



**Gender Election Observation Mission (GEOM)
Myanmar, November 2015**

Final Report



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Ministry of Foreign Affairs

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Preface and Acknowledgements

Gender Concerns International was pleased to witness Myanmar take the first tentative steps towards an inclusive democracy with female voters and elected officials. It was therefore with great honour that we had the opportunity to support women's participation with vital impact in Myanmar's 2015 general election.

Our joint Gender Election Observation Mission (GEOM) observed people's dedicated and engaged electoral participation during the 8th November elections. In a country where women constitute the larger proportion of the population, the Election Day highlighted a sense of trust and openness towards the electoral process. Throughout the campaign period, and especially on the Election Day, it was evident that a large number of women would cast their vote.

Not only were long queues of female voters observed outside of the Polling Stations from the early hours of the morning, but female election management team also tirelessly worked from an early morning to a late night inside the Polling Stations. Despite a significantly low presence of women in security forces, the female voter turnout rate was very impressive, both in urban and rural areas.

The people in Myanmar demonstrated to the region and the rest of the world that their country, after a long period of isolation and political stalemate, is ready to embark on the road of democratic development for all citizens. Gender Concerns International, along with the international community, hopes to support the women of Myanmar during this development stage. In particular, the women who have courageously transformed their notions of full democratic inclusion into action, further paving the way for future generations of women leaders.

The Mission was launched in Myanmar in April-May 2015 with a Pre-election Gender Needs Assessment Mission (PGNAM), which highlighted the critical nature of a comprehensive approach to women's involvement during these pivotal elections. In cooperation with the Union Election Commission (UEC) and with the partnership of the Myanmar Youth Capacity Building Network (MYCBN) and Charity-Oriented Myanmar (COM), the GEOM observed and documented the voting and post-election processes from a gender perspective. Women in Myanmar have proudly demonstrated their devotion to democracy through a high female voter turnout.

First and foremost, I would like to express deep gratitude to the officials from UEC and our partner organisations for their support, guidance and dedication, as well as high level of professionalism that contributed to the success of this mission and the elections.

A particular appreciation of its valuable support and cooperation goes to the Embassy of the Kingdom of the Netherlands to Myanmar.

I also acknowledge the organisation's gratefulness to the people, the UEC, political parties and institutions in Myanmar for their hospitality and readiness to assist in furthering the objectives of the GEOM. Cooperation with other national observation missions and other civil society organisations has been a welcome part of GEOM's work.

As the Head of the GEOM, I am pleased to acknowledge the dedication and tireless work of the mission team, which comprised of local staff and domestic and international observers. These observer teams benefitted greatly from the genuine support provided by the local staff of the organisation and the international staff at headquarters in The Hague.

The conclusions and recommendations made in this report are independent and in accordance with the Declaration of Principles for International Election Observation of the United Nations, adopted in October 2005.

Sabra Bano
Head of Mission

GEOM Myanmar Partner Organisations

Myanmar Youth Capacity Building Network

Myanmar Youth Capacity Building Network (MYCBN), established in 2013, aims to enhance youth capacity development to actively participate in their communities and become engaged citizens, as it views youth as a primary and sustainable force for democratic transition. MYCBN has conducted trainings, including the Youth Leadership for Peace and Politics and the Youth and Elections programs, in the region of Yangon and Mandalay, as well as Kachin State, Kayah state and Kayin state. MYCBN conducted election observation for the General Election in 2015, as well as provided Civic Education Trainings and Voter Education Trainings to both voters and political parties. Additionally, MYCBN has initiated awareness raising campaigns to engage youth in the political process.

Charity-Oriented Myanmar (COM)

Founded in 2005, Charity Oriented Myanmar (COM) is a national youth-led civil society organisation dedicated to promoting democratic culture and socio-economic development in Myanmar. The organization works to empower young people and women, strengthen political institutions, raise awareness about political process among general public, increase youth participation in the peace-building process and foster the development of rural and urban communities.

COM focuses its capacity-building programmes on various target groups, such as youth (of various ethnic backgrounds), women and political parties (of various ethnic backgrounds). The main goal of their programmes is building capacity for effective and efficient participation in the processes of democratisation. Apart from these training programmes, COM organizes public forums to engage the general public in political decision-making, as well as conducts advocacy workshops with key state and non-state actors.

Gender Concerns International

Gender Concerns International is an international development organisation based in The Hague, the Netherlands. It was formed in 2004 by a group of experts with extensive experience in gender and development. Ideals central to the organisation's mission are that establishing a gender-balanced society requires action in democratic inclusion, poverty reduction, sustainable development, economic empowerment and policy-making.

Gender Concerns International promotes women as agents for change and development. Programme activities focus on capacity building, lobbying and advocacy, facilitation of training, support of women's organisations and relevant civil society organisations. Gender Concerns has highlighted the gender dimension of developing democracies and the key role of women as agents of change. The organization has also been supporting women's full integration into electoral processes, policy-making positions and in other vital processes to determine their country's future.

The unique Gender Election Observation Mission (GEOM) program, created by Gender Concerns International, addresses women's democratic participation before, during and after elections – as voters, candidates and electoral officials. GEOM missions have been conducted in Myanmar, Afghanistan, Tunisia, Pakistan, Morocco and Libya.

Background

The November 8th 2015 general elections marked an important milestone in the democratic transition from military to civilian rule in Myanmar that began in 2011. Since 2010, important inroads have been achieved in opening up political dialogue and increased openness with the international community. The Myanmar Government has improved the environment for the freedom of expression and the media, nonetheless, other key areas of guaranteeing human rights, including women's rights have not always been at the forefront of the government's policies and laws; and adherence to key international and national commitments have sometimes been weak.

