Peace Agreement Access Tool PA-X https://pax.peaceagreements.org/

Country/entity Myanmar

Region Asia and Pacific

Agreement name Code of Conduct for political parties and candidates

Date 26 Jun 2015

Agreement status Multiparty signed/agreed

Interim Yes

arrangement

Agreement/conflict Intrastate/intrastate conflict

level

Myanmar Conflict (1948 -)

Internal conflict, mostly along ethno-political fault lines, has been a constant feature of Myanmar since its independence in 1948. The conflict has two distinct dynamics. First a struggle between an authoritarian government and a pro-democracy opposition which has the characteristics of authoritarian conflicts; and second a stuggle between the government and ethnic armed groups which has the characteristics of an identity conflict. The two oldest and strongest militias fighting the government are the Karen National Union (KNU), which has remained active since the late 1940s, and the Kachin Independence Organisation, which was formed in the early 1960s. In total, here are more than a dozen mostly ethnic-based guerrilla groups active throughout the country. Especially in the period of junta dictatorship that lasted until 2011 the government attempted to crush the rebellions, which led to numerous human rights violations. With the start of democratic reforms in the aftermath of the 2010 elections, peace negotiations have taken place and resulted in the signing of various agreements, although conflicts remain active.

Close

Myanmar Conflict (1948 -

)

Stage Framework/substantive - partial

Conflict nature Government/territory

Peace process Myanmar ceasefires process with ethnic armed groups

Parties Drafted by the ad hoc Working Committee (FDA, NBF, NLD, NUP, UNA, USDP). Consulted

and accepted by all political parties.

Third parties -

Description Agreement between political parties designed to maintain a level of ethnical behaviour

and prevent the stoking of further conflict. Includes disavowing the use of media for libel or targeting of personalities and parties on personal grounds; a greater participation of women; equality and neutrality of religious groups, and cooperation with electoral

bodies.

Agreement document

MM_141021_Code of Conduct for Political Parties and Candidates_EnMM g.pdf (opens in new tab) | Download PDF

Groups

Children/youth

Groups→Children/youth→Rhetorical

Page 29, 7. Gender and differently abled people

1. The parties shall strive, during all stages of the electoral process, to provide equal opportunities and criteria for the greater participation of women, youth and the elderly, and to make as much effort as possible to encourage and facilitate participation of marginalised, poor and low-income sectors of society. The time of campaigning should be arranged so as to enable women working in households to be easily able to participate.

Disabled persons

Groups→Disabled persons→Rhetorical

Page 21, 5. Security, 5.3. Violations and the integrity of the process

•••

3. The Parties shall refrain from:

...

c) deceiving or exercising any form of pressure on voters with special needs, illiterate voters or those voters with limited capacity, or resolting to abuse of power to restrict voters' freedom of choice;

Page 29, 7. Gender and differently abled people

•••

2. The Parties shall not incite or encourage any person to commit gender-based violence. Campaigning for the election should be gender friendly and sensitive towards differently abled peopled.

Elderly/age

Groups→Elderly/age→Rhetorical

Page 29, 7. Gender and differently abled people

1. The parties shall strive, during all stages of the electoral process, to provide equal opportunities and criteria for the greater participation of women, youth and the elderly, and to make as much effort as possible to encourage and facilitate participation of marginalised, poor and low-income sectors of society. The time of campaigning should be arranged so as to enable women working in households to be easily able to participate.

Migrant workers

No specific mention.

Racial/ethnic/ national group

Groups→Racial/ethnic/national group→Substantive

Page 12, 3. To Coordinate and cooperate with other Parties in settling disputes ... 2. The Parties and the UEC undertake to cooperate for the elections as required. The Parties commit to participate actively in consultation and coordination mechanisms that may be established in the future. In this spirit of cooperation and with the aim of national reconciliation, there should be no discrimination against other Parties, whether small or big Parties, competing Parties and ethnic parties.

Page 13, 4. To Campaign on party policies and promote diversity

4.1. To not slander other Parties during the campaign.

the Parties shall refrain from incorrectly criticizing leaders, candidates and supporters of other Parties on the basis of aspects of their private lives. They will also refrain from making criticism based on unverified allegation or facts that have been distorted, and from insulting or making tendentious innuendos about the candidates or their family member based on race, religion, creed, gender, social or regional origin, education or any other similar reason. Polite and respectful language should be used in speeches and announcements.

