

Justice For Myanmar reiterates calls for removal of “race” and “religion” in mVoter 2020 No requirement under Myanmar law for inclusion of “race” and “religion” in app

Oct. 12, 2020, Yangon: Justice For Myanmar remains deeply concerned at International IDEA’s continuing failure to take responsibility for the mVoter 2020 election app, which profiles the “race” and “religion” of all candidates and their parents, and erases Rohingya identity. Justice For Myanmar reiterates the demand that International IDEA takes the app offline until all “race” and “religion” data is removed. On Sep. 29, International IDEA stated that the app is the “sole responsibility of the Election Commission under the applicable laws and regulations of Myanmar”. However, Justice For Myanmar finds no requirement under Myanmar law for the inclusion of “race” and “religion” data in the app. The app’s racist and discriminatory data has already led to hate speech and risks inciting racial and religious violence. Justice For Myanmar condemns International IDEA’s agreement with the Union Election Commission (UEC) without the heightened human rights due diligence needed when engaging with a state currently on trial for the crime of genocide. As the app was funded by the EU and developed by International IDEA, in partnership with the Asia Foundation, these organisations bear responsibility.

On Oct. 9, 2020, International IDEA released a statement in which they announced that “*it is the position of the UEC that they do not have discretion on changing the data which candidates must submit as per the current election legislation. The UEC has also decided that the candidates may withdraw their profiles from the application if they so wish to.*”

1. Justice For Myanmar has called on the EU, International IDEA and the Asia Foundation to remove all “race” and “religion” data from the app, not to change the content of the data.
2. According to International IDEA’s statement of the UEC’s position, the UEC does not have “discretion”. However, discretion was exercised when building the app. The mVoter 2020 app does not include all fields that are in the forms that candidates submit to the UEC. For instance, there are address and national registration card number fields that are submitted to the UEC in candidate applications but are not included in mVoter 2020. Clearly, discretion was made to include some fields of data in the app and exclude others. There must have therefore been a conscious decision to include “race” and “religion” data in mVoter 2020.
3. International IDEA’s reference to “election legislation” and Myanmar law in defence of the inclusion of “race” and “religion” data in mVoter 2020 lacks legal basis. Justice For Myanmar cannot identify any election law that requires the publication of candidate “race” and “religion” data in the app. In fact, the existing Pyithu Hluttaw Election Law and Amyotha Hluttaw Election Law have identical clauses that ban the use of “race” and “religion” in electoral campaigns: (13)(c) forbids “uttering, making speeches, making declarations and instigating to vote or not to vote on grounds of race and religion” while (14)(k) bans the instigation of voting on the basis of “race” and “religion”.

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Justice For Myanmar notes that the preamble to International IDEA's founding statute includes a commitment to human rights: *"NOTING that democracy is essential for promoting and guaranteeing human rights and that participation in political life, including government, is part of human rights, proclaimed and guaranteed by international treaties and declarations."* We call on International IDEA to fulfil this commitment to human rights in their Myanmar program.

Justice For Myanmar spokesperson Yadanar Maung says: *"International IDEA, the EU and Asia Foundation must take responsibility for this racist and discriminatory app and fix it. Myanmar's election is less than one month away and mVoter 2020 has already led to hate speech, the racial vilification of minority candidates and emboldened extremist Buddhist nationalists. It is irresponsible and unacceptable to put the burden on minority candidates to apply to the UEC for the removal of their profiles. This shows the failure of International IDEA to fulfil their human rights obligations. If minority candidates were to apply to remove their profiles, they would then be put at an electoral disadvantage as their candidature would be invisible to voters using the app. International IDEA's solution is undemocratic, harms minorities and could benefit extremist nationalist candidates. Putting minority candidates at a further disadvantage hurts the credibility of Myanmar's election."*

Justice For Myanmar also notes International IDEA's decision to *"withdraw its association with the mVoter2020 application"* in their Oct. 9 announcement.

Yadanar Maung responds: *"International IDEA's decision to end their association with the mVoter 2020 app while the app is online and doing harm is incredibly irresponsible. It also shows a lack of conflict sensitivity and a failure to live up to International IDEA's founding statute. International IDEA must ensure the app is taken down until all "race" and "religion" data is removed. It is unconscionable that the EU, International IDEA and the Asia Foundation continue to support a program that involves the erasure of Rohingya identity and racial and religious discrimination and vilification."*

Note to editors

Justice For Myanmar, a group of covert activists campaigning for justice and accountability for the people of Myanmar, is calling for an end to military business and for federal democracy and a sustainable peace.

See Justice For Myanmar's Sep. 30 statement on mVoter 2020 here:

<https://www.justiceformyanmar.org/press-releases/justice-for-myanmar-condemns-eu-idea-and-asia-foundation-myvoter-2020-app-which-erases-rohingya-identity-and-instigates-racism-and-buddhist-nationalism>

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International IDEA's Oct. 1 statement is here: <https://www.idea.int/news-media/news/statement-mvoter2020-myanmar>

Justice For Myanmar's Oct. 2 response is here: <https://www.justiceformyanmar.org/press-releases/international-idea-and-eu-funded-step-democracys-removal-of-digital-records-on-mvoter-2020-app-shows-shocking-disregard-of-transparency-and-accountability>

On Oct. 9, Society for Threatened Peoples (GfbV) issued a statement in Germany, calling for the removal of "race" and "religion" data from mVoter 2020: <https://www.gfbv.de/de/news/wahlen-in-myanmar-10264/>

On Oct. 9, Swedish civil society groups issued an open letter to International IDEA's Secretary General calling for the removal of the term "Rohingya" from the app in reference to Rohingya candidates: <https://www.rohingyapost.com/open-letter-to-the-secretary-general-of-international-idea-kevin-casas-zamora/>

On Oct. 9, Than Htay, Chair of the Union Solidarity Development Party (USDP), a military proxy, gave a racist speech at a campaign rally, in which he said "you can also check whether I'm mixed blood with blood from foreign countries". See details here: <https://myanmar-now.org/en/news/usdp-chair-says-there-are-no-muslims-or-chinese-in-his-familys-bloodline>

On Oct. 10, a spokesperson for Global Affairs Canada responded to mVoter 2020 in the Globe and Mail, stating that "the othering of the Rohingya as 'Bengali' in the UEC's mobile app does not reflect Canada's position on the issue... We consider the inclusion of any terms that deny the Rohingya their identity, including the term 'Bengali,' as potentially damaging to a peaceful and inclusive pre-election environment." See the full article here: <https://www.theglobeandmail.com/world/article-myanmar-election-app-comes-under-fire/>

International IDEA members states include Sweden (Chair of IDEA's Council of Member States), Belgium, Spain, Australia, Barbados, Benin, Botswana, Brazil, Canada, Cape Verde, Chile, Costa Rica, Dominican Republic, Finland, Germany, Ghana, India, Indonesia, Luxembourg, Mauritius, Mexico, Mongolia, Namibia, Netherlands, Norway, Panama, Peru, Philippines, Portugal, South Africa, Switzerland, Tunisia and Uruguay. Japan is an official observer state.

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