kyar Inn Seik Gyi Township as a whole. Meanwhile, 3 respondents, who had all been affected by poll cancellations, were asked questions about their personal experiences of the 2015 election.

Reporters in Field Group 2 noted that some respondents appeared afraid to speak openly about their concerns regarding the 2015 election, fearing repercussions from government or other authorities. This is to be expected in an area such as Kyar Inn Seik Gyi Township, where locals have faced a long history of conflict and human rights violations. To protect the safety of informants, in some cases HURFOM has omitted names and identifying details from this report.

HURFOM field reporters also faced personal security concerns. There is a climate of heightened fear for reporters in Kyar Inn Seik Gyi Township, following the death in military custody of freelance journalist Ko Par Gyi,

which took place last year in a neighbouring township.² Field reporters used undercover methods wherever possible to protect their security.

B. Overall Demographics

Together, HURFOM field reporters conducted 60 interviews. In total, 41 respondents answered questions concerning their personal voter experiences during the 2015 election, while 19 respondents were asked broader questions about elections in Kyar Inn Seik Gyi Township as a whole.

Figure 2 shows the spread of overall respondents by age, ethnicity and gender. Given the report's focus and the country's minimum voting age, all respondents interviewed were over 18 years of age. Respondents were predominantly of Mon ethnicity, however interviews also included a substantial number of Karen interviewees.

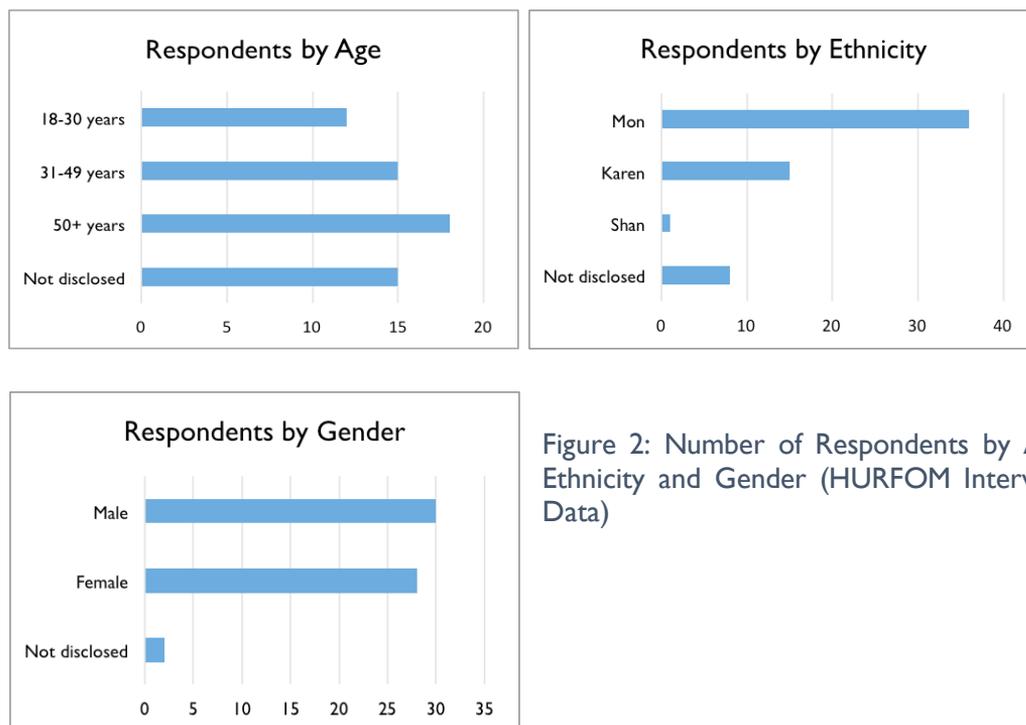


Figure 2: Number of Respondents by Age, Ethnicity and Gender (HURFOM Interview Data)

C. Data Analysis

All interviews conducted by HURFOM field groups were recorded and sent to HURFOM's Thailand office for transcription, translation to English and data analysis. Field Group 2 also submitted a set of written Field Notes, documenting their overall findings.

Data from interviews was logged and tabulated in a central system. This was used to assist data analysis and draw out key trends.

Interview data was supplemented by analysis of international good practices for elections and background research regarding Burma's 2015 election. Key sources included reports by the Carter Center, Transnational Institute, Burma Partnership, Burma Campaign UK and the International Crisis Group, in addition to a review of news articles from international and Burma-specific news outlets.

3. Background

A. Burma's 2015 election: An Overview

On November 8, 2015, millions of voters across Burma went to the polls. As queues gathered at polling stations, citizens seized the opportunity to vote in the country's first general election since the 2011 installation of a quasi-civilian government. International media observers hailed the election as the "first openly contested national election for 25 years"³ and "the biggest step yet in a journey to democracy from dictatorship"⁴.

For many the election resulted in euphoria, as it quickly became clear that the National League for Democracy (NLD), the country's largest opposition party led by Nobel Laureate Daw Aung San Suu Kyi, had won a landslide victory. As results trickled out, by November 13 it was clear that the NLD had successfully gained a two-thirds majority of elected seats in Burma's national parliament; the quota needed for the party to hand select the country's next president.⁵

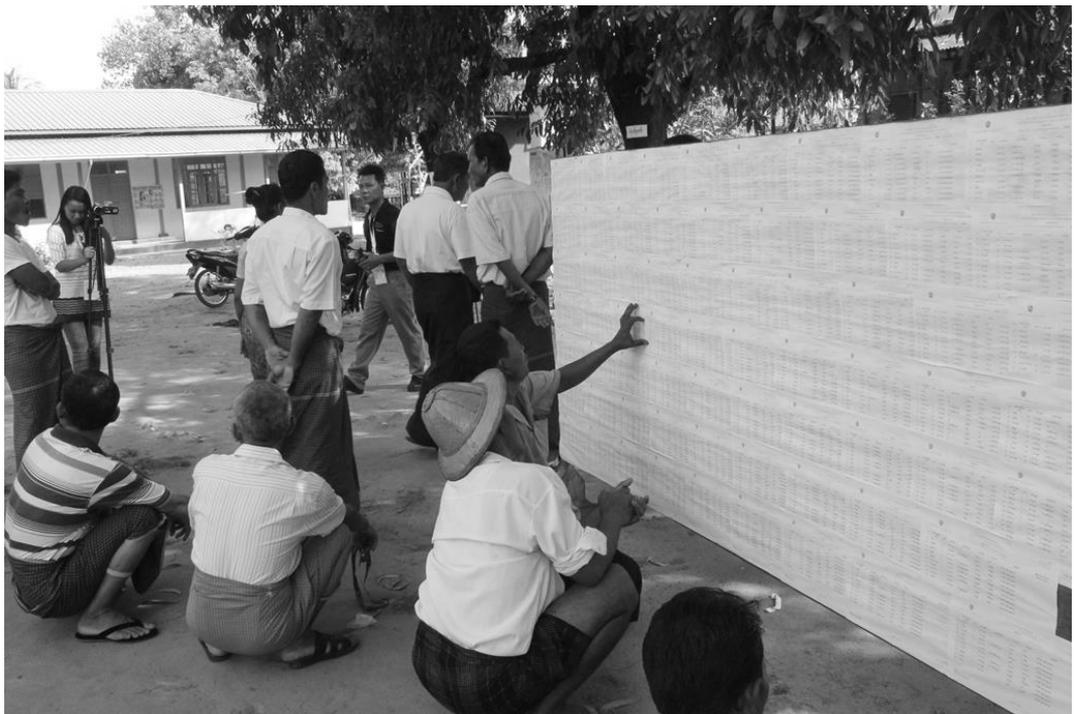


i. A step forward for democracy?

The election represented the first time since 1990 that broadly credible national elections have been staged in the country. The only intervening national election, held in 2010, was widely acknowledged as deeply flawed, being rigged in favour of the military-backed Union Solidarity and Development Party (USDP).⁶ Before the 2010 ballot the NLD, alongside many ethnic political parties, announced a boycott, correctly predicting that the election would be neither free nor fair.