Page 15, 4.3 Not to use religious and racial discriminatory messages in campaigns 1. In line with the Political Parties Registration Law Chapter II (article 6d), the parties commit to abstaining from "writing, delivering speech or organising and instigating that can cause conflict or that can affect dignity and moral relating to nationality, religious, individual or public."

Page 17, 4.3. ... 2. The Parties commit themselves, when addressing the public at political rallies or as part of their communications through mass media, including the social media, to refrain:

... c) fuelling regionalist, racial, sectarian or tribal trends that could threaten national unity;

Religious groups

Groups→Religious groups→Substantive

Page 9, Page 4, 2. To Achieve this goal, the Parties are committed to respecting and promoting the following.

... d. the neutrality of administrative or religious organisations, and the principle of not mis-using financial and human resources and materials of public and private institutions, the principles of non-abuse of the decision-making process for electioneering purposes.

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... b) defamation and incitement to hatred, or accusation of apostasy, treason, terrorism or any other serious charges.

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... c) fuelling regionalist, racial, sectarian or tribal trends that could threaten national unity;

Page 17, Page 9, 4.3. ... 3. An election campaign should not be implemented in a manner that encourages hatred between any religion, tribe, group, gender, language or community.

Page 17, Page 9, 4.3. ... 4. Respecting the Article 407(d) of the Constitution, the Parties shall not "abuse religion for political purposes". When there is no other place for campaigning, the Parties may use places for social gathering in religious buildings, with the agreement of the religious organisations of the site.

Indigenous people No specific mention.

Other groups

Groups→Other groups→Substantive

Page 13, 4. To Campaign on party policies and promote diversity

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Refugees/displaced No specific mention. **persons**

Social class

Groups→Social class→Rhetorical

Page 29, 7. Gender and differently abled people

1. the parties shall strive, during all stages of the electoral process, to provide equal opportunities and criteria for the greater participation of women, youth and the elderly, and to make as much effort as possible to encourage and facilitate participation of marginalised, poor and low-income sectors of society. The time of campaigning should be arranged so as to enable women working in households to be easily able to participate.

Groups→Social class→Anti-discrimination

Page 13, 4. To Campaign on party policies and promote diversity

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Gender

Women, girls and gender

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- 2. The Parties shall not incite or encourage any person to commit gender-based violence. Campaigning for the election should be gender friendly and sensitive towards differently abled peopled.

Men and boys

No specific mention.

LGBTI

No specific mention.

Family

No specific mention.

State definition

Nature of state (general)

No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/

No specific mention.

secession

Accession/

No specific mention.

unification

Border delimitation No specific mention.

Cross-border

No specific mention.

provision

Governance

Political No specific mention. institutions (new or reformed)

Elections

Page 3, 1. Preamble, 1. The 2015 Election is an important milestone and a step in the historic democratic transition of the Republic of the Union of Myanmar. In this context, political parties commit to fostering democratic dialogue and to cooperating together accepting and recognising diversity.

Page 3, 1. Preamble, 3. The most important objectives of the CoC are: to contribute to the success of the electoral process; to ensure the continuity of that process; to build confidence among individuals, organizations and stakeholders involved in the process; to create a positive and tolerant atmosphere and to encourage open, free and fair competition. On this basis, the Parties are determined to contribute responsibly, voluntarily and willingly to create an environment conducive to the success of the electoral process, irrespective of the differences in their positions.

Page 4-5, 2. To Achieve this goal, the Parties are committed to respecting and promoting the following.

[Summary] Articles talk of campaigning.

Page 5, 3. In addition, the Parties are committed to

... b. ensure full freedom of voters in exercising their voting rights without being exposed to any form of harassment or hindrance.

Page 9, 2. To Achieve this goal, the Parties are committed to respecting and promoting the following.

... d. the neutrality of administrative or religious organisations, and the principle of not mis-using financial and human resources and materials of public and private institutions, the principles of non-abuse of the decision-making process for electioneering purposes.

