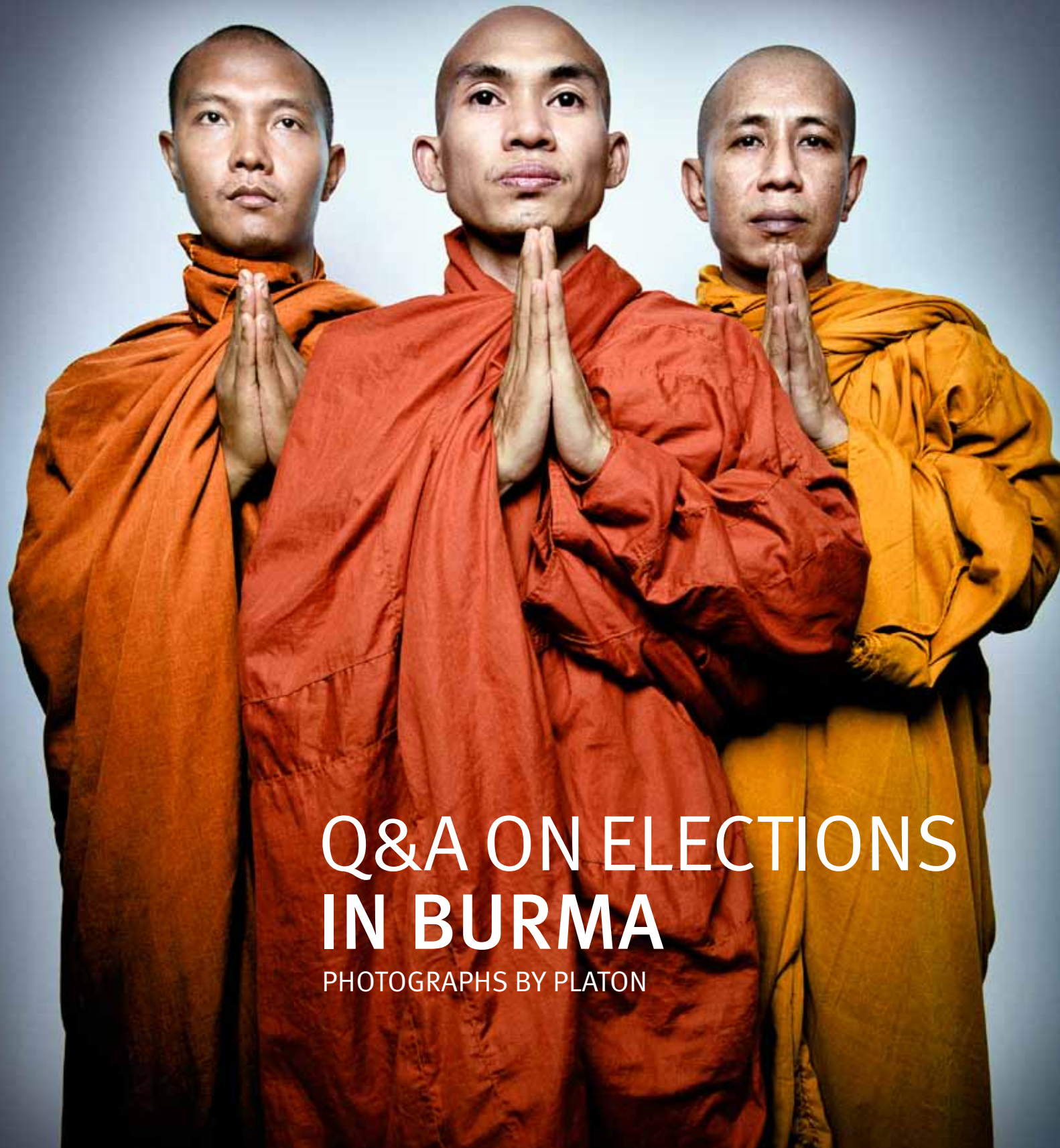


HUMAN
RIGHTS
WATCH



Q&A ON ELECTIONS IN BURMA

PHOTOGRAPHS BY PLATON



Q&A ON ELECTIONS IN BURMA

INTRODUCTION

PHOTOGRAPHS BY PLATON

Burma will hold multi-party elections on November 7, 2010, the first in 20 years. Some contend the elections could spark a gradual process of democratization and the opening of civil society space in Burma. Human Rights Watch believes that the elections must be seen in the context of the Burmese military government's carefully manufactured electoral process over many years that is designed to ensure continued military rule, albeit with a civilian façade. The generals' "Road Map to Disciplined Democracy" has been a path filled with human rights violations: the brutal crackdown on peaceful protesters in 2007, the doubling of the number of political prisoners in Burma since then to more than 2000, the marginalization of ethnic minority communities in border areas, a rewritten constitution that undermines rights and guarantees continued military rule, and carefully constructed electoral laws that subtly bar the main opposition candidates.

WIN MIN, CIVIL SOCIETY LEADER

A medical student at the time, Win Min became a leader of the 1988 pro-democracy demonstrations in Burma. After years fighting in the jungle, Win Min has become one of the most articulate intellectuals in exile. Educated at Harvard University, he is now one of the driving forces behind an innovative collective called the Vahu (in Burmese: Plural) Development Institute, which trains Burmese civil society workers to work for development and peaceful change.

This political repression takes place in an environment that already sharply restricts freedom of association, assembly, and expression. Burma's media is tightly controlled by the authorities, and many media outlets trying to report on the elections have been reduced to reporting on official announcements' and interviews with party leaders: no public opinion or opposition is permitted.

Unfortunately, the November 7 elections in Burma will not be about advancing democratic governance. They will be about cementing military rule into an indefinite future.



CHILD SOLDIER

A 16-year-old former child soldier from Mandalay, hides his face to protect his identity. He fled after he was sent to the front line in Kachin state. Burma has the largest number of child soldiers in the world. The overwhelming majority of Burma's child soldiers are found in the national army, which forcibly recruits children as young as 11, although armed ethnic opposition groups use child soldiers as well. As many as 20 percent of Burma's active duty soldiers may be children under the age of 18.

WHAT HAS BEEN THE ELECTORAL PROCESS TO DATE?