Meanwhile, polls in 1990, while largely seen as more credible, by no means signified a triumph for democracy. In 1990 excitement at a convincing NLD victory was quickly dampened when the ruling military regime refused to cede power to the victorious NLD.⁷

While still early days, the 2015 election appears to be a broad improvement



on both previous polls. On November 8, 95% of European Union election observers rated election proceedings as “good” or “very good.”⁸ Meanwhile, incumbent President U Thein Sein has publically pledged that he will respect the election’s outcome and ensure a smooth transition of power in the coming months.⁹

B. Concerns Surrounding Burma’s 2015 Election

Despite broad improvements, various actors registered serious concerns regarding the 2015 election. In the run-up to the election a report by Human Rights Watch termed the elections “fundamentally flawed”¹⁰, while another report by Burma Campaign UK described problems with the election process as “almost too numerous to count”¹¹.

i. Limitations of Burma’s 2008 Constitution

Many observers pointed out that, despite logistical successes, the 2015 election could never be a genuine step forward for democracy given that the country’s constitution entrenches military control. Among various pronouncements, the 2008 Constitution reserves 25% of seats in parliament for unelected military representatives and ensures their effective veto over constitutional change.¹² The 2008 Constitution also guarantees military control over the ministries of Defence, Home Affairs and Border Affairs.¹³

Some actors have gone further to suggest that, not only does the 2008 Constitution entrench military control, but it also precludes true equality for ethnic populations given articles stipulating a highly centralized form of government.¹⁴

ii. Non-independence of the UEC

It is widely acknowledged that the body responsible for election management in Burma, the Union Election Commission (UEC), is not an independent entity but is instead heavily tied to the current USDP

government.¹⁵ The chair of the UEC, U Tin Aye, was directly appointed by the President, as a high-ranking member of the former military regime and a former member of parliament for the USDP. In an interview with the Irrawaddy newspaper, U Tin Aye openly declared that he would like the USDP to win the election.¹⁶



While possible bias within the UEC did not lead to a ballot entirely manipulated in favour of the USDP, the non-independence of the UEC still raises grave concerns and contradicts international guidance that election management bodies should be fully independent (see below).

iii. Disenfranchised populations

A report by Burma Campaign UK, released prior to the election, claimed that anything from 10 million citizens would be disenfranchised in 2015's ballot.¹⁷ Disenfranchised voters were expected to include internal migrants, migrant workers abroad, refugees in Thailand and elsewhere, Buddhist monks and nuns, political prisoners, ethnic minorities affected by poll cancellations, citizens affected by voter list errors and almost one million Rohingya barred from voting. Other observers reiterated these concerns, in particular regarding the mass disenfranchisement of the Rohingya.¹⁸

Electoral roll errors

Perhaps the most notorious issue in the election run-up was that of widespread errors in the country's electoral roll. From late May onwards voter lists were rolled out in communities nationwide, with voters given the

opportunity to review and correct errors.¹⁹ From the beginning of the process criticism abounded, with common errors including the use of incorrect dates of birth, spelling errors in names and the inclusion of deceased individuals in voter lists.²⁰

While the US-based Carter Center noted that their observers did not see significant numbers of voters being turned away on polling day due to problems with the electoral roll, other bodies nevertheless noted complaints.²¹ In one case, HURFOM reported that 200 people in Karote Pi and Pa-Nga villages, located in Mon State's Thanbyuzayat Township, were unable to vote after being left off the voter list for their constituencies.²²

Poll cancellations

Polling was cancelled by the UEC in almost 600 village tracts nationwide due to alleged concerns over security.²³

Both Article 399 (e) of Burma's 2008 Constitution and Chapter 4 Section 10(a) of the Union Election Commission Law empower the UEC with the authority to postpone or cancel polling in constituencies where a free and fair election cannot be held due to the local security situation or a natural disaster.



However, concerns were raised by the UN Special Rapporteur on the Situation of Human Rights in Myanmar, the US-based election monitor the Carter Center, and other actors, over a lack of transparency, consultation and due process concerning poll cancellations.²⁴

Low voter knowledge

Prior to the 2015 election, analysts noted in-country knowledge regarding Burma's electoral and political processes to be exceptionally low. In a 2014 survey by the Asia Foundation, including interviews with over 3,000 people nationwide, only 12% of respondents correctly identified that Burma's Union Assembly elects the nation's president, while 44% of respondents incorrectly believed that citizens directly elect the president themselves.²⁵ In the same study, only 52% of respondents in Karen State correctly identified the president as the country's head of state.²⁶

With voter knowledge low, voter education became a key concern in the run-up to the 2015 election. Voter education initiatives were largely spearheaded by political activists and civil society organisations (CSOs).²⁷



However, as shown by this report's findings, voter education efforts failed to reach some of the more remote ethnic areas of the country, disenfranchising these populations by indirect means.

C. Voting Rights in International Law

i. The right to universal and equal suffrage

The right to universal and equal suffrage is a human right widely affirmed in international law, in particular by:

- Article 21 of the United Nations Declaration of Human Rights (UDHR)
- Article 25 of the International Covenant on Civil and Political Rights (ICCPR)

Article 25 of the ICCPR clearly affirms that every citizen has the right “to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage”.²⁸ The UN Human Rights Committee’s CCPR General Comment 25, elaborating ICCPR Article 25, goes further, stating, “The exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable”.²⁹

While Burma has not signed or ratified the ICCPR, the instrument’s wide ratification, and the replication of the rights it enshrines within all major human rights instruments worldwide, make it nonetheless persuasive on non-signatories such as Burma.

A number of international instruments specifically affirm the applicability of voting rights to ethnic minority communities. Article 2 of the UN Declaration on the Rights of Persons Belonging to Ethnic, Religious or Linguistic Minorities clarifies that persons from minority groups share the right to participate in public life.³⁰ Similarly, Article 6 (b) of ILO Convention No. 169 specifies that governments must establish means for indigenous groups to participate in national decision-making to the same extent as other sectors of the population.³¹

Given that a number of interviewees surveyed for this report came from internally displaced (IDP) communities, it is also noteworthy that Principle 22 of the UN Guiding Principles on Internal Displacement affirms that IDPs have the right to suffrage on an equal basis to their fellow citizens.³²

ii. Related government responsibilities

The UN Human Rights Committee's CCPR General Comment 25 outlines numerous government responsibilities connected to citizens' voting rights.

According to General Comment 25, the right to vote entails that states must:

- Take effective measures to ensure that all persons entitled to vote are able to exercise that right (Paragraph 11)
- Ensure availability of voter education and registration campaigns, with information available in minority languages (Paragraphs 11-12)
- Establish an independent electoral authority to supervise elections (Paragraph 20).

4. Disenfranchised Voters in Kyar Inn Seik Gyi Township, Karen State

As outlined in Section 2 (Methodology), this report is based on 60 interviews conducted by HURFOM field reporters prior to the election, concerning disenfranchisement among Mon and Karen populations living in NSAG-controlled areas of Kyar Inn Seik Gyi Township, Karen State.

Interviews showed that Kyar Inn Seik Gyi Township voters were directly and indirectly disenfranchised during the 2015 election in three key ways:

1. Through cancellation of polling in 38 village tracts due to alleged security concerns
2. Through insufficient access to polling stations in remote border areas
3. Through an absence of voter outreach and education initiatives, in particular in border areas.

Overall, findings show that Kyar Inn Seik Gyi Township villagers' rights to universal and equal suffrage were violated during the 2015 election. Notably, these findings apply to ethnic minorities and IDPs, whose rights to equal access to voting are specifically affirmed in international instruments such as the UN Declaration on the Rights of Persons Belonging to Ethnic, Religious or Linguistic Minorities and the Guiding Principles on Internal Displacement.

A. Poll Cancellations

By November 8, the UEC had cancelled polling in 94 village tracts across Karen State. Kyar Inn Seik Gyi and Myawaddy townships bore the brunt of cancellations, with voting cancelled in 38 of Kyar Inn Seik Gyi's 51 village tracts (for a full list of Kyar Inn Seik Gyi village tracts affected by poll closures see Appendix).³³ This was a similar scenario to 2010, when voting was cancelled in over 40 village tracts across Kyar Inn Seik Gyi Township.

**ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်
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ကြေညာချက်အမှတ် (၆ / ၂၀၁၅)

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polling was cancelled lie outside government authority, instead being controlled by NSAGs, the New Mon State Party (NMSP) and Karen National Union (KNU).

Current All Mon Regions Democracy Party (AMDP) *House of Nationalities* (Upper House) representative Dr Banyar Aung Moe estimates that 2015 poll closures in Kyar Inn Seik Gyi Township affected around 200 villages and 50,000 voters, the majority of whom came from Mon and Karen ethnic backgrounds.³⁴

Cancellations were made by the UEC using the official justification of 'security concerns'. Alleged security concerns were connected to the fact that the parts of Kyar Inn Seik Gyi Township where

i. *"It has been a long time since the fighting stopped": Interviewee perspectives on UEC security concerns*

When asked to comment on poll cancellations in the region, U Kyaw Win Maung, Chairman of the Karen State Election Commission, explained, "We cannot open polling stations. There are ethnic insurgents in these areas".³⁵

However, in HURFOM interviews UEC talk of 'security concerns' was met by respondents with a mixture of outrage and confusion. Non-UEC affiliated respondents unilaterally claimed that, despite NSAG influence, these areas were not insecure. A Karen villager in Lei Saw village tract, called the UEC's use of security concerns to justify poll closures "nonsense".³⁶ While a villager from Lut Shan village explained:

*"It has been a long time since the fighting stopped. Now, they claim that the area is not safe for conducting elections and we have lost our right to vote."*³⁷

Daw Than Myint, 63-year-old Shan villager, Lut Shan village, Kyar Inn Seik Gyi Township

Security concerns were considered a confusing pronouncement in the context of ceasefires signed by all major armed groups in the region. The NMSP signed ceasefires with the Burmese government in 1995 and 2012, while the KNU signed a ceasefire in 2012.³⁸ Further to this, in October 2015 the KNU became one of eight parties to accord to the nationwide ceasefire agreement.³⁹ On this note, one respondent expressed:

*"The KNU has just recently signed a ceasefire agreement with the government. We don't understand why they won't let us vote."*⁴⁰

U San Shwe, 54-year-old retired health official, Kyar Inn Seik Gyi Township

Interviewees considered that, while armed groups were active in these areas, they no longer contributed to any kind of security threat. To the contrary, respondents claimed that NSAGs could be relied upon to enhance security. An NLD information officer highlighted that the KNU and NMSP successfully provided security when the nationwide census was conducted in 2014, enabling the census to be carried out peacefully.⁴¹ While a KNU official elaborated:

"If the government was sincere and willing to do so, we [the KNU] could take responsibility for security. The New Mon State Party could also provide security in the villages in their area of control. If [the government] asks us for help, the ethnic armed groups have no reason not to provide security. I think that the government lacks responsibility, using the excuse of security to not provide polling stations. In fact, we could take responsibility [for security] if they asked us for help."⁴²

KNU Official, Kyar Inn Seik Gyi Township

Contributing to doubts over claims of security concerns, respondents also pointed to the heavy presence of Burmese military battalions in the affected areas since the signing of ceasefires. It was considered that this should be sufficient for the UEC to feel that security could be maintained, even if they did not trust local NSAGs to protect security. One former NMSP official commented:

"It is funny that [the government] said that elections won't take place in these areas because of security. They have soldiers in these areas. What is their military doing in these areas, if not protecting security?"

"It has been twenty years since [the Burmese Army] expanded their military battalions along the Three Pagodas Pass to Thanbyuzayat road. They have strategic forces in Taung Soun. They have planted military battalions along the Thanbyuzayat to Ye road. They have a central military training camp on the Three Pagodas Pass to Thanbyuzayat road. They have strategic forces near Anan Kwin village. There are three or four battalions under that strategic force. At the exit to Mudon, there

is an army base in Thagon Thaing, along the road that goes to Phar Pya, Kha Lae, and Thagon Thaing. There is another active camp in Phar Pya. In summary, they have military bases in Taung Soun, Wae Kalee and Phar Pya. At the entrance of Three Pagoda Pass, near Nagar Taung, there are artillery forces and 32 battalions.

"All in all, there are very strong [Burmese Army] forces in this region. They have no sense of responsibility if they say that they cannot provide polling stations for security reasons."⁴³

Former NMSP Official, Kyar Inn Seik Gyi Township

ii. *"Too difficult to post a voter list": Other justifications given by UEC officials*



Causing confusion, other explanations for poll cancellations also circulated through official channels. Kyar Inn Seik Gyi election official U Maung Maung claimed to HURFOM that, while cancellations were indeed due to armed groups' presence in the region, they were tied to the administrative difficulties this caused, rather than to security concerns. He explained:

"There are no village administrators [in the areas affected by cancellations] who have been recruited by the government. That is why

we are closing polling stations, because it is too difficult to post a voter list. These areas are mostly under the control of the NMSP and KNU."⁴⁴

U Maung Maung, Kyar Inn Seik Gyi Township
Election Official

Multiple and overlapping justifications for poll closures exhibited poor communication by the UEC, and contributed to poor transparency over poll cancellations.

iii. *"They cannot manipulate these villages to their wishes": Suspected political motivations behind poll closures*

HURFOM's interviews showed that questionable justifications behind poll closures and poor UEC transparency led to suspicions among Kyar Inn Seik Gyi Township residents that poll cancellations were politically motivated. Several respondents claimed that the UEC had cancelled polling in areas where the USDP were not expected to win votes:

*"They know that they definitely are not going to win in these areas. It means that they don't want ethnic representatives to be elected if they don't win."*⁴⁵

Former NMSP Member, Mae Sali village,
Kyar Inn Seik Gyi Township

*"I see that the election commission is not opening polling stations in many Karen villages under the control of the KNU. These areas are not under their control and they have no possibility of winning votes."*⁴⁶

Former KNU township committee member
and former
DKBA official, Kyar Inn Seik Gyi Township

Interviewees also talked about cancellations being due to the government's inability to control or manipulate people in the affected regions:

*"The USDP cannot do whatever they want in these areas. That is why they claim the security is not good enough to conduct elections. That is what I assume."*⁴⁷

Former NMSP Member, Mae Sali village,
Kyar Inn Seik Gyi Township

*"Really, [they cancelled polling] because they cannot manipulate these villages to their wishes. It is very clear."*⁴⁸

U San Shwe, 54-year-old retired health official,
Kyar Inn Seik Gyi Township

A final theory expressed was that poll cancellations were some kind of government revenge for the NMSP's actions prior to the 2010 election. In 2010 the NMSP personally urged Mon villagers not to participate in the upcoming election, rejecting the national ballot.⁴⁹

iv. Comparison to international standards

Poll cancellations in Kyar Inn Seik Gyi Township violated UN guidance that citizens' rights to vote should only be suspended on grounds that are: (1) Established by law, (2) Objective and reasonable (see Section 3.c).

To some extent it can be argued that grounds for cancellation were established by law, given that Article 399 (e) of Burma's 2008 Constitution and Chapter 4 Section 10(a) of the Union Election Commission Law allow the UEC to postpone polling in constituencies where a free and fair election cannot be held due to a local security situation. However, this argument is contradicted by the fact that security conditions in affected villages did not clearly constitute any real threat to free and fair elections being held.

Moreover, cancellations in Kyar Inn Seik Gyi Township were not made on "objective and reasonable" grounds; perspectives of residents suggest that UEC security concerns did not constitute an objective state of affairs. Since security concerns did not appear objectively valid, poll cancellations were not

a reasonable response to the security conditions on the ground in these regions.