Page 10, 3. In addition, the Parties are committed to

a. work with responsible staff of the Union Election Commission (the 'UEC') to ensure peaceful and well-organized elections.

Page 12, 3. To Coordinate and cooperate with other Parties in settling disputes

... 2. The Parties and the UEC undertake to cooperate for the elections as required. The Parties commit to participate actively in consultation and coordination mechanisms that may be established in the future. In this spirit of cooperation and with the aim of national reconciliation, there should be no discrimination against other Parties, whether small or big Parties, competing Parties and ethnic parties.

Page 19, Security,

5.1. To maintain peace and stability while campaigning

... 2. The Parties shall cooperate with each other for the security of voters. They shall agree to cooperate with law enforemcement services such as Myanmar Police Force to promote a peaceful electroal environment and maintain public order.

Page 20, Security,

5.3. Violations and the integrity of the process

- 1. In line with the respective Hluttaw Laws, Chapter XIV, the Parties commit not to engage in violations such as impersonation, casting votes more than once in the same election (multiple voting) and giving or taking bribes. The parties also commit not to abuse the advanced voting procedures.
- 2. The Parties shall cooperate with UEC and sub-commissions, security and judicial authorities, and organisatiops active in electoral observation, in preventing and addressing the above issues.

Electoral commission

Page 10, 3. In addition, the Parties are committed to

a. work with responsible staff of the Union Election Commission (the 'UEC') to ensure peaceful and well-organized elections.

Page 20, Security,

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- 2. The Parties shall cooperate with UEC and sub-commissions, security and judicial authorities, and organisations active in electoral observation, in preventing and addressing the above issues.

Page 31, 8. Monitoring and implementation

- 8.1. To establish a standard procedure for monitoring compliance and take actions The Parties shall:
- ... 4. in the implementation of the CoC, to be accountable to and work together with civil society organisations that have been accredited by the UEC for election observation.

Political parties reform

Governance→Political parties reform→Other political parties reform

Page 3, 1. Preamble, 1. The 2015 Election is an important milestone and a step in the historic democratic transition of the Republic of the Union of Myanmar. In this context, political parties commit to fostering democratic dialogue and to cooperating together accepting and recognising diversity.

Page 4, 1. Preamble, 2. Code of Conduct for political parties and candidates (the 'COC') is a set of ethical principles developed with the consensus of political parties. The political parties have consented to follow these principles. This CoC will aplly to political parties officially registered in the Republic of the Union of Myanmar, political parties' appliances, coalitions of parties and independent candidates running in the elections (including but not limited to political parties' officials, election candidates, members, agents, and representatives), referred to here as 'Parties'. The Parties will observe the content of this CoC in both letter and spirit.

Page 5, 1. Preamble, 3. The most important objectives of the CoC are: to contribute to the success of the electoral process; to ensure the continuity of that process; to build confidence among individuals, organizations and stakeholders involved in the process; to create a positive and tolerant atmosphere and to encourage open, free and fair competition. On this basis, the Parties are determined to contribute responsibly, voluntarily and willingly to create an environment conducive to the success of the electoral process, irrespective of the differences in their positions.

Page 6, 1. Preamble, 5. The CoC is a voluntary instrument for the use and guidance of the Parties, who will endeavor to act according to the values and principles it promotes. The CoC is not legally dinging and does not impose any legal obligation on the Parties. For the avoidance of any doubt, the CoC cannot be used as a legal basis for any legal action or prosecution in the Republic of Union of Myanmar or in any other country. in case of any conflict or discrepancy between this CoC and the Myanmar legal and regulatory framework, the existing laws will prevail.

Page 7, 2. To respect all Parties contesting the elections

1. The parties under to respect the rights of all other Parties to the CoC, and to take all necessary and reasonable measures to respect other Parties' right to conduct their campaigns in an atmosphere of serenity.

Page 24, Security,

- 5.4. Engagement with supporters
- 2. Candidates are responsible for the behaviour of the representative and activists undertaking their campaigns; they must explicitly approve all documents in their campaign by endorsing them clearly.