Burma's ruling junta, the State Peace and Development Council (SPDC), staged a constitutional referendum in two stages in May 2008, just days after the devastating Cyclone Nargis. The SPDC claimed to have won nationwide approval for the proposed constitution with a 92.48 percent approval rating of a 98.12 percent voter turnout, which enabled the SPDC to go ahead with a transition to "discipline-flourishing genuine multi-party democracy." In March 2010, the SPDC formed the Union Electoral Commission (UEC), an 18-member body hand-picked by the military government, to oversee the conduct of the elections. The UEC then released a series of four electoral laws governing the conduct of the elections.¹ Among their provisions, the laws place sharp curbs on campaigning and prohibit parties that have as members people currently serving prison terms or detention orders. This excluded more than 2,100 political activists and government opponents serving sentences in 2010, including democracy leader and 1991 Nobel Peace Prize winner Aung San Suu Kyi.

In April, all government ministers, including Prime Minister Lt. Gen. Thein Sein, resigned from the military and formed the Union Solidarity and Development Party (USDP). In August, the largest military reshuffle for decades occurred, with scores of senior military officers resigning and announcing candidacies for the USDP.

WHAT OCCURRED DURING BURMA'S LAST ELECTIONS IN 1990?

The last multi-party elections in Burma were in May 1990, two years after the socialist-military government that ruled Burma since a military coup in 1962. The opposition National League for Democracy (NLD), led by Aung San Suu Kyi, won those elections with more than 60 percent of the vote and gained 80 percent of the parliamentary seats. Voting on the day was relatively free and fair after a tightly controlled election campaign in which the authorities imprisoned scores of opposition candidates and failed to conduct voting in large ethnic minority areas where there was armed conflict.

The then ruling State Law and Order Restoration Council (SLORC) refused to hand over power to the opposition after the NLD's victory. Instead, the SLORC declared that the elected representatives would form a national constitutional convention rather than a parliament. That process of drafting Burma's third constitution, started in 1993, eventually became officially known as the "Seven Step Road Map to Disciplined Democracy." The military government finally concluded the drafting process in 2007 after a haphazard 14 years of sessions that gradually excluded most opposition and ethnic nationality representatives.

¹ International Crisis Group, The Myanmar Elections, Jakarta/Brussels, Asia Briefing No.105, May 27, 2010; Vahu Development Institute, "SPDC's Election Commission Law and Political Party Registration Law," Policy Brief No.3, March 2010; Amnesty International, "Myanmar's 2010 Elections: A Human Rights Perspective", Amnesty International Briefing, ASA 16/007/2010, May 11, 2010; Michael F. Martin, "Burma's 2010 Elections: Implications of the New Constitution and Election Laws," Washington DC, Congressional Research Service, April 29, 2010.

AUNG MYO THEIN, FORMER POLITICAL PRISONER

Aung Myo Thein, 42 years old, spent more than six years in prison for being an '88 Generation student union leader. More than 2,100 political prisoners are locked up in Burma's squalid prison complexes today, including monks, artists, journalists, students, and political activists. Aung Myo Thein fled Burma in December 2007, leaving his 6 year-old son behind: "I haven't seen him since he was 3 years old."

WHAT WILL BE THE MAKE-UP OF THE NEW PARLIAMENT?

The elections will decide seats for three types of assemblies: a bicameral national parliament, and a series of 14 regional or state parliaments. The national level Pyithu Hluttaw (People's Assembly, or lower house) will have 330 seats open for voting, corresponding to Burma's 330 township administrative districts (similar to districts or electorates). Under the constitution, the military is entitled to one-quarter of all seats (110), for a total of 440 seats.

In the Amyotha Hluttaw (House of Nationalities, or upper house) 168 out of 224 seats are open for contest, from 12 districts in each of Burma's 14 states or regions (currently called divisions, similar to a province). The military gets 56 reserved seats in the upper house, roughly one-quarter of the seats.

The 14 state and division assemblies vary according to population density and have special provisions for some ethnic groups, but will have a total of 665 seats up for grabs. In these assemblies, 222 seats will be reserved for serving military officers.

In total, of 1,551 seats in two national assemblies and fourteen regional and state assemblies, only 1,163 will be open for voting on November 7. (Due to restrictions on voting in certain declared areas, the vote will actually only take place for 1,157 seats.) The rest of the parliamentary seats are reserved for the military.

If a constituency has only one candidate registered, the vote will not take place and the one candidate will be appointed the representative. The UEC has stated that there are 54 constituencies out of the total of 1,163 where only one candidate has been registered, but would not name the areas.

WILL THE ELECTION PRODUCE A NEW GOVERNMENT IN BURMA?

So-called "civilian" institutions such as an upper and lower house of parliament and regional assemblies will be created as set out in the constitution. But the military will effectively decide who leads and staffs these institutions. These institutions, in turn, will have no legal authority over the military. Opposition to military rule is a criminal offense today, and will remain a crime after the election, hence anyone calling for genuine reform is likely to be quickly removed from office and imprisoned.

**BO KYI,
POLITICAL PRISONER ADVOCATE**

As a former political prisoner and co-founder of the Assistance Association of Political Prisoners, Bo Kyi works tirelessly to secure the release of more than 2,100 Burmese people who have been jailed for their political independence and activism. After taking part in peaceful demonstrations during Burma's 1988 popular uprising, Bo Kyi was arrested in March 1990 as a college student for joining the human rights cause. He ultimately spent seven years and three months in prison, suffering interrogations, beatings, shackling, and torture in prison, amid squalid living conditions. Throughout his long ordeal, Bo Kyi resolved that he would work for the release of all those who remained unjustly held in Burma's prison network. On release, Bo Kyi escaped to Burma's border with Thailand, where he helped found the Assistance Association for Political Prisoners, pressing for the release of those still in prison and providing health services, guidance and care to them and their families.

WHAT ROLE WILL THE BURMESE MILITARY PLAY AFTER THE ELECTIONS?

The Burmese military will continue to rule Burma after the election. The military will dominate the post-election parliament and supposedly civilian government. It is unlikely that opposition forces will win meaningful representation or hold key ministerial portfolios. But even if the opposition could gain meaningful representation, the parliament will have no power over the military, which will continue to rule the country.