B. Insufficient Access to Polling Stations

In NSAG-controlled village tracts in Kyar Inn Seik Gyi Township where the UEC did not explicitly cancel polling, HURFOM's field reporters nonetheless encountered complaints concerning insufficient access to polling stations. Two clear cases, together covering over 3,000 residents, were brought to HURFOM's attention, concerning villages close to the Thai-Burma border.

i. *Case 1: Halockhani, Baleh Doon Phite and Htee Wah Doe*

Polling stations were not provided in the Thai-Burma border IDP villages of Halockhani, Baleh Doon Phite and Htee Wah Doe, which together contain over 2,000 Mon and Karen villagers. Villagers were told that they would have to travel to Kyout Balu village tract if they wished to vote.⁵⁰ While



this location was not excessively far in terms of distance, bad quality roads and numerous checkpoints render the journey long and expensive. It is estimated that residents in these villages would have to travel for two to three hours to reach Kyout Balu.

Nai Aung Htay, Village Head of Mon IDP village Baleh Doon Phite, explained that, with no polling station in their village, at first no arrangements at all had been made to ensure that residents in Baleh Doon Phite could still vote. After Nai Aung Htay advocated on his village's behalf at a local government office,

the village was subsequently offered access to polling stations in Kyout Balu village tract. However, he was unsuccessful in attempts to advocate for residents' access to other polling stations closer to their homes. He explained:

"I went to the La Wa Ka [Ministry of Immigration and Population] office in Three Pagodas Pass [town] to ask about the elections. I said that it is impossible for us to lose our voting rights even when we have ID cards. Then, La Wa Ka put these two villages [Baleh Doon Phite and Halockhani] in Kyout Balu village tract. They said that we can vote if we go to Kyout Balu village tract. It is very difficult to travel from Baleh Doon Phite village to that area. I asked them to move our [polling station] closer to our village."⁵¹

Nai Aung Htay, Village Head, Baleh Doon Phite village, Kyar Inn Seik Gyi Township

ii. *Case 2: Aye Chan Thar, Kyan Taw and Japanese Well*

Meanwhile, in the Thai-Burma border villages of Aye Chan Thar, Kyan Taw and Japanese Well (also known as Japan Yay Twin Ywa), approximated to contain over 1,000 Mon villagers, residents were told that they would have to travel to Pyaung Ma Htein village in order to vote. This journey would take up to an hour and cost up to 300 Thai Baht; while these villages are inside Burma, costs were measured in Thai Baht due to the villages' proximity to Thailand.⁵² Putting these costs into perspective, daily workers in these villages often earn less than 200 Thai Baht per day.

iii. *"Their livelihood is their primary concern": Access problems for daily workers and the elderly*

Poor access to polling stations was noted to be a particular problem for daily workers, given high costs of travel in relation to their wages, and potential loss of wages to take time out to travel to polling stations. Two respondents discussed their concerns:

"Most people in these villages are daily workers. They have livelihood difficulties. Even if they understand politics, it is not their first priority. Their livelihood is their primary concern. They face difficulties with traveling to vote."⁵³

Nai Jon, Social Worker, Thee Pagodas Pass town, Kyar Inn Seik Gyi Township

"I worry that, due to travel difficulties, people may not come to vote [...] They would have to leave work and travel far from home."⁵⁴

U Thein Tun, Trader, Three Pagodas Pass town, Kyar Inn Seik Gyi Township

Insufficient access to polling is also likely to have posed a problem for elderly residents, who would face a long journey on difficult roads to reach the nearest polling station at which they were eligible to vote. Comments by a 71-year-old woman from Halockhani indicated a possible connection between poor polling access and elderly inclinations towards voting:

"I do not want to vote. I have never voted before. I have never heard about it before. I am too old and I cannot travel anywhere."⁵⁵

Mi Mi, 71-year-old Mon villager, Halockhani village, Kyar Inn Seik Gyi Township

iv. Comparison to international standards

Poor access to polling stations in remote areas of Kyar Inn Seik Gyi Township represents a concern in view of UN guidance that the right to vote entails a state responsibility to take effective measures to ensure that all persons entitled to vote are able to exercise that right (see Section 3.c.). Better access to polling, and hence better access to voting rights, could have been ensured; either by opening polling stations in remote border areas or, if this proved too logistically difficult, ensuring access to the closest polling stations

in operation and providing free transport to these stations. To HURFOM's knowledge, the UEC failed on all of these counts.

C. Poor Voter Outreach and Education



Finally, residents living in NSAG-controlled areas of Kyar Inn Seik Gyi Township were disenfranchised by indirect means, through poor access to voter outreach and education.

Findings on voter education are based on interviews with 41 respondents in Kyar Inn

Seik Gyi Township at the beginning of October 2015, about their personal knowledge, experiences and opinions regarding the upcoming election. The majority of these respondents, 38 of 41, came from the Mon IDP villages of Halockhani and Baleh Doon Phite, and the Karen IDP Village of Htee Wah Doe; accordingly, these findings predominantly apply to citizens in these border villages.

*i. "This is the first time that people have come to ask about the election":
Low voter knowledge and understanding*

Voter knowledge and understanding was noted to be incredibly low in the areas surveyed. Of 41 interviewees asked about their personal knowledge of the upcoming election, 38 showed negligible or low knowledge about the election, with 20 respondents stating that they had heard nothing about the election (see Figure 3). Among notable trends, younger interviewees had on

the whole heard less about the upcoming election than their elder counterparts (see Figure 4).

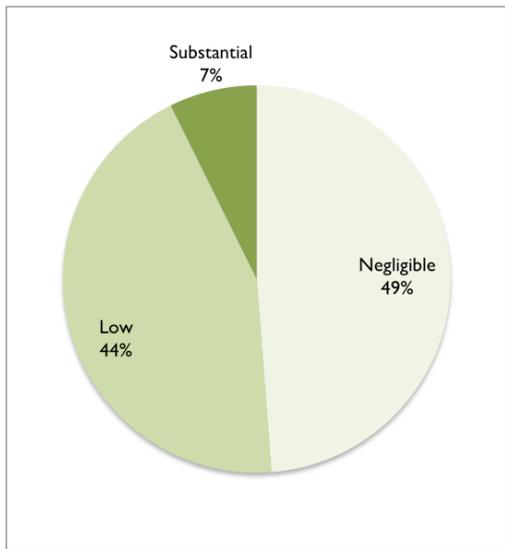


Figure 3: Level of knowledge among interviewees concerning the 2015 election (HURFOM Interview Data)

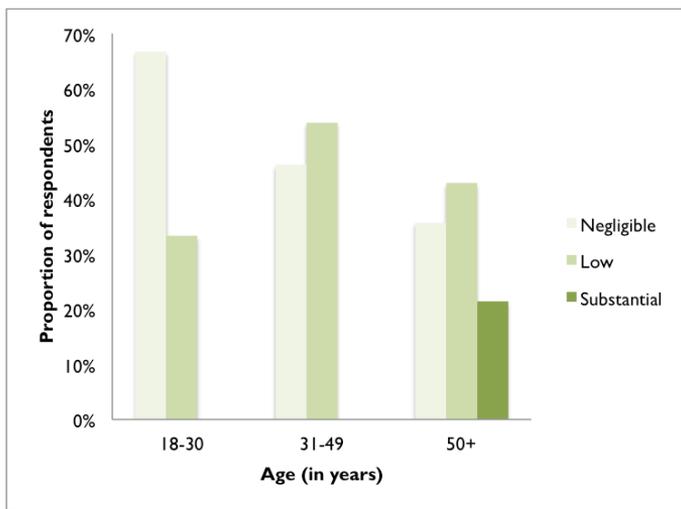


Figure 4: Level of knowledge among interviewees concerning the 2015 election, by age (HURFOM Interview Data)

Further to this, 37 of 41 respondents explicitly stated that they did not understand how to vote in the upcoming election, either at all or in relation to specific aspects of the voting process. For those who made specific complaints, areas of confusion are displayed in Figure 5.