Page 25-26, 6. Level Playing Field

- 6.1. To not use state resources and security apparatus to threaten or influence voters.
- 1. The Parties agree to refrain from;
- a) abusing positions of power, influence or privilege for electoral purposes by offering rewards, using intimidation or any other means.
- b) using national-level, regional, local or any other state-owned resources for campaign purposes or to prevent others from engaging in political activities permitted by law.
- 2. the Parties shall commit not to obtain or buy votes using public property; a senior government official must not campaign for a candidate using his/her position, authority and financial means. When travelling under orders or in connection with duty assignment, a candidate must got 216e his/her current positions and authorities to conduct a campaign.

Civil society

Page 31, 8. Monitoring and implementation

8.1. To establish a standard procedure for monitoring compliance and take actions

The Parties shall:

... 4. in the implementation of the CoC, to be accountable to and work together with civil society organisations that have been accredited by the UEC for election observation.

Traditional/ religious leaders No specific mention.

Public administration Page 9, Page 4, 2. To Achieve this goal, the Parties are committed to respecting and

promoting the following.

... d. the neutrality of administrative or religious organisations, and the principle of not

mis-using financial and human resources and materials of public and private institutions, the principles of non-abuse of the decision-making process for

electioneering purposes.

Constitution

Governance→Constitution→Constitution affirmation/renewal

Page 5, 1. Preamble, 4. This CoC sits within the framework of respect for the 2008

Constitution, and the laws and decisions of the official institutions of the Republic of the Union of Myanmar. These laws include as the Pyithu Hluttaw Law, the Amoytha Hluttaw

Law, the State-Region Hluttaw Law and the Political Parties Registration Law.

Power sharing

Political power

sharing

No specific mention.

Territorial power

sharing

No specific mention.

Economic power

sharing

No specific mention.

Military power

sharing

No specific mention.

Human rights and equality

Human rights/RoL No specific mention.

general

Bill of rights/similar No specific mention.

Treaty

No specific mention.

incorporation

Civil and political rights

Human rights and equality→Civil and political rights→Freedom of association Page 8, 2. To Achieve this goal, the Parties are committed to respecting and promoting the following.

a. other Parties' right and freedom to: assemble peacefully and to hold public meetings; to campaign; to have access to and contact voters; to present their ideas, basic principles, and political agendas; to have free access to mass media for political canvassing; and to publish and distribute their electoral documents and materials without hinderance, intimidation or coercion, as set out in existing laws or regulations. Human rights and equality→Civil and political rights→Vote and take part Page 4, 2. To Achieve this goal, the Parties are committed to respecting and promoting the following.

... b. the right of citizens to participate in political activities.

Page 5, 3. In addition, the Parties are committed to

... b. ensure full freedom of voters in exercising their voting rights without being exposed to any form of harassment or hindrance.

Page 21, Security,

- 5.3. Violations and the integrity of the process
- ... 3. The Parties shall refrain from:
- ... c) deceiving or exercising any form of presure on voters with special needs, illiterate voters or those voters with limited capacity, or resolting to abuse of power to restrict voters' freedom of choice;

Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

Page 8, 2. To Achieve this goal, the Parties are committed to respecting and promoting the following.

a. other Parties' right to freedom to: assemble peacefully and to hold public meetings; to campaign; to have access to and contact voters; to present their ideas, basic principles, and political agendas; to have free access to mass media for political canvassing; and to publish and distribute their electoral documents and materials without hinderance, intimidation or coercion, as set out in existing laws or regulations.

Page 26, 6. Level Playing Field

- 6.2. Media
- 1. The Parties should:
- a. respect the freedom of the media.

Socio-economic rights

No specific mention.

Rights related issues

Citizenship Rights related issues→Citizenship→Citizens, specific rights

Page 4, 2. To Achieve this goal, the Parties are committed to respecting and promoting

the following.

... b. the right of citizens to participate in political activities.

Democracy Page 3, 1. Preamble, 1. The 2015 Election is an important milestone and a step in the

historic democratic transition of the Republic of the Union of Myanmar. In this context, political parties commit to fostering democratic dialogue and to cooperating together

accepting and recognising diversity.

Detention procedures

No specific mention.