The 2015 November general elections were the second set of elections held since the introduction of the 2008 Constitution. General elections were held in 2010 and by-elections in 2012 whereby the Union Solidarity and Development Party (USDP) won the majority of seats, both in the upper and lower houses. The 2015 elections were the first in which all the major political parties were able to compete with a total of 91 political parties and over 300 independent candidates contesting over 1,100 seats in both national houses of parliament and in the regional and state assemblies. On the 8th of July 2015, Myanmar's Union Election Commission (UEC) announced the date for the next general election.

Status of Women in Myanmar

To date, Myanmar has presented five periodic reports to the CEDAW¹ Committee, and improvements have been noted in the promotion of equality and women's rights, especially since 2011.

Compared to other countries in the region, Myanmar ranks fairly high in the gender inequality index. It is 85 out of a total of 155 countries in the 2014 index. Access to secondary education is still quite low for the population; nevertheless more women than men achieve at least a secondary level of education (22.9 per cent of women compared to 15.3 per cent of their male counterparts). Maternal mortality is quite high, with 200 women out of every 100,000 births dying from pregnancy related causes. Female participation in the labour market is lower than men, with 75.2 per cent compared to 82.3 per cent for men. Women tend to work in factories and occupy the lower scale of government jobs. Men tend to work at the managerial or official level, consequently, men often earn far more than women.

Despite some progress being made, cultural norms and traditions continue to weigh heavy upon women. Subsequently, many women are unable to access their fundamental rights and suffer discrimination due to patriarchal norms and practices promoting discrimination against women. Violence against women is also rife.

The former government of Myanmar should be commended in its efforts to promote gender equality; since 2011, it has examined various laws and policies which were deemed discriminatory and has made various amendments and repealed some of these existing laws. A total of eight laws relating to women's rights have been amended or enacted, and there are currently two laws, which have been drawn up. While some of these laws have resulted in progress towards gender equality, others have signified a step back. Customary and religious laws continue to erode women's personal rights both in the home and the family. 2015 saw a deterioration of these rights in the guise of four so' called "race and religion laws", laws which have disproportionately affected women. This is particularly pertinent with regards to the Myanmar Buddhist Women's Special Marriage Act, which treats Buddhist women wishing to marry outside their faith differently from other individuals

¹ The last report was presented at the 64th Session in July 2015 whereby Myanmar presented its combined fourth and fifth report.

contracting marriage. The Health Care for Population Control Act also restricts women's reproductive rights in restricting women giving birth at certain intervals.

In 2013, a number of Sub-Committees at Union Government level were formed which included the Women and Child Sub-Committee. It directly accepts the affairs of women and children presented by the public and handles them by linking and coordinating national ministries, as well as Regional and State Governments concerned, in line with legal procedures.

Civil society and other organizations are increasingly playing an important role, and attention has been given to ensuring that priority has been afforded to the prevention of violence against women. Furthermore, the Myanmar National Committee for Women's Affairs (MNCWA), chaired by the Union Minister for the Ministry of Social Welfare, Relief and Resettlement was formed on 3 July 1996 with the aim to implement the Beijing Platform for Action and future programmes.

Among the tasks of the MNCWA, was the drafting of the National Strategic Plan for the Advancement of Women (2013-2022), which aims at advancing women's rights in all sectors, keeping in line with the twelve priorities outlined in the Beijing Platform for Action and the Millennium Development Goals. In order to advance gender equality, a Gender Unit has been established within the Department of Social Welfare under the Ministry of Social Welfare, Relief and Resettlement. Gender Units have also been set up and assigned within the Department of Rural Development and the Department of Health. In addition, an action has been included in the National Strategic Plan for the Advancement of Women (2013-2022) so that the Ministries that are to implement the National Strategic Plan for the Advancement of Women (2013- 2022) can establish a gender unit respectively.

Women's Participation in Political and Public Life

As aforementioned, the Constitution² stipulates that women should be afforded the same rights and opportunities as men, however it is apparent that women do not tend to hold the same positions as men. However recent years have been witness to some progress in this area. The last government saw two female ministers³ and fourteen women serve as Deputy Ministers at Union level.⁴ The level of females employed at the Deputy Director or in equal and above posts has been increasing and by 2012, was at 36.61 per cent.

At the time of writing, very few ministers have been appointed. To date only one female has been nominated for the Ministry of Foreign Affairs and President office. No deputy ministers have yet been appointed. Two Female Chief Ministers in the Tanintharyi region and Kayin state have also been selected, as well as two women in the Constitutional Court. The final list of ministers has yet to be established; therefore it is possible that more females will be appointed.

During the previous elections, there were 55 women elected as Hluttaw representatives. Four of these in the Amyotha Hluttaw, 26 women representatives in the Pyithu Hluttaw, and 25 women representatives in the Region and State Hluttaws. In the judicial sector, nearly half of women are judicial officers and out of 52 High Court Judges, 16 were women. However, there is no woman on the Supreme Court Bench.

² Section 349 provides that citizens shall enjoy equal opportunity in carrying out the following functions: public employment; occupation; trade; business; technical know-how and vocation; exploration of arts, science and technology.

Section 369 (A) provides that subject to this Constitution and relevant laws, every citizen has the right to elect and right to be elected to the Pyithu Hluttaw, the Amyotha Hluttaw and the Region or State Hluttaws.

³ Union Minister for Ministry of Social Welfare, Relief and Resettlement and Union Minister for Ministry of Education

⁴ Deputy Ministers at Union level in the Ministry of National Planning and Economic Development; Ministry of Social Welfare, Relief and Resettlement; Ministry of Health; Ministry of Environmental Conservation and Forestry; Ministry of Labour, Employment and Social Security; Ministry of Culture; Central Bank of Myanmar; the Myanmar National Human Rights Commission; and the tribunal of the State Constitution, respectively.

Among the five new commissioners under the UEC, no female commissioners have been appointed yet.

