



Permanent Mission of the Republic of the Union of Myanmar to
the United Nations Office and other International Organizations

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OHCHR REGISTRY

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Dear Madam and Sirs,

Recipients:S.P.B.....

Allow me to refer to your letter UA Myanmar 11/2015 dated 5 November 2015, concerning the right to freedom of opinion and expression and other fundamental rights in advance of the parliamentary elections on 8 November 2015.

I have received the following information from the authorities concerned on the aforementioned matter:

Response to allegations on the arrest, detention and harassment of candidates and supporters

- The four individuals, comprising an NLD campaign staffer, a freelance photographer and two activists, were charged under Article 18 of the Peaceful Assembly and Procession Law for failing to seek official prior permission for the procession. This legal action was taken by the administrative authorities concerned. It had no relation to the Union Election Commission (UEC).
- An independent candidate from the Phyu constituency was charged under sections 147, 294, 152, 353, 505 of the Penal Code and under Article 18 of the Peaceful Assembly and Procession Law, in connection with a protest outside the Chinese Embassy in Yangon on 16 October 2015. This legal action was taken by the administrative authorities concerned. It had no relation to the UEC.
- On 26 October 2015, an election campaign group led by a well-known singer was stopped by the relevant security organization for a security check prior to the entry into Tatkon Township (Nay Pyi Taw). It was a case of responsible security officials simply performing their duty in accordance with the law.

Response to allegations on censorship and restrictions on political rallies.

- The UEC made it possible for each and every contesting political party in the elections to air a 15-minute statement for electioneering

purposes on the State-owned radio and television, free of charge. There was a whopping number of contesting parties, 91 altogether; for this reason, each and every political party was granted a uniform time slot of 15 minutes. Full version of the statements were requested to be transmitted in advance to the UEC and the Ministry of Information for vetting purposes to ensure that they (the statements) would fit in with the 15-minutes time slot and also that they are in line with the State Constitution, the election law and the political parties registration law. It was not censorship. These actions were in conformity with international law.

- According to the code of conduct for political parties and candidates and the UEC Directive 1/2014, electoral candidates are required to obtain permission from the township election commission to conduct public gathering and processions, providing the latter with the information on the venue and date and time of such gatherings. Permissions were given on a first come, first served basis. If the requested venues, dates and times of two or more electoral candidates coincide, priority is given to the one who seek permission first, while the second and third candidates are given different slots. This kind of arrangement makes it easier for the township election commission to coordinate with the administrative authorities concerned with a view to providing security to the electoral candidates, as necessary.


Response to allegations concerning lack of access to information about the elections

- The allegations about the lack of access to information about the elections were stereotypical. No country is immune from this kind of allegations. As a matter of fact, since 1 January 2015, the people of Myanmar has had a wide access to the electoral information due to the nation-wide announcements made by the UEC. There announcements were followed by the UEC's voter education and awareness-raising programmes presented in a timely manner through the State-owned print media and broadcast media.
- According to Article 50 of the Election Law, the UEC may postpone elections in the constituencies where favourable conditions do not exist to hold free and fair elections, due to natural disasters or the lack of security. In this regard, the UEC had received reports submitted by many State or Region election sub-commissions after consultation

with the State or Region governments concerned, containing the list of constituencies wherein favourable conditions do not exist to conduct free and fair elections, on account of natural disasters or due to the lack of security.

- Therefore, the UEC published the list of such constituencies and made it available national-wide through the State-owned print media and broadcast media.
- We would like to reiterate that the electorate were undoubtedly provided with access to information about electoral candidates, voter identification requirements and other news and information concerning the election. For instance, the Asia Foundation carried out the data entry of the biodata of electoral candidates, which are contained in Electoral Candidature Forum VI. These data were distributed to the electorate through mobile telephone applications.
- Regarding the status of voting results, the 2015 Election Results Center in Nay Pyi Taw and the Media Center on Shweli Road in Yangon announced the results in real time. The final voting results now appear in the State-owned newspapers on a daily basis.

Please accept, Madam and Sirs, the assurances of my highest consideration.


11/1/2016
(Maung Wai)

Ambassador and Permanent Representative

Ms. Yanghee Lee

Special Rapporteur on the situation of human rights in Myanmar

Mr. David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mr. Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association