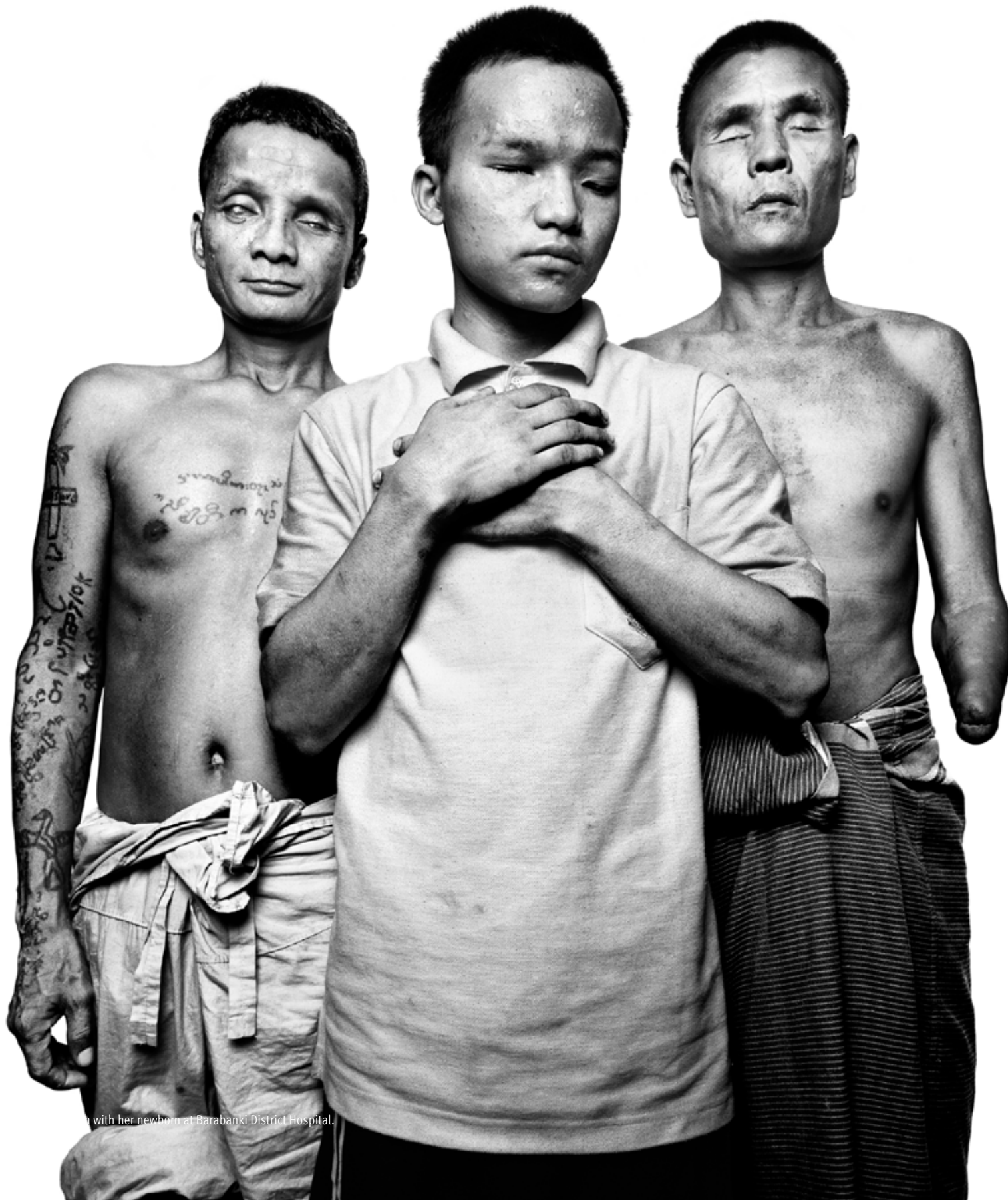
Because Burma's constitution guarantees one-quarter of seats in the lower house of parliament and one-quarter in the upper house to serving military officers, the military will hold enough votes to veto any future changes in the constitution. The constitution also gives the military exclusive jurisdiction "to independently administer and adjudicate all affairs of the armed forces." The military will not be subject to parliamentary or judicial authority in any way, and may interpret its own authorities however it chooses. This means that the parliament will have no say over the military's budget and economic activities. In Burma, the military commands around half the national budget and runs, directly or through its cronies, virtually all lucrative business enterprises.

The constitution gives the military commander-in-chief – not parliament – the right to pick the heads of the Defense, Home, and Border Affairs Ministries, giving him total command of the coercive instruments of the state, including the police. These ministers, with the president and the army chief will run the daily affairs of the state through a National Defense and Security Council (six of whose eleven members will be appointed by the military). Even if the parliament, despite being dominated by military officers, were to use its limited powers to challenge the military, the commander-in-chief has the authority to declare an emergency and dissolve it.

WHAT WILL BE THE ROLE OF BURMA'S CURRENT LEADER, SENIOR GENERAL THAN SHWE?

That is open to speculation. Than Shwe did not retire from the military like many other senior officials, and the deadline for registering candidacy to contest an electorate as a member of a political party or an independent has passed. He, and his no. 2 in the SPDC hierarchy, Vice-Senior Gen. Maung Aye, could assume one of the appointed military seats and be made president and vice-president. They could simply retire, they could assume some extra-legal position as senior advisor, or continue their military positions. It is not known, but it is likely Than Shwe will remain in some influential capacity, so long as he remains healthy.





LANDMINE VICTIMS

Kio Say, 43; Hsa Ka Twe, 15; Par Taw, 45. Burma is one of the top remaining users of landmines as part of long-running armed conflicts with ethnic minority groups. Anti-personnel landmines kill and maim not only soldiers but civilians, including elderly people, women, and children. According to the 2010 Landmine Monitor, Burma is the only country that continues to use landmines on an ongoing basis, having failed to sign the global anti-landmine treaty. The Burmese army routinely deploys landmines near borders with Thailand, Bangladesh and India, as well as in Burmese states with ethnic minorities such as Karen state and Shan state. Many of the non-state armed groups also use landmines and improvised explosive devices (IEDs) widely.