Constitution

The Constitution of the Republic of the Union of Myanmar (2008) outlines various articles which explicitly refer to equality, including Section 348 which provides that the Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth. Sections 350, 351, 352 and 368 are also prescribed for ensuring respect of the equal rights of men and women. Section 249 also ensures equal opportunities in public employment, occupation and section 350 provides for equal pay for equal work. Contrary to these sections, the constitution requires the president has a military 'vision or outlook'. Section 352, also promotes the non-discrimination for or against any citizen, however notes that certain appointments are only suitable for men only. The concluding observations of the CEDAW committee⁵ states that some of these articles do not ensure substantive equality and there is no clear definition on what constitutes discrimination.

In 2015, calls were made by ethnic communities and opposition parties to amend the 2008 constitution, however many of the amendments were rejected by the Myanmar Military who have 25 per cent of the seats. 75 per cent of the vote is required to approve changes to the constitution, which gave the military, in effect, the power of veto.

A committee was set up to look at the possible amendments; this included five women⁶ members out of 54. Various amendments were put forward, including a proposed change to section 59(f) on the eligibility for the presidency, which prohibits opposition leader Aung San Suu Kyi from the position because she has children that hold foreign citizenship. Changes were also put forward with regards to sections 261 and 262, giving the President rather than state and regional assemblies, the authority to select the influential chief ministers of 14 of Myanmar's 15 states and regions. Both of these amendments were rejected.

Electoral Framework

Myanmar has signed up to some of the International Human Rights Treaties, including the CEDAW and Convention on the Rights of Persons with Disabilities (CRPD) however is not yet a party to the International Covenant on Civil and Political Rights (ICCPR), or the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. **It is imperative to sign up to these two treaties, especially the ICCPR as this is the principle human rights document that sets out the framework for free, fair and democratic elections.**

As aforementioned, Myanmar has also adopted the 2013-2022 National Strategic Plan for the Advancement of Women committing the government of Myanmar to achieving equality for women and men, however to date its implementation is weak. **More support could be given to ensure that the 12 point action plan is achieved, including providing the financial and human resources, and affording essential training and capacity building to the key institutions in order to implement the plan effectively.**

The Electoral Law is referred to in the Constitution and a series of other principal laws, which provide a framework for the conducting of elections. Such laws include the Union Election Commission Law, the Political Parties Registration Law, the three respective HluPaw election laws, and four by-laws. The laws are sometimes fragmented and do not always comply with international standards.

⁵ Concluding Observations of the Committee 2008 CEDAW/C/MMR/CO/3, page 2

⁶ This included Dr Nilar Thein, Dr Daw Tin May Tun, Dr Daw Khin Mar Yi, Dr Daw Khin Phone Myint Kyu and Daw Mary Minan.

Both, the constitution and in the code of conduct of political parties, mention the equality of women and the promotion thereof. General recommendation 23 from the treaty monitoring body, the Committee on the Elimination of Discrimination Against Women, emphasizes that state parties should ensure that there is not only *de jure* equality but also *de facto* equality. **The Beijing Platform of Action emphasizes that there is still a gap between *de jure* and *de facto* equality, and although there has been a marked improvement of women’s participation in the elections in 2015 compared to 2010, more must be done to ensure that barriers preventing women effectively and equally participating in the elections are removed.**

Electoral System

Myanmar uses a simple majority based system in order to vote for representatives in the national parliament and the state and regional assemblies based on a single-seat constituency. The 8th of November 2015 elections were held to vote for representatives to the *Amoytha Hluttaw* (a total of 224 representatives), Myanmar’s upper house of Parliament, the *Pyithu Hluttaw* (a total of 440 representatives), Parliament’s lower house, and the State and Regional Elections (860 representatives). A total of 1,142 representatives were to be elected.

Out of the 224 seats in the Amytha Hluttaw elections, 168 representatives are directly elected. The Commander-in-Chief of the Defence Services appoints the remaining 56 members from the military, which is the equivalent of 25 per cent of the seats in the upper house. The representation in the upper house is equal across its 14 states and regions, whereby each one has 12 constituencies.

In the lower house, a total of 440 representatives were to be voted with 330 being directly elected and the remaining 25 per cent to be appointed from the military. The lower house constituencies are based on township boundaries, each of the 300 townships elects one representative to the lower house of parliament. Nonetheless, the principle of “one person, one vote” did not necessarily apply as each township had a disproportionate number of voters with the smallest (Injyang Township) having 1,408 voters to the largest (Hlang Township) with 521,976. To this end, the vote of any one elector did not equate it to being equal to the vote of another.⁷

The state and regional assemblies are represented by a total number of 660 elected members whereby each one will be based on the number of townships in any given state and region, with each township being divided into two constituencies. As with the other two levels of government, the Commander-in-Chief of the Defence Services will appoint the remaining 165 members.

The fact that all three tiers of government are not entirely elected by the people and 25% of the seats are filled by military appointees contravenes article 21 of the Universal Declaration of Human Rights which provides that the will of the people is the basis of governmental authority. **In essence, 25 per cent of the parliament does not represent the free will of the voters and disables any one political party from having a majority to approve and repeal laws in the parliament.** This is further exacerbated by the fact that some of the elections in some townships did not take place.⁸ There is currently a total of 19 vacant seats which means that in some cases, the military accounts for an ever greater part of the vote.

Despite Myanmar being a signatory to CEDAW, no temporary special measures aimed at accelerating *de facto political* equality between men and women were established, and as a result only 800 out of 6074 aspiring candidates were women. Nonetheless, this is an increase of nearly 10% compared to the last elections, whereby there were only 127 female candidates out of a possible 3069. Subsequent to the elections, women now make up approximately 10 per cent of the parliament and

⁷ UN HRC General Comment No. 25 paragraph 21

⁸ This non-conduct of elections particularly affected Shan State, where polls were cancelled in seven entire townships, seven wards and 334 villages.

the state and regional assemblies. Although commendable, vital progress needs to be achieved to secure the 30 percent that is heralded as international best practice in ensuring a critical mass.