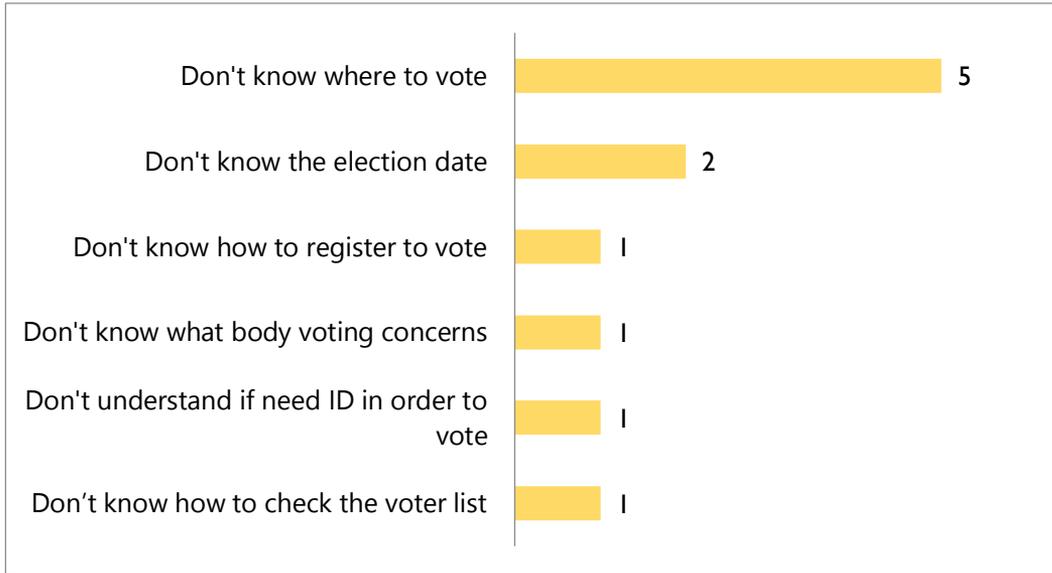


Figure 5: Gaps in understanding concerning voting processes, for those who gave specific complaints (HURFOM Interview Data)

Villagers' comments made clear the extent of lacking knowledge concerning the 2015 election in these regions:

"I don't know how to register my name to vote. This is the first time that people have come to ask about the election."⁵⁶

Mi Chan La Hone, 31-year-old Mon National School teacher, Baleh Doon Phite village, Kyar Inn Seik Gyi Township

"As I don't understand about voting, I don't know how to vote. If I understood about it, I would know how to vote. It is difficult for me to vote if I don't understand anything about it."⁵⁷

Mi Ra Soi Non, 22-year-old Mon nursery school teacher, Halockhani village, Kyar Inn Seik Gyi Township

ii. "It is like we are blind": Poor outreach to isolated regions

As mentioned above, the majority of respondents asked about their personal perspectives on the 2015 election came from the Thai-Burma border IDP

villages of Halockhani, Baleh Doon Phite and Htee Wah Doe. These villages are extremely isolated, both physically and in terms of information flows. Villagers commented:

"Living in this village and school I don't get information, and we don't have newspapers or journals. Only when I went to join Mon Revolution Day in Japan Yay Twin [Japanese Well] village did I get to see a newspaper, at the NMSP office."⁵⁸

Mi Aye Mon, 34-year-old Mon teacher,
Halockhani village, Kyar Inn Seik Gyi Township

"It is like [the villagers] are blind. There is no information available in this village, not even newspapers."⁵⁹

Min Mon Chan, 26-year-old Mon teacher,
Halockhani village, Kyar Inn Seik Gyi Township

"I don't get any information living in this jungle. I don't know [about the election] because I live in this village."⁶⁰

Moe Yay, 34-year-old Karen primary school
teacher, Htee Wah Doe village,
Kyar Inn Seik Gyi Township

In isolated contexts, targeted voter outreach and education efforts are crucial to facilitating election engagement. However, interviews showed that, at least at the time of interview, voter education groups had not visited any of these three IDP villages. This represented a decline from 2010, when unidentified "Mon groups" were reported to have visited villagers in Halockhani and Baleh Doon Phite urging them to vote.⁶¹

In the context of zero voter education in 2015, low levels of voter knowledge are unsurprising. For those who had heard about the upcoming election, word of mouth, TV and radio were identified as key information sources (see Figure 6). Interestingly, in a context where NSAGs serve as a key source of information – Halockhani and Baleh Doon Phite are controlled by the NMSP,

and Htee Wah Doe by the KNU – not a single respondent indicated that they had heard information about the election via NSAG authorities.

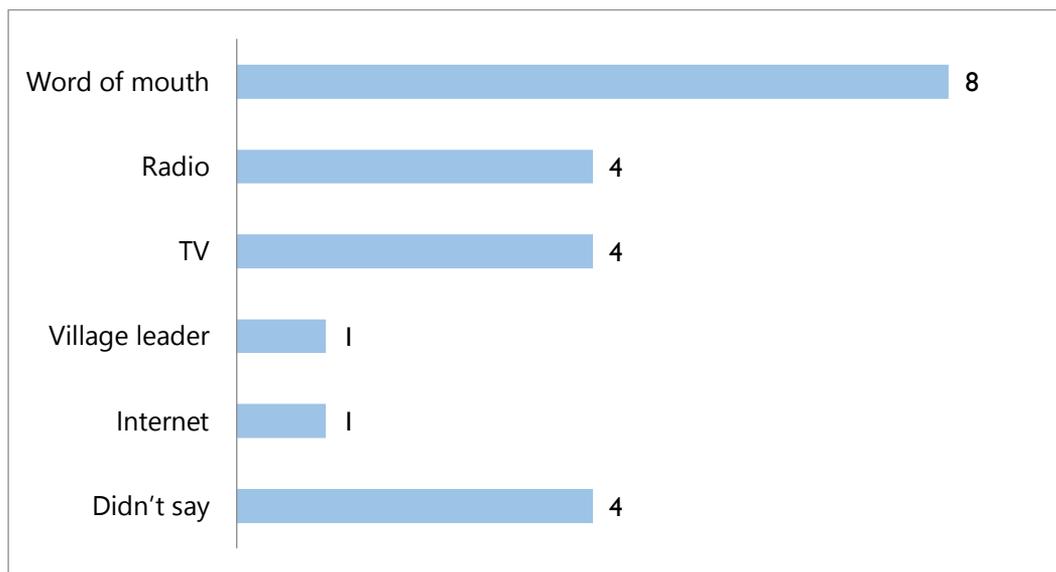


Figure 6: Information sources for the 2015 election, among interviewees who had heard information (HURFOM Interview Data)

Prior to the election, respondents from Baleh Doon Phite called for voter education trainings to be held in their village:

"The houses that don't have televisions don't know any information. Some people have language difficulties. Although they have a TV, they don't understand the Burmese language. That is why I want to have voter education trainings in this village."⁶²

Mi Chan La Hone, 31-year-old Mon school teacher, Baleh Doon Phite village, Kyar Inn Seik Gyi Township

"I want to say that a meeting or training should be organized on this voting issue. Then, villagers would understand and would be interested [...] We should encourage them to check their name on the voting list or

*explain to them how to register their name to vote. That is what I would like suggest.*⁶³

Mi Lyi Mon, 25-year-old Mon school teacher,
Baleh Doon Phite village, Kyar Inn Seik Gyi
Township

iii. Specific voter education needs in IDP border villages

The absence of voter education in these villages is especially concerning given that voting arrangements could be particularly complicated for this subset of voters, who predominantly came from conflict-affected border regions. A quarter of respondents asked about their personal perspectives on the 2015 election did not have an ID card, while over a third of those who did were registered in villages far from their current place of residence.

While voting was possible in the 2015 election for individuals without ID cards and those outside their registered place of residence, individuals would need to take special measures before the election to ensure that they would be entitled to vote in or near their current home.⁶⁴ Unfortunately, lacking voter education in this context left several residents confused about where



they were eligible to vote, and left others unsure if they were even eligible to vote at all (see Figure 5).

iv. Good prospects for voter engagement

In terms of engagement, respondents largely noted limited prior experience of election participation. As Figure 7 shows, the vast majority, 35 of 41 respondents, had never voted before.