WHAT ARE THE MAIN PARTIES RUNNING IN THE ELECTIONS?

Out of a total of 47 parties that attempted to register with the UEC, there are now 37 parties running. See page 29 for a full list of election parties. Only two parties will field candidates in almost every seat open to contest; the military-formed Union Solidarity and Development Party (USDP) and the pro-military former Burmese socialist party, the National Unity Party (NUP), which won approximately 30 percent of the vote in the 1990 elections.

There are a few parties with links to the opposition that have formed an alliance against the two main military connected parties, including the National Democratic Force (NDF), created by former members of the NLD, and the Union Democratic Party (UDP). According to the National Democratic Force chairman, Dr Than Nyein, “Having formed this group, our aim is not just winning the election. I think winning the election is just one step on the ladder [to democracy]. It does not mean that we will automatically arrive at the top; we still have so many things to do. We will keep focusing on [establishing] a free and fair democratic system for our country.”² These parties together will only be able to field candidates in around half the lower house, a third of the upper house, and a fraction of the regional assemblies, and already there are rifts within the coalition over campaign financing issues.

According to Harn Yawngwe, an ethnic Shan leader and the head of the Euro-Burma Office whose father was the first president of independent Burma in 1948, “Right now half the parties running in the election are genuine opposition parties and not with the military but whether the military will allow them to exist is another matter. They have started disqualifying candidates on the basis of various rules and they have not allowed some parties to register so we will have to see on election day whether there are opposition parties left.”³

HAVE PARTIES FACED ANY PROBLEMS CAMPAIGNING? HAS THERE BEEN ANY PRE-ELECTION VIOLENCE?

Political parties not aligned to the military report that the laws on campaigning, distribution of materials, and speeches are being interpreted unfairly to prevent them from campaigning. There are numerous restrictions on political parties that limit their efforts at campaigning, as stipulated in the electoral laws and in other directives. For example, the directive issued on June 21, stated that political parties while campaigning were not permitted to engage in “acts to harm security, the rule of law, and community peace,” or make speeches or other activities that could be deemed as “tarnishing the image of the state,” or “breaking up the Tatmadaw [armed forces].” Restrictions imposed on minority parties have not been applied to the military-formed USDP, which has held rallies around the country.⁴ Another directive for party candidates required all published materials, pamphlets, posters, and other campaign material to be submitted to the censors for approval.⁵

² Maw Maw San and Shwe Yinn Mar Oo, “‘Friendship’ group established”, The Myanmar Times, October 11-17, 2010, <http://www.mmtimes.com/2010/news/544/54406news.html> (accessed October 26, 2010).

³ Rebecca Henchke, “Burma’s Election Debate: Harn Yawngwe,” Asia Calling, October 2, 2010.

⁴ Union of Myanmar, Union Election Commission, Directive No.2/2010, Nay Pyi Taw, June 21, 2010.

⁵ Union of Myanmar, Union Election Commission, “Rights for Hluttaw candidates to assemble and canvas,” Directive No.91/2010, August 18, 2010.



MIGRANT LABORERS

These migrant laborers work in the fields of Mae Sot, Thailand. There are currently an estimated two million migrant workers from Burma living in Thailand. Many Burmese migrant workers in Thailand suffered as forced laborers in Burma. The Burmese army has used forced labor to build roads, act as “porters” for the military, to build infrastructure, to maintain bases, and to serve troops and patrols. Women are subject to sexual violence, and the military literally “lives” off the civilian population as it travels, taking whatever it needs and conscripting civilian labor as it goes. Villagers receive no pay, must supply their own food, and are threatened with imprisonment should they refuse to participate. Porters have been beaten and killed when they tire under their heavy burdens.

In Burma’s Arakan State, only one of two ethnic Rohingya Muslim parties running – the National Democratic Party for Development (NDPD) – was deterred from campaigning because of threats by USDP members that Rohingya villages would be dismantled if the party persisted in rallying for votes.

Violence between supporters of different parties and between the security forces and opposition activists is always possible. However, the markedly increased security presence throughout Burma during election day is designed to deter violence as well as any sort of political protests.

WHAT ROLE WILL BURMA’S DIVERSE ETHNIC NATIONALITIES PLAY IN THE ELECTIONS?

Many of the 37 registered parties running in the election are small ethnic parties. They will only field candidates in a small number of seats: all parties must field at least three candidates to contest the elections. For example, the secretary of the All Mon Region Democracy Party (AMRDP), Min Nwe Soe, said in an interview, “We know there are many restrictions in the electoral laws, but we are facing up to them. Our belief is that Mon people need to be represented by a political party. It is important to bring up the Mon issue at parliament. If there are no Mon parliamentarians, no one will speak up for us.”⁶ Other examples are the Chin Progressive Party (CPP) which will field 41 candidates in Chin State and in neighboring Sagaing Division, the Rakhine (Arakan) Nationalities Development Party (RNDP) which has registered 44 candidates to contest in western Burma seats.

WHAT ROLE WILL THE ARMED ETHNIC GROUPS PLAY IN THE ELECTIONS?

The elections have increased tensions with ethnic minority groups, which have been ordered to accept new legal arrangements and transform their ethnic nationality militias into Border Guard Force units under the direct command of the Burmese military. Large militias such as the United Wa State Army (UWSA), with an estimated 20-25,000 soldiers, the Kachin Independence Organization (KIO) with more than 7,000 fighters, and the New Mon State Party (NMSP) have resisted these instructions. In a clear sign of increased tensions with the Kachin Independence Organization, the UEC did not approve the registration of three Kachin parties to contest the elections: only one ethnic Kachin party has been permitted to register and field candidates.⁷

The several armed groups without ceasefire agreements, including the Karen National Union and Shan State Army have declared the election process illegitimate, but it is not clear if they will try to forcibly intervene in the voting. The Kayin (Karen) State Democracy and Development Party (KSDDP) was registered soon after the ceasefire group, the Democratic Karen Buddhist Army (DKBA) agreed to become a border guard force in August 2010.⁸

⁶ Lawi Weng, “Mon Party Confident of Election Victory,” *The Irrawaddy*, October 14, 2010, http://www.irrawaddy.org/article.php?art_id=19727 (accessed October 15, 2010).