Election Administration

The Election Commission of Myanmar was established by the Constitution and the 2012 Union Election Commission Law and is based on a five-tier structure which comprises the Union Election Commission (UEC) at the national level with sub-commissions at the state and region, district, township and ward/village levels. The Chair of the former Commission and six of its members were appointed by the President on 30th of March 2011. A call for reforms at the UEC were somewhat addressed by appointing an additional eight members on the 3rd of April 2015 from the largest ethnic minorities. Out of 15 Commissioners, one was female.⁹ Nevertheless, the system of appointment is still not considered to be transparent, according to international standards and as a result many have called the independence of the UEC into question.

In line with its mandate, and in line with the call for reforms, the UEC demonstrated its commitment to promoting transparent and inclusive elections. The UEC adopted a number of measures which included attempts to update and digitise the voter register, and to change the rules of advance voting. It further introduced the use of self-inking stamps for marking ballots papers instead of pens, and the introduction of indelible finger ink to mark voters to help prevent double or multiple voting. Another significant shift has been the invitation of international electoral support organisations and observation missions, which were called upon to help promote international standards, codes of behaviour and transparency. To this end, Gender Concerns was able to field its team of 27 international and national observers in the regions of Nay Pyi Taw, Yangon, Bago and Mandalay, covering a total of 12 townships.

While, there was only one female Commissioner, the UEC should be commended for its promotion of women with nearly 54% of its workforce being made up of women. Female teachers also accounted for over 75% of the polling workers. In 2015, UEC commenced a gender audit, however it is unclear as to what has happened to the results of the audit. The UEC, in its strategic plan, ensured gender mainstreaming throughout and cited various actions to ensure that gender is mainstreamed in all its activities. This includes strategic pillar nine, which aims to promote “inclusion and diversity in the UEC Recruitment Strategy. Unfortunately, at present, the commission consists of only men, and we are yet to see the inclusion of female representatives in the commission. It is hoped, that if more commissioners are to be appointed, UEC is encouraged to ensure at least one female representative. To this end, **the UEC should seek support and advice from key partners on how they can explore new innovative ways to ensure that women are represented at all levels of the UEC** (at the moment they account for approximately 33% of the officers and all commissioners are male).

While the UEC should strive to enhance female participation in all aspects of their work, and should continue to work with civil society and women’s organisations, more could be done to institutionalize this practice and ensure that such activities take place during the entire electoral cycle. During the 2015 elections, 220 UEC staff from 14 States/regions were trained on gender equality principles. In order to ensure follow up and to further promote effective female political participation, **UEC staff still requires more information on gender sensitive approaches to promote women and the participation thereof.** It is imperative to continue training on gender and ensure compliance and promotion of international and regional commitments on women’s rights. **Key UEC staff should undergo training on gender mainstreaming principles and work towards ensuring that**

⁹ Subsequent to the 2015 elections, a new Commission has been appointed. At present, it comprises five persons, but to date all members are male.

their newly adopted gender policy is adhered to and fortify their efforts in implementation of the strategic plan to ensure adequate adherence to promoting gender equality throughout the electoral cycle.

The UEC should also be commended for its initiative to work and engage with various women's organisations. In 2015 it launched its first gender policy and a total of 17 women's organisations were consulted. The importance of engaging women and civil society in all aspects of the process should not be underestimated, **a strong partnership with women's organisations and civil society cannot only help the UEC strengthen their resolve towards gender equality but can also support the UEC in identifying specific areas of weakness and how to reach out to women in order to ensure their effective political participation.** It is recognised that the new Commission has also made concerted efforts to sustain important links by reaching out to civil society and should therefore **ensure that women's groups continue to be included in this forum. Such forums should not take on an ad hoc nature but instead should be institutionalised within the working of the Election Commission at all levels.**

In order to inform future policies, it is vital that in collaboration with women's organisations and civil society, **the UEC explores ways of collecting statistical data on the participation of women in all parts of the electoral process.** The initiative by some of the polling stations in keeping records of how many women voted on Election Day, is crucial, and this method should be replicated throughout the electoral process and **the data should be used to inform future policies.**

Voter Registration

The total population of Myanmar is 51.41 million based on the provisional results of the 2014 population and household census. Out of the total population, the male population is 48.2% and female population is 51.8%. To this end, it is of no surprise, that there are more females registered than men. A total of 34,295,334 people are registered; 52.22% of these are female. The voter list was taken from the General Administration Department (GAD) and Ministry of Immigration and Population household lists. In order to ensure added transparency, the voter lists were computerized for the first time in its history. While improvements were made, future elections should improve the accuracy of the register. Unfortunately, the nationwide repeal of temporary citizenship cards (the so called 'white cards') led to alleged 800,000 persons being disenfranchised. Many of these persons were able to vote in the 2008 constitutional referendum and the 2010 elections, however this policy was removed for the 2015 elections. Many of these persons were Rohingya in Arakan State.

Registration of Candidates and Political Parties

All candidates seeking election to the legislative bodies must comply with certain candidacy requirements which were established under Myanmar's Constitution and election Laws. These include: Being a citizen of Myanmar that has resided in Myanmar for at least ten consecutive years; being an eligible voter, and having parents that are citizens of Myanmar. Candidates for the upper house must be at least 30 years old, while candidates for the lower house and state and regional Assemblies must be at least 25 years old.