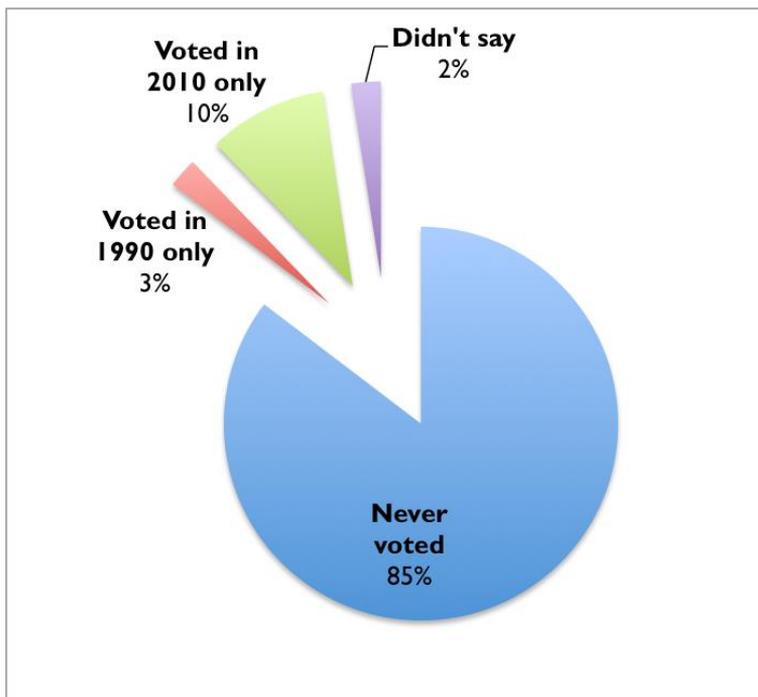


Figure 7: Have you voted before? (HURFOM Interview Data)

At the time of interviews, engagement in the upcoming 2015 election was also extremely low; unsurprisingly, given findings showing low voter knowledge and understanding. Of 41 respondents asked, only one had checked the voter list for their name (see Figure 8), while a handful of respondents

explicitly expressed a lack of interest or apathy towards the election:

"In the last three months I have heard villagers talking about elections, but I did not understand what they were talking about because I was not interested. I think it has nothing to do with me."⁶⁵

Ma Aye, 53-year-old Karen farmer, Htee Wah Doe village, Kyar Inn Seik Gyi Township

"If I voted, what difference would it make?"⁶⁶

Nai Amyin, 64-year-old Mon farmer,
Halockhani village,
Kyar Inn Seik Gyi Township

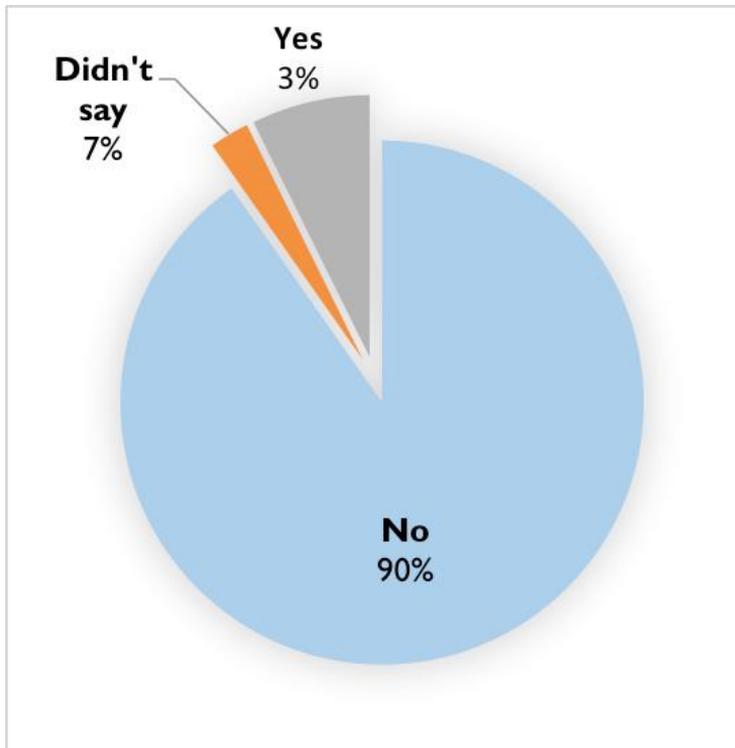


Figure 8: Have you checked the voter list? (HURFOM Interview Data)

Yet findings suggested that, with targeted voter outreach and education efforts, engagement could likely be increased. Respondents were generally positive when asked if, given the chance, they would like to vote in the upcoming 2015 election. The majority, 23 of 41 asked this question, said that they would like to vote (see Figure 9).

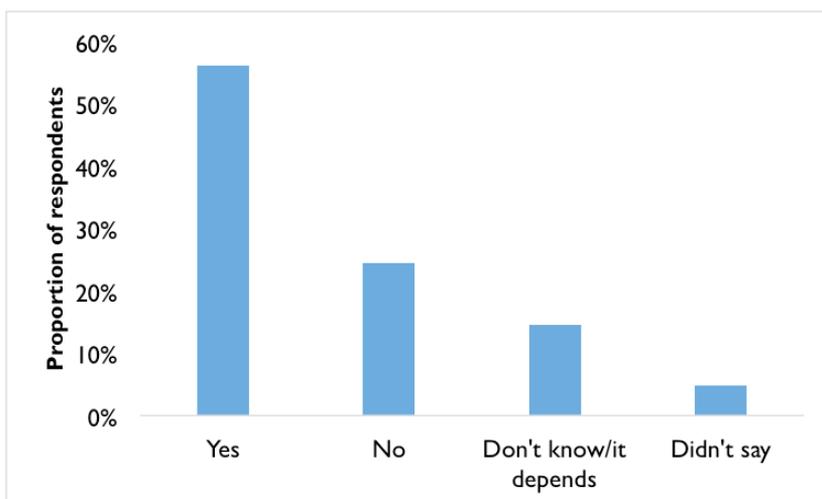


Figure 9: Do you want to vote in the upcoming election? (HURFOM Interview Data)

v. *Comparison to international standards*

Lacking voter education in Kyar Inn Seik Gyi Township, particularly in border IDP villages, contradicts international guidance that the right to vote entails a state responsibility to ensure availability of voter education (see Section 3.c.). In terms of voter education and outreach, far more could have been done by state and NSAG authorities to ensure that citizens in these areas were fully equipped to exercise their rights to vote.

D. UEC Seen as a Branch of Government

Given concerns over disenfranchisement in Kyar Inn Seik Gyi Township, it is troubling that worried parties did not have access to an independent body to which they could submit complaints. Interviews made clear that the UEC was considered by Kyar Inn Seik Gyi residents as biased towards the current USDP government and acting on its behalf.

Some interviewees explicitly criticised UEC connections with the USDP government:

"The election commission authorities are recruited by the government. They don't know whether the elections are free and fair or not, or whether they are biased or not. They are the government".⁶⁷

Former NMSP member, Three Pagodas Pass town, Kyar Inn Seik Gyi Township

"It is so obvious that the election commission is biased towards the USDP. I have noticed that, whenever [the UEC] plans to do something, they think first of all how it could benefit the USDP. I just want to say this frankly: the election commission itself is not clean."⁶⁸

Saw Myint Maung, Karen villager, Kha Lae Saw village tract, Kyar Inn Seik Gyi Township

In other interviews respondents talked about the UEC and government in a way that made clear they saw the two as interchangeable. For example, respondents talked about the government or USDP as cancelling polling, when in fact this was the UEC's responsibility:

*"The USDP cannot do whatever they want in these areas. That is why they claim the security is not good enough to conduct elections."*⁶⁹

Former NMSP member, Mae Sali village,
Kyar Inn Seik Gyi Township

*"I think that the government lacks responsibility, using the excuse of security to not provide polling stations."*⁷⁰

KNU official, Kyar Inn Seik Gyi Township

Given significant disenfranchisement, the lack of an independent election management body is concerning. Further, the non-independence of the UEC is in clear violation of international guidance that election management bodies should be independent (see Section 3.c).