⁷ Ashley South, “Voting, But Not As We Know It”, *The World Today*, November 2010, pp.29-31, “Tensions Shadow Myanmar Vote”, *Wall Street Journal*, October 25, 2010, p.A12.

⁸ Transnational Institute, “Burma in 2010: A Critical Year in Ethnic Politics,” Amsterdam, TNI Burma Policy Briefing No.1, June 2010.



CREATIVE COMMUNITY

Mya Sabal Ngone, a 27 year-old dancer in the Thee Lay Thee troupe; “Godzilla,” and his wife, Chaw Su Myo, a 34 year-old dancer in Thee Lay Thee. The creative community in Burma has been among the leading voices challenging military rule with art and humor and they are therefore frequently targeted for arrest and detention. Zargana, one of Burma’s most famous comedians, is a long-time critic of military rule who became a high-profile activist and relief worker after the devastation of Cyclone Nargis. Zargana’s Thee Lay Thee troupe, led by his close creative collaborator “Godzilla,” fled after Zargana’s 2008 arrest and sentencing to 59 years in prison, reduced in 2009 to 35 years.

WILL THERE BE VOTING IN ALL THE CONSTITUENCIES IN BURMA?

There will not be voting in all constituencies. The UEC decreed on September 16 that parts of 32 townships in five ethnic states would not have voting, as “they are in no position to host free and fair elections,” possibly due to ongoing armed conflict or instability. The affected areas include four townships in the Wa Special Region in Northern Shan State (Pangshan, Narphant, Panwaing, Mong Mao), controlled by the United Wa State Party/Army (USDP/A) that reached a ceasefire agreement with the central government in 1989. Tensions between the central government and the Wa have increased in 2010 because of the UWSA leadership’s refusal to transform into a Border Guard Force, and the absence of any Wa political party contesting the elections. Under constitutional provisions, the government could declare the Wa Self-Administered Division (as it is called in the constitution) as Union Territory, under the direct control of the future president, and not have elected representatives. Other affected areas include parts of nine townships in Kachin State, parts of two townships in Karenni State, conflict areas designated in seven townships of Karen State which cover large parts of the state, two townships in Mon State, and border and conflict areas in seven other townships of Shan State. UEC chairman U Thein Soe said in October, “The main reason for not holding elections in these constituencies is that there are armies in these areas that some parties might use to threaten voters. Despite the announcements, we would still consider allowing votes to be cast in some of these areas depending on the circumstances and situation at the time of the elections.” Instead of voting in 1,163 constituencies, the final number of seats will be 1,157.⁹

WILL INTERNATIONAL MONITORS BE PERMITTED TO OBSERVE VOTING ON NOVEMBER 7?

There will be no independent monitors in Burma for the polls. The military government has rebuffed all offers of technical assistance and monitoring services by the United Nations and the Association of Southeast Asian Nations (ASEAN). On October 18, the UEC chairman U Thein Soe said, “On election day, the Election Commission will arrange for foreign diplomats and resident representatives of the UN agencies to observe the voting process. As they are representatives of their respective countries, we don’t need to invite others to monitor.”

WILL FOREIGN MEDIA BE ALLOWED TO REPORT ON THE ELECTIONS?

Foreign journalists will not be able to cover the elections from Burma. The Burmese authorities routinely hamper the activities of foreign media trying to report from inside Burma, and rarely issue formal journalist visas. On October 18, UEC chairman U Thein Soe said that foreign journalists would not be granted permission to cover the election because,

⁹ Richard Horsey, “Myanmar: A Pre-Election Primer,” Conflict Prevention and Peace Forum, October 18, 2010.



KYAW HTET, MUSICIAN

Aged 22, is a former motorcycle mechanic in Prome. Like many young people in Burma, he embodies the unstable future of youth in Burma whose opportunities and education are limited, especially if the family has any association with the political opposition. Kyaw Htet left Burma to pursue his dream of being a musician and helping his community.

“there are already representatives from international media working here... Moreover, the Election Commission will announce the election results in a timely manner.” The authorities permit Burmese stringers from Western news wire services to report on events in Burma, but do not permit formally registered bureaus of other agencies to work in the country.

HAVE VOTERS FACED ANY INTIMIDATION, THREATS, OR COERCION SO FAR?

Burma is a closed country. In the absence of national or international election monitors, a free press, and restrictions on civil society organizations, it is difficult to accurately paint a picture of voter intimidation at a local level. One consequence of the careful preparation of the elections is that many communities are already acculturated to local intimidation: they know that to speak out or resist in any way will attract the attention of the authorities. Intimidation at a community level is served by a raft of repressive laws that grant latitude to local authorities to arbitrarily arrest, detain, or thwart civic participation. In addition, the series of five electoral laws, by-laws, and other directives make it illegal to criticize the process of the elections or the 2008 constitution.

In rural areas, especially Karen, Chin, and other border states, people report that officials have instructed them they do not need to vote, that local officials will do it for them, though this differs across areas and depends on the zeal of military and local government officials. The Rakhine Nationalities Development Party (RNDP) lodged complaints with the UEC reporting harassment against their party leaders and their families by police Special Branch and other authorities in August as party mobilization began.¹⁰ Authorities were visiting candidate’s houses and questioning them and their family members, taking photographs of offices and other activities. Intimidation such as this has also been reported in Rangoon and other parts of Burma in the past few months.

HAS THERE BEEN PRE-ELECTION FRAUD, VOTING IRREGULARITIES, OR PHANTOM VOTING?

There are growing reports of voting irregularities ahead of November 7, many committed by members of the pro-military USDP. Local officials have also reportedly been urging eligible voters to complete advance ballots, through inducements of money or scholarships. They have also warned residents that infrastructure projects will not be completed in areas where residents failed to vote for the USDP. In addition, USDP candidates and party members have been posting notices throughout neighborhoods and towns in Burma taking credit for local development initiatives such as roads, clinics, or water supply, even if the USDP or its predecessor, the Union Solidarity and Development Association, had nothing to do with it.

As the UEC has banned all media and the taking of video or photographs around polling stations, it will be very hard to gather credible information of irregularities closer to November 7. More information may emerge after polling day.