International Standards¹⁰ state that "Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence¹¹ or descent, or by reason of political affiliation". Furthermore, many of the disqualifications (see under complaints and appeals) were due to citizenship, however a large number of these candidates were

¹⁰ ICCPR Arts 2 and 3; ICERD Article 5; CEDAW Articles 4 and 7; and UN HRC General Comment No 25 para.20

¹¹ The Venice Commission's Code of Good Practice on Electoral Matters recommends that where residency requirements for voting or candidacy exist, "the requisite period of residence should not exceed six months."

either from Muslim or ethnic parties, and some independent candidates who were of South or East Asian descent.¹² This inevitably reduced the number of candidates emanating from ethnic minorities standing, and as a result there are now less ethnic parties represented¹³ in the Union Parliament than in 2010. Neither the USDP nor the NLD fielded a Muslim candidate anywhere in Myanmar, and no Muslim citizen was voted into the parliament nationwide.

A total of 91 political parties were registered for the 2015 elections, with a total of eleven political parties winning seats in the the Pyithu Hluttaw and nine political parties in the Amyotha Hluttaw. To date, only three – NLD, Mon Women’s Party and Dany National Organization - have a woman as chairman, party leader or deputy party leader. There are six parties which have a female secretary.

13 percent of the 6,074 candidates in the 2015 November parliamentary election were women. 228 Myanmar women ran for seats in the Lower House, 119 for seats in the Upper House and 444 for a role in the legislatures of the states and regions. The opposition, the National League for Democracy of Aung San Suu Kyi, is the party that fielded the most women candidates at 168, (80% of these candidates were elected) while 72 (approximately 10% of these women won seats) women ran under the Union Solidarity and Development Party (USDP).

While 13 per cent of candidates did represent an increase in the number of female candidates, as compared to previous elections, Myanmar has yet to take any appropriate measures to ensure that women are on an equal playing field with men in politics.¹⁴ No quota system exists, and political parties did not tend to promote the nomination of female candidates, and therefore Myanmar continues to be far off the 30 per cent quota for women recommended by the Beijing Platform of Action. Both general recommendations 23 and 25 confirm that the onus is on the state to take all “appropriate measures” to achieve equality. The recommendations emphasise that states have the legal obligation to respect, protect, promote and fulfil women’s rights to *de jure* and *de facto* equality and that it is “not enough to guarantee women treatment that is identical to that of men.” The recommendation notes that states parties “should evaluate the potential impact of temporary special measures which they consider to be the most appropriate in order to accelerate the achievement of *de facto* or substantive equality for women.”

Out of the original 99 candidates who were disqualified from running in the race, two women were disqualified and then reinstated when their parties submitted evidence to the UEC tribunal and concluded that they did satisfy their eligibility criteria. No women were thus disqualified from the race nor did any withdraw from the race.

While some political parties did advocate for female participation in the elections, this was not strong enough, and in some cases women were especially dissuaded from becoming candidates from their own family members. **The cost of running** for candidacy was reduced from 500,000 to 300,000 Kyat (about \$280), which was refunded in full to winners as well as to any candidate who obtained at least 12.5 per cent of the valid votes. While a refundable deposit was welcomed, considering that the average monthly wage ranges between \$75 to \$170 per month, such an amount imposed¹⁵ a

¹² According to the Preliminary Statement of the Carter Centre, five of the six political parties fielding mostly Muslim candidates, including those representing Rohingya and Kaman, lost more than half of their candidates, and at least two Muslim independent candidates were disqualified.

¹³ The Arakan National Party (ANP), and, to a lesser extent, the Shan Nationalities League for Democracy (SNLD), are the only ethnic parties left with a sizeable number of MPs. The successes of ethnic parties are largely confined to the Region and State Assemblies. – Source EU EOM Final Report

¹⁴ The Shadow report presented by civil society to the Universal Periodic Review states “Myanmar is party to international treaties and it made political commitments that oblige it to introduce special measures for guaranteeing participation and representation of women in government. Pandita and PACE recommends legislative amendments that will guarantee participation of women in legislative bodies.

¹⁵ According to international standards, conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory.

significant weight on candidates meaning that many potential candidates, especially female ones, were discouraged from putting forward their nomination.

In the future, the UEC could consider waiving this deposit in order to ensure more women are nominated. Other special measures from the UEC and Political parties as well as support from the women's organizations and civil society could be explored in order to tear down some of the barriers that women face in becoming candidates.

Campaign Environment

The campaign commenced on the 8th of September and ended on the 6th of November. Women were mainly able to freely campaign, although resources and specific campaign strategies were in short supply for some candidates. Due to the barriers which still exist for many of the women to enjoy the access to the same level of rights as their male counterparts, some women felt at a disadvantage and were not supported by their families to be candidates. Although 88 political parties, did sign the code of conduct which explicitly talks about respect for gender and was disseminated widely amongst the political parties, there were some candidates who would openly criticize women candidates at public rallies. While many women turned out for the campaigns, women candidates were not encouraged to talk about women's issues and stuck to the political lines of their party. Some female candidates endured slurs and malicious rumours, while some also feared for their safety as they campaigned in their constituencies, especially in the more security prone areas. Photo shopped Images of Daw Aung San Su Kyi was also used to slander her reputation. **A more robust implementation of the code of conduct could be considered for the future.**

Voter Education

The UEC did make concerted efforts to ensure women were apprised of their political rights. The UEC made particular use of the internet and published a total of 820 posts which resulted in over 210,000 likes. Unfortunately, the internet tended to reach more men than women, with approximately 70 per cent of the users being men. These efforts were supported by a number of key institutions such as International Foundation for Election Services (IFES), Institute for Democracy and Electoral Assistance (IDEA), International Republican Institute (IRI) and other international and local Civil Society Organisations (CSOs). Other donors also funded voter education which specifically targeted women's participation in the process. Nonetheless, it is unclear as to what extent the voter education programmes had on women's participation, as there were no official statistics to measure how many women turned out to vote on 8th of November Elections.