Media and communication

Rights related issues→Media and communication→Media roles

Page 8, 2. To Achieve this goal, the Parties are committed to respecting and promoting the following.

a. other Parties' right to freedom to: assemble peacefully and to hold public meetings; to campaign; to have access to and contact voters; to present their ideas, basic principles, and political agendas; to have free access to mass media for political canvassing; and to publish and distribute their electoral documents and materials without hinderance, intimidation or coercion, as set out in existing laws or regulations.

Page 9, 2. To Achieve this goal, the Parties are committed to respecting and promoting the following.

... c. to follow the letter and the spirit of the procedures set out in laws and regulations with regard to the use of funds, the use of media and participating in campaigning.

Page 11, 3. To Coordinate and cooperate with other Parties in settling disputes

1. The parties shall actively seek rapid and peaceful dialogue for amicable resolution
between Parties of any dispute or conflict that may arise during the electoral process.
Parties shall refrain from actions or issuing statements that might fuel tensions. The
parties shall not interfere with actions taken by the authorities of the Republic of the
Union of Myanmar to resolve disputes.

Page 13, 4. To Campaign on party policies and promote diversity

4.1. To not slander other Parties during the campaign.

the Parties shall refrain from incorrectly criticizing leaders, candidates and supporters of other Parties on the basis of aspects of their private lives. They will also refrain from making criticism based on unverified allegation or facts that have been distorted, and from insulting or making tendentious innuendos about the candidates or their family member based on race, religion, creed, gender, social or regional origin, education or any other similar reason. Polite and respectful language should be used in speeches and announcements.

Page 14, 4.2. To Campaign on party policies and promote diversity

Criticism of any Party or candidate shall be confined only to the policies and programs of the Party or candidate and his/her past performances. No criticism may be made without basis or by distorting the facts. No incorrect or false criticism regarding personal matters unrelated to political responsibilities shall be made of political party leaders, activists and candidates.

Page 16, 4.3. ... 2. The Parties commit themselves, when addressing the public at political rallies or as part of their communications through mass media, including the social media, to refrain: a) any form of intimidation or incitement to violence vis-a-vis any person or group of persons or beliefs;

b) defamation and incitement to hatred, or accusation of apostasy, treason, terrorism or any other serious charges.

... d) insult, libel, and degradation.

Page 18, Security,

5.1. To maintain peace and stability while campaigning

1. The Parties undertake to speak out against violence, and not to contribute to it whether directly or indirectly. They must not destroy posters or advertisements of other Parties. They must ensure that their campaigns do not incite violence, encourage hatred, or cause or aggravate tensions between different groups or communities. They shall try in good faith to take all necessate measures to avoid violent confrontations.

Page 20, 7, Condor and differently abled people

Mobility/access

Page 28, 6. Level Playing Field

6.3 To abide by the regulations relating to campaign expenditure

... 3. During campaigning, candidates are permitted to use commercial flights if travelling to distant locations or those locations that can only be reached by airplane; however, the

use of helicopters or charter flights should be avoided.

Protection measures

No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions

No specific mention.

Justice sector reform

Criminal justice and Justice sector reform→Criminal justice and emergency law→Delimitation of powers in **emergency law** Criminal Justice System

Page 6, 1. Preamble, 5. The CoC is a voluntary instrument for the use and guidance of the Parties, who will endeavor to act according to the values and principles it promotes. The CoC is not legally dinging and does not impose any legal obligation on the Parties. For the avoidance of any doubt, the CoC cannot be used as a legal basis for any legal action or prosecution in the Republic of Union of Myanmar or in any other country. in case of any conflict or discrepancy between this CoC and the Myanmar legal and regulatory framework, the existing laws will prevail.

State of emergency No specific mention. **provisions**

Judiciary and

No specific mention.

courts

Prisons and

No specific mention.

detention

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or

No specific mention.

socio-economic reconstruction

National economic No specific mention.

plan

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/

No specific mention.

nomadism rights

Cultural heritage

No specific mention.

Environment

No specific mention.

Water or riparian

No specific mention.

rights or access

Security sector

Security Guarantees

Page 18, Security,

- 5.1. To maintain peace and stability while campaigning
- 1. The Parties undertake to speak out against violence, and not to contribute to it whether directly or indirectly. They must not destroy posters or advertisements of other Parties. They must ensure that their campaigns do not incite violence, encourage hatred, or cause or aggravate tensions between different groups or communities. They shall try in good faith to take all necessary measures to avoid violent confrontations.