¹⁰ Tomás Ojea Quintana, “Situation of human rights in Myanmar.” Report of the Special Rapporteur on the situation of human rights in Myanmar, New York, A/65/368, September 15, 2010.



HARN LAY, CARTOONIST

Harn Lay, 44, is Burma's best-known cartoonist. His work is published in *The Irrawaddy*, a newsmagazine and website (named after Burma's main river). A graduate of the Rangoon School of Fine Arts Academy and former rebel soldier, Harn Lay fled to Thailand following the 1988 protests and ensuing crackdown in Burma. In April 2010, Harn Lay was awarded a Hellman/Hammett grant, administered by Human Rights Watch. Harn Lay is an artist, painter, and satirist. When asked if he could go back to Burma, Harn Lay joked, "I will not stay free for a long. If they sentence me to one year per cartoon, I will have to serve more than one thousand years in prison."

HOW MANY PEOPLE CAN VOTE IN BURMA?

Estimates of Burma's population vary widely, but in 2010 it was announced by the Ministry of Immigration and Population that the population at the end of 2009 was 59.12 million, with more than 30 million of that over the age of 18. This is different from other official figures, which place the population at 44.2 million, according to population figures by state and division provided to the UN funded Myanmar Information Mapping Unit (MIMU) in 2009.¹¹ During the 2008 referendum, the official population was cited as 57.5 million, with an eligible voter population of 27.4 million.

It is not clear if the official figures include Burmese citizens who are living abroad as migrant workers, such as an estimated two million Burmese in Thailand, the estimated half a million internally displaced persons in the conflict areas of eastern Burma, or large numbers of refugees in Thailand, India, Bangladesh, and Malaysia fleeing conflict and persecution which could total over 400,000 (including ethnic Karen, Karenni, Shan, Chin, Rohingya Muslim, and other nationalities). Many migrant workers or refugees who leave the country illegally are stricken from the household registration list, which effectively renders many Burmese stateless.

WHO IS ELIGIBLE AND INELIGIBLE TO VOTE?

The 2008 constitution stipulates that all citizens over the age of 18 are eligible to vote, unless they are a Buddhist monk or nun, or other members of a religious order such as a Christian priest or Muslim imam.

WHO IS ELIGIBLE AND INELIGIBLE TO STAND AS A CANDIDATE?

The UEC has imposed high fees to contest the elections. The Party Registration fee is US\$300, and to register one candidate is US\$500.¹² This would mean that any party planning to field candidates in all constituencies would be faced with fees of more than US\$500,000. In a country where the average annual income is US\$459, just participating in the elections is financially prohibitive.

Those convicted of criminal offenses and currently serving sentences are also ineligible to be a candidate for office. This excludes from running approximately 2,200 political prisoners including some 413 members of the NLD, 256 Buddhist monks, 233 members of ethnic nationalities, and 12 members of parliament who voted in the 1990 elections.¹³ Aung San Suu Kyi, who is under house arrest as part of a detention order, is barred from running as a candidate in the election, but her name has been included on the voting role in her constituency in Rangoon, even though she has indicated she will boycott the vote as will many members of the now defunct NLD party. The NLD was declared illegal on May 6, 2010, after failing to register for the elections, a decision taken because of the prohibition on imprisoned party members running.

¹¹ "Myanmar population hits over 59 mln in 2009," *People's Daily*, July 1, 2010; "Myanmar. Population by State and Division," Myanmar Information Management Unit (MIMU), Yangon, Map ID: MIMU265v01, August 26, 2009.

¹² Richard Horsey, "Countdown to the Myanmar Elections", *Conflict Prevention and Peace Forum*, August 25, 2010.

¹³ Human Rights Watch, *Burma's Forgotten Prisoners*, September 2009.



KACHIN WOMEN'S ASSOCIATION

Shirley Seng, 63; Mary Labang, 36; and Nan Pyung, 21, are members of the Kachin Women's Association Thailand of Chiang Mai. They speak out against the multiple forms of violence in Burma that result in the displacement, trafficking and migration of indigenous Kachin women, as well as women belonging to other ethnic minorities such as the Karen, Lahu and Shan minorities. Kachin is the northernmost minority ethnic state in Burma.

HAVE ANY POLITICAL PRISONERS BEEN RELEASED IN THE LEAD-UP TO THE ELECTIONS, AS CALLED FOR BY THE INTERNATIONAL COMMUNITY?

There has been no significant release of prisoners this year in the lead-up to the elections, other than those whose sentences have been completed. In October, an official stated that more than 3,000 prisoners may be granted reductions of sentence ahead of the elections to permit them to vote, and around 8,000 will finish their sentences. Of this projected 11,000 prisoners, it is not known how many, if any, of them will be political prisoners.¹⁴ The authorities do not recognize any political prisoners in the country, calling all dissidents "individuals who have been convicted of violating existing laws."

WILL DEMOCRACY LEADER AUNG SAN SUU KYI BE RELEASED FROM HOUSE ARREST BEFORE OR AFTER THE ELECTION?

Aung San Suu Kyi is due to be released from house arrest on November 13, five days after the elections. Some analysts see the election before her scheduled release as a sign of progress. However, her trial in 2009 merely used legal means to neutralize her participation during the elections process. It is by no means certain that Aung San Suu Kyi will be released. After 21 years of a cycle of detaining her and then granting temporary releases, it is unlikely that a future parliament dominated by the military will permit her and the NLD a prominent role in the political affairs of Burma.

WHAT IS THE RESPONSE FROM THE INTERNATIONAL COMMUNITY TO THE ELECTIONS?

Most Western governments and the UN have been united in calling on the Burmese government to improve conditions for the elections, including the release of political prisoners. But some governments are adopting a wait-and-see approach and hope that after the elections there will be more freedoms. Rather than merely hoping for a good outcome despite all evidence to the contrary, concerned governments should aim instead to influence the calculations of Burma's generals, who will continue to wield power in Burma after the elections are held.

UN Secretary-General Ban Ki-moon made statements in Bangkok in late October that failed to grasp the full extent of military control of the election process and the junta's unwillingness to institute genuine reform: "I only hope, sincerely hope, that this election will be an inclusive and transparent and credible one. That is the expectation of the international community. The more they [Burma's leaders] signal through concrete actions that it is a departure from business as usual or the status quo towards more openness, the better it will be for the credibility of their country in the democratization process."