Polling and Counting

The elections were mainly heralded as peaceful and well organized, despite some shortcomings. Almost all observed polling stations were opened in a timely manner with the proper election material in place by 6am. All staff were present and ready to fulfill their duties. Women turned out in huge numbers, however the pregnant, the elderly and the disabled were not always given priority in the queues, despite the polling station manual emphasizing that they should. A small minority of polling stations recorded sex-disaggregated data on voter turnout, and the GEOM's observers noted a high number of women voting in all areas observed. The polling staff followed procedures and the counting of the votes was conducted in an organized and transparent way. Nonetheless the overcrowding of some stations, did not always favor a smooth process, and many women found themselves waiting in line for many hours.

While the overall professionalism of the polling staff can be commended, future elections could ensure that guidelines in the polling station manual are adhered to. The next elections could also ensure that the planning of polling stations takes overcrowding and organizational aspects of the

polling stations into account and could therefore improve the efficiency in which both men and women are able to vote.

Results

Prior to the 2015 elections, the proportion of women in the Parliament was one of the lowest in Asia. Nonetheless, due to a successful campaign and a significant number of women, as compared to the last elections, putting themselves forward, the parliament is now represented by approximately 10 per cent of women. The majority of these women are represented in the National League for Democracy, with 44 in the upper house, 20 in the lower house and 70 in the state and regional assemblies. This heralds a demonstrated improvement since 2010 whereby a little over 5.59% and 1.79% of women were elected in the upper and lower house respectively. While these results are commendable and currently Myanmar has more female representation than India and Maldives, it is still lags very much behind many of its other regional neighbors.