E. Impacts of Disenfranchisement

i. Excluded citizens

Disenfranchisement had a clear toll on individual citizens. Disenfranchised respondents in Kyar Inn Seik Gyi Township conveyed their sense of exclusion:

*"I live in Karen State, just like all the other people. But the other people can vote and I cannot. All of the other people can choose their representative, but we cannot [...] I want [to vote for] the party that will work for our nationality and distribute goodwill to our people. Losing the right to vote makes me feel inferior. It is not fair."*⁷¹

Saw Kyaw Doe, 54-year-old Karen villager,
Phyar Pyat village, Kyar Inn Seik Gyi Township

*"I have an ID card and I have the right to vote [...] if I lose the chance to vote I will feel isolated from the rest and I will feel bad."*⁷²

Mi Lyi Mon, 25-year-old Mon teacher, Baleh Doon Phite village, Kyar Inn Seik Gyi Township

*"[The UEC claims that] that some villages cannot be announced as a constituency. Why is that? Is it because those villages are outside the country? The people in those villages are just ethnic groups from this country. These villages have been formed for at least 70 or 80 years. It is the government's fault that they will not be able to vote for their representatives."*⁷³

U San Shwe, 54-year-old retired health official, Kyar Inn Seik Gyi Township

Interviews showed that some respondents saw disenfranchisement as an unfair act perpetrated by a government that had already caused them great suffering:

*"As a citizen, and if we have ID, we have the right to vote. But if we lose the right to vote, then I believe that the government is cheating us."*⁷⁴

Nai Aung Htay, Village Head, Baleh Doon Phite village, Kyar Inn Seik Gyi Township

*"Since the 1990 election, I have not known about voting. I thought it had nothing to do with me. That is why I have never voted before. But now, when I plan to vote this time, our village, Lut Shan, is not eligible to vote. They said it is not safe enough in our area. I have lived here for 40 years. If this area is not safe it is not because of the Karen or Mon, but because of Burmese soldiers. [...] It is not fair to use the excuse of security reasons. This claim is not strong enough. I feel bad for not having the chance to vote."*⁷⁵

Daw Than Myint, 63-year-old Shan resident, Lut Shan village, Kyar Inn Seik Gyi Township

ii. Lost votes for ethnic parties

Prior to the election, respondents also expressed worries that disenfranchisement in Kyar Inn Seik Gyi Township would mean lost votes for ethnic political parties. Interviewees detailed their concerns that ethnic political parties would be disproportionately affected by ethnic disenfranchisement, as opposed to national parties such as the USDP and NLD:

*"If people lose the right to vote it affects ethnic parties. There will be fewer votes from ethnic party supporters. It is only good for those two parties, the USDP and NLD. It affects our ethnic party."*⁷⁶

Dr Banyar Aung Moe, current AMDP Upper House representative, Kyar Inn Seik Gyi Township



"I worry that, due to travel difficulties, people may not come to vote, as they are not interested in voting. They would have to leave work and travel far from home. I think that ethnic parties and representatives will lose a lot of votes."⁷⁷

U Thein Tun, 45-year-old-trader, Three Pagodas Pass town, Kyar Inn Seik Gyi Township

HURFOM's data corroborated these comments, showing considerable support for ethnic parties among the disenfranchised. Of 23 respondents who said that, given the chance, they would like to vote, over two thirds specifically said that they would like to vote for Mon parties (see Figure 10).

Looking to results, not a single one five seats contested in Kyar Inn Seik Gyi Township were taken by ethnic political party representatives; the NLD won two *House of Nationalities* (Upper House) seats, one *House of Representatives* (Lower House) seat and one of two Karen State Parliament seats, while the USDP won the remaining seat in Karen State parliament.⁷⁸

While it remains unclear whether votes from disenfranchised residents would have been enough to tip the balance of votes in favour of ethnic parties in any particular contests, it seems undeniable that ethnic political parties suffered some level of disadvantage.



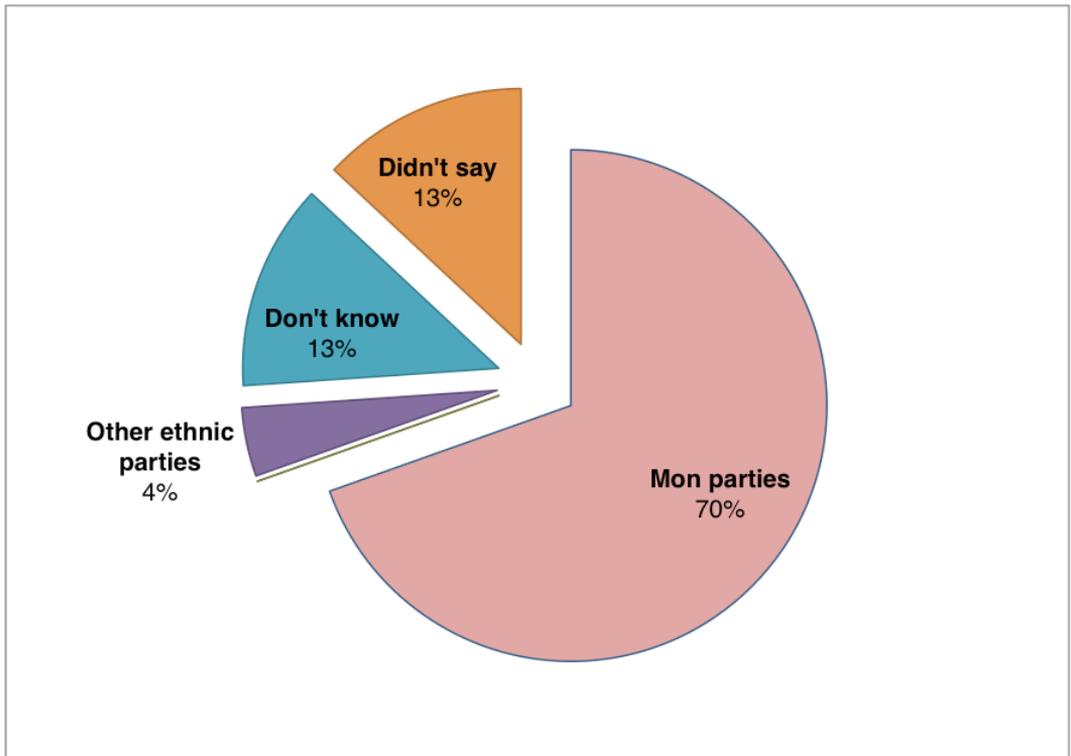


Figure 10: Party preferences, among those who said they would like to vote (HURFOM Interview Data)



5. Conclusions

Collectively, HURFOM's findings from NSAG-controlled areas of Kyau Inn Seik Gyi Township evidence the disenfranchisement of tens of thousands of Mon and Karen ethnic voters during Burma's 2015 national election.

In the aftermath of the election, it is important that enthusiasm concerning its outcome does not serve to diminish the significance of their complaints. This report shows that concerns with disenfranchisement in these regions embody clear violations of citizens' rights, represent political exclusion of already marginalised populations and constitute clear infractions of international good practices for democratic elections.

A. Wide Implications

i. Political exclusion of marginalised communities

Ethnic communities in Kyau Inn Seik Gyi Township constitute populations who have already suffered a great deal of harm and exclusion. Many of the disenfranchised in Kyau Inn Seik Gyi Township were displaced by conflict or suffered other serious rights violations during decades of ethnic conflict. As citizens across the country celebrated the election's results, the message that ethnic war-affected populations are likely to have received is that they are not part of the country's developing political community.

This is a serious issue in a context where hopes for national peacebuilding and reconciliation rest on some form of political inclusion and representation for all parties. On this note, experts on elections within displaced communities, Jeremy Grace and Erin D. Mooney, have made the salient comment that "elections can make important contributions towards healing deeply polarised societies".⁷⁹ However, in the same article they also maintain that "building lasting peace simply is not possible when exclusion is built into the process".⁸⁰

Burma's 2015 election acts as a poignant reminder that national reconciliation is unlikely to be fully possible while the already marginalised remain politically excluded.

ii. NSAGs must cooperate with national bodies to ensure rights protection within their territory

Disenfranchisement of ethnic populations in NSAG-controlled territories also serves as a reminder that NSAGs shoulder a considerable responsibility for ensuring that residents within their controlled areas can enjoy the rights accorded to them by international law.