¹⁴ Euro-Burma Office, "Election Monitor No.45," Brussels, October 8-15, 2010



JOURNALISTS

Democratic Voice of Burma broadcast journalists Thiri Htet San, 30, a former newscaster in Burma, and Moe Myint Zin, 34. The DVB is a satellite radio and television news service, with highly professional reporters who risk their lives to report and record events inside Burma, and then to broadcast the news back into Burma and to distribute it worldwide. One DVB video journalist who was arrested in 2009 was sentenced to 27 years in prison for filming interviews with monks.

For more than a year Ban has called for the release of all political prisoners, an inclusive and transparent electoral process, and the start of a genuine process of national reconciliation. In his report to the UN General Assembly in September, he expressed “disappointment” and “frustration” with the Burmese government’s progress on these calls, and said that the electoral laws and preparation for the elections fail to “measure up to what is needed for an inclusive political process,” and reiterated his call for the release of political prisoners – all of which have been ignored by the junta.¹⁵

Ahead of the elections, Senior-Gen. Than Shwe made rare state visits to India and China to sign trade and investment deals and garner international support for the elections. The Indian Ministry of External Affairs statement on July 27, after Than Shwe’s visit, said of the elections that India “emphasized the importance of comprehensively broad-basing the national reconciliation process and democratic changes being introduced in Myanmar [Burma].” Chinese foreign ministry spokesperson Jiang Yu said in September: “We hope that the international community will provide constructive help for Myanmar’s upcoming election and avoid bringing negative effect to bear on Myanmar’s political course and regional peace and stability.”

WHAT SHOULD THE INTERNATIONAL COMMUNITY DO TO PROMOTE REAL CHANGE IN BURMA AFTER THE ELECTIONS?

There is a whole list of policy options open to concerned governments following the elections. They should continue to call for the immediate and unconditional release of all political prisoners and press the new government to respect human rights and commit to an inclusive political process. Burma’s humanitarian situation remains dire, and so donor states should ensure that the aid provided also includes pressure on the new government to permit humanitarian agencies and the media full and unfettered access to areas of acute need, and the removal of all restrictions on Burmese civil society and development groups in violation of international law. The government should permit the International Labor Organization to investigate forced labor and the recruitment of child soldiers, and resume the operations of the International Committee of the Red Cross in Burma’s prisons and in conflict zones, suspended since 2007. In the absence of genuine human rights and democratic reforms, the United States, European Union, Australia, Canada, and Switzerland should coordinate and impose increased targeted financial sanctions on key members of the Burmese military, government leaders, or other individuals close to the military. Continued military rule in the guise of a civilian government deserves no grace period to bring about the changes the country desperately needs.

¹⁵ Ban Ki-moon, “Situation of human rights in Myanmar,” Report of the Secretary-General, New York, A/65/367, September 14, 2010.



MONKS

A group of monks prays. Left to right: Ashin Sopaka, Ashin Issariya, known as “King Zero,” and U Teza. September 2007 saw the largest popular protests against military rule in Burma in nearly 20 years, as monks left the relative safety of their monasteries to lead street protests, which came to be known as the “Saffron Revolution.” Burmese government security forces killed, beat, tortured, and violently dispersed peaceful protesters, including monks. In the ensuing crackdown, Burmese courts sentenced hundreds of political activists and monks to long prison terms, some as long as 65 years.

WHO WILL BE BURMA’S NEXT PRESIDENT?

Under the constitution, the president is selected by the parliamentary presidential college, comprised of representatives from three different groups in national parliament: representatives from the upper house, representatives from the lower house, and third, by the military appointed groups (the constitution does not stipulate how many members the presidential college will comprise). All three groups will nominate a candidate as vice president, and then the entire college sitting together will appoint the president, leaving two vice-presidents. All three candidates can be drawn from the elected parliament or the military quota.¹⁶

HOW MUCH WILL THE ELECTIONS CHANGE THE ECONOMIC AND SOCIAL REALITY IN BURMA?

Burma is one of the poorest countries in Asia today. Government spending on health and education is one of the lowest in the world, whereas military expenditure is one of the biggest. There is little reason to believe that there will be significant economic and social improvements in Burma in the foreseeable future. The new government will have to address longstanding problems that the current government has failed to tackle, including crucial ethnic reconciliation, economic underdevelopment and disparity, and the absence of basic freedoms conducive to development. To secure their economic position prior to the election, Burma’s military leaders have accelerated the sell-off of state assets to the army’s close business associates: selling assets such as the state airline, a network of petrol stations, and other assets. Burma’s economy is in the hands of the military and its close business associates today, and will remain so after the election.

¹⁶ Ministry of Information, Constitution of the Republic of the Union of Myanmar, 2008, Yangon, Printing and Publishing Enterprise, September 2008, Chapter III.



SEX WORKERS FROM BURMA

Abu Mayoe and Linda Desube, sex workers from Burma and members of Empower, a Thai organization of sex workers promoting rights, education and opportunities. Most sex workers from Burma provide the main source of income for their families and communities, supporting 5 - 8 other adults. They contribute to community projects at home; support other migrant workers and democracy movements. Like all migrant workers, many times they are offered the worst working conditions in the industry. Migrant sex workers from Burma strive to improve working conditions and promote the dignity of migrants, women and sex workers.

¹⁷ Seth Mydans, "Rulers of Myanmar shed their military status," *International Herald Tribune*, May 3, 2010, p.3; "Burma junta's party lays down its election platform," *Bangkok Post*, October 10, 2010, p.6.

¹⁸ Transnational Institute, "Uneven Playing Field: Burma's Election Landscape," Amsterdam, TNI Burma Policy Briefing, No.3, October 2010.

¹⁹ Euro-Burma Office, "Election Monitor No.41," Brussels, September 11-17, 2010

²⁰ Soe Than Lynn and Kyaw Hsu Mon, "NUP expects to improve on 1990 election performance", *The Myanmar Times*, October 25-31, 2010, <http://www.mmmtimes.com/2010/news/546/news54601.html> (accessed October 31, 2010).