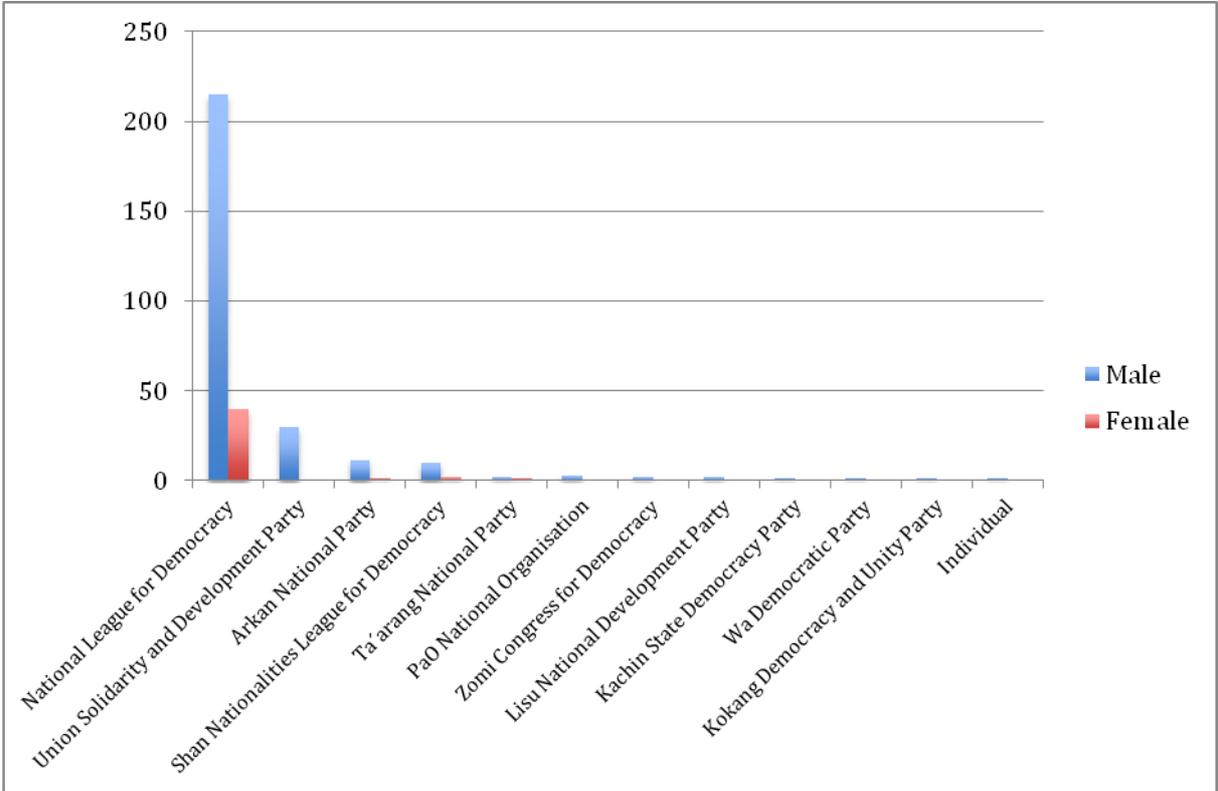


Figure 1: Political Party candidates elected to the Pyithu Hluttaw Elections

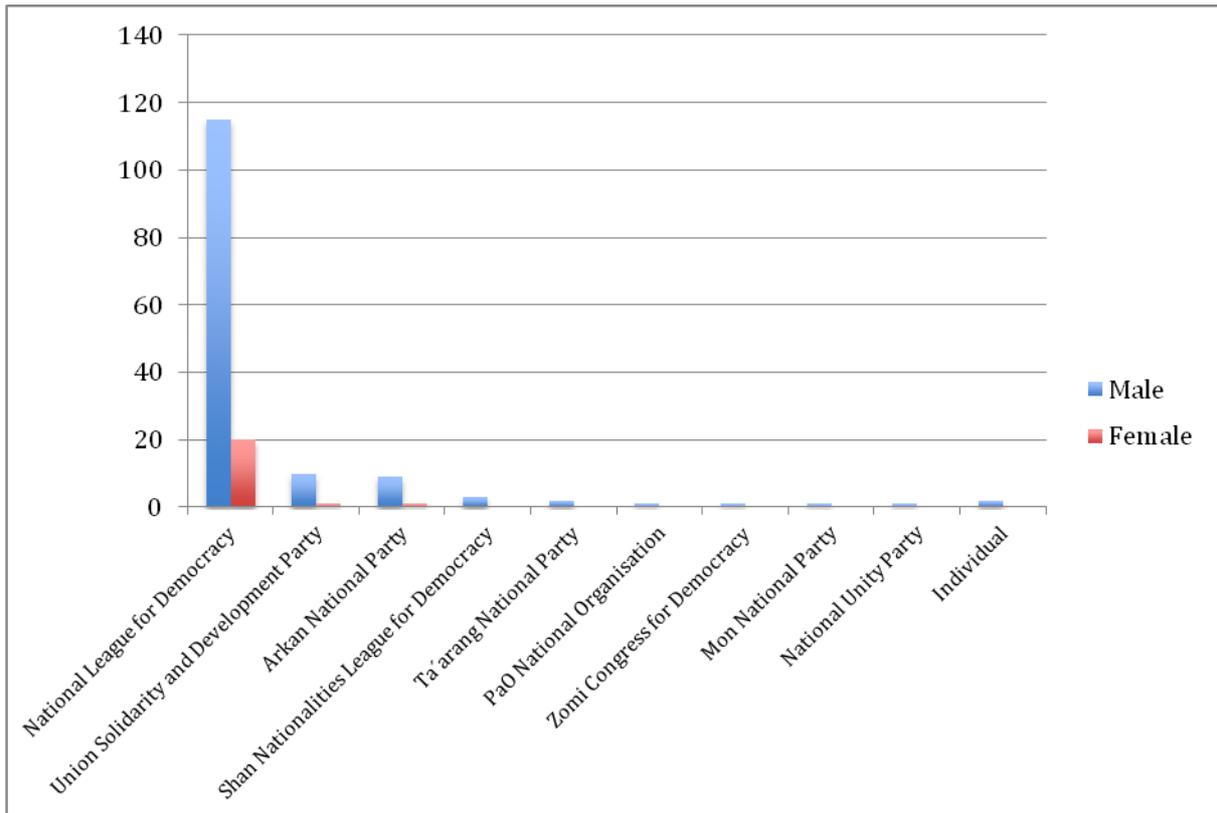


Figure 2: Political Party candidates elected to the Amyotha Hluttaw Elections

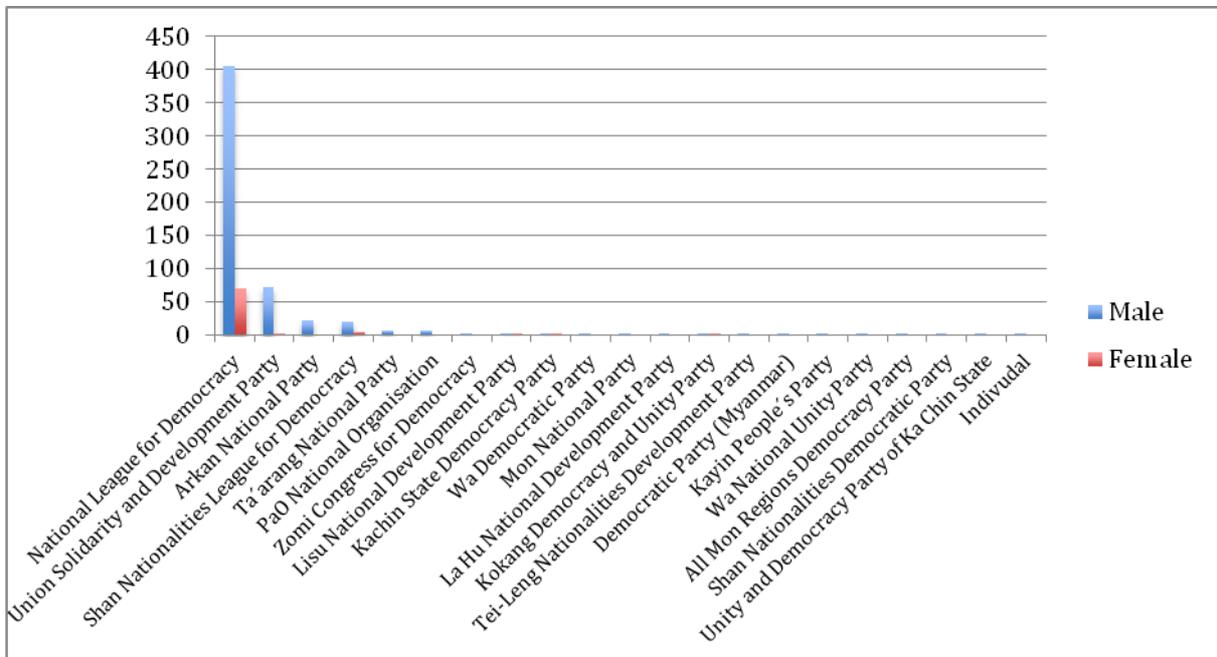


Figure 3: Political Party candidates elected to the State/Region Assembly Elections

The majority of the women in the three tiers emanate from the NLD, with 91% of the female candidates in the Upper House (40/44), 87% in the lower house (20/23) and 88% (70 + 4/84) in the State and regional Assemblies. Women represent 13.62%, 13.69% and 12.54% of the elected candidates in the Upper, Lower House and State and regional Assemblies respectively

Given the fact that many of these women will be first time candidates, it is **essential that they are afforded adequate support and capacity to ensure that they are able to carry out their functions effectively, and are able to contribute to ensuring better gender diversity and sensitivity in the institutions for which they have been elected.**

Electoral Disputes

Candidate nomination faced a certain number of objections and appeals. In all, at district, state and regional and sub commission level, a total of 67 objections were filed. Six of these involved women. 56 of these cases were dismissed and eight of the decisions were reversed. 21 cases were reviewed by the UEC Central.