Page 19, Security,

5.2. To not campaign with arms

The Parties, in public gatherings, commit to not carry torches, arms and ammunition, and not to display or use sharp and dangerous weapons such as sticks, swords, and knives.

Page 23, Security,

- 5.4. Engagement with supporters
- 1. The Parties agree to:
- a. issue guidelines that strictly forbid their subordinates, candidates, members and those involved in their campaign from intimidating any person whatsoever at any time; and campaign against violence or threats of violence and against any act of vandalism or any act of disturbance of community peacefulness or endangering of public order.

Page 24, Security,

- 5.4. Engagement with supporters
- 1. The Parties agree to:
- ... c. upon the occurrence of acts of violence, denounce them publicly, and take the necessary disciplinary action within the Party when appropriate, and combate impunity.

Ceasefire

No specific mention.

Police

Page 19, Security,

- 5.1. To maintain peace and stability while campaigning
- ... 2. The Parties shall cooperate with each other for the security of voters. They shall agree to cooperate with law enforemcement services such as Myanmar Police Force to promote a peaceful electroal environment and maintain public order.

Armed forces

No specific mention.

DDR

No specific mention.

Intelligence services

No specific mention.

Parastatal/rebel and opposition group forces

No specific mention.

Withdrawal of foreign forces

No specific mention.

Corruption

No specific mention.

Crime/organised

crime

No specific mention.

Drugs

No specific mention.

Terrorism

Page 16, 4.3. ... 2. The Parties commit themselves, when addressing the public at political rallies or as part of their communications through mass media, including the social media, to refrain:

... b) defamation and incitement to hatred, or accusation of apostasy, treason, terrorism or any other serious charges.

Transitional justice

Transitional justice No specific mention.

general

Amnesty/pardon No specific mention.

Courts

No specific mention.

Mechanism

No specific mention.

Prisoner release

No specific mention.

Vetting

No specific mention.

Victims

No specific mention.

Missing persons

No specific mention.

Reparations

No specific mention.

Reconciliation

Page 12, 3. To Coordinate and cooperate with other Parties in settling disputes

... 2. The Parties and the UEC undertake to cooperate for the elections as required. The Parties commit to participate actively in consultation and coordination mechanisms that may be established in the future. In this spirit of cooperation and with the aim of national reconciliation, there should be no discrimination against other Parties, whether small or

big Parties, competing Parties and ethnic parties.

Implementation

UN signatory No specific mention.

 $\label{lem:continuous} \textbf{Other international} \ \ \text{No specific mention}.$

signatory

Referendum for agreement

No specific mention.

International mission/force/ similar

No specific mention.

Enforcement mechanism

Page 30, 8. Monitoring and implementation

8.1. To establish a standard procedure for monitoring compliance and take actions The Parties shall:

... 2. establish a 'CoC Monitoring Committee' in which the Parties shall commit to actively participate so as to discuss and facilitate the implementation of the CoC. The CoC Committee will rely on the communication each Party has with its various committee in constituencies as appropriate.

Page 31, 8. Monitoring and implementation

8.1. To establish a standard procedure for monitoring compliance and take actions The Parties shall:

- ... 3. decide at the majority whether the CoC has been followed or not. If necessary, they can issue joint statements to request a retraction.
- 4. in the implementation of the CoC, to be accountable to and work together with civil society organisations that have been accredited by the UEC for election observation.
- 5. appoint representatives from respective parties to the Committee, and use the Committee throughout the electoral process as a primary channel to exchange information so as to contribute to resolve disputes informally, without delay, and without any discrimination against other Parties.
- 6. respect the confidentiality of the CoC Monitoring Committee during the period when a dispute is still under scrutiny. All parties must cooperate so as to ensure that the committee does not become a place that promotes propaganda for, or attacks, an individual party or group of parties.

Related cases No specific mention.

Source https://www.idea.int/sites/default/files/tools/

2015%20Code%20of%20Conduct%20for%20Political%20Parties%20and%20Candidates%20English.pdf