²¹ Richard Horsey, "Overview of Registered Political Parties in Myanmar", *Conflict Prevention and Peace Forum*, June 15, 2010.

MAIN PARTIES CONTESTING THE ELECTIONS

Union Solidarity and Development Party (USDP)

The USDP is the main military-backed party. The USDP was formed by Prime Minister Thein Sein and other ministers on April 29, 2010, and approved by the UEC in just five days.¹⁷ It is based on the mass-based social welfare organization the Union Solidarity and Development Association (USDA) formed by the military in 1993, and with an estimated 26 million nominal members nationwide. Months after being formed and registered by the UEC, the USDP announced that it was absorbing all the assets and infrastructure of the USDA: including financial, business, and all the association's offices. Due to the electoral laws, the USDP could not assume all of the USDA's membership, as civil servants are not permitted to be members of political parties, so the current membership of the USDP is now an estimated 18 million.¹⁸

The USDP has announced it will contest in almost every seat open, more than 1,100 candidates. In a press conference at the USDP headquarters in the new capital, Naypyidaw, in October, the long-serving party secretary (and long serving minister for agriculture and irrigation), recently retired Maj. Gen. Htay U said: "Out of these 1112 constituencies, USDP has already won 52 constituencies uncontested as there are no other candidates except those from the USDP."

The USDP will field senior members of the military, albeit recently retired, in key seats. One former general widely seen as a future leader of the country, Thura Shwe Mann, retired from the armed forces in August, will run for the USDP in the seat of Zeyathiri Township in the Union Territory of Naypyidaw. Only an NUP candidate will contest against him.¹⁹

National Unity Party (NUP)

The NUP is another military-backed party, the current incarnation of the military-controlled Socialist party that ruled Burma between 1974 and 1988. The reformed Burma Socialist Program Party (BSPP), renamed the National Unity Party, contested the 1990 election, winning 21 percent of the vote, but only 10 seats in that election. In 2010, it will field 990 candidates: 295 for the Pyithu Hluttaw, 149 for the Amyotha Hluttaw, 538 State or Region Hluttaw candidates, and it has registered candidates in 17 of the 29 "nationality constituencies" for ethnic minorities. Although aligned to the Burmese military in some respects, in others the NUP is perceived as independent from the interests of the USDP and as a genuine challenger to the military-controlled party and has already voiced an interest in charting an alternative path if it wins the government: although in terms of nationalist policies and perceptions of the opposition such as the NLD and others, the NUP is quite similar to the USDP and has yet to express interest in human rights concerns.²⁰

National Democratic Force (NDF)

A spin-off of the NLD formed by MP Khin Maung Swe, and Than Nyein (brother-in-law of former prime minister and Burmese army intelligence chief Khin Nyunt).²¹ The UEC has barred most of the leaders of the NDF because they were charged with treason in 1990 for trying to form the



HIV/AIDS

In Burma, the HIV/AIDS medication supply is so limited that only one in four people requiring treatment receives it. These children, who are HIV positive, were orphaned or sent by their parents to Social Action for Women's safe house, the Children's Crisis Center for treatment or protection. SAW provides shelter, education, and basic services for Burmese children including antiretroviral medication. The children wear traditional Burmese tanaka wood paste painted on their faces for protection and decoration.

democratically elected parliament. Khin Maung Swe and others then spent 16 years in prison. They split with the NLD over that party's decision not to register with the UEC in early 2010. The NDF will field candidates in about 160 electorates, and have formed a coalition with other centrist parties.

Union Democratic Party (UDP)

(Also known as Democratic Party-Myanmar) Formed by Thu Wai and when it contested the election of 1990, it won one seat. The UDP is lead by prominent daughters of three prominent post-independence figures, including the daughter of former prime minister U Nu, Than Than Nu. The party will field candidates in 47 constituencies in ethnic Burman areas.

Shan Nationalities Democratic Party (SNDP)

A splinter party from the Shan Nationalities League for Democracy (SNLD), which won the second highest number of seats in the 1990 elections, and whose main leaders including Hkun Tun Oo and others, were arrested and sentenced to harsh prison terms in 2005 of more than 93 years for treason. The reconstituted party, led by former SNLD general secretary Sai Ai Pao will contest in 40 of the 55 townships in Shan State as well as Shan ethnic areas in neighboring states and divisions.

List of all registered parties contesting the elections

- | | |
|--|---|
| 1. 88 Generation Student Youths (Union of Myanmar) | 20. National Political Alliances League |
| 2. All Mon Region Democracy Party | 21. National Unity Party (NUP) |
| 3. Chin National Party | 22. New Era People's Party |
| 4. Chin Progressive Party | 23. Pa-O National Organization (PNO) |
| 5. Democracy and Peace Party | 24. Peace and Diversity Party |
| 6. Democratic Party (Myanmar) | 25. Phalon-Sawaw (Pwo-Sgaw) Democratic Party |
| 7. Ethnic National Development Party | 26. Rakhine (Arakanese) Nationalities Development Party |
| 8. Inn National Development Party | 27. Rakhine (Arakanese) State National Force of Myanmar |
| 9. Kaman National Progressive Party | 28. Shan Nationalities Democratic Party (SNDP) |
| 10. Kayan (Karenni) National Party | 29. Taaung (Palaung) National Party |
| 11. Kayin (Karen) Peoples Party | 30. Union Democratic Party (UDP) |
| 12. Kayin (Karen) State Democracy and Development Party | 31. Union of Myanmar Federation of National Politics |
| 13. Khami National Development Party | 32. Union Solidarity and Development Party (USDP) |
| 14. Kokang Democracy and Unity Party | 33. United Democratic Party |
| 15. Lahu National Development Party | 34. Unity and Democracy Party (Kachin State) |
| 16. Mo or Khami National Solidarity Organization (MKNSO) | 35. Wa Democratic Party |
| 17. National Democratic Force (NDF) | 36. Wa National Unity Party |
| 18. National Democratic Party for Development | 37. Wunthanu NLD (Union of Myanmar) |
| 19. National Development and Peace Party | |

A prison lock from the Assistance
Association for Political Prisoners Museum
in Mae Sot, Thailand.

© 2010 Platon for Human Rights Watch