Following the elections, there were 45 objections relating to the elected candidate filled seat within the 45 days period; this involved six women. Ten Election Tribunals were established and 171 hearings took place.

Finally with regards to the election expense reports, 175 candidates failed to file their reports on time. It is alleged that there were 160 disqualifications of which 22 were women. However, none of these disqualifications were imposed on any of the winning candidates.

Conclusions and Recommendations

Myanmar, along with the UEC, has made concerted efforts to promote female political participation and the past elections resulted in a marked improvement of female participation in the electoral process. While the government has signed up to the key international instruments and has developed a number of policies and laws to promote gender equality, implementation remains weak. The political will to implement these policies and support the established structures needs to be matched by gender sensitive budgeting by the new parliament, as well as building the capacity of both the UEC and the new levels of government in gender mainstreaming and approaches to promote women's equality at all levels. More resources, both human and financial, need to be afforded to these initiatives and the UEC in particular needs to be supported in the implementation of its strategic plan, which has adopted a very positive gender approach to all aspects of the electoral cycle. Such support should be coupled with enhanced collaboration and cooperation with Women's Groups and Civil Society Organisations as well as with political parties to ensure greater female leadership, participation and nomination in future elections and in the organisation of politics. Finally, emphasis should be placed on the new parliament and the provision of capacity, especially to its female members in enabling women to play an important role in the parliament as well as enhancing their skills and knowledge on issues such as Women's Rights, Gender Sensitive Budgeting, Analysis of Laws and policies from a gender perspective and gender mainstreaming in general. To this end, Gender Concerns makes the following recommendations:

UEC

1. Support be provided to the UEC to enable them to seek support and advice from key partners on how they can explore new innovative ways to ensure that women are represented at all levels of the UEC.
2. Provide all key UEC staff with training and information on gender sensitive approaches to promote women and the participation thereof. Training could include gender mainstreaming principles and how the different aspects of the electoral cycle affect women.
3. Ensure that the UEC is afforded with support to enable them to adopt a plan of action for implementing their recently approved gender policy and the articles outlined in their strategic plan.

4. Enhance and formalise the already fortified partnership with women's organisations and civil society which will not only help the UEC strengthen their resolve towards gender equality, but can also support the UEC in identifying specific areas of weakness and how to reach out to women in order to ensure their effective political participation.
5. The UEC be supported in research on gender issues and how to collect statistical data on the participation of women in all parts of the electoral process. The initiative by some of the polling stations in keeping records of how many women voted on Election Day, is an important one, and could be replicated throughout the electoral process and the data could be used to inform future policies.
6. The UEC could consider waiving the candidate nomination deposit for women in order to ensure more women put their nominations forward. Other special measures from the UEC and Political parties as well as support from the women's organizations and civil society could be explored in order to tear down some of the barriers that women face in becoming candidates.
7. The UEC in line with their Gender Policy, establish a Gender Unit, which could play a role in monitoring women's participation in all areas of the work of the UEC, including in the implementation of the Political Code of Conduct.

Government

1. Support be given to the Government in adopting the ICCPR and CEDAW Optional Protocol in order to ensure better implementation of elections and women's rights according to international standards.
2. The relevant ministries be provided support to ensure that the 12 point action plan is achieved, including providing the financial and human resources, and affording essential training and capacity building to the key institutions in order to implement the plan effectively.
3. Government with key partners such as the UEC, political parties, Parliament and Civil Society explore ways in ensuring the implementation of the Beijing Platform of Action. More could be done to ensure that barriers preventing women effectively and equally participating in the elections and political life are removed.
4. Ensure implementation and adherence to the recommendations emanating from the fourth and fifth periodic CEDAW Review and the Universal Periodic Review.¹⁶

Parliament

1. Parliament undergo a number of seminars on Gender Mainstreaming and Gender Related Laws and Policies as well as information on the policies and laws already passed relating to different aspects of gender equality.
2. Female Parliamentarians be afforded with training on gender sensitive budgeting, analysis of laws from a gender perspective, implementation and reporting on CEDAW as well as communication and leadership skills.
3. Parliament examine the possibility of implementing a gender quota and establishing this in the electoral law.

¹⁶ The concluding remarks and observations are due to be published in 2016 or early 2017

Civil Society

1. Women's Groups and Civil society undergo gender training in relation to elections, including BRIDGE Training and on analysis of gender sensitive laws and policies as well as gender sensitive budgeting.
2. Women's Groups and Civil Society be supported in their collaboration both with the parliament and with the UEC in order to influence both institutions in promoting women's equal participation in all aspects of the electoral cycle and political decision making.

Political Parties

1. Political parties undergo BRIDGE Training, as well as other trainings to ensure better understanding the role of women in elections and political decision making.
2. All political parties undergo gender mainstreaming workshops and be supported in promoting women to leadership positions within the political party structure.
3. Political parties be supported in raising the profile of female candidates and ensuring women of afforded the appropriate skills to become political leaders and to contribute to political discourse.
4. Political parties encourage the development of a quota for women for future elections.

Annex 1: PRE- AND POST-ELECTION INTERACTIONS



Pre-election CSO interaction



UEC Chair a day before the elections



Pre-election meeting with the Chair of UEC



UEC pre-election observation briefing with ASEAN Election Commissions



Preliminary Report Launch with Mary Robinson, former UN High Commissioner for Human Rights and Ana Gomez, EU Parliamentarian



Preliminary Report launch with Carter Center and UN Electoral Assistance Division

Annex 2: ELECTION DAY





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