Clearly, in national elections the state has a strong responsibility to ensure equal access to voting across the country. The UEC is primarily responsible for disenfranchisement resulting from their decisions to cancel polling in certain areas on tenuous grounds, and from failures to ensure sufficient access to polling stations in border areas. The UEC also failed to take the lead in ensuring that voter education activities reached areas across the entire country, including isolated border regions.

However, NSAG leaders share some responsibility for violated voting rights during the 2015 election. NSAGs could have promoted citizens' voting rights through measures such as advocacy to state bodies on citizens' behalf, or direct cooperation with state authorities on issues such as transport to polling stations and voter education.

Control of territory must be seen to come with corresponding responsibilities. As the peace process progresses, NSAGs must cooperate with national bodies such as the UEC, so that citizens within their authority are able to receive benefits of transition and reform, which include access to participation in free elections.

B. Lessons for Future Elections

HURFOM's findings suggest a number of lessons for future elections. Most importantly, in a context where NSAG control of ethnic territory remains likely into the immediate future, all parties must consider how citizens' voting rights can be maintained in a context where authority is divided.

HURFOM puts forward the following recommendations for future elections:

- i. All citizens' rights to vote must be protected and prioritised without discrimination*

Given considerable disenfranchisement during the 2015 election, any future government in Burma must ensure that all citizens' rights to vote are robustly protected in future elections. Burma's government must immediately ratify the ICCPR, so as to make citizens' voting rights fully secure within a national framework. Furthermore, ensuring universal and equal suffrage must be made an issue of priority for any future government and for any future instantiations of the UEC.

- ii. Security-motivated poll cancellations should be made if and only if this constitutes a reasonable reaction to the objective security situation on the ground*

HURFOM's analysis found that poll cancellations in Kyau Inn Seik Gyi Township did not meet UN guidance that voting rights should be suspended only on objective and reasonable grounds that are established by law. In the future, NSAG control of an area should not in itself be used as a blanket justification for cancelling polling. Cancellations should instead be made if and only if this constitutes a reasonable reaction to the objective security situation on the ground, which is such that free and fair elections cannot be held. Case-specific evaluation could be assisted through consultation with NSAGs and independent experts.

iii. Poll cancellations must be clearly communicated and handled transparently

In Kyar Inn Seik Gyi Township poor UEC communication and transparency contributed to significant concerns that poll cancellations were a politically motivated move by the USDP-aligned UEC. In future elections, the UEC must handle poll cancellations in a clearer and more transparent manner. Should poll cancellations be necessary, clear communication with residents will also have the benefit of enabling voters to make alternative voting arrangements.

iv. Access to polling stations should be a priority issue in election planning

HURFOM documented two clear cases, covering villages not included in explicit poll cancellations, where residents were not afforded sufficient access to polling, leading to entire villages being effectively disenfranchised. In any future elections, equal access to polling must be taken on by the UEC as a priority issue in election planning, with the UEC in particular aiming to anticipate access problems for daily workers and the elderly. Efforts should be made to open polling stations in remote areas. Where this is logistically impossible, voters should be allowed access to their nearest polling station and should be provided with free transportation to allow them to vote. NSAGs can play an important role in cooperating with the UEC to provide transport to alternate polling locations.

v. Voter education must be strengthened to reach remote ethnic areas

HURFOM's findings showed low access to voter education to be a significant issue, in particular in three remote IDP villages on the Thai-Burma border where no voter education took place at all. With poor voter education, it was unsurprising that knowledge and understanding regarding the 2015 was astonishingly low among respondents surveyed, as was engagement with the upcoming election. In future elections, concerted efforts must be made to extend voter education to remote regions; the UEC should take the lead coordinating efforts, however a significant role must also be played by NSAGs and civil society organisations. Voter education must be in ethnic languages, and should be tailored to the specific needs of voters in border and IDP areas, many of whom do not have ID or are registered in villages far from their current home.

vi. The UEC should be reformed to become fully independent

Finally, findings showed that residents in Kyar Inn Seik Gyi Township perceived the UEC as affiliated with the current USDP government. This meant that voters and political parties did not have access to a body that could be expected to assess their concerns over disenfranchisement fairly and independently. It also meant that suspicions abounded over possible political motivations behind UEC poll cancellations. For future elections, the UEC must be reformed so as to become fully independent, in line with international guidance on democratic elections.

Appendix: List of Kyar Inn Seik Gyi village tracts affected by poll cancellations

1. Ah Soun (အစွန်းကျေးရွာအုပ်စု)
2. Kaw Saing (ကော့ဆိုင်ကျေးရွာအုပ်စု)
3. Kwin Kalay (ကွင်းကလေးကျေးရွာအုပ်စု)
4. Maw Khae Khee (မော်ခဲခီးကျေးရွာအုပ်စု)
5. Thar Ka Hta (သာကထကျေးရွာအုပ်စု)
6. Htee Wah Klu (ထီးဝါးကလူးကျေးရွာအုပ်စု)
7. Mi Na Ah (မိနအကျေးရွာအုပ်စု)
8. Khwee Ka Lone (ခွီကလုံကျေးရွာအုပ်စု)
9. Lae Taw Gyi (လယ်တောကြီးကျေးရွာအုပ်စု)
10. Taung Wine (တောင်ပိုင်းကျေးရွာအုပ်စု)
11. Taung Kalay (တောင်ကလေးကျေးရွာအုပ်စု)
12. Phar Kwee (ဖားကွီးကျေးရွာအုပ်စု)
13. Paing Kalar Don (ပိုင်ကလာဒုံကျေးရွာအုပ်စု)
14. Khu Don (ခုဒုံကျေးရွာအုပ်စု)
15. Lan Phar (လန်းဖားကျေးရွာအုပ်စု)
16. Thin Gan Pin Seik
(သဗ်န်းပင်ဆိပ်ကျေးရွာအုပ်စု)
17. Kwar Hay (ခွာဟေးကျေးရွာအုပ်စု)
18. Hti Sone (ထိဆုံကျေးရွာအုပ်စု)
19. Kyun Chaung (ကျွန်းချောင်းကျေးရွာအုပ်စု)
20. ANan Kwin (အနန်းကွင်းကျေးရွာအုပ်စု)
21. Kyauk Balu (ကျောက်ဘီလူးကျေးရွာအုပ်စု)
22. Phar Pya (ဖားပြကျေးရွာအုပ်စု)
23. Koe Mar (ကိုးမားကျေးရွာအုပ်စု)
24. Lut Shan (လွတ်ရှမ်းကျေးရွာအုပ်စု)
25. Kyone Kha Won (ကျုံ့ခဝန်ကျေးရွာအုပ်စု)
26. Win Khana (ဝင်းခနကျေးရွာအုပ်စု)
27. Ah Kalaw (အကလောကျေးရွာအုပ်စု)
28. Dar Lee (ဒါလီကျေးရွာအုပ်စု)
29. Nat Chaung Kan Nar
(နတ်ချောင်းကန်းနားကျေးရွာအုပ်စု)
30. Nat Chaung Alae
(နတ်ချောင်းအလယ်ကျေးရွာအုပ်စု)
31. Ka Sat (ကစပ်ကျေးရွာအုပ်စု)
32. Da Noe (ခန်းကျေးရွာအုပ်စု)
33. Khway Toe Seik
(ခွေးသိုးဆိပ်ကျေးရွာအုပ်စု)
34. Kwan Ka Taung
(ကွမ်ကသောင်ကျေးရွာအုပ်စု)
35. Win Yaw Seik Gyi
(ဝင်းရော်ဆိပ်ကြီးကျေးရွာအုပ်စု)
36. Kha Lae Saw
(ခလယ်စောကျေးရွာအုပ်စု)
37. Seik Kalay
(ဆိပ်ကလေးကျေးရွာအုပ်စု